

# ORDINARY MEETING OF COUNCIL TO BE HELD ON TUESDAY, 14 AUGUST 2007 AT 7.00PM LEVEL 3, COUNCIL CHAMBERS

# AGENDA

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NOTE: For Full Details, See Council's Website – <u>www.kmc.nsw.gov.au</u> under the link to Business Papers

APOLOGIES

**DECLARATIONS OF INTEREST** 

# CONFIRMATION OF REPORTS TO BE CONSIDERED IN CLOSED MEETING

PRESENTATION OF ENVIRONMENTAL LEVY SMALL GRANTS

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 24 July 2007 Minutes numbered 255 to 276

# MINUTES FROM THE MAYOR

## PETITIONS

# PT.1 Petition concerning Planned Removal of Liquidambar Styraciflua from Rear of 3 Trafalgar Avenue, Roseville - (Thirty-One [31] Signatures)

File: P60770

"We, the undersigned, appreciate and value the amenity of the mature 24 metre high Liquidambar Styraciflua at 3 Trafalgar Avenue, Roseville and request that all efforts be made to maintain it.

- It is dominant in our landscape, deciduous and a source of seasonal variety and beauty.
- It is home to lorikeets, galahs, owls and possums.
- It is a sound barrier to noise from the North Shore Railway Line and Pacific Highway.
- Its 25 metre canopy neutralizes pollution and provides a visual screen.
- It cannot be recreated or replaced.
- It is unlikely that anything similar will grow in its place.
- Its removal is inconsistent with the stated objectives of the Ku-ring-gai tree preservation order to ensure the long-term survival of our treed landscape."

#### **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 9A Curagul Road, North Turramurra - Supplementary Report

File: DA1377/05-2

To clarify if there are any gazetted restrictions on multi unit housing development relevant to the proposed development of the subject site.

#### **Recommendation:**

Approval.

# GB.2 Setting of Date for the Election of Mayor & Deputy Mayor - 2006/2007

File: S02355, S03662

To give consideration to setting the date for the 2007/2008 Election of the Mayor & Deputy Mayor.

### **Recommendation:**

That the 2007/2008 Election of Mayor & Deputy Mayor be held on Tuesday, 4 September 2007 & that the 2007/2008 Election of Chairpersons & Deputy Chairpersons of Council's Committees & Advisory Committees be held on 25 September 2007 & also, that Council consider the appointment of various Community Committee members/delegates on 25 September 2007.

# GB.3 Local Government Association Conference 2007 145

File: S02046

For Council to determine its delegates to the 2007 Local Government Association of NSW Annual Conference.

#### **Recommendation:**

That Council determine its elected delegates and the General Manager or his delegate accompany elected representatives to the Conference.

# GB.4 Appointment of Auditor for the Six Year Period to 30 June 2013 166

File: S05943

To appoint Council's auditor for the period 1 July 2007 to 30 June 2013, pursuant to Section 422 of the Local Government Act 1993.

#### **Recommendation:**

That pursuant to Section 422 of the Local Government Act 1993, Council hereby appoints the firm Spencer Steer as its auditor for the period 1 July 2007 to 30 June 2013.

142

# GB.5 Memorandum of Understanding with the Department of Planning for the 179 Future of the Abandoned B2 Road Corridor South Turramurra

File: S02846

To seek the agreement of Council to enter into a Memorandum of Understanding (MoU) with the Department of Planning for the future of the use of the abandoned B2 road corridor at South Turramurra.

#### **Recommendation:**

That the Mayor and General Manager execute the Memorandum of Understanding (MoU) with the Department of Planning on behalf of the Minister administering the Environmental Planning and Assessment Act 1979 titled "The future use of the abandoned B2 road corridor at South Turramurra."

#### GB.6 Sir David Martin Reserve Draft Landscape Masterplan

200

File: S04471

To provide Council with a draft Landscape Masterplan for Sir David Martin Reserve.

#### **Recommendation:**

That Council resolves to place the draft Landscape Masterplan for Sir David Martin Reserve on public exhibition for 28 days with a further 14 days for comments to be received prior to adoption by Council.

#### GB.7 The Swain Gardens Draft Landscape Masterplan

235

File: S05919

To provide Council with a draft Landscape Masterplan for The Swain Gardens and to seek Council's approval to name Swain Native Park as The Swain Gardens.

#### **Recommendation:**

That Council resolves to place the Swain Gardens draft Landscape Masterplan on public exhibition for 28 days with a further 14 days for comments to be received prior to adoption by Council and that Council liaise with the Geographical Names Board to rename Swain Native Park as The Swain Gardens.

# GB.8 Acron Oval, Review of Dog Off-Leash Trial Area - Review of Comments 241 received during Trial Period

File: SO3014

To report to Council on the trial use of Acron Oval as a dog off-leash area.

#### **Recommendation:**

It is recommended that Acron Oval be endorsed as a recognised off-leash area whenever the sportsfield area is not being used for organised sport and games, that an education process with key stakeholders is undertaken, and that the problems of damage to the turf wicket area caused by dogs and uncollected dog faeces be monitored on an ongoing basis and Council reconsider the dog off-leash status of Acron Oval if these problems persist.

### GB.9 Parks, Sport & Recreation Reference Group - Minutes of 12 July 2007 249

File: S03447

To bring to the attention of Council the Minutes from the Parks, Sport and Recreation Reference Group meeting held on Thursday, 12 July 2007.

#### **Recommendation:**

That the Minutes from the Parks, Sport and Recreation Reference Group meeting held on Thursday, 12 July 2007 be received and noted.

#### GB.10 6th National MainStreet Conference

255

File: S02921

To provide feedback from the 6th National MainStreet Conference held in March 2007.

#### **Recommendation:**

That Council receive and note the report.

#### GB.11 Progress of the Tender Evaluation for the Sewer Mining Project 273

File: S04265

To provide Council with an update and to seek direction on the sewer mining and stormwater harvesting project.

#### **Recommendation:**

That Council support the findings of the technical review and a subsequent financial analysis on a revised scope and enter into future negotiations with one of the tenderers of this project to design, construct and operate a sewer mining plant and association storage and irrigation to meet the needs of Gordon Golf Course.

## GB.12 Ku-ring-gai Town Centres Draft LEP & DCP Response to Matters raised 281 by the NSW Department of Planning on 4 July 2007

File: S04151

To provide a comprehensive response to the issues raised in the letter of the Department of Planning dated 4 July 2007 for the Ku-ring-gai Town Centres Draft Local Environmental Plan (LEP) and Development Control Plan (DCP).

#### **Recommendation:**

That the recommendations set out in this report be adopted.

# GB.13 Draft Amendments to Ku-ring-gai Section 94 Contributions Plan 2004- 503 2009 - Residential Development

File: S02073

To report to Council proposed draft amendments to Ku-ring-gai Section 94 Contributions Plan 2004-2009 - Residential Development.

#### **Recommendation:**

That the proposed draft amendments to the Ku-ring-gai Section 94 Contributions Plan 2004-2009 - Residential Development contained within this report be adopted for formal public exhibition.

#### EXTRA REPORTS CIRCULATED AT MEETING

#### MOTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN

#### NM.1 102 Rosedale Road, St Ives

File: P57397

#### Notice of Motion from Councillor T Hall dated 9 July 2007.

510

On 26 September 2006, Council resolved Minute No 386 to determine a course of action regarding the purchase of 102 Rosedale Road St Ives. The purchase is to ensure the ongoing protection of the significant ecological community contained within the land.

The General Manager has undertaken negotiations with the owners of the land within the delegated authority.

The owners of the land have refused all offers submitted by Council, and have now lodged a Development Application for a single residential development on the land.

Given the significance of the ecological community contained within the land, Council needs to consider an alternative course of action to effect the acquisition and conservation of the land.

This could be best achieved by Council authorising the General Manager to further negotiate with the owners of the land or their representatives to progress this matter and advise Council as a matter of urgency the results of discussions for its consideration.

I move:

"That Council authorise the General Manager to undertake further discussions with the owners of the land or their representatives and report the matter to Council.

The General Manager seeks further opportunities, commitment, resources and partnership from Commonwealth and State agencies in relation to the acquisition and conservation of this land and these matters are included in reporting to Council.

That consideration of this matter by Council be held in Confidential (Section 10A(2)(c) – Information that would confer a commercial advantage)".

#### NM.2 Completion of Entry Signs

511

File: S02646

#### Notice of Motion from Councillor A Ryan dated 31 July 2007.

In February 2006, Council considered my Notice of Motion on the installation of entry signs.

Since that time, four (4) entry signs have been installed with three (3) large signs installed at Ryde Road, Mona Vale Road and Boundary Street, and one (1) small sign installed on the Pacific Highway at Roseville. Initial advice received indicated that the cost of installing one (1) large sign and two (2) smaller signs is approximately \$50,000.

I move:

"A. That one (1) large entry sign be installed at the Pacific Highway, Wahroonga, and two (2) small signs be installed at Lady Game Drive, Lindfield, and the Comenarra Parkway at Wahroonga.

- B. That up-lighting be provided for the entry signs at the Pacific Highway, Wahroonga, Ryde Road, West Pymble and Boundary Road, Roseville.
- C. That funding for the work be made available from the revenue from the bus shelter advertising".

#### NM.3 Council Committees

512

File: S02355

#### Notice of Motion from Councillor E Malicki dated 1 August 2007.

I move that:

"All Council Committees, informal or community, and briefings involving all Councillors be open to Press and Public except for closure conditions of the Local Government Act.

I further move that Minutes be taken of every Council Committee and briefing as above and that these be available on Council's website."

#### NM.4 Climate Change

513

File: S02342

#### Notice of Motion from Councillor E Malicki dated 5 August 2007.

The NSROC Conference was based around the issue of Climate Change, with several Councils reporting on significant actions being taken to reduce greenhouse emissions in their Councils and communities.

While Ku-ring-gai Council is progressing well with Cities for Climate Protection initiatives, I feel we need to increase our commitment and set strong, serious policies that involve our community.

I move:

"That Council begin looking at Climate Change issues and initiatives in our Policy Committee as soon as possible, and that as a starting point, all the Councils in NSROC be approached for details of the actions they are taking on Climate Change, with a report to the earliest possible Policy Committee Meeting."

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

## **QUESTIONS WITHOUT NOTICE**

#### **INSPECTIONS COMMITTEE - SETTING OF TIME, DATE AND RENDEZVOUS**

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

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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

# PETITION CONCERNING PLANNED REMOVAL OF LIQUIDAMBAR STYRACIFLUA FROM REAR OF 3 TRAFALGAR AVENUE, ROSEVILLE -(THIRTY-ONE [31] SIGNATURES)

"We, the undersigned, appreciate and value the amenity of the mature 24 metre high Liquidambar Styraciflua at 3 Trafalgar Avenue, Roseville and request that all efforts be made to maintain it.

- It is dominant in our landscape, deciduous and a source of seasonal variety and beauty.
- It is home to lorikeets, galahs, owls and possums.
- It is a sound barrier to noise from the North Shore Railway Line and Pacific Highway.
- Its 25 metre canopy neutralizes pollution and provides a visual screen.
- It cannot be recreated or replaced.
- It is unlikely that anything similar will grow in its place.
- Its removal is inconsistent with the stated objectives of the Ku-ring-gai tree preservation order to ensure the long-term survival of our treed landscape."

# RECOMMENDATION

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

# 9A CURAGUL ROAD, NORTH TURRAMURRA -SUPPLEMENTARY REPORT

# **EXECUTIVE SUMMARY**

PURPOSE OF REPORT:	To clarify if there are any gazetted restrictions on multi unit housing development relevant to the proposed development of the subject site.
BACKGROUND:	<ul> <li>Application lodged 15 December 2006.</li> <li>Council considered report on 17 July 2007.</li> <li>Matter deferred to seek clarification of the restrictions for multi unit development on the subject site.</li> </ul>
COMMENTS:	There are no legislative restrictions that have the effect of restricting or prohibiting the proposed development at the subject site.
RECOMMENDATION:	Approval.

# **PURPOSE OF REPORT**

To clarify if there are any gazetted restrictions on multi unit housing development which has the effect of restricting or prohibiting the proposed development at 9A Curagul Road, North Turramurra.

# BACKGROUND

- Application lodged 15 December 2006.
- Council considered report on 17 July 2007.
- Matter deferred to seek clarification of the restrictions for multi unit development on the subject site. It was resolved:

"That the Section 82A Application for Curagul Road be deferred for clarification of any gazetted restriction on multi-unit development in North Turramurra."

# COMMENTS

There are no instruments prescribed under the Environmental Planning and Assessment Act, 1979 or other relevant legislation that restricts or has the effect of prohibiting the proposal under development application 1377/05 at 9A Curagul Road, North Turramurra. The uncertainty in this regard would appear to stem from the site being affected by the Bush Fire Evacuation Risk Map which is depicted by the cross hatching on Council's Bush Fire Prone Map.

The Bushfire Risk Map has the effect of restricting development for applications lodged under State Environmental Planning Policy (Seniors Living) 2004 (SEPP SL) and State Environmental Planning Policy No. 53 Metropolitan Residential Development (SEPP 53- Dual Occupancy Development). Development under SEPP SL and SEPP 53 (Dual Occupancy) cannot be carried out within the cross hatched areas. The proposed development does not fall into either of these categories and consequently it is not restricted or prohibited. The land is zoned 2H Residential under the KPSO and townhouse/ villa house developments are permissible within this zone.

# RECOMMENDATION

THAT Council, as the consent authority, review its original determination and grant consent to Development Application 1377/05 for the construction of 17 villa/ townhouses, strata subdivision and associated landscaping at 9A Curagul Road, North Turramurra for a period of two (2) years from the date of the Notice of Determination, subject to the following conditions:

# Conditions that identify plans

# 1. Approved architectural plans and documentation (new development)

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:

25 July 2007

<i>Plan no.</i>	<b>Drawn by</b>	<b>Dated</b>
DA01- DA06 Issue H (inclusive)	Harry Sidaway & Associates	13/04/07
F01 Fence Details	Harry Sidaway & Associates	November 2006
<b>Document(s)</b>		<b>Dated</b>
Statement addressing reasons of refusal by the Turnbull Group		12 December 2006
Environmental Report by Aargus Australia		12 December 2006
BASIX Certificate No.107956M		15 December 2006
Stormwater management plan by AFCE Environment + Building		11/2005

**Reason:** To ensure that the development is in accordance with the determination of Council.

## 2. Inconsistency between documents

In the event of any inconsistency between conditions of this consent and the drawings/documents referred to above, the conditions of this consent prevail.

**Reason:** To ensure that the development is in accordance with the determination of Council.

#### 3. Approved landscape plans

Landscape works shall be carried out in accordance with the following landscape plan(s), listed below and endorsed with Council's stamp, except where amended by other conditions of this consent:

Plan no.	Drawn by	Dated
Dwg Nos 050166DA2–5/5 Rev. C	Vision Dynamics	17/04/07

**Reason:** To ensure that the development is in accordance with the determination of Council.

### Conditions to be satisfied prior to demolition, excavation or construction

#### 4. Notice to be given prior to demolition or excavation

Council shall be given written notice, at least 48 hours prior to the commencement of any development (including excavation, shoring or underpinning works) on the site.

Reason: Statutory requirement.

#### 5. Infrastructure restorations fee

Infrastructure restorations fee

#### DA1377/05-2 25 July 2007

To ensure that damage to Council Property as a result of construction activity is rectified in a timely matter:

- a) All work or activity taken in furtherance of the development the subject of this approval must be undertaken in a manner to avoid damage to Council Property and must not jeopardise the safety of any person using or occupying the adjacent public areas.
- b) The applicant, builder, developer or any person acting in reliance on this approval shall be responsible for making good any damage to Council Property, and for the removal from Council Property of any waste bin, building materials, sediment, silt, or any other material or article.
- c) The Infrastructure Restoration Fee must be paid to the Council by the applicant prior to both the issue of the Construction Certificate and the commencement of any earthworks or construction.
- d) In consideration of payment of the Infrastructure Restorations Fee, Council will undertake such inspections of Council Property as Council considers necessary and also undertake, on behalf of the applicant, such restoration work to Council Property, if any, that Council considers necessary as a consequence of the development. The provision of such restoration work by the Council does not absolve any person of the responsibilities contained in (a) to (b) above. Restoration work to be undertaken by the Council referred to in this condition is limited to work that can be undertaken by Council at a cost of not more than the Infrastructure Restorations Fee payable pursuant to this condition.
- e) In this condition:

"Council Property" includes any road, footway, footpath paving, kerbing, guttering, crossings, street furniture, seats, letter bins, trees, shrubs, lawns, mounds, bushland, and similar structures or features on any road or public road within the meaning of the Local Government Act 1993 (NSW) or any public place; and

"Infrastructure Restoration Fee" means the Infrastructure Restorations Fee calculated in accordance with the Schedule of Fees & Charges adopted by Council as at the date of payment and the cost of any inspections required by the Council of Council Property associated with this condition.

Reason: To maintain public infrastructure

# Conditions to be satisfied prior to the issue of the Construction Certificate

# 6. Long service levy

In accordance with Section 109F(i) of the Environmental Planning and Assessment Act a Construction Certificate shall not be issued until any long service levy payable under Section 34 of the Building and Construction Industry Long Service Payments Act 1986 (or where such levy is payable by installments, the first installment of the levy) has been paid. Council

#### DA1377/05-2 25 July 2007

is authorised to accept payment. Where payment has been made elsewhere, proof of payment is to be provided to Council.

**Reason:** Statutory requirement.

## 7. Builder's indemnity insurance

The applicant, builder, developer or person who does the work on this development, must arrange builder's indemnity insurance and submit the certificate of insurance in accordance with the requirements of Part 6 of the Home Building Act 1989 to the 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. The builder's indemnity insurance does not apply to commercial or industrial building work or to residential work valued at 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).

Reason: Statutory requirement.

### 8. **Design changes**

To reduce the visual impact of the development on the streetscape and on the adjoining golf course and to reduce privacy impacts on the adjoining development at 11-15 Curagul Road, the following design changes shall be implemented:

- a) The front masonry walls, including those to the private open spaces, the garbage store area, courtyards, access-ways and palisade entry gate fencing including support piers/ posts are to have a maximum height of 1.6 metres.
- b) The maximum height of the palisade fencing within the development site and along the rear boundary are not to be greater than 1.6 metres from the finished ground level.
- c) The palisade fencing must be a dark, non reflective and recessive colour.
- d) A suitable privacy screen which is at least 75% obscure, constructed to a minimum 1.6 metres in height above the finished deck level is to be provided along the eastern end of the deck to Dwelling 17.

Details of the above shall accompany the Construction Certificate.

**Reasons:** To protect the environment.

# 9. External finishes and materials (new building)

Prior to the issue of the Construction Certificate, the Certifying Authority shall be satisfied that the external finishes of the building are consistent with the character of the streetscape. The materials are to be complimentary to the approved architectural appearance of the

#### DA1377/05-2 25 July 2007

development. Nothing in this condition is to be construed as permitting the replacement of previously submitted materials with inferior or inadequate materials or finishes.

**Note:** Details of the colour, finish and substance of all external materials, including schedules and a sample board of materials and colours, are to be submitted.

**Reason:** To protect the streetscape and the integrity of the approved development.

# 10. Outdoor lighting

Prior to the issue of a Construction Certificate, the Certifying Authority shall be satisfied that all outdoor lighting will comply with AS/NZ1158.3: 1999 Pedestrian Area (Category P) Lighting and AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting.

- **Note:** Details demonstrating compliance with these requirements are to be submitted prior to the issue of a Construction Certificate.
- **Reason:** To provide high quality external lighting for security without adverse affects on public amenity from excessive illumination levels.

# 11. Access for people with disabilities (residential)

Prior to the issue of the Construction Certificate, the Certifying Authority shall be satisfied that access for people with disabilities to and from and between the public domain, residential units and all common open space areas is provided. Consideration must be given to the means of dignified and equitable access.

Compliant access provisions for people with disabilities shall be clearly shown on the plans submitted with the Construction Certificate. All details shall be provided to the Principal Certifying Authority prior to the issue of the Construction Certificate. All details shall be prepared in consideration of the Disability Discrimination Act, and the relevant provisions of AS1428.1, AS1428.2, AS1428.4 and AS 1735.2.

**Reason:** To ensure the provision of equitable and dignified access for all people in accordance with disability discrimination legislation and relevant Australian Standards.

# 12. Adaptable units

Prior to the issue of the Construction Certificate, the Certifying Authority shall be satisfied that the nominated adaptable units within the development application, Dwellings H6 and H7, are designed as adaptable housing in accordance with the provisions of Australian Standard AS4299-1995: Adaptable Housing.

**Note:** Evidence from an appropriately qualified professional demonstrating compliance with this control is to be submitted to and approved by the Certifying Authority prior to the issue of the Construction Certificate.

Reason: Disabled access & amenity.

## 13. Section 94 Contribution – Residential Development

A contribution pursuant to section 94 of the Environmental Planning and Assessment Act as specified in Ku-ring-gai Section 94 Contributions Plan 2004-2009 for the services detailed in column A and for the amount detailed in Column B is required.

Total contribution is:	\$330,510.34
section 94 Plan administration	<u>\$100.04</u>
traffic and transport	\$150.28
aquatic / leisure centres	\$27.82
sportsgrounds works	\$1318.32
park acquisition and embellishment works	\$4723.00
community facilities	\$1117.76
Column A	Column B

The contribution shall be paid to Council prior to the commencement of any development (including demolition) or prior to the issue of the Construction Certificate (whichever comes first). 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. Prior to payment, you are advised to check the contribution amount required with Council.

**Reason:** To ensure 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 the development.

#### 14. Off street car parking

Prior to the issue of the Construction Certificate, certified parking lay-out plan to scale shall be provided demonstrating compliance with the Australian Standard 2890.1 - 2004 "Off-street car parking.

**Reason**: To ensure that parking spaces are in accordance with the approved development.

#### 15. Garbage storage

Prior to the issue of the Construction Certificate, the Certifying Authority shall be satisfied that the development provides a common garbage collection/separation area sufficient in size to store all wheelie garbage bins and recycling bins provided by Council for the number of units in the development in accordance with DCP 40. The garbage collection point is to be accessible by Council's Waste Collection Services.

**Note:** The architectural plans are to be amended and provided to the Certifying Authority.

**Reason:** Environmental protection

#### 16. Noise from plant in residential zone

Where any form of mechanical ventilation equipment or other noise generating plant is proposed as part of the development, prior to the issue of the Construction Certificate the Certifying Authority, shall be satisfied that the operation of an individual piece of equipment or operation of equipment in combination will not exceed more than 5dB(A) above the background level during the day when measured at the site's boundaries and shall not exceed the background level at night (10.00pm -6.00 am) when measured at the boundary of the site.

**Note:** A certificate from an appropriately qualified acoustic engineer is to be submitted with the Construction Certificate, certifying that all mechanical ventilation equipment or other noise generating plant in isolation or in combination with other plant will comply with the above requirements.

**Reason:** To comply with best practice standards for residential acoustic amenity

### 17. Energy Australia requirements

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 indicated 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.

**Reason:** To ensure compliance with the requirements of Energy Australia.

# 18. Utility provider requirements

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 development. A written copy of the requirements of each provider, as determined necessary by the Certifying Authority, must be obtained. All utility services or appropriate conduits for the same must be provided by the developer in accordance with the specifications of the utility providers.

**Reason:** To ensure compliance with the requirements of relevant utility providers.

DA1377/05-2 25 July 2007

# 19. Underground services

All electrical services (existing and proposed) shall be undergrounded from the proposed building on the site to the appropriate power pole(s) or other connection point. Undergrounding of services must not disturb the root system of existing trees and shall be undertaken in accordance with the requirements of the relevant service provided. Documentary evidence that the relevant service provider has been consulted and that their requirements have been met are to be provided to the Certifying Authority prior to the issue of the Construction Certificate. All electrical and telephone services to the subject property must be placed underground and any redundant poles are to be removed at the expense of the applicant.

**Reason:** To provide infrastructure that facilitates the future improvement of the streetscape by relocation of overhead lines below ground

# 20. Stormwater management plan

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
- 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 and 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 Kuring-gai Council Development Control Plan 47 and/or BASIX commitments
- details of the required on-site detention tanks required by Ku-ring-gai 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 is to cater for driveway runoff and subsoil drainage (refer appendix 7.1.1 of Development Control Plan 47 for design)

#### DA1377/05-2 25 July 2007

The above construction drawings and specifications are to be prepared by a qualified and experienced civil/hydraulic engineer in accordance with Council's Water Management Development Control Plan 47, Australian Standards 3500.2 and 3500.3 - Plumbing and Drainage Code and the Building Code of Australia. The plans may be generally based on the Stormwater management Concept Plan by AFCE Environment and Building submitted with the development application, which are to be advanced as necessary for construction certificate issue purposes.

**Reason:** To protect the environment.

# 21. Sydney Water Section 73 Compliance Certificate (Part 1)

Prior to the issue of a Construction Certificate, a Compliance Certificate under Section 73 of the Sydney Water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Co-ordinator. For details see the Sydney Water web site www.sydneywater.com.au, or telephone 13 20 92.

Following application, a notice of requirements will be forwarded, detailing water and sewer extensions to be built and charges to be paid. Early contact with the coordinator is advisable since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design. Details of any requirements of Sydney Water are to be provided with the Construction Certificate documentation.

**Reason:** Statutory requirement.

# 22. Stormwater retention

Prior to the issue of a Construction Certificate, the Principal Certifying Authority is to be satisfied that:

- 1. A mandatory rainwater retention and re-use system, comprising storage tanks and ancillary plumbing is provided. 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 Water Management Development Control Plan 47; and
- 2. An on-site stormwater detention system must be provided 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 having regard to the specified volume concession offered in lieu of installing rainwater retention tanks. The on-site detention system must be designed by a qualified civil/hydraulic engineer and must satisfy the design controls set out in Appendix 5 of DCP 47.

**Reason:** To protect the environment.

DA1377/05-2 25 July 2007

# 23. Utility provider requirements

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 development. A written copy of the requirements of each provider, as determined necessary by the Certifying Authority, must be obtained. All utility services or appropriate conduits for the same must be provided by the developer in accordance with the specifications of the utility providers.

**Reason:** To ensure compliance with the requirements of relevant utility providers.

# 24. Repair/ replacement of trunk drainage system

Prior to issue of the Construction Certificate the Applicant must have engineering plans and specifications prepared by a qualified consulting engineer for the repair/ replacement of the trunk drainage system through the site. This includes the provision of backfill and cover where necessary to achieve design levels. The plans are to be approved by Council engineers. The plans to be assessed must be to a detail suitable for construction issue purposes.

The required plans and specifications are to be designed in accordance with the *General Specification for the Construction of Road and Drainage Works in Ku-ring-gai Council*, dated November 2004. The drawing must detail existing utility services and trees affected by the works, erosion control requirements and traffic management requirements during the course of works. Survey must be undertaken as required. 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). Construction of the works must proceed only in accordance with any conditions attached to the stamped Council approval.

A minimum of three (3) weeks will be required for Council to assess submission. Early submission is recommended to avoid delays in obtaining a Construction Certificate. An engineering assessment and inspection 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. 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.

Reasons: To control stormwater and protect the environment.

# 25. Design of works in public road (Roads Act approval)

Prior to issue of the Construction Certificate, the Certifying Authority shall be satisfied that engineering plans and specifications prepared by a qualified consulting engineer have been approved by Council's Development Engineer. The plans to be assessed must be to a detail suitable for construction issue purposes and must detail the following infrastructure works required in (enter street name) Street:

• New kerb and gutter and road shoulder for the frontage of the site;

DA1377/05-2 25 July 2007

- New footpath for the frontage of the site;
- Construction of a suitable drainage pit in pace of the open excavation (this work to include the covering/ relocation of the PVC sewer service either to the satisfaction of Sydney Water or by a licensed plumber in accordance with the PUmbing and Drainage Code).

Development consent does not give approval to these works in the road reserve. The applicant must obtain a separate approval under sections 138 and 139 of The Roads Act 1993 for the works in the road reserve required as part of the development. The Construction Certificate must not be issued, and these works must not proceed until Council has issued a formal written approval under the Roads Act 1993.

The required plans and specifications are to be designed in accordance with the General Specification for the Construction of Road and Drainage Works in Ku-ring-gai Council, dated November 2004. The drawings must detail existing utility services and trees affected by the works, erosion control requirements and traffic management requirements during the course of works. Survey must be undertaken as required. 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). Construction of the works must proceed only in accordance with any conditions attached to the Roads Act approval issued by Council.

A minimum of three (3) weeks will be required for Council to assess the Roads Act application. Early submission of the Roads Act application is recommended to avoid delays in obtaining a Construction Certificate. An engineering assessment and inspection 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. 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.

**Reason:** To ensure that the plans are suitable for construction purposes.

# Conditions to be satisfied prior to the issue of the construction certificate or prior to demolition, excavation or construction (whichever comes first)

# 26. Notice of commencement

At least 48 hours prior to the commencement of any development or excavation works, a notice of commencement of building or subdivision work form and appointment of the principal certifying authority form shall be submitted to Council.

Reason: Statutory requirement.

## 27. Notification of builder's details

Prior to the commencement of any development or excavation works, the Principal Certifying Authority shall be notified in writing of the name and contractor licence number of the owner/builder intending to carry out the approved works.

**Reason:** Statutory requirement.

### 28. Site notice

A site notice shall be erected on the site prior to any work commencing and shall be displayed throughout the works period.

The site notice must:

- be prominently displayed at the boundaries of the site for the purposes of informing the public that unauthorised entry to the site is not permitted
- display project details including, but not limited to the details of the builder, Principal Certifying Authority and structural engineer
- be durable and weatherproof
- display the approved hours of work, the name of the site/project manager, the responsible managing company (if any), its address and 24 hour contact phone number for any inquiries, including construction/noise complaint are to be displayed on the site notice
- be mounted at eye level on the perimeter hoardings/fencing and is to state that unauthorised entry to the site is not permitted

**Reason:** To ensure public safety and public information

# 29. Erosion control

Temporary sediment and erosion control and measures are to be installed prior to the commencement of any works on the site. These measures 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.

**Reason:** To protect the environment from erosion and sedimentation

# 30. Erosion and drainage management

Earthworks and/or demolition of any existing buildings shall not commence until an erosion and sediment control plan is submitted to and approved by the Principal Certifying Authority. The plan shall comply with the guidelines set out in the NSW Department of Housing manual "Managing Urban Stormwater: Soils and Construction" certificate. Erosion and sediment control works shall be implemented in accordance with the erosion and sediment control plan.

1/14

**Reason:** To preserve and enhance the natural environment

# 31. Construction waste management plan

Prior to the commencement of any works, the Principal Certifying Authority shall be satisfied that a waste management plan, prepared by a suitably qualified person, has been prepared in accordance with Council's DCP 40 – Construction and Demolition Waste Management.

The plan shall address all issues identified in DCP 40, including but not limited to: the estimated volume of waste and method for disposal for the construction and operation phases of the development.

**Note:** The plan shall be provided to the Certifying Authority.

Reason: To ensure appropriate management of construction waste.

## 32. Construction and traffic management plan

Prior to the commencement of any works on site, the applicant must submit for review by Council's engineers a construction and traffic management plan. The following matters must be specifically addressed in the plan:

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

- dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and construction related vehicles in the frontage roadways
- turning areas within the site for construction and spoil removal vehicles, allowing a forward egress for all construction vehicles on the site
- the locations of proposed work zones in the frontage roadways
- location of any proposed crane and concrete pump and truck standing areas on and off the site
- 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
- an on-site parking area for employees, tradespersons and construction vehicles as far as possible

# 2. Traffic control plan(s) for the site

All traffic control plans must be in accordance with the RTA publication "Traffic Control Worksite Manual" and prepared by a suitably qualified person (minimum '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 stage.

#### DA1377/05-2 25 July 2007

1/15

Approval is to be obtained from Council for any temporary road closures or crane use from public property. Applications to Council shall be made a minimum of 4 weeks prior to the activity proposed being undertaken.

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

Light traffic roads and those subject to a load or height limit must be avoided where alternate routes exist.

A copy of this route is to be made available to all contractors and shall be clearly depicted at a location within the site.

The plan must provide evidence of RTA concurrence where construction access is provided directly from or within 20m of an arterial road.

The plan must provide a schedule of site inductions to be held on regular occasions and as determined necessary to ensure all new employees are aware of their construction management obligations. These must specify that construction-related vehicles are to comply with the approved requirements.

The plan must provide measures for minimising construction related traffic movements during school peak periods.

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

The construction and traffic management plan shall be prepared by a suitably qualified and experienced traffic consultant and be certified by this person as being in accordance with the requirements of the abovementioned documents and the requirements of this condition. The construction management measures contained in the approved plan shall be implemented in accordance with the plan prior to the commencement of, and during, works on-site including excavation.

As the plan has a direct impact on the local road network, the plan shall be submitted to and reviewed by Council's Development Engineer. Written acknowledgment from Council's Engineer 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.

**Reason:** To ensure that appropriate measures have been considered during all phases of the construction process in a manner that maintains the environmental amenity and ensures the ongoing safety and protection of people.

DA1377/05-2 25 July 2007

# 33. Dilapidation photos (public infrastructure)

Prior to the commencement of any works on site the applicant must submit to Ku-ring-gai Council and the Principle Certifying Authority a photographic record on the visible condition of the existing public infrastructure over the full site frontage (in colour – preferably saved to dc-rom in 'jpg' format). The photos must include detail of:

- the existing footpath
- the existing kerb and gutter
- the existing full road surface between kerbs
- the existing verge area
- the existing driveway and layback where to be retained
- any existing drainage infrastructure including pits, lintels, grates.

Particular attention must be paid to accurately recording any pre-developed Damaged areas on the aforementioned infrastructure so that Council is fully informed when assessing damage to public infrastructure cause as a result of the development (which is not to be repaired by the Applicant as part of the development). The developer may be held liable to all damage to public infrastructure in the vicinity of the site, where such damage is not accurately recorded and demonstrated under the requirements of this condition prior to the commencement of any site works.

**Reason**: To protect public infrastructure

# Conditions to be satisfied during the demolition, excavation and construction phases

# 34. Approved plans to be on site

A copy of all approved and certified plans, specifications and documents incorporating conditions of consent and certification (including the Construction Certificate if required for the work) shall be kept on site at all times during the demolition, excavation and construction phases and must be readily available to any officer of Council or the Principal Certifying Authority.

**Reason:** To ensure that the development is in accordance with the determination of Council.

# 35. Prescribed conditions

The applicant shall comply with any relevant prescribed conditions of development consent under clause 98 of the Environmental Planning and Assessment Regulation. For the purposes of section 80A (11) of the Environmental Planning and Assessment Act, the following conditions are prescribed in relation to a development consent for development that involves any building work:

DA1377/05-2 25 July 2007

- The work must be carried out in accordance with the requirements of the Building Code of Australia,
- In the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any works commence.

Reason: Statutory requirement.

# 36. Footings and excavation near easements

Footings to be located adjacent to easements and/or Council drainage pipes shall be sited and constructed so that all footings are located outside of easement boundaries.

The applicant shall refer to Council Plan 80-011 concerning such works. Footings must extend to at least the depth of the invert of the adjacent pipe within the easement unless the footings are to be placed on competent bedrock. If there is no pipe within the easement, a future depth of pipe of 1.6 metres is to be assumed for future pipe placement. If there is a Council pipe without an easement a future easement width of 1.8 metres centred on the pipeline is to be adopted.

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

**Reason:** To ensure structural stability.

# 37. Structures to be clear of drainage easements

During all phases of demolition, excavation and construction, it is the full responsibility of the applicant and their contractors to:

- ascertain the exact location of the Council drainage pipe traversing the site in the vicinity of the works
- take full measures to protect the in-ground Council drainage system
- ensure dedicated overland flow paths are satisfactorily maintained through the site

Drainage pipes can be damaged through applying excessive loading (such as construction machinery, material storage and the like). All proposed structures and construction activities are to be sited fully clear of Council drainage pipes, drainage easements, watercourses and trunk overland flow paths on the site. Trunk or dedicated overland flow paths must not be impeded or diverted by fill or structures unless otherwise approved.

#### DA1377/05-2 25 July 2007

If a Council drainage pipeline is uncovered during construction, all work is to cease and the Principal Certifying Authority and Council must be contacted immediately for advice. Any damage caused to a Council drainage system must be immediately repaired in full as directed and at no cost to Council.

Reason: To protect existing Council infrastructure and maintain over land flow paths.

# 38. Drainage to interallotment easement

Stormwater runoff from all new impervious areas and subsoil drainage systems shall be piped and connected to the interallotment stormwater drainage line benefiting the site. The interallotment line must be covered by the necessary easement for drainage which may exist or need to be created under this consent.

**Reason:** To protect the environment.

### **39.** Demolition, excavation and construction work hours

Demolition, excavation, construction work and deliveries of building material and equipment must not take place outside the hours of 7.00am to 5.00pm Monday to Friday and 8.00am to 12.00pm Saturday. No work and no deliveries are to take place on Sundays and public holidays.

Excavation or removal of any materials using machinery of any kind, including compressors and jack hammers, must be limited to between 9.00am and 4.00pm Monday to Friday, with regular breaks of 15 minutes each hour.

**Reason:** To ensure reasonable standards of amenity to neighbouring properties

#### 40. Services

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 applicant's full responsibility to make contact with the relevant utility authorities to ascertain the impacts of the proposal upon utility services (including water, phone, gas and the like). Council accepts no responsibility for any matter arising from its approval to this application involving any influence upon utility services provided by another authority.

**Reason**: Provision of Utility Services

#### 41. Road reserve safety

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 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

#### DA1377/05-2 25 July 2007

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.

**Reason**: To ensure safe public footways and roadways during construction.

# 42. Inspections

Any development related inspections by Ku-ring-gai Council engineers, the corresponding fees set out in Council's adopted *Schedule of Fees and Charges* are payable to Council. A reinspection fee per visit may be charged where work is unprepared at the requested time of inspection, or where remedial work is unsatisfactory and further inspection is required. Engineering fees must be paid in full prior to any final consent from Council.

**Reasons**: To ensure that works undertaken are to the satisfaction of Council

# 43. Construction noise

During excavation, demolition and construction phases, noise generated from the site shall be controlled in accordance with the recommendations of the approved noise and vibration management plan.

**Reason:** To ensure reasonable standards of amenity to neighbouring properties.

# 44. Dust control

During excavation, demolition and construction, adequate measures shall be taken to prevent dust from affecting the amenity of the neighbourhood. The following measures must be adopted:

- physical barriers shall be erected at right angles to the prevailing wind direction or shall be placed around or over dust sources to prevent wind or activity from generating dust
- earthworks and scheduling activities shall be managed to coincide with the next stage of development to minimise the amount of time the site is left cut or exposed
- all materials shall be stored or stockpiled at the best locations
- the ground surface should be dampened slightly to prevent dust from becoming airborne but should not be wet to the extent that run-off occurs
- all vehicles carrying spoil or rubble to or from the site shall at all times be covered to prevent the escape of dust
- all equipment wheels shall be washed before exiting the site using manual or automated sprayers and drive-through washing bays
- gates shall be closed between vehicle movements and shall be fitted with shade cloth
- cleaning of footpaths and roadways shall be carried out daily

DA1377/05-2 25 July 2007

Reason: To protect the environment and amenity of surrounding properties

# 45. Use of road or footpath

During excavation, demolition and construction phases, no building materials, plant or the like are to be stored on the road or footpath without written approval being obtained from 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.

**Reason:** To ensure safety and amenity of the area.

# 46. **Guarding excavations**

All excavation, demolition and construction works shall be properly guarded and protected with hoardings or fencing to prevent them from being dangerous to life and property.

**Reason:** To ensure public safety

# 47. Toilet facilities

During excavation, demolition and construction phases, toilet facilities are to be provided, on the work site, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.

Reason: Statutory requirement

# Conditions to be satisfied prior to the issue of an Occupation Certificate

# 48. Compliance with BASIX Certificate

Prior to the issue of an Occupation Certificate, the Principal Certifying Authority shall be satisfied that all commitments listed in BASIX Certificate No. 107956M have been complied with.

**Reason:** Statutory requirement.

# 49. Infrastructure repair

Prior to issue of the Occupation Certificate, the Principal Certifying Authority must be satisfied that any damaged public infrastructure caused as a result of construction works (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 Development Engineer and at no cost to Council.

**Reason:** To protect public infrastructure.

# 50. Retention and re-use positive covenant

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" and to the satisfaction of Council (refer to appendices of Ku-ring-gai Water Management Development Control Plan No. 47). 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 to and approved by the Principal Certifying Authority prior to issue of an Occupation Certificate.

**Reason:** To protect the environment.

# 51. Provision of copy of OSD designs if Council is not the PCA

Prior to issue of the Occupation Certificate, the following must be provided to Council's Development Engineer:

- a copy of the approved Construction Certificate stormwater detention/retention design for the site
- A copy of any works-as-executed drawings required by this consent
- The Engineer's certification of the as-built system.
- **Reason:** For Council to maintain its database of as-constructed on-site stormwater detention systems.

# 52. Certification of drainage works (dual occupancies and above)

Prior to issue of the Occupation Certificate, the Principal Certifying Authority is to be satisfied that:

• the stormwater drainage works have been satisfactorily completed in accordance with the approved Construction Certificate drainage plans

#### DA1377/05-2 25 July 2007

- the minimum retention and on-site detention storage volume requirements of BASIX and Ku-ring-gai Water Management Development Control Plan No. 47 respectively, have been achieved
- retained water is connected and available for use
- 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 Water Management Development Control Plan No. 47
- all grates potentially accessible by children are secured
- 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 Building Code of Australia
- 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 rainwater certification sheet contained in Appendix 13 of the Ku-ring-gai Water Management Development Control Plan No. 47, must be completed and attached to the certification. Where an on-site detention system has been constructed, the on-site detention certification sheet contained in Appendix 4 of DCP 47 must also be completed and attached to the certification.

**Note:** Evidence from a qualified and experienced consulting civil/hydraulic engineer documenting compliance with the above is to be provided to Council prior to the issue of an Occupation Certificate.

**Reason:** To protect the environment.

# 53. WAE plans for stormwater management and disposal (dual occupancy and above)

Prior to issue of the Occupation Certificate, a registered surveyor must provide a works as executed survey of the completed stormwater drainage and management systems. The survey must be submitted to and approved by the Principal Certifying Authority prior to issue of the Occupation Certificate. The 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

1/23

- 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 works as executed 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.

**Reason:** To protect the environment.

# 54. Construction of works in public road – approved plans

Prior to issue of the Occupation Certificate, the Principal Certifying Authority must be satisfied that all approved road, footpath and/or drainage works have been completed in the road reserve in accordance with the Council Roads Act approval and accompanying drawings, conditions and specifications.

The works must be supervised by the applicant's designing engineer and completed and approved to the satisfaction of Ku-ring-gai Council.

The supervising consulting engineer is to provide certification upon completion that the works were constructed in accordance with the Council approved stamped drawings. The works must be subject to inspections by Council at the hold points noted on the Roads Act approval. All conditions attached to the approved drawings for these works must be met prior to the Occupation Certificate being issued.

**Reason:** To ensure that works undertaken in the road reserve are to the satisfaction of Council.

# 55. Infrastructure repair

Prior to issue of the Occupation Certificate, the Principal Certifying Authority must be satisfied that any damaged public infrastructure caused as a result of construction works (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 Development Engineer and at no cost to Council.

**Reason:** To protect public infrastructure.

DA1377/05-2 25 July 2007

# 56. Works on trunk drainage pipe

Prior to issue of the Occupation Certificate all works on Council's underground stormwater drainage pipe must be completed in accordance with the Council stamped drawings, conditions and specifications. This includes the provision of backfill and cover where necessary to achieve design levels. The works must be supervised by the applicant's designing engineer and the works shall be completed and approved to the full satisfaction of Ku-ring-gai Council in the interests of ensuring quality of work involving public assets. The supervising consulting engineer is to provide certification upon completion that the works were constructed in accordance with the Council stamped drawings. The works must be subject to inspections by council at the hold points note don the approval. All conditions attached to the approved drawings for these works must be met in full prior to the Occupation certificate being issued.

**Reason**: To protect Council's Infrastructure

# 57. Sydney Water Section 73 Compliance Certificate

Prior to issue of an Occupation Certificate the Section 73 Sydney Water Compliance Certificate must be obtained and submitted to the Principle Certifying Authority.

Reason: Statutory Requirement.

# 58. Certification of footings adjacent easement

Prior to issue of the Occupation Certificate the applicant shall submit for approval by the Principal Certifying Authority certification form a suitably qualified and experienced civil engineer, that:

- a) Footings, and any required permanent excavation or drainage easement support, have been constructed in accordance with the conditions of this Const relating to footings and excavation adjacent to drainage easements and/or drainage pipes, and
- b) Footings allow for complete future excavation over the full width of the easement

A copy of the certificate must also be provided to Council, attention Development Engineer, prior to issue of any Final Certificate.

Reason: To protect Council's Infrastructure

# 59. CCTV report to council's system after works

Upon completion of works and prior to issue of the Occupation Certificate, a closed circuit television (CCTV) inspection and report on the Council drainage pipeline traversing the subject property is to be undertaken by appropriate contractors and provided to Council, attention Development Engineer. The report is to include a copy of the footage of the inside of the pipeline. Any damage to the pipeline must be repaired in full to the satisfaction of Council's Development Engineer at no cost to Council.

DA1377/05-2 25 July 2007

Reason: To protect Council's Infrastructure

# Conditions to be satisfied prior to the issue of a Subdivision Certificate

#### 60. Requirements of public authorities for connection to services

Prior to the issue of the Subdivision Certificate, the Principal Certifying Authority shall be satisfied that the applicant has complied with the requirements of any public authorities (e.g. Energy Australia, Sydney Water, Telstra Australia, AGL, etc) in regard to the connection, relocation and/or adjustment of the services affected by the proposed subdivision. All costs related to the relocation, adjustment or support of services are the responsibility of the applicant.

**Note:** Details of compliance with the requirements of any relevant public authorities are to be submitted to the Principal Certifying Authority.

**Reason:** To ensure that services are available to the allotments of land

#### 61. **Provision of services**

Prior to issue of the Subdivision Certificate, separate underground electricity, gas and phone or appropriate conduits for the same, must be provided to each allotment to the satisfaction of the utility provider. A suitably qualified and experienced engineer or surveyor is to provide certification that all new lots have ready underground access to the services of electricity, gas and phone. Alternatively, a letter from the relevant supply authorities stating the same may be submitted to satisfy this condition.

**Reason:** Access to public utilities.

#### 62. Issue of Subdivision Certificate

The Subdivision Certificate must not be issued until all conditions of development consent have been satisfied and a final Occupation Certificate has been by the Principal Certifying Authority.

**Reason:** To ensure that the development is completed prior to transfer of responsibility for the site and development to another person.

#### 63. Submission of 88b instrument

Prior to the issue of the Subdivision Certificate, the applicant must submit an original instrument under Section 88B of the Conveyancing Act with the plan of subdivision, plus six (6) copies to Council. Ku-ring-gai Council must be named as the authority whose consent is required to release, vary or modify the instrument.

# **Reason:** To create all required easements, rights-of-carriageway, positive covenants, restrictions-on-use or other burdens/benefits as may be required.

DA1377/05-2 25 July 2007

# 64. General easement/R.O.W. provision and certification

Prior to issue of the Subdivision Certificate, a registered surveyor is to provide details to Council that all physical structures are fully contained within the proposed allotments or will be fully covered by the proposed burdens upon registration of the final plan of subdivision. Alternatively, where the surveyor is of the opinion that creation of burdens and benefits is not required, then proof to this effect must be submitted to the Principal Certifying Authority.

**Reason:** To ensure that all physical structures are fully contained within the proposed allotments or will be fully covered by the proposed burdens upon registration of the final plan of subdivision.

#### 65. Easement for waste collection

Prior to issue of the Subdivision Certificate, an easement for waste collection is to be created under Section 88B of the Conveyancing Act 1919. This is to permit legal access for Council, Council's contractors and their vehicles over the subject property for the purpose of collecting waste from the property. The terms of the easement are to be generally in accordance with Council's draft terms for an easement for waste collection and shall be to the satisfaction of Council's Development Engineer.

**Reason:** To permit legal access for Council, Council's contractors and their vehicles over the subject site for waste collection.

# 66. **Overland flow – Section 88B Instrument**

The Applicant shall create a Restriction-on-use on the title of the subject property under Section 88B of the Conveying Act 1919. This restriction will be a variation to the existing restriction on use, which is to be extinguished. The restriction is to be over the 100 year ARI flood zone and must prevent the placement of any structures, walls, fences, fill or other items which may impede the 100 year ARI flood, within that zone. Ku-ring-gai Council is to be named as the authority whose consent is required to release, vary or modify the restriction.

**Reason**: To protect the environment

# 67. Submission of plans of subdivision (strata)

For issue of the subdivision certificate, the Applicant shall submit an original plan of subdivision plus six (6) copies suitable for endorsement by the consent authority. The following details must be submitted with the plan of Subdivision and its six copies, where Council is the consent authority:

- a) The endorsement fee current at the time of lodgment.
- b) The 88B Instrument plus six (6) copies.
- c) All surveyors and/ or consulting engineers certification(s) required under this subdivision consent.

All parking spaces and all areas of common property, including visitor car parking space and on site detention facilities, which are to be common property, must be included on the final plans of strata subdivision. Where Council is the certifying authority, officers will check the consent conditions on the subdivision. Failure to submit the required information will delay

endorsement of the linen plan, and may require payment of re-checking fees. Plans of subdivision and copies must not be folded. Council will not accept bonds in lieu of completing subdivision works. If the certifying authority is not Council, then a copy of all the above must be provided to Council.

# Conditions to be satisfied at all times

#### 68. Outdoor lighting

At all times for the life of the approved development, all outdoor lighting shall not detrimentally impact upon the amenity of other premises and adjacent dwellings and shall comply with, where relevant, AS/NZ1158.3: 1999 Pedestrian Area (Category P) Lighting and AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting.

**Reason:** To protect the amenity of surrounding properties.

#### 69. Maintenance period for works in public road

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 public infrastructure works 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 received a formal letter from Council stating that the works involving public infrastructure have been completed satisfactorily.

Reason: To protect infrastructure.

S Garland <b>Executive Asse</b> Development A	ssment Officer Assessment – North	S Segall Team Leader Development Assessment - North
M Prendergast Manager Deve	lopment Assessment Services	M Miocic Director Development & Regulation
Attachments:	<ol> <li>Report to Council, 17/7/2007 - 801508</li> <li>Location Sketch - 797708</li> <li>Zoning Extract - 797709</li> <li>Shadow Plans - 797710</li> <li>Survey Plan - 797711</li> <li>Site Analysis Plan - 797712</li> <li>Architectural Plans - 797713</li> <li>Landscape Plans showing Floor Plans</li> <li>SA: Landscape Concept Plans - 797715</li> <li>Stormwater Management Concept Pl</li> <li>Strata Subdivision Plans - 797716</li> </ol>	s - 797714

11: Previous Assessment Officer's Report - 797717

2 / 1 9A Curagul Road, North Turramurra DA1377/05-2 10 July 2007

# **DEVELOPMENT APPLICATION**

# SUMMARY SHEET

REPORT TITLE:	9A CURAGUL ROAD, NORTH TURRAMURRA - Section 82A Review of Determination (Refusal of Consent) for a villa home and townhouse development comprising 17 dwellings and strata subdivision
WARD:	Wahroonga
DEVELOPMENT APPLICATION N <sup>0</sup> :	DA1377/05-2
SUBJECT LAND:	9A Curagul Road, North Turramurra
APPLICANT:	HARB Enterprises P/L c/o Harry Sidaway & Associates P/L
OWNER:	HARB Enterprises P/L
DESIGNER:	Harry Sidaway & Associates P/L
PRESENT USE:	Vacant lot.
ZONING:	2H Residential
HERITAGE:	No
PERMISSIBLE UNDER: COUNCIL'S POLICIES APPLICABLE:	Ku-ring-gai Planning Scheme Ordinance KPSO, LEP 131 – Structures within restricted areas, DCP 23 – Nos 9,9A, 11 and 15 Curagul Road, North Turramurra, DCP 31 – Access, DCP 40 - Construction and Demolition Waste Management, DCP 43 - Car parking, DCP 47 - Water Management, DCP 56 – Notification
COMPLIANCE WITH CODES/POLICIES:	Yes
GOVERNMENT POLICIES APPLICABLE:	State Environmental Planning Policy No.55 - Remediation of Land, Building Sustainability Index – BASIX, Regional Environmental Plan No. 20 – Hawkesbury Nepean River
COMPLIANCE WITH GOVERNMENT POLICIES:	Yes
DATE LODGED:	15 December 2006
40 DAY PERIOD EXPIRED:	26 January 2007
PROPOSAL:	Section 82A review of Council's refusal of the proposed villa and townhouse development and strata subdivision.
RECOMMENDATION:	Approval

2 / 2 9A Curagul Road, North Turramurra DA1377/05-2 10 July 2007

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DEVELOPMENT APPLICATION N <sup>O</sup>	DA1377/05-2
PREMISES:	9A CURAGUL ROAD, NORTH
	TURRAMURRA
PROPOSAL:	REVIEW OF DETERMINATION
APPLICANT:	HARB ENTERPRISES P/L, C/o HARRY
	SIDAWAY & ASSOCIATES P/L
OWNER:	HARB ENTERPRISES P/L
DESIGNER	HARRY SIDAWAY & ASSOCIATES P/L

#### PURPOSE FOR REPORT

To review the determination of Development Application 1377/05 under s.82A of the Environmental Planning and Assessment Act 1979, which refused consent for the construction of 17 dwellings. The development consisted of 3 villas and 14 townhouses and their strata subdivision.

The application is referred to full Council for determination by the Director Development and Regulation.

#### EXECUTIVE SUMMARY

Issues:	Front setback, privacy, overshadowing, drainage
Submissions:	14 submissions received
Pre-DA:	Not applicable
Land & Environment Court Appeal	Not applicable
Recommendation:	Approval

The current proposal has been amended to address the reasons for refusal and the issues raised within the submissions. The proposed development, as amended, is now consistent with the relevant planning controls and policies. It is recommended that Council review its determination and grant development consent to the application, subject to conditions.

### HISTORY

Development application 1377/05 sought consent for the construction of 17 dwellings consisting of 3 villas and 14 townhouses and strata subdivision. The application was refused under staff delegation on 12 October 2006 for the following reasons:

"1. The proposal is an overdevelopment of the site.

2. The proposal does not comply with the 'floor space ratio' of Clause 60 of the Ku-ringgai Planning Scheme Ordinance.

Clause 60 permits a maximum floor space ratio of 0.4:1. The proposed development has a floor space ratio of 0.45:1.

The non-compliance with the floor space ratio results in an increased building bulk and scale which has an impact on the built-upon area of the site and compromises;

- (i) the 4 metres wide restricted development area of Local Environmental Plan 131 with the construction of deck areas within that area and
- (ii) solar access to private open space areas both within (units 1, 2, 4, 5, 15, and 16) and outside of the site (particularly the Dwelling at No.1/11 15 Curagul Road).
- (iii) compliance with the BASIX landscape commitments.

The State Environmental Planning Policy No. 1 objection lodged in respect of this noncompliance is not supported.

3. The proposal does not comply with the 'built-upon area' of Clause 60BA of the Ku-ringgai Planning Scheme Ordinance.

Clause 60BA permits a maximum built-upon area of 50%. The proposed development has a built-upon area of 60%.

The non-compliance with the built-upon area compromises:

- *(i) the 4 metres wide restricted development area of Local Environmental Plan 131 with the construction of deck areas within that area and*
- (ii) solar access to private open space areas both within (units 1, 2, 4, 5, 15, and 16) and outside of the site (particularly the Dwelling at No.1/11 15 Curagul Road).
- (iii) compliance with the BASIX landscape commitments.

The State Environmental Planning Policy No. 1 objection lodged in respect of this noncompliance is not supported.

4. The proposal does not comply with Clauses 2 (b) and 5 of Local Environmental Plan No. 131 which seeks to prevent the erection of structures or the carrying out of certain other development within 4 metres of the southern boundary of the land.

The deck areas of units 13 to 17 are proposed to be erected within this restricted area.

A State Environmental Planning Policy No. 1 objection has not been lodged in respect of this non-compliance.

5. Assessment of the impacts of the development in respect of State Environmental Planning Policy No. 55 Remediation of Land and Sydney Regional Environmental Plan

No. 20 Hawkesbury Nepean River cannot be completely assessed due to lack of detail in the contamination report prepared by Brink and Associates. Further investigation is required in respect of the following;

- Issues of potential soil contamination from the previous site occupants (including use for a veterinary surgery)
- An area of disturbed soil located in the site.
- A suggestion that pesticides may have been used on the site
- The need for sediment and stormwater issues to be carefully managed at the site for human and environmental health reasons.
- Escape of soil material and potential contaminates (as identified by the PEA) into the stormwater from the site as this could pose a risk to the local environment, particularly during and after heavy rain
- *Health implications for the retirement complex immediately downstream of the site.*
- The potential for pollutants from this site to be washed into the National park and Cowan Creek, adding to the environmental pressures posed from urban runoff.
- 6. The plans do not indicate compliance with BASIX landscape commitments. A separate plan is needed to clearly indicate the landscaped areas for each dwelling and the common area that comply with the BASIX Certificate submitted with the application, (hatching or shading of the areas is required).
- 7. Certification by an accredited access consultant has not been provided in respect of compliance with the relative adaptable housing standards and Australian standards. There is concern that the dimensions of the double garages will not meet the standards and no disabled visitor parking space has been provided.
- 8. The landscape proposal by Vision Dynamics, Drawing No's 050166DA1- A5/5, Revision A and dated 30/11/05 are not considered satisfactory for the following reasons;
  - The landscape plan shall comply with clause 14.4 of Development Control Plan 23.
  - The layout of the garden beds within the buffer zones adjacent to the Golf Course and Curagul Road shall comply with Development Control Plan 23 Landscape Plan No. LP01/93 dated 18/11/93. (Refer to the note of the plan for Buffer Planting Zones.)
  - Tree 15 Livistona australis (Cabbage Tree Palm) and Tree 16 Phoenix canariensis (Canary Island Palm) are to be transplanted and appropriately relocated on the site.
- 9. The waste bin enclosure does not comply with the provisions of Development Control Plan No.40 and Policy for Construction and Demolition Waste Management

- The enclosure should be fully enclosed with a roof and drainage connected to the sewer for floor waste.
- Night lighting, hot and cold hose cock, should be provided for cleaning
- Bin arrangement does not allow for ease in stacking. Bins should not be arranged in stack formation.
- Green wastes are to be serviced from the street.
- 10. The proposal does not comply with the following requirements of Development Control Plan 23 Nos. 9, 9A, 11 and 15 Curagul Road, North Turramurra as follows;

Clause 11 Density

• The proposal provides a floor space ratio of 0.45:1 in lieu of 0.4:1.

Refer to comments under 1 above.

Clause 13 Building setbacks and building lines

- The proposed construction of decks to units 13 to 17 within the 4 metres wide plantation buffer zone.
- The proposed construction of units 16 and 17 within the 8 metres wide and variable width plantation buffer zone.

*The objectives of the buffer planting zone are as follows:* 

- 1) Prevent damage to people and property as a result of stray golf balls.
- 2) Provide an opportunity for landscaping to screen the subject land from the golf course.
- *3) To enhance and encourage views from the golf course to the National Park and future open space areas within the subject site.*
- 4) To provide an opportunity to erect protective fencing between the subject land and the golf course in an unobtrusive location, which is to be well screened.

Clause 14 Site development and landscaping

• The proposal provides a built-upon area of 60% in lieu of 50%.

Refer to comments under 2 above.

• The proposal does not comply with the landscape plan LP01/93 attached to DCP 23 with regard to buffer zone planting.

Refer above.

Clause 19 Sunlight access

The sunlight access to the private open space areas of units 1, 2, 4, 5, 15 and 16 within the development site and to the adjoining development to the east and the west, particularly Dwelling 1/11 - 15 Curagul Road is unacceptable.

Further detailed shadowing would be required to establish the effects on the adjoining properties. A reduced built-upon area would provide flexibility in the location of private open space areas.

Clause 20 Private open space

There are variations to the standard in regard to the minimum dimensions of Units 8, 9, 13, 15, and 16. The variation to units 8 and 9 is small and can be accepted. The area of private open space for Units 13, 15 and 16 while not providing the minimum dimensions of 5 x 5 metres is also within the restricted plantation buffer zone which was not the intent of the DCP, as is part of the private open space to units 14 and 15.

Clause 21 Private courtyards

Wall and courtyard fencing (including side boundaries) detail has not been provided, is missing or is difficult to interpret. This creates difficulties in assessing privacy aspects in the courtyards. A detailed plan indicating courtyard wall or fencing details would be of assistance. The plan should include top of wall and ground levels and fencing heights.

Clause 22 Common open space

The location of the common open space is not suitable for all dwellings in the development complex, particularly Dwellings 1 and 5. It would be preferred in a more central location.

Clause 24 Access and parking

In Units 1 to 12 the double garage dimensions of 5.4 x 5.4 metres do not meet the DCP, nor the Car Parking Code in regard to the minimum width requirements. It is considered that as a minimum they should be amended to comply with the Car Parking Code requirements and provide a minimum clear width of 5.6 metres.

- 11. The strata plan does not correspond to the amended building plans adjacent to units 4 and 13.
- 12. No information has been provided in respect of the availability of water and sewerage services to the site."

# THE SITE AND SURROUNDING AREA

The site

2h Residential
Not identified
1
1027585
$6902m^2$
Southern
Rear to street front
Yes to the street
No
9 metres
«Yes/No»
No
No
No
No

The subject site is located on the southern side of Curagul Road, Turramurra, to the east of Bobbin Head Road. The site has an area of  $6902m^2$ , and having dimensions of 87.55 metres in width and 78.835 metres in depth. The site slopes down from the rear to the street, with a fall of approximately 6.12 metres being a grade of 7%. The site is burdened by a 1.8 metres wide easement to drain water, which generally dissects the site down the middle. The easement prevents the construction of permanent structures under certain circumstances.

Currently the site is vacant and is covered by grass with some trees located along the western and rear boundaries.

### Surrounding development

Immediately adjoining the subject site to the east and west are villa and townhouse developments at 9 and 11-15 Curagul Road, similar to that which is proposed. These sites are also zoned 2(h) Residential.

The surrounding area has been developed in a similar manner to the development proposed in the subject application. The developments along the northern side of Curagul Road are zoned 2(g) Residential, contain substantial landscaped areas, reasonably consistent front set backs of some 9 to 10.2 metres, with some developments constructed for aged care. Single and two storeys residential development dominates the area. Adjoining the subject site to the rear is Turramurra Golf Course.

# THE PROPOSAL

The proposal is for the construction of 17 dwellings, containing 3 villas and 14 townhouses, associated car parking, landscaping, drainage works and strata subdivision. The application has been amended prior to lodgment and during the assessment period to address Council officer's and

objectors concerns. The amendments were not required to be notified in accordance with Council's Notification Policy DCP No.56.

The following is a summary of the design changes between the refused proposal and the current application:

- The dwellings have been reduced in size from a total gross floor area of 3105.9m<sup>2</sup> to 2768m<sup>2</sup>, changing the development from a non complying FSR of 0.45:1 to 0.4:1, which is now compliant with Council's policy;
- The built upon area (BUA) has been reduced to 3455m2 or 50% of site area to comply with Council's policy;
- The decks proposed in the rear 4 metres set back buffer zone have been deleted;
- The setback's of Dwellings 4 and 5 have been increased such that the average set back of the dwellings is consistent with that of adjoining development;
- To improve solar access the lay out of Dwellings 14-17 have been re-arranged to provide living areas across the full width of the dwelling in conjunction with directly accessible north facing balconies. The side courtyards of Dwellings 1, 2, 4 and 5 have been increased in size to achieve the 5m x 5m minimum requirements, which also enhances solar access to these spaces. The increased courtyard space to Dwelling 5 provides increased solar access to 11-15 Curagul Road;
- A disabled car parking space has been provided in close proximity to the entry to the development. The double garage spaces of dwellings have been increased in width to achieve 5.6 metres in accordance with the Car Parking DCP;
- A waste bin enclosure has been provided adjacent to the entry of the site, which is fully enclosed and will be connected to the sewer for floor waste. The bin area has also been configured in accordance with DCP 40; and
- The main common open space area has been maintained in the previously proposed location, however its access has been improved by the relocation of two visitor car parking spaces

In addition, further information has also been lodged with this application addressing the information deficiencies of the previous application. This includes a revised landscape plan which provides the required amount of indigenous landscape planting in accordance with the BASIX commitments. The additional information also includes an Environmental Report addressing SEPP 55 and SREP 20 considerations in relation to site contamination and impacts from transfer of potential contaminants through site transfer and confirmation of the site's ability to connect to sewer and water.

### Dwellings 1, 2, 4 and 5 (townhouses)

These are two-storey dwellings and have frontage to and vehicular access from Curagul Road. At the ground level they comprise: porch, entry, bedroom with en-suite, dining room, laundry, kitchen, dining, powder room, double garage and courtyard. At the upper level they comprise 2 bedrooms and a bathroom and stairs.

### Dwelling 3 (townhouse)

This is a two storey dwelling with frontage to Curagul Road. Vehicular entry to the garage at the rear of the building is from a common central driveway. At the ground level the dwelling consists

of a porch, entry, living room, dining room, one bedroom with en-suite, powder room, laundry, courtyard and double garage. At the upper level it comprises 2 bedrooms, study and a bathroom and stairs.

#### Dwellings 6, 7 and 8 (villas)

These are single-storey dwellings and have frontage to the central driveway. They comprise porch, entry, 3 bedrooms (one with en-suite), laundry, bathroom, kitchen, living and dining room, courtyard and double garage.

#### Dwellings 9, 10, 11 and 12 (townhouses)

These are two-storey dwellings and have frontage and access to the central driveway. At the ground level they comprise a porch, entry, one bedroom with en-suite, kitchen, living and dining rooms, laundry, powder-room, stairs, courtyard and double garage. The upper levels of Dwellings 9-11 have 2 bedrooms, study, bathroom and stairs. The upper level of Dwelling 12 has two bedrooms, a bathroom and stairs.

#### **Dwelling 13 (townhouse)**

This is a two storey dwelling with frontage and vehicular access to the central driveway. At the ground level there is the entry, porch, kitchen, living-room, dining-room, one bedroom with ensuite, stairs, laundry, courtyard and double garage. The upper level comprises 3 bedrooms (1 with walk in robe and ensuite), a bathroom and stairs.

### Dwellings 14, 15, 16 and 17 (townhouses)

These two-storey dwellings are located to the rear of the subject site. At ground level there is a porch, entry, 2 bedrooms, bathroom, laundry, stairs and a double garage. The upper level consists of one bedroom with en-suite, living, dining, family rooms, kitchen, powder room, stairs, deck and courtyard.

#### The site

Car parking for 6 vehicles, including one disabled visitor space is proposed. The common open space is to be located to the rear of the site in a central location. This area is to be turfed and surrounded by shrubs and trees. There is also a sand pit in this rear and seating. The rear 4 metres boundary set back will also be landscaped with shrubs and larges trees. The garbage storage area is to be located adjacent to the main central driveway access point and will provide on site access for a small garbage collection vehicle.

The site will be extensively landscaped using a mixture of lawn, native and exotic shrub and tree species. The main private open space areas will mostly be lawn with shrubs. The main common open space area is to be lawn with shrubs bordering. The larger front set back area and rear 4 metres set back areas will contain larger shrubs and trees.

# **CONSULTATION - COMMUNITY**

In accordance with Council's Notification DCP 56, the owners of adjoining properties were given notice of the application. The amended plans were not required to be re-notified under Council's notification DCP as the changes do not result any greater impacts upon surrounding properties and will be an improved outcome to that originally proposed. Submissions from the following were received:

- Dr Varoe Legge: 135/381 Bobbin Head Road, North Turramurra.
- J P Chapman: 136/381 Bobbin Head Road, North Turramurra.
- Mr Russell & Ms Shirley Fox: 130/381 Bobbin Head Road, North Turramurra.
- Mr John Ford & Sheng Chun Chao: 28/11-15 Curagul Road, North Turramurra.
- M H & C L Smith: 27/11-15 Curagul Road, North Turramurra.
- Samson Cheung: 1/9 Curagul Road, North Turramurra.
- Peter Oppenheim: 2/9 Curagul Road, North Turramurra.
- Bill Dahl: 3/9 Curagul Road, North Turramurra.
- Craig Issacson: 4/9 Curagul Road, North Turramurra.
- Rosalie Geddes: 6/9 Curagul Road, North Turramurra.
- Peter Dalziel: 11-15 Curagul Road, North Turramurra.
- Peter & Sue Gisbourne:26/11 Cruagul Road, North Turramurra.
- Betty Musgrove:131/381 Bobbin Head Road, North Turramurra.
- Jim and Trish Johnson: 21/11-15 Curagul Road, North Turramurra.

The submissions raised the following issues:

#### traffic impacts, particularly during bushfires

The subject site is not located within a bushfire area pursuant to Council's Bushfire Prone Land Map (Bushfire Map). Council's Development Engineer has not raised a significant issue in terms of impacts of this development to local area traffic generation or vehicles exiting the site by reversing, which is restricted to only four out of the seventeen dwellings proposed. The site is located within the State Environmental Planning Policy Seniors Living 2004 (SEPP SL) exclusion zone as highlighted within the Bushfire Map, however, this is not a SEPP Seniors Living development.

# drainage/ stormwater pipes/ inappropriate number of parking spaces on site/ garage spaces too small for vehicles/ appropriate housing of garbage bins

Council's Development Engineer has reviewed the proposed drainage and the, number of on-site parking provisions. The proposed development provides appropriate drainage and complies with the minimum number of on-site parking spaces required by DCP 43 Car parking. The parking space dimensions also meet the minimum size requirements of DCP 43.

The proposed garbage storage area will not result in a detrimental streetscape impact given the development's general compliance with Council's policies, reasonable landscaping to the front setback area and the minimal scale of the storage area.

The request to restrict parking in Curagul Road to the northern side only is unreasonable and unnecessary in this instance. The development meets the minimum on site parking space requirements and there is no perceived benefit to restrict parking to one side of the road.

#### overdevelopment of the site/ privacy impacts

The development is compliant with the provisions of Council's policies which determine bulk, scale and density. There will not be any significant privacy impacts for the reasons given within the relevant part of this report.

#### location of dwellings/ air and noise impacts

The proposed location of the dwellings is reasonable. The location of the dwellings been determined by consideration of the constraints of the drainage easement, the front and rear boundary set back requirements, the location of adjoining residences and sunlight access within and adjoining the subject site. This will result in minimal amenity impacts. The development will not result in any unreasonable dust/ air and noise impacts given the residential use of the site. Conditions of consent (**Condition Nos. 27, 41, 42**) will ensure there will be minimal dust and noise impacts during construction.

#### inconsistent information

The information submitted is not inconsistent and sufficiently clear to allow a proper assessment of the application.

#### existing pump out sewer line

Council's Development Engineer has not raised concerns in relation to the existing sewer line. In addition, conditions of consent (**Conditions Nos 16, 19**) require the consent holder to refer the application to Sydney Water in relation to impacts on the existing and future infrastructure in this regard. Consequently, Sydney Water will need to be satisfied that the development is acceptable in this regard.

#### lack of fencing detail/ removal of palm trees/ detrimental streetscape impacts

Fencing details have been provided and a condition of consent is recommended to ensure the fencing does not exceed 1.6 metres in height and that the palisade fencing is of a dark recessive colour to minimise visual impact (**Condition No 8**). The impacts in relation to the palm tree are reasonable, as assessed by Council's Landscape Assessment Officer. The development will not result in a significant detrimental streetscape impact for the reasons given within this report.

#### overshadowing

The development is compliant with the sunlight access provisions of DCP 23, providing the minimum required 3 hours solar access.

# **CONSULTATION - WITHIN COUNCIL**

#### Landscaping

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

"Proposed dwellings H4 and H5 have been satisfactorily set back 1.250 metres behind the minimum setback of 9 metres from the Curagul Road boundary to provide modulation to effectively comply with the intent of clause 13.2 of DCP 23. In addition, the circular driveways to service H1 and H2, and H4 and H5 have been replaced by single driveways to increase the soft landscape area.

Proposed dwellings H13, H14, H15, H16 and H17 comply with clause 13.4 of DCP 23 as they have a minimum setback of 4 metres and 'an average setback of 8 metres' from the Golf Course boundary.

The second amended landscape plan now complies with all parts of the site not built upon being landscaped with trees, shrubs, groundcovers and/or grasses of indigenous (locally occurring native) species from the Sydney Sandstone Ridgetop Woodland Vegetation Community (SSRWVC)."

#### Engineering

Council's Team Leader Development Engineers, Kathy Hawken, commented on the proposal as follows:

#### "Water management

The site is traversed by a Council drainage pipe and a Restriction on Use over the 100 years ARI overland flow extent. This restriction was placed by Council upon registration of DP1027585, and the terms of the restriction are:

"No permanent structure such as a dwelling, garage, impervious fence or swimming pool nor the placing of fill will be permitted to be constructed on the land affected by this restriction except where it can be adequately demonstrated that the structure or fill will:

- *a) not be subject to damage by stormwater in the 100 year flood event;*
- b) not impede the overland flow of stormwater in the 100 year flood event;
- *c) not increase the risk of flooding of other properties;*
- d) not have a significant adverse affect (sic) on the natural environment."

The proposal is in keeping with these terms since the concept stormwater plan shows that the overland flow can be contained in the driveway section. It will be tidy for the extent of the restriction to be modified in conjunction with the subject development. This can be done prior to occupation.

The stormwater concept plan shows an individual rainwater tank for each dwelling and the BASIX commitments are for the re-use of the retained roofwater for toilet flushing, clothes washing and irrigation.

An on site detention tank is also shown under the driveway and this is satisfactory. The site is already subject to a Positive Covenant and Restriction on Use over any on site detention system under the terms of DA1027585.

Stormwater quality controls are required under DCP 23 and Council's DCP 47, however these can be provided separately and may be shown on the Construction Certificate plans. The recommended conditions include this.

Discharge of stormwater from the site is to the "pit" in the easement which is just at the Curagul Road property boundary. At present this is an open excavation. The construction of a pit will be required – see below under "Council infrastructure". It is understood that a PVC conduit which crosses this excavation is a sewer service, possibly private. This service will have to be covered or relaid and, if Sydney Water does not have any requirements for this, then the engineer will have to include it in the design.

# Traffic and parking

The main access to the development is via a 5.5 metres wide driveway in the centre of the frontage. Four of the dwellings are to share two direct accesses off Curagul Road. Reversing into the street from those four dwellings is considered acceptable, since sight distance is good and traffic volumes are low.

Traffic generation is 11 to 14 vehicle movements per peak hour, which is a relatively minor increase on traffic volumes in Bobbin Head Road and not likely to adversely affect conditions in Curagul Road.

#### Waste management

Council's Manager Waste Services, Colin Wright, has commented on the proposal (31 August), so no further discussion is required from Development Engineers

- The waste bin enclosure does not comply with the provisions of DCP 40;
- The enclosure should be fully enclosed with a roof and drainage connected to the sewer for floor waste;
- Night lighting, hot and cold hose should be provided for cleaning;
- Bin arrangement does not allow for ease of servicing. Bins should not be arranged in stack formation; and
- Green waste is to be serviced from the street.

2 / 14 9A Curagul Road, North Turramurra DA1377/05-2 10 July 2007

#### Item 2

#### Council infrastructure

The existing trunk drainage pipe within the easement appears to need replacing (the survey plan has a note "damaged"), and the open unformed pit in Curagul Road will have to be properly constructed. DCP 23 also requires the construction of kerb and gutter, road shoulder and footpath for the frontage of the site. The design for these works will have to be submitted to Council for approval; this can be done prior to issue of the Construction Certificate.

#### Strata subdivision

Changes to the Conveyancing Regulation and the Environmental Planning & Assessment Act mean that an Occupation Certificate must now be served by the vendor before completion of the sale of strata units bought "off the plan". Previously, Council was in the habit of including conditions for completion of works both in the "before occupation" and "before linen plan release" conditions. This was to prevent the non-completion of works after the sale of individual units. These changes have removed the need for an Occupation Certificate to have been issued before a strata plan can be released."

# PROVISIONS OF RELEVANT LEGISLATION

### **Environmental Planning and Assessment Act, 1979**

The application was lodged under the provisions of s.82A of the EPA Act, consequently it must meet the following test:

"82A Review of determination

(1) If the consent authority is a council, an applicant may request the council to review a determination of the applicant's application, other than:

- (a) a determination to issue or refuse to issue a complying development certificate, or
- (b) a determination in respect of designated development, or
- (c) a determination in respect of integrated development, or
- (d) a determination made by the council under section 116E in respect of an application by the Crown.

(2) A request for a review may be made at any time, subject to subsection (2A).

(2A) A determination cannot be reviewed:

(a) after the time limited for the making of an appeal under section 97 expires, if no such appeal is made against the determination, or

(b) after an appeal under section 97 against the determination is disposed of by the Court, if such an appeal is made against the determination.

(3) The prescribed fee must be paid in connection with a request for a review.

(3A) In requesting a review, the applicant may make amendments to the development described in the original application, subject to subsection (4) (c).

- (4) The council may review the determination if:
- (a) it has notified the request for review in accordance with:

(i) the regulations, if the regulations so require, or
(ii) a development control plan, if the council has made a development control plan that requires the notification or advertising of requests for the review of its determinations, and

(b) it has considered any submissions made concerning the request for review within any period prescribed by the regulations or provided by the development control plan, as the case may be, and

(c) in the event that the applicant has made amendments to the development described in the original application, the consent authority is satisfied that the development, as amended, is substantially the same development as the development described in the original application."

The proposal meets the above test, as follows:

- The application was not a complying development certificate, designated or integrated development or a determination under section 116E of the EPA Act 1979 in relation to the Crown.
- The review has been lodged within sufficient time as required under section 82A(2)(2a) of the EPA Act, 1979.
- The applicable fee has been paid.
- The application has been notified in accordance with the regulations and Council's Notification Policy DCP 56.
- 14 submissions were received and have been considered within the assessment report.
- The application has been amended however, it is substantially the same development as described in the original application, as follows:

"The proposal is to erect 17 villa/townhouse dwellings with associated car parking and strata subdivision."

This application has maintained the number of proposed dwellings at 17, the general lay-out of the dwellings, driveway and open space area, height of dwellings and the strata subdivision of the site. In support, the description of the design changes demonstrates the relatively minor degree of changes supporting the position that the development is substantially the same.

# State Environmental Planning Policy No. 55 - Remediation of Land & Sydney Regional Environmental Plan 20 - Hawkesbury Nepean River

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2 / 16 9A Curagul Road, North Turramurra DA1377/05-2 10 July 2007

Reason 5 of Council's refusal of the development application cited 7 bullet points where the application lacked sufficient detail for Council to determine the impacts of the development in regards to these two policies. In response, the applicant has provided a statement by Aargus Australia, environmental consultants, addressing each of the 7 points.

Clause 7 of SEPP 55 requires Council to consider whether the land is contaminated and if so, it is satisfied that it is suitable in its contaminated state or will be suitable after remediation for the development. The aim of SREP 20 is to protect and provide total catchment management for the environment of the Hawkesbury-Nepean River by ensuring that the impacts of future land uses are considered in a regional context.

# **Point 1:** Issues of potential soil contamination from the previous site occupants (including use for a veterinary surgery).

The statement concludes that it is "*unlikely that contaminants from previous use of the site for veterinary purposes would have persisted*" and that the site will mostly be sealed where the contaminants are likely to be located and therefore poses low risk to human health. The consultant's report also noted that vegetation in the vicinity of the veterinary surgery was generally healthy and free from stress. For these reasons, it was concluded that the site posed a low risk to human health and to the environment in relation to its previous use.

# Point 2: An area of disturbed soil located in the site.

The report notes that disturbed natural residual soils pose a "*low risk to human and environmental health and it is unlikely the natural soils contain contamination.*" A visual inspection of the fill material around the drain indicated the materials were composed of "*sandy clay, gravel and inert building material such as brick pieces*". The fill material was free of odours and staining and the vegetation around the drain appeared generally healthy and free from stress. It was concluded that further investigation was not necessary and the fill was unlikely to pose significant risk to human or environmental health.

### Point 3: A suggestion that pesticides may have been used on the site.

The report notes the possibility of the use of pesticides in particular when the site was occupied by "the providore" during 1941-1959. The pesticides used have relatively short half lives and it is highly unlikely that contaminants would have persisted over time. It was also concluded that it is highly unlikely the pesticides would have migrated on site from the adjoining golf course as both areas have been vegetated, which limits tracking on or off site. Migration through the drain would also be unlikely as it appeared its base was in good condition and free of perforations therefore, contaminants were unlikely to have penetrated into the soils on site.

# **Point 4:** The need for sediment and stormwater issues to be carefully managed at the site for human and environmental health reasons.

#### Ordinary Meeting of Council - 17 July 2007

#### 2 / 17 9A Curagul Road, North Turramurra DA1377/05-2 10 July 2007

This issue can be addressed by condition to ensure an appropriate sediment and erosion control plan for the site. The report suggested that 'for any area on site that contains bare surfaces of greater than  $5m^2$ , sediment fencing should be erected to minimise surface water run-off into localised water catchment areas.' **Conditions Nos 27, 28** are recommended to this effect.

# **Point 5:** Escape of soil material and potential contaminants (as identified by the EPA) into the stormwater from the site as this could pose a risk to the local environmental, particularly during and after heavy rain.

The report concludes that the site is covered by thick vegetation and there was no evidence of soils tracking into either the drain on site or off-site. Conditions recommended in this report for soil erosion and water management will ensure that if there were any residual contaminants, they are not transferred from the site. The development satisfies the relevant provisions of both SEPP 55 and SREP 20 in relation to contamination and impacts on the Nepean Hawkesbury River system by way of soil erosion, siltation and drainage.

### **Point 6:** Health implications for the retirement complex immediately downstream of the site.

The report states if there were any run-off from site, it would enter the local stormwater drains on Curagul Road. However, it was concluded that it is highly unlikely that surface run-off would leave the site in general and track onto the down gradient retirement complex. The grass layers would also act as a natural bio-filtration device.

# **Point 7:** The potential for pollutants from this site to be washed into the National Park and Cowan Creek, adding to the environmental pressures posed from urban runoff.

The report states that the site does not contain any significant area of bare soil and that the heavy vegetation ensures that it is highly unlikely that soil would track off-site. Therefore, there is a low risk to environmental health in general or specifically to that of the National Park or Cowan Creek.

In addition to the comments in the report, standard conditions of consent are recommended (**Conditions Nos 27, 28**) to ensure there will be minimal impact during and post construction to minimise run-off, siltation and soil erosion.

The above demonstrates that the applicant has adequately addressed the concerns raised by the assessing officer in regards to Reason 5 of Council's refusal of the Development Application.

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

The aim of the SEPP (BASIX) 2004 is to encourage sustainable residential development. Reasons 2, 3 and 6 cited the applicant's lack of a plan demonstrating landscape commitments for the development as a reason for refusal of the application.

The highlighted ground floor plan (DA01 Issue G) submitted with this s.82A Review application demonstrates compliance with BASIX landscape commitments. Accordingly, this now overcomes

Reasons 2, 3 and 6 of Council's refusal of the Development Application as they relate to landscape commitments.

# Ku-ring-gai Planning Scheme Ordinance (KPSO)

COMPLIANCE TABLE			
Development standard	Proposed	Complies	
Clause 43 (7)(a)(a)			
Site area (min): 929m <sup>2</sup>	6902m <sup>2</sup>	YES	
Clause 43 (7)(a)(b)			
Street frontage (min): 18.28m	87.55m	YES	
Clause 43 (7)(a)(f)			
Height (max): 8m	<8m	YES	
Clause 53			
Car parking spaces (min):			
• 1 space /flat (residents)	2 spaces per unit	YES	
• Minimum size 5.4m x	>5.4 x 2.4	YES	
2.4m)			
Clause 60	0.40:1	YES	
Floor space ratio: 0.4 : 1			
Clause 60BA	50%	YES	
Built-upon area: 50%			

### Aims and objectives for residential zones (Schedule 9(1)(2))

The aims and objectives of Schedule 9 seek to maintain and improve the existing amenity and character of residential zones and to allow new residential development where it is compatible and provides appropriate relationship with the surrounding area.

The current proposal is consistent with the general and specific objectives of the KPSO. The development is consistent with the neighbouring residential character given the numerical compliance with the scale and bulk provisions of FSR and BUA. The proposed design reflects the townhouse and villa development at 9 and 11-15 Curagul Road. There is suitable planting and landscaping, which balances the built form. The proposed landscaping also provides a good relationship with the landscaping of the golf course to the rear of the development site. The development does not result in a significant loss of sunlight to the adjoining development given the north/ south orientation of the site. The development provides reasonable access for vehicles. In addition, there are no significant environmental impacts anticipated.

#### Aesthetic appearance (cl.33a)

Consideration is to be given to the aesthetic appearance of the development and, in particular, when viewed from the open space area (Turramurra golf course) located to the rear of the subject site. The aesthetic appearance of the development is reasonable and will not result in a detrimental visual impact.

The development achieves the objective of this control, given its general numerical compliance with the relevant controls. The development provides compliant rear boundary setbacks, height and landscape setback along its rear boundary. This is supported by appropriate design and choice of construction materials, being masonry, timber cladding and tile roofing. The overall form of the development is also in character with the immediately adjoining development at 9 and 11-15 Curagul Road.

#### Services (cl.38B)

Suitable water and sewer services are available to the subject site, as conditioned (**Conditions Nos 16, 19**).

### Land designated "restricted development" (cl.61BB(2))

The land within 4 metres of the rear boundary is restricted where the vegetation, topography or distinctive features of the land are likely to be adversely affected or the land is necessary for the purposes of fire or flood mitigation or drainage retention, except in so far as development may be compatible with this objective.

The original application (DA1377/05) did not comply with this requirement as rear decks to Dwellings 13-17 incurred into the setback zone. This formed part of the reasons for refusal 2(i), 3(i), 4 and 10. This application has been amended and there is no structure located within this setback zone, with the exception of the retaining walls for the drainage easement. These walls are required to assist drainage for the adjoining golf course. For these reasons, the development is consistent with cl.61BB(2).

The above demonstrates the applicant has overcome the reasons for refusal of the previous Development Application under points 2(i), 3(i), 4 and 10.

#### Floor space of buildings (cl.60(1)) and Built upon area (cl.60BA)

The original application failed to comply with the maximum FSR and BUA area requirements. The non compliances were included as Reasons 2, 3 and 10 of the determination of the previous Development Application. The application has been amended to comply with these provisions, consequently these reasons for refusal have been overcome.

## LEP 131 – Structures within restricted areas

The objectives of this control seek to restrict development within 4 metres of the rear boundary and to provide a maximum site coverage control. As discussed, the development meets the control and its objectives given the compliances with the setback control and maximum 50% site coverage.

Development Control Plan 23 – Nos. 9, 9A, 11 and	15 Curagul Road, Nth Turramurra
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COMPLIANCE TABLE		
Policy standard	Proposed	Complies
Clause 11 Density		
Site area/dwelling: 390m <sup>2</sup> (min)	$406m^2$	YES
Floor space ratio: 0.4:1		
	0.40:1	YES
Clause 12 Building sizes		
Ceiling height max.: 8 m	≤ 8 m	YES
Centing neight max 8 m	<u> </u>	1125
Ridge height max.: 10.5 m	≤ 10.5 m	YES
	_ 1000 m	
Building height plane:	No encroachments	YES
Clause 13 Building setbacks &		
building lines		
Building setback: min. 9 m,	9m	YES
average 10.5 m	10m	NO
Side setback: Comply with 45 <sup>0</sup>	No encroachments	YES
building envelope	No encroaciments	IES
bunding envelope		
No development within restricted		
development area:	No development	YES
min, setback 4 m,	4m	YES
average 8 m	8m	YES
Length of wall: 12 m (max. on	Upper level front elevation of dwellings 1, 2, 4 and 5	NO
the boundary)	Exceeds 12m by 3.5m	
Clause 14 Site development and		
Landscaping		
Duilt upon anos 500/ (mar.)	50%	VES
Built-upon area: 50% (max.)	50%	YES
Compliance with Landscape Plan	Complies	YES
LP01/93	compiles	120
Clause 15 Tree cover	Two significant trees to be retained and additional	YES
	trees to be planted as part of landscape plans.	
Clause 16 Streetscape, building		
design:		
Energy efficient	BASIX Certificate provided	YES

2 / 21 9A Curagul Road, North Turramurra DA1377/05-2 10 July 2007

<b>COMPLIANCE TABLE</b>		
Policy standard	Proposed	Complies
Clause 17 Visually prominent sites	Cut: up to 2 m,	NO
Cut and fill: 1.5 m (max.)	Fill: up to 1.4 m	YES
Clause 20 Private open space: Min dimensions 5m x 5m 1 private courtyard/ dwelling	Min: 5m x 5m Min: 1 per dwelling	YES YES
Car parking: Min size requirement		
<ul> <li>- 3.1m x 5.5m</li> <li>- Min 2 spaces per townhouse/ villa</li> </ul>	2.8m x 5.6m 2 spaces per dwelling	NO YES
- visitor spaces 1 per 3 units (6 spaces)	6 spaces	YES

#### Density (cl.11.2)

The original application failed to meet the maximum FSR control under the KPSO and DCP 23. The current development is compliant in this regard.

#### Building setback and building lines (cl.13)

This application maintains two non-compliances from the original application, being in relation to the average front boundary setback and maximum 12 metres wall width requirements. The proposed front setback meets the minimum 9 metres, however, at 10 metres it varies from the average requirement by 500 millimetres. The first floor level of Dwellings 1-2 and 4-5 exceed the maximum 12 metres width requirement by up to 3.5 metres. The assessing officer concluded that the variations were acceptable. Concurrence is given to this assessment for the reasons given below.

The objectives of cl.12 seek to improve and enhance the visual appearance of development when viewed from the surrounding area, to provide for low rise residential development and to minimise the impact of multi unit housing to adjacent open space and visually prominent location. The variation to the average setback control is acceptable in this instance as the development will meet the underlying objectives of the control.

The development is generally set back in line with 9 Curagul and exceeds that of 11-15 Curagul Road. When viewed from the street and as seen on the plan view, the proposed setbacks will provide continuity, consistency and an important continual visual link between these two properties balancing the 9.4 metres setback of 9 Curagul and the reduced 7.5 metres of 11-15 Curagul Road. Compliance with the other scale and bulk controls, as noted in the compliance table, also assists in

minimising the visual presence of the proposed development to the street. This is supported by a compliant landscape plan and minimal number of driveway access points. Consequently, the underlying objectives of the control will be met. In addition, if the development were to be pushed back further from the street front, additional excavation would be required, which is contrary to the provisions of DCP 23 and will not necessarily result in a better outcome.

The above assessment demonstrates that the minor variation to the front set back requirement is reasonable in this instance. The development is comparable in terms of scale and bulk with the immediately surrounding development. In addition, the visual presence of these walls is broken by the 2.8 metres set back from the lower level building line and the balcony balustrades. The increased setback allows the wall lengths to become a recessive and less visually apparent element. The visual impact is also reduced by glazing, which breaks up the solid form when viewing the development from the street.

#### Site development and landscaping (cl.14)

The original proposal exceeded the maximum BUA control, as prescribed under the KPSO and DCP 23. The current proposal is now compliant in this regard.

#### Tree cover (cl.15)

The original assessing officer referred to the landscape assessment in reporting the impacts of the development in regard to tree cover. The following was the Landscape Officer's conclusion:

"The proposal does not comply with DCP23 Clause 13.4. No development is permitted within the designated buffer zones. The proposed decks along the southern boundary shall be deleted.

The plans do not indicate compliance with BASIX landscape commitments. A separate plan shall be submitted clearly indicating the landscaped areas for each dwelling and the common area that comply with BASIX, (hatching or shading of the areas is required).

The landscape proposal by Vision Dynamics, Drawing No's 050166DA1- A5/5, Revision A and dated 30/11/05 are not considered satisfactory for the following reasons.

The landscape plan shall comply with clause 14.4 of Development Control Plan 23. The layout of the garden beds within the buffer zones adjacent to the Golf Course and Curagul Road shall comply with Development Control Plan 23 Landscape Plan No. LP01/93 dated 18/11/93. (Refer to the note of the plan for Buffer Planting Zones.) Tree 15 - Livistona australis (Cabbage Tree Palm) and Tree 16 – Phoenix canariensis (Canary Island Palm) are to be transplanted and appropriately relocated on the site."

The relevant reasons for refusal were noted earlier in this report. The current application is compliant with these provisions and consequently these reasons for refusal have now been overcome.

## Streetscape and building design (cl.16)

The original assessing officer referred to the discussion in relation to Clauses 10, 11, 12, 13, 14 and 15. The non compliances with these clauses have now been addressed by the current proposal. The officer also noted that:

"when viewed from Curagul Road Dwelling Units 1 and 2 and 4 and 5 do not appear as single dwellings. However, they are not dissimilar to other dwellings on adjoining sites and no objection is raised."

Concurrence is given to this assessment. The development is consistent with the immediate surrounding residential area, inclusive of appropriate landscaping and can be supported.

### Visually prominent sites (cl.17)

The original assessing officer noted that the cut and fill exceeded the maximum 1.5 metres DCP control but concluded:

"Overall they are acceptable, as they will not be particularly noticeable from adjoining sites."

The underlying objectives of this control seek to encourage residential development that does not degrade the amenity or aesthetic quality of the area, has been designed with regard to site conditions, maintains natural features on the site and preserves views.

The variation is acceptable for the reason given by the original assessing officer, the development's general compliance with other bulk and scale provisions and for reasons given within the amenity discussion. The proposal meets the underlying objectives of this control. Therefore, the variation is supported.

### Privacy and overlooking (cl.18)

Cl.18 requires compliance with Clauses 13 and 14. As discussed the proposal is consistent with these provisions. The original assessing officer noted the development was contrary to the provision to restrict overlooking of the adjoining golf course, which was partly caused by the rear decks located within the 'buffer' zone, which reduced the area for screen planting. Nevertheless, the officer did not conclude that this was sustainable reason for refusal of the application.

The development will not result in a detrimental privacy or overlooking impact, as a result of the deletion of the rear decks, as part of the amendments for the current application. Nevertheless, the overlooking concern raised in relation to overlooking from the front deck of Dwelling 17 can be addressed by providing a privacy screen along the eastern end of the deck (**Condition No 8**). Although the deck does not directly overlook the main private open space of the adjoining property, it will ensure any impact is reasonably minimised. The openings at the upper levels have been positioned to the rear of the site orientating outlook to the north and south, which is towards the street front and the golf course. However, there is one exception for Dwelling 12 which has a

#### Ordinary Meeting of Council - 17 July 2007

window to the stairwell on its eastern elevation. By the nature of its use, this will not result in a significant privacy impact to the adjoining development.

#### Sunlight access

The original assessing officer concluded that sunlight access to Dwellings 1, 2, 4, 5, 15 and 16 was poor. There was also a concern over the loss of sunlight to Dwelling 1 at 11-15 Curagul Road. These issues form part of Reasons 3 and 10 for the refusal of the original application.

The current proposal has been amended to reduce site coverage and FSR in conjunction with minor design changes, which address this issue. Courtyards have been provided on the respective eastern and western sides of the Dwellings 1, 2, 4 and 5 in addition to the rear courtyards. The upper levels of these dwellings have balconies, which will receive good northern sunlight access. Dwellings 15 and 16 have large deck areas connected to the main living area located on the northern elevation, which will also receive sunlight from 9am to 3pm on the winter solstice.

The redesign has also meant that at mid winter Dwelling 1 at 11-15 Curagul Road has less than 50% overshadowing of its main private open space at 3pm. The impact is lessened earlier in the day consequently, it will receive 3 hours sunlight access from midday of mid winter. Further, the dwelling itself is not affected by overshadowing between 9am and 3pm on the winter solstice. This is reasonable and consistent with Council's policy and accepted design principles.

These amendments have overcome Reasons for Refusal Nos 3 and 10 and the subject and adjoining properties will now receive adequate sunlight access during the winter solstice.

#### Private open space (cl.20)

In the original application, Dwellings 8, 9, 13, 15 and 16 failed to the meet the minimum private open space dimensions. It was also noted by the assessing officer that Dwellings 13, 15 and 16 included the buffer zone as part of the private open space area. This was a reason for refusal. The officer accepted the variations to Dwellings 8 and 9. Nevertheless, the current application has been amended to comply with this requirement. The use of the buffer zone is also reasonable, as it meets the underlying objectives of the control. The non-compliances have been addressed, the development is now compliant with the private open space provision.

### Private courtyards (cl.21)

The original assessing officer noted there was insufficient fencing and retaining wall details to enable an assessment of the impacts of the development in this regard. This lack of information formed one of the reasons for the refusal of the previous application. Details of the fencing and retaining walls have been provided with this application to address this issue. The internal and rear boundary fencing is to be metal palisade to a height of 1.6 metres. To the street-front, there are masonry walls and a palisade driveway gate which are up to 1.8 metres in height.

The fencing to the street, the walls and main entrance gate are excessive in height and uncharacteristic of the area. It is acknowledged that the adjoining property at 11-15 Curagul Road

has an entrance gate with pillars that exceed 2.0 metres in height. Whilst, this is an undesirable outcome it is noted that this fence has a greater front boundary set back than the proposed fence.

To address this issue and minimise the impacts **Condition 8** is recommended to limit the fence height, inclusive of piers and gates, to 1.6 metres. This is a reasonable compromise. The recommended height of the fencing and entrance gate will provide reasonable privacy and security, improve casual surveillance and minimise bulk of the development.

In addition to reducing the maximum fence and gate height to 1.6 metres, the condition also requires that the fencing to be finished in a dark recessive colour.

#### Common open space (cl.22)

The original assessing officer concluded that the location of the common open space was not suitable for all dwellings in the development, in particular, Dwellings 1 and 5. There was also a preference for a more centralised location. This formed part of Reason 10 of the refusal of the original application. Minor changes have removed the vehicle parking spaces that were located in front of the common open space, however, it remains generally in the same location.

It is not agreed that the open space is not easily accessible nor that a more centralised location is a better outcome. The removal of the parking spaces makes this area more accessible, usable and conducive to use, particularly its visual link and location to the golf course. It has been located within the easement area and this minimises impacts to this area without burdening other areas that are suitable for development. In addition, Council's Landscape Assessment Officer has not raised an issue in this regard.

#### Access and parking (cl.24)

The original assessing officer noted that Dwellings 1 to 12 did not meet the 5.6 metres car parking depth requirement. It was the officer's position that the development at a minimum should comply with DCP 43 Car Parking policy and provide a minimum depth of 5.6 metres for the double garage of Dwellings 1-12. This was part of Reason 10 of the refusal.

The applicant has amended the application to comply with Council's DCP 43 in relation to the minimum 5.6 metres depth. Consequently, this addresses the assessment officer's concerns and therefore, the application is supported in this regard.

The non-compliance with the minimum 3.1 metres parking space width requirement is reasonable, as the architectural plans are compliant with the Australian Standard for off street parking, which requires a minimum width of 2.7 metres width and is consistent with Council's current policy in relation to off street parking. To ensure compliance in this regard **Condition 14** requires details demonstrating compliance with the Australian Standard.

#### Views

The original assessing officer did not raise an issue in this regard. The development will not result in a significant loss of views.

#### Ordinary Meeting of Council - 17 July 2007

Item 2

2 / 26 9A Curagul Road, North Turramurra DA1377/05-2 10 July 2007

#### Noise

The original assessing officer did not raise an issue in this regard. The development will not result in a significant noise impact given the residential nature of the development, which is similar to adjoining and surrounding development.

#### Stormwater drainage

This aspect of the proposal is satisfactory. Refer to Council's Development Engineer's comments.

# **Development Control Plan 31 – Access**

Dwellings 6 and 7 were nominated to provide for disabled access. It was also noted the parking spaces did not have sufficient dimensions to accommodate disabled parking. These points formed reason 7 for the refusal of the application.

The current proposal provides level access into and internally within Dwelling 6. It provides appropriate widths and circulation spaces. A disabled car space has also been provided. **Condition No 12** is recommended to certify compliance at the Construction Certificate stage.

# **Development Control Plan 40 - Construction and Demolition Waste Management**

Matters for consideration under DCP 40 have been taken into account in the assessment of this application. The application is acceptable, subject to the recommended conditions of consent.

# **Development Control Plan 43 - Car parking**

Matters for consideration 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 consideration under DCP 47 have been taken into account in the assessment of this application. The proposal is satisfactory in this respect, subject to the recommended conditions of consent.

### S.94 Contribution

The development attracts a Section 94 contribution of \$330,510.34, which is based on 17 new dwellings with no credit for existing dwellings as the site is vacant. This is required to be paid by **Condition No. 13**.

### Summary of current scheme's resolution of issues

The following is a brief summary of how the current application has resolved the reasons for the refusal of the previous application:

- 1. The FSR now complies at 0.4:1;
- 2. The built upon area (BUA) has been reduced from 60% or 4141.2m2 to a compliant 3455m2 or 50%;
- 3. The decks in the rear 4 metres buffer zone have been deleted and replaced with suitable landscaping which compliments the golf course;
- 4. A landscape plan has been provided, demonstrating compliance with the BASIX commitments;
- 5. Solar access has been improved within the subject site and to the adjacent development and is now compliant with the minimum 3 hours sunlight access requirement;
- 6. Additional information has been provided addressing the issues in relation to soil contamination, soil erosion, pollutants and urban stormwater;
- 7. The double garages now comply with the minimum 5.6 metres depth requirement and one disabled car parking space has been provided;
- 8. The proposed landscape plan has been amended to be consistent with DCP 23 and the issues in relation to the Cabbage Tree palm and Canary Island Palm have been resolved to the satisfaction of Council's Landscape Assessment Officer;
- 9. An enclosed waste bin area with lighting, hot and cold hose, bin arrangement have been provided and the area is accessible by a small collection truck;
- 10. The areas of private open space to Dwellings 13, 15 and 16 have been increased to comply with the minimum dimensions of 5 metres x 5 metres;
- 11. Fencing and retaining wall details have been provided;
- 12. Access to the main common open space has been improved by relocating vehicle parking spaces, which opens up the area;
- 13. The strata subdivision plan is generally consistent with the architectural plans; and
- 14. The applicant has demonstrated the site is serviceable in relation to water and sewer.

#### Likely impacts

The proposal will not have any significant impact on the environment, landscape or scenic quality of the locality, threatened species, populations or ecological communities or their habitats or any other protected fauna or protected native plants. The site is not within a wilderness area or an area of critical habit. The site can be adequately landscaped and conditions relating to soil erosion can be

imposed. There is unlikely to be any significant impact on the existing or likely future amenity of the neighbourhood.

#### Suitability of the site

The site is suitable for the proposed development.

#### Any submissions

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

#### Public interest

The proposal is in the public interest for the reasons given throughout this report.

### CONCLUSION

The proposed development, as amended, has adequately addressed the reasons for refusal. The development is consistent with the relevant assessment criteria, as discussed above. The development fits within the local character and provides reasonable landscaping to compliment the adjoining golf course. Therefore, it is recommended that the application be approved, subject to conditions.

#### RECOMMENDATION

Pursuant to Section 82(A) of the Environmental Planning and Assessment Act, 1979:

THAT Council, as the consent authority, review its original determination and grant consent to Development Application 1377/05 for the construction of 17 villa/ townhouses, strata subdivision and associated landscaping at 9A Curagul Road, North Turramurra for a period of two (2) years from the date of the Notice of Determination, subject to the following conditions:

### Conditions that identify plans

#### 1. Approved architectural plans and documentation (new development)

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>	<b>Drawn by</b>	<b>Dated</b>
DA01- DA06 Issue H (inclusive)	Harry Sidaway & Associates	13/04/07
F01 Fence Details	Harry Sidaway & Associates	November 2006

2 / 29 9A Curagul Road, North Turramurra DA1377/05-2 10 July 2007

Document(s)	Dated
Statement addressing reasons of refusal by the Turnbull Group	12 December 2006
Environmental Report by Aargus Australia	12 December 2006
BASIX Certificate No.107956M	15 December 2006
Stormwater management plan by AFCE Environment + Building	11/2005

**Reason:** To ensure that the development is in accordance with the determination of Council.

#### 2. Inconsistency between documents

In the event of any inconsistency between conditions of this consent and the drawings/documents referred to above, the conditions of this consent prevail.

**Reason:** To ensure that the development is in accordance with the determination of Council.

#### 3. Approved landscape plans

Landscape works shall be carried out in accordance with the following landscape plan(s), listed below and endorsed with Council's stamp, except where amended by other conditions of this consent:

Plan no.	Drawn by	Dated
Dwg Nos 050166DA2–5/5 Rev. C	Vision Dynamics	17/04/07

**Reason:** To ensure that the development is in accordance with the determination of Council.

### Conditions to be satisfied prior to demolition, excavation or construction

#### 4. Notice to be given prior to demolition or excavation

Council shall be given written notice, at least 48 hours prior to the commencement of any development (including excavation, shoring or underpinning works) on the site.

**Reason:** Statutory requirement.

#### 5. Infrastructure restorations fee

Infrastructure restorations fee

To ensure that damage to Council Property as a result of construction activity is rectified in a timely matter:

- a) All work or activity taken in furtherance of the development the subject of this approval must be undertaken in a manner to avoid damage to Council Property and must not jeopardise the safety of any person using or occupying the adjacent public areas.
- b) The applicant, builder, developer or any person acting in reliance on this approval shall be responsible for making good any damage to Council Property, and for the removal from Council Property of any waste bin, building materials, sediment, silt, or any other material or article.
- c) The Infrastructure Restoration Fee must be paid to the Council by the applicant prior to both the issue of the Construction Certificate and the commencement of any earthworks or construction.
- d) In consideration of payment of the Infrastructure Restorations Fee, Council will undertake such inspections of Council Property as Council considers necessary and also undertake, on behalf of the applicant, such restoration work to Council Property, if any, that Council considers necessary as a consequence of the development. The provision of such restoration work by the Council does not absolve any person of the responsibilities contained in (a) to (b) above. Restoration work to be undertaken by the Council referred to in this condition is limited to work that can be undertaken by Council at a cost of not more than the Infrastructure Restorations Fee payable pursuant to this condition.
- e) In this condition:

"Council Property" includes any road, footway, footpath paving, kerbing, guttering, crossings, street furniture, seats, letter bins, trees, shrubs, lawns, mounds, bushland, and similar structures or features on any road or public road within the meaning of the Local Government Act 1993 (NSW) or any public place; and

"Infrastructure Restoration Fee" means the Infrastructure Restorations Fee calculated in accordance with the Schedule of Fees & Charges adopted by Council as at the date of payment and the cost of any inspections required by the Council of Council Property associated with this condition.

Reason: To maintain public infrastructure

# Conditions to be satisfied prior to the issue of the Construction Certificate

### 6. Long service levy

In accordance with Section 109F(i) of the Environmental Planning and Assessment Act a Construction Certificate shall not be issued until any long service levy payable under Section 34 of the Building and Construction Industry Long Service Payments Act 1986 (or where such levy is payable by installments, the first installment of the levy) has been paid. Council is authorised to accept payment. Where payment has been made elsewhere, proof of payment is to be provided to Council.

**Reason:** Statutory requirement.

### 7. Builder's indemnity insurance

The applicant, builder, developer or person who does the work on this development, must arrange builder's indemnity insurance and submit the certificate of insurance in accordance with the requirements of Part 6 of the Home Building Act 1989 to the 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. The builder's indemnity insurance does not apply to commercial or industrial building work or to residential work valued at 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).

**Reason:** Statutory requirement.

#### 8. **Design changes**

To reduce the visual impact of the development on the streetscape and on the adjoining golf course and to reduce privacy impacts on the adjoining development at 11-15 Curagul Road, the following design changes shall be implemented:

- a) The front masonry walls, including those to the private open spaces, the garbage store area, courtyards, access-ways and palisade entry gate fencing including support piers/ posts are to have a maximum height of 1.6 metres.
- b) The maximum height of the palisade fencing within the development site and along the rear boundary are not to be greater than 1.6 metres from the finished ground level.
- c) The palisade fencing must be a dark, non reflective and recessive colour.
- d) A suitable privacy screen which is at least 75% obscure, constructed to a minimum 1.6 metres in height above the finished deck level is to be provided along the eastern end of the deck to Dwelling 17.

Details of the above shall accompany the Construction Certificate.

Reasons: To protect the environment.

### 9. External finishes and materials (new building)

Prior to the issue of the Construction Certificate, the Certifying Authority shall be satisfied that the external finishes of the building are consistent with the character of the streetscape. The materials are to be complimentary to the approved architectural appearance of the development. Nothing in this condition is to be construed as permitting the replacement of previously submitted materials with inferior or inadequate materials or finishes.

**Note:**Details of the colour, finish and substance of all external materials, including schedules and a sample board of materials and colours, are to be submitted.

**Reason:** To protect the streetscape and the integrity of the approved development.

### 10. Outdoor lighting

Prior to the issue of a Construction Certificate, the Certifying Authority shall be satisfied that all outdoor lighting will comply with AS/NZ1158.3: 1999 Pedestrian Area (Category P) Lighting and AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting.

**Note:** Details demonstrating compliance with these requirements are to be submitted prior to the issue of a Construction Certificate.

**Reason:** To provide high quality external lighting for security without adverse affects on public amenity from excessive illumination levels.

### 11. Access for people with disabilities (residential)

Prior to the issue of the Construction Certificate, the Certifying Authority shall be satisfied that access for people with disabilities to and from and between the public domain, residential units and all common open space areas is provided. Consideration must be given to the means of dignified and equitable access.

Compliant access provisions for people with disabilities shall be clearly shown on the plans submitted with the Construction Certificate. All details shall be provided to the Principal Certifying Authority prior to the issue of the Construction Certificate. All details shall be prepared in consideration of the Disability Discrimination Act, and the relevant provisions of AS1428.1, AS1428.2, AS1428.4 and AS 1735.2.

**Reason:** To ensure the provision of equitable and dignified access for all people in accordance with disability discrimination legislation and relevant Australian Standards.

### 12. Adaptable units

Prior to the issue of the Construction Certificate, the Certifying Authority shall be satisfied that the nominated adaptable units within the development application, Dwellings H6 and H7, are designed as adaptable housing in accordance with the provisions of Australian Standard AS4299-1995: Adaptable Housing.

**Note:** Evidence from an appropriately qualified professional demonstrating compliance with this control is to be submitted to and approved by the Certifying Authority prior to the issue of the Construction Certificate.

**Reason:** Disabled access & amenity.

## 13. Section 94 contribution – residential development

A contribution pursuant to section 94 of the Environmental Planning and Assessment Act as specified in Ku-ring-gai Section 94 Contributions Plan 2004-2009 for the services detailed in column A and for the amount detailed in Column B is required.

Column A	Column B
community facilities	\$1117.76
park acquisition and embellishment works	\$4723.00
sportsgrounds works	\$1318.32
aquatic / leisure centres	\$27.82
traffic and transport	\$150.28
section 94 Plan administration	<u>\$100.04</u>
Total contribution is:	\$330,510.34

The contribution shall be paid to Council prior to the commencement of any development (including demolition) or prior to the issue of the Construction Certificate (whichever comes first). 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. Prior to payment, you are advised to check the contribution amount required with Council.

**Reason:** To ensure 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 the development.

### 14. Off street car parking

Prior to the issue of the Construction Certificate, certified parking lay-out plan to scale shall be provided demonstrating compliance with the Australian Standard 2890.1 - 2004 "Off-street car parking.

**Reason**: To ensure that parking spaces are in accordance with the approved development.

### 15. Garbage storage

Prior to the issue of the Construction Certificate, the Certifying Authority shall be satisfied that the development provides a common garbage collection/separation area sufficient in size to store all wheelie garbage bins and recycling bins provided by Council for the number of units in the development in accordance with DCP 40. The garbage collection point is to be accessible by Council's Waste Collection Services.

**Note:** The architectural plans are to be amended and provided to the Certifying Authority.

**Reason:** Environmental protection

## 16. Noise from plant in residential zone

Where any form of mechanical ventilation equipment or other noise generating plant is proposed as part of the development, prior to the issue of the Construction Certificate the Certifying Authority, shall be satisfied that the operation of an individual piece of equipment or operation of equipment in combination will not exceed more than 5dB(A) above the background level during the day when measured at the site's boundaries and shall not exceed the background level at night (10.00pm – 6.00 am) when measured at the boundary of the site.

**Note:** A certificate from an appropriately qualified acoustic engineer is to be submitted with the Construction Certificate, certifying that all mechanical ventilation equipment or other noise generating plant in isolation or in combination with other plant will comply with the above requirements.

**Reason:** To comply with best practice standards for residential acoustic amenity

### 17. Energy Australia requirements

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 indicated 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.

**Reason:** To ensure compliance with the requirements of Energy Australia.

#### 18. Utility provider requirements

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 development. A written copy of the requirements of each provider, as determined necessary by the Certifying Authority, must be obtained. All utility services or appropriate conduits for the same must be provided by the developer in accordance with the specifications of the utility providers.

**Reason:** To ensure compliance with the requirements of relevant utility providers.

### 19. Underground services

All electrical services (existing and proposed) shall be undergrounded from the proposed building on the site to the appropriate power pole(s) or other connection point. Undergrounding of services must not disturb the root system of existing trees and shall be undertaken in accordance with the

requirements of the relevant service provided. Documentary evidence that the relevant service provider has been consulted and that their requirements have been met are to be provided to the Certifying Authority prior to the issue of the Construction Certificate. All electrical and telephone services to the subject property must be placed underground and any redundant poles are to be removed at the expense of the applicant.

**Reason:** To provide infrastructure that facilitates the future improvement of the streetscape by relocation of overhead lines below ground

#### 20. Stormwater management plan

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
- 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 and 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 Ku-ring-gai Council Development Control Plan 47 and/or BASIX commitments
- details of the required on-site detention tanks required by Ku-ring-gai 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 is 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 Council's Water Management Development Control Plan 47, Australian Standards 3500.2 and 3500.3 - Plumbing and Drainage Code and the Building Code of Australia. The plans may be generally based on the Stormwater management Concept Plan by AFCE Environment and Building submitted with the development application, which are to be advanced as necessary for construction certificate issue purposes.

**Reason:** To protect the environment.

### 21. Sydney Water Section 73 Compliance Certificate (Part 1)

Prior to the issue of a Construction Certificate, a Compliance Certificate under Section 73 of the Sydney Water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Co-ordinator. For details see the Sydney Water web site www.sydneywater.com.au, or telephone 13 20 92.

Following application, a notice of requirements will be forwarded, detailing water and sewer extensions to be built and charges to be paid. Early contact with the coordinator is advisable since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design. Details of any requirements of Sydney Water are to be provided with the Construction Certificate documentation.

**Reason:** Statutory requirement.

#### 22. Stormwater retention

Prior to the issue of a Construction Certificate, the Principal Certifying Authority is to be satisfied that:

- 1. A mandatory rainwater retention and re-use system, comprising storage tanks and ancillary plumbing is provided. 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 Water Management Development Control Plan 47; and
- 2. An on-site stormwater detention system must be provided 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 having regard to the specified volume concession offered in lieu of installing rainwater retention tanks. The on-site detention system must be designed by a qualified civil/hydraulic engineer and must satisfy the design controls set out in Appendix 5 of DCP 47.

**Reason:** To protect the environment.

#### 23. Utility provider requirements

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 development. A written copy of the requirements of each provider, as determined necessary by the Certifying Authority, must be obtained. All utility services or appropriate conduits for the same must be provided by the developer in accordance with the specifications of the utility providers.

#### Ordinary Meeting of Council - 17 July 2007

Item 2

**Reason:** To ensure compliance with the requirements of relevant utility providers.

#### 24. Repair/ replacement of trunk drainage system

Prior to issue of the Construction Certificate the Applicant must have engineering plans and specifications prepared by a qualified consulting engineer for the repair/ replacement of the trunk drainage system through the site. This includes the provision of backfill and cover where necessary to achieve design levels. The plans are to be approved by Council engineers. The plans to be assessed must be to a detail suitable for construction issue purposes.

The required plans and specifications are to be designed in accordance with the *General Specification for the Construction of Road and Drainage Works in Ku-ring-gai Council*, dated November 2004. The drawing must detail existing utility services and trees affected by the works, erosion control requirements and traffic management requirements during the course of works. Survey must be undertaken as required. 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). Construction of the works must proceed only in accordance with any conditions attached to the stamped Council approval.

A minimum of three (3) weeks will be required for Council to assess submission. Early submission is recommended to avoid delays in obtaining a Construction Certificate. An engineering assessment and inspection 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. 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.

**Reasons**: To control stormwater and protect the environment.

#### 25. Design of works in public road (Roads Act approval)

Prior to issue of the Construction Certificate, the Certifying Authority shall be satisfied that engineering plans and specifications prepared by a qualified consulting engineer have been approved by Council's Development Engineer. The plans to be assessed must be to a detail suitable for construction issue purposes and must detail the following infrastructure works required in (enter street name) Street:

- New kerb and gutter and road shoulder for the frontage of the site;
- New footpath for the frontage of the site;
- Construction of a suitable drainage pit in pace of the open excavation (this work to include the covering/ relocation of the PVC sewer service either to the satisfaction of Sydney Water or by a licensed plumber in accordance with the PUmbing and Drainage Code).

Development consent does not give approval to these works in the road reserve. The applicant must obtain a separate approval under sections 138 and 139 of The Roads Act 1993 for the works in the road reserve required as part of the development. The Construction Certificate must not be issued,

and these works must not proceed until Council has issued a formal written approval under the Roads Act 1993.

The required plans and specifications are to be designed in accordance with the General Specification for the Construction of Road and Drainage Works in Ku-ring-gai Council, dated November 2004. The drawings must detail existing utility services and trees affected by the works, erosion control requirements and traffic management requirements during the course of works. Survey must be undertaken as required. 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). Construction of the works must proceed only in accordance with any conditions attached to the Roads Act approval issued by Council.

A minimum of three (3) weeks will be required for Council to assess the Roads Act application. Early submission of the Roads Act application is recommended to avoid delays in obtaining a Construction Certificate. An engineering assessment and inspection 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. 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.

**Reason:** To ensure that the plans are suitable for construction purposes.

# Conditions to be satisfied prior to the issue of the construction certificate or prior to demolition, excavation or construction (whichever comes first)

#### 26. Notice of commencement

At least 48 hours prior to the commencement of any development or excavation works, a notice of commencement of building or subdivision work form and appointment of the principal certifying authority form shall be submitted to Council.

**Reason:** Statutory requirement.

#### 27. Notification of builder's details

Prior to the commencement of any development or excavation works, the Principal Certifying Authority shall be notified in writing of the name and contractor licence number of the owner/builder intending to carry out the approved works.

**Reason:** Statutory requirement.

#### 28. Site notice

A site notice shall be erected on the site prior to any work commencing and shall be displayed throughout the works period.

The site notice must:

- be prominently displayed at the boundaries of the site for the purposes of informing the public that unauthorised entry to the site is not permitted
- display project details including, but not limited to the details of the builder, Principal Certifying Authority and structural engineer
- be durable and weatherproof
- display the approved hours of work, the name of the site/project manager, the responsible managing company (if any), its address and 24 hour contact phone number for any inquiries, including construction/noise complaint are to be displayed on the site notice
- be mounted at eye level on the perimeter hoardings/fencing and is to state that unauthorised entry to the site is not permitted

**Reason:** To ensure public safety and public information

#### 29. Erosion control

Temporary sediment and erosion control and measures are to be installed prior to the commencement of any works on the site. These measures 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.

**Reason:** To protect the environment from erosion and sedimentation

#### 30. Erosion and drainage management

Earthworks and/or demolition of any existing buildings shall not commence until an erosion and sediment control plan is submitted to and approved by the Principal Certifying Authority. The plan shall comply with the guidelines set out in the NSW Department of Housing manual "Managing Urban Stormwater: Soils and Construction" certificate. Erosion and sediment control works shall be implemented in accordance with the erosion and sediment control plan.

**Reason:** To preserve and enhance the natural environment

#### 31. Construction waste management plan

Prior to the commencement of any works, the Principal Certifying Authority shall be satisfied that a waste management plan, prepared by a suitably qualified person, has been prepared in accordance with Council's DCP 40 – Construction and Demolition Waste Management.

The plan shall address all issues identified in DCP 40, including but not limited to: the estimated volume of waste and method for disposal for the construction and operation phases of the development.

**Note:** The plan shall be provided to the Certifying Authority.

**Reason:** To ensure appropriate management of construction waste.

#### 32. Construction and traffic management plan

Prior to the commencement of any works on site, the applicant must submit for review by Council's engineers a construction and traffic management plan. The following matters must be specifically addressed in the plan:

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

- dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and construction related vehicles in the frontage roadways
- turning areas within the site for construction and spoil removal vehicles, allowing a forward egress for all construction vehicles on the site
- the locations of proposed work zones in the frontage roadways
- location of any proposed crane and concrete pump and truck standing areas on and off the site
- 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
- an on-site parking area for employees, tradespersons and construction vehicles as far as possible

#### 2. Traffic control plan(s) for the site

All traffic control plans must be in accordance with the RTA publication "Traffic Control Worksite Manual" and prepared by a suitably qualified person (minimum '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 stage.

Approval is to be obtained from Council for any temporary road closures or crane use from public property. Applications to Council shall be made a minimum of 4 weeks prior to the activity proposed being undertaken.

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

Light traffic roads and those subject to a load or height limit must be avoided where alternate routes exist.

A copy of this route is to be made available to all contractors and shall be clearly depicted at a location within the site.

The plan must provide evidence of RTA concurrence where construction access is provided directly from or within 20m of an arterial road.

The plan must provide a schedule of site inductions to be held on regular occasions and as determined necessary to ensure all new employees are aware of their construction management obligations. These must specify that construction-related vehicles are to comply with the approved requirements.

The plan must provide measures for minimising construction related traffic movements during school peak periods.

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

The construction and traffic management plan shall be prepared by a suitably qualified and experienced traffic consultant and be certified by this person as being in accordance with the requirements of the abovementioned documents and the requirements of this condition. The construction management measures contained in the approved plan shall be implemented in accordance with the plan prior to the commencement of, and during, works on-site including excavation.

As the plan has a direct impact on the local road network, the plan shall be submitted to and reviewed by Council's Development Engineer. Written acknowledgment from Council's Engineer 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.

**Reason:** To ensure that appropriate measures have been considered during all phases of the construction process in a manner that maintains the environmental amenity and ensures the ongoing safety and protection of people.

#### 33. Dilapidation photos (public infrastructure)

Prior to the commencement of any works on site the applicant must submit to Ku-ring-gai Council and the Principle Certifying Authority a photographic record on the visible condition of the existing public infrastructure over the full site frontage (in colour – preferably saved to dc-rom in 'jpg' format). The photos must include detail of:

- the existing footpath
- the existing kerb and gutter
- the existing full road surface between kerbs
- the existing verge area
- the existing driveway and layback where to be retained
- any existing drainage infrastructure including pits, lintels, grates.

Particular attention must be paid to accurately recording any pre-developed Damaged areas on the aforementioned infrastructure so that Council is fully informed when assessing damage to public

infrastructure cause as a result of the development (which is not to be repaired by the Applicant as part of the development). The developer may be held liable to all damage to public infrastructure in the vicinity of the site, where such damage is not accurately recorded and demonstrated under the requirements of this condition prior to the commencement of any site works.

Reason: To protect public infrastructure

# Conditions to be satisfied during the demolition, excavation and construction phases

#### 34. Approved plans to be on site

A copy of all approved and certified plans, specifications and documents incorporating conditions of consent and certification (including the Construction Certificate if required for the work) shall be kept on site at all times during the demolition, excavation and construction phases and must be readily available to any officer of Council or the Principal Certifying Authority.

**Reason:** To ensure that the development is in accordance with the determination of Council.

#### 35. **Prescribed conditions**

The applicant shall comply with any relevant prescribed conditions of development consent under clause 98 of the Environmental Planning and Assessment Regulation. For the purposes of section 80A (11) of the Environmental Planning and Assessment Act, the following conditions are prescribed in relation to a development consent for development that involves any building work:

- The work must be carried out in accordance with the requirements of the Building Code of Australia,
- In the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any works commence.

**Reason:** Statutory requirement.

#### 36. Footings and excavation near easements

Footings to be located adjacent to easements and/or Council drainage pipes shall be sited and constructed so that all footings are located outside of easement boundaries.

The applicant shall refer to Council Plan 80-011 concerning such works. Footings must extend to at least the depth of the invert of the adjacent pipe within the easement unless the footings are to be placed on competent bedrock. If there is no pipe within the easement, a future depth of pipe of 1.6 metres is to be assumed for future pipe placement. If there is a Council pipe without an easement a future easement width of 1.8 metres centred on the pipeline is to be adopted.

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

**Reason:** To ensure structural stability.

#### 37. Structures to be clear of drainage easements

During all phases of demolition, excavation and construction, it is the full responsibility of the applicant and their contractors to:

- ascertain the exact location of the Council drainage pipe traversing the site in the vicinity of the works
- take full measures to protect the in-ground Council drainage system
- ensure dedicated overland flow paths are satisfactorily maintained through the site

Drainage pipes can be damaged through applying excessive loading (such as construction machinery, material storage and the like). All proposed structures and construction activities are to be sited fully clear of Council drainage pipes, drainage easements, watercourses and trunk overland flow paths on the site. Trunk or dedicated overland flow paths must not be impeded or diverted by fill or structures unless otherwise approved.

If a Council drainage pipeline is uncovered during construction, all work is to cease and the Principal Certifying Authority and Council must be contacted immediately for advice. Any damage caused to a Council drainage system must be immediately repaired in full as directed and at no cost to Council.

**Reason:** To protect existing Council infrastructure and maintain over land flow paths.

#### 38. Drainage to interallotment easement

Stormwater runoff from all new impervious areas and subsoil drainage systems shall be piped and connected to the interallotment stormwater drainage line benefiting the site. The interallotment line must be covered by the necessary easement for drainage which may exist or need to be created under this consent.

**Reason:** To protect the environment.

#### 39. Demolition, excavation and construction work hours

Demolition, excavation, construction work and deliveries of building material and equipment must not take place outside the hours of 7.00am to 5.00pm Monday to Friday and 8.00am to 12.00pm Saturday. No work and no deliveries are to take place on Sundays and public holidays.

Excavation or removal of any materials using machinery of any kind, including compressors and jack hammers, must be limited to between 9.00am and 4.00pm Monday to Friday, with regular breaks of 15 minutes each hour.

**Reason:** To ensure reasonable standards of amenity to neighbouring properties

#### 40. Services

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 applicant's full responsibility to make contact with the relevant utility authorities to ascertain the impacts of the proposal upon utility services (including water, phone, gas and the like). Council accepts no responsibility for any matter arising from its approval to this application involving any influence upon utility services provided by another authority.

**Reason**: Provision of Utility Services

#### 41. Road reserve safety

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 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.

**Reason**: To ensure safe public footways and roadways during construction.

#### 42. Inspections

Any development related inspections by Ku-ring-gai Council engineers, the corresponding fees set out in Council's adopted *Schedule of Fees and Charges* are payable to Council. A re-inspection fee per visit may be charged where work is unprepared at the requested time of inspection, or where remedial work is unsatisfactory and further inspection is required. Engineering fees must be paid in full prior to any final consent from Council.

Reasons: To ensure that works undertaken are to the satisfaction of Council

#### 43. Construction noise

During excavation, demolition and construction phases, noise generated from the site shall be controlled in accordance with the recommendations of the approved noise and vibration management plan.

**Reason:** To ensure reasonable standards of amenity to neighbouring properties.

#### 44. Dust control

During excavation, demolition and construction, adequate measures shall be taken to prevent dust from affecting the amenity of the neighbourhood. The following measures must be adopted:

- physical barriers shall be erected at right angles to the prevailing wind direction or shall be placed around or over dust sources to prevent wind or activity from generating dust
- earthworks and scheduling activities shall be managed to coincide with the next stage of development to minimise the amount of time the site is left cut or exposed
- all materials shall be stored or stockpiled at the best locations
- the ground surface should be dampened slightly to prevent dust from becoming airborne but should not be wet to the extent that run-off occurs
- all vehicles carrying spoil or rubble to or from the site shall at all times be covered to prevent the escape of dust
- all equipment wheels shall be washed before exiting the site using manual or automated sprayers and drive-through washing bays
- gates shall be closed between vehicle movements and shall be fitted with shade cloth
- cleaning of footpaths and roadways shall be carried out daily

**Reason:** To protect the environment and amenity of surrounding properties

#### 45. Use of road or footpath

During excavation, demolition and construction phases, no building materials, plant or the like are to be stored on the road or footpath without written approval being obtained from 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.

**Reason:** To ensure safety and amenity of the area.

#### 46. Guarding excavations

All excavation, demolition and construction works shall be properly guarded and protected with hoardings or fencing to prevent them from being dangerous to life and property.

**Reason:** To ensure public safety

#### 47. **Toilet facilities**

During excavation, demolition and construction phases, toilet facilities are to be provided, on the work site, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.

**Reason:** Statutory requirement

## Conditions to be satisfied prior to the issue of an Occupation Certificate

#### 48. Compliance with BASIX Certificate

Prior to the issue of an Occupation Certificate, the Principal Certifying Authority shall be satisfied that all commitments listed in BASIX Certificate No. 107956M have been complied with.

**Reason:** Statutory requirement.

#### 49. Infrastructure repair

Prior to issue of the Occupation Certificate, the Principal Certifying Authority must be satisfied that any damaged public infrastructure caused as a result of construction works (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 Development Engineer and at no cost to Council.

**Reason:** To protect public infrastructure.

#### 50. Retention and re-use positive covenant

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" and to the satisfaction of Council (refer to appendices of Ku-ring-gai Water Management Development Control Plan No. 47). 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 to and approved by the Principal Certifying Authority prior to issue of an Occupation Certificate.

**Reason:** To protect the environment.

N:\070717-OMC-PR-03700-9A CURAGUL ROAD NORTH TUR.doc/kford/46

### 51. Provision of copy of OSD designs if Council is not the PCA

Prior to issue of the Occupation Certificate, the following must be provided to Council's Development Engineer:

- a copy of the approved Construction Certificate stormwater detention/retention design for the site
- A copy of any works-as-executed drawings required by this consent
- The Engineer's certification of the as-built system.

**Reason:** For Council to maintain its database of as-constructed on-site stormwater detention systems.

#### 52. Certification of drainage works (dual occupancies and above)

Prior to issue of the Occupation Certificate, the Principal Certifying Authority is to be satisfied that:

- the stormwater drainage works have been satisfactorily completed in accordance with the approved Construction Certificate drainage plans
- the minimum retention and on-site detention storage volume requirements of BASIX and Kuring-gai Water Management Development Control Plan No. 47 respectively, have been achieved
- retained water is connected and available for use
- 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 Water Management Development Control Plan No. 47
- all grates potentially accessible by children are secured
- 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 Building Code of Australia
- 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 rainwater certification sheet contained in Appendix 13 of the Ku-ring-gai Water Management Development Control Plan No. 47, must be completed and attached to the certification. Where an

on-site detention system has been constructed, the on-site detention certification sheet contained in Appendix 4 of DCP 47 must also be completed and attached to the certification.

**Note:** Evidence from a qualified and experienced consulting civil/hydraulic engineer documenting compliance with the above is to be provided to Council prior to the issue of an Occupation Certificate.

**Reason:** To protect the environment.

# 53. WAE plans for stormwater management and disposal (dual occupancy and above)

Prior to issue of the Occupation Certificate, a registered surveyor must provide a works as executed survey of the completed stormwater drainage and management systems. The survey must be submitted to and approved by the Principal Certifying Authority prior to issue of the Occupation Certificate. The 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 works as executed 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.

**Reason:** To protect the environment.

#### 54. Construction of works in public road – approved plans

Prior to issue of the Occupation Certificate, the Principal Certifying Authority must be satisfied that all approved road, footpath and/or drainage works have been completed in the road reserve in accordance with the Council Roads Act approval and accompanying drawings, conditions and specifications.

The works must be supervised by the applicant's designing engineer and completed and approved to the satisfaction of Ku-ring-gai Council.

The supervising consulting engineer is to provide certification upon completion that the works were constructed in accordance with the Council approved stamped drawings. The works must be subject to inspections by Council at the hold points noted on the Roads Act approval. All conditions attached to the approved drawings for these works must be met prior to the Occupation Certificate being issued.

**Reason:** To ensure that works undertaken in the road reserve are to the satisfaction of Council.

#### 55. Infrastructure repair

Prior to issue of the Occupation Certificate, the Principal Certifying Authority must be satisfied that any damaged public infrastructure caused as a result of construction works (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 Development Engineer and at no cost to Council.

**Reason:** To protect public infrastructure.

#### 56. Works on trunk drainage pipe

Prior to issue of the Occupation Certificate all works on Council's underground stormwater drainage pipe must be completed in accordance with the Council stamped drawings, conditions and specifications. This includes the provision of backfill and cover where necessary to achieve design levels. The works must be supervised by the applicant's designing engineer and the works shall be completed and approved to the full satisfaction of Ku-ring-gai Council in the interests of ensuring quality of work involving public assets. The supervising consulting engineer is to provide certification upon completion that the works were constructed in accordance with the Council stamped drawings. The works must be subject to inspections by council at the hold points note don the approval. All conditions attached to the approved drawings for these works must be met in full prior to the Occupation certificate being issued.

**Reason**: To protect Council's Infrastructure

#### 57. Sydney Water Section 73 Compliance Certificate

Prior to issue of an Occupation Certificate the Section 73 Sydney Water Compliance Certificate must be obtained and submitted to the Principle Certifying Authority.

**Reason**: Statutory Requirement.

#### 58. Certification of footings adjacent easement

Prior to issue of the Occupation Certificate the applicant shall submit for approval by the Principal Certifying Authority certification form a suitably qualified and experienced civil engineer, that:

- a) Footings, and any required permanent excavation or drainage easement support, have been constructed in accordance with the conditions of this Const relating to footings and excavation adjacent to drainage easements and/or drainage pipes, and
- b) Footings allow for complete future excavation over the full width of the easement

A copy of the certificate must also be provided to Council, attention Development Engineer, prior to issue of any Final Certificate.

**Reason**: To protect Council's Infrastructure

#### 59. CCTV report to council's system after works

Upon completion of works and prior to issue of the Occupation Certificate, a closed circuit television (CCTV) inspection and report on the Council drainage pipeline traversing the subject property is to be undertaken by appropriate contractors and provided to Council, attention Development Engineer. The report is to include a copy of the footage of the inside of the pipeline. Any damage to the pipeline must be repaired in full to the satisfaction of Council's Development Engineer at no cost to Council.

**Reason**: To protect Council's Infrastructure

#### Conditions to be satisfied prior to the issue of a Subdivision Certificate

#### 60. Requirements of public authorities for connection to services

Prior to the issue of the Subdivision Certificate, the Principal Certifying Authority shall be satisfied that the applicant has complied with the requirements of any public authorities (e.g. Energy Australia, Sydney Water, Telstra Australia, AGL, etc) in regard to the connection, relocation and/or adjustment of the services affected by the proposed subdivision. All costs related to the relocation, adjustment or support of services are the responsibility of the applicant.

**Note:** Details of compliance with the requirements of any relevant public authorities are to be submitted to the Principal Certifying Authority.

**Reason:** To ensure that services are available to the allotments of land

#### 61. **Provision of services**

Prior to issue of the Subdivision Certificate, separate underground electricity, gas and phone or appropriate conduits for the same, must be provided to each allotment to the satisfaction of the utility provider. A suitably qualified and experienced engineer or surveyor is to provide certification that all new lots have ready underground access to the services of electricity, gas and phone. Alternatively, a letter from the relevant supply authorities stating the same may be submitted to satisfy this condition.

**Reason:** Access to public utilities.

#### 62. Issue of Subdivision Certificate

The Subdivision Certificate must not be issued until all conditions of development consent have been satisfied and a final Occupation Certificate has been by the Principal Certifying Authority.

**Reason:** To ensure that the development is completed prior to transfer of responsibility for the site and development to another person.

#### 63. Submission of 88b instrument

Prior to the issue of the Subdivision Certificate, the applicant must submit an original instrument under Section 88B of the Conveyancing Act with the plan of subdivision, plus six (6) copies to Council. Ku-ring-gai Council must be named as the authority whose consent is required to release, vary or modify the instrument.

**Reason:** To create all required easements, rights-of-carriageway, positive covenants, restrictionson-use or other burdens/benefits as may be required.

#### 64. General easement/R.O.W. provision and certification

Prior to issue of the Subdivision Certificate, a registered surveyor is to provide details to Council that all physical structures are fully contained within the proposed allotments or will be fully covered by the proposed burdens upon registration of the final plan of subdivision. Alternatively, where the surveyor is of the opinion that creation of burdens and benefits is not required, then proof to this effect must be submitted to the Principal Certifying Authority.

**Reason:** To ensure that all physical structures are fully contained within the proposed allotments or will be fully covered by the proposed burdens upon registration of the final plan of subdivision.

#### 65. Easement for waste collection

Prior to issue of the Subdivision Certificate, an easement for waste collection is to be created under Section 88B of the Conveyancing Act 1919. This is to permit legal access for Council, Council's contractors and their vehicles over the subject property for the purpose of collecting waste from the property. The terms of the easement are to be generally in accordance with Council's draft terms for an easement for waste collection and shall be to the satisfaction of Council's Development Engineer.

**Reason:** To permit legal access for Council, Council's contractors and their vehicles over the subject site for waste collection.

ltem 2

### 66. Overland flow – Section 88B Instrument

The Applicant shall create a Restriction-on-use on the title of the subject property under Section 88B of the Conveying Act 1919. This restriction will be a variation to the existing restriction on use, which is to be extinguished. The restriction is to be over the 100 year ARI flood zone and must prevent the placement of any structures, walls, fences, fill or other items which may impede the 100 year ARI flood, within that zone. Ku-ring-gai Council is to be named as the authority whose consent is required to release, vary or modify the restriction.

**Reason**: To protect the environment

### 67. Submission of plans of subdivision (strata)

For issue of the subdivision certificate, the Applicant shall submit an original plan of subdivision plus six (6) copies suitable for endorsement by the consent authority. The following details must be submitted with the plan of Subdivision and its six copies, where Council is the consent authority:

- a) The endorsement fee current at the time of lodgment.
- b) The 88B Instrument plus six (6) copies.
- c) All surveyors and/ or consulting engineers certification(s) required under this subdivision consent.

All parking spaces and all areas of common property, including visitor car parking space and on site detention facilities, which are to be common property, must be included on the final plans of strata subdivision. Where Council is the certifying authority, officers will check the consent conditions on the subdivision. Failure to submit the required information will delay endorsement of the linen plan, and may require payment of re-checking fees. Plans of subdivision and copies must not be folded. Council will not accept bonds in lieu of completing subdivision works. If the certifying authority is not Council, then a copy of all the above must be provided to Council.

#### Conditions to be satisfied at all times

#### 68. Outdoor lighting

At all times for the life of the approved development, all outdoor lighting shall not detrimentally impact upon the amenity of other premises and adjacent dwellings and shall comply with, where relevant, AS/NZ1158.3: 1999 Pedestrian Area (Category P) Lighting and AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting.

**Reason:** To protect the amenity of surrounding properties.

#### 69. Maintenance period for works in public road

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 public infrastructure

2 / 53 9A Curagul Road, North Turramurra DA1377/05-2 10 July 2007

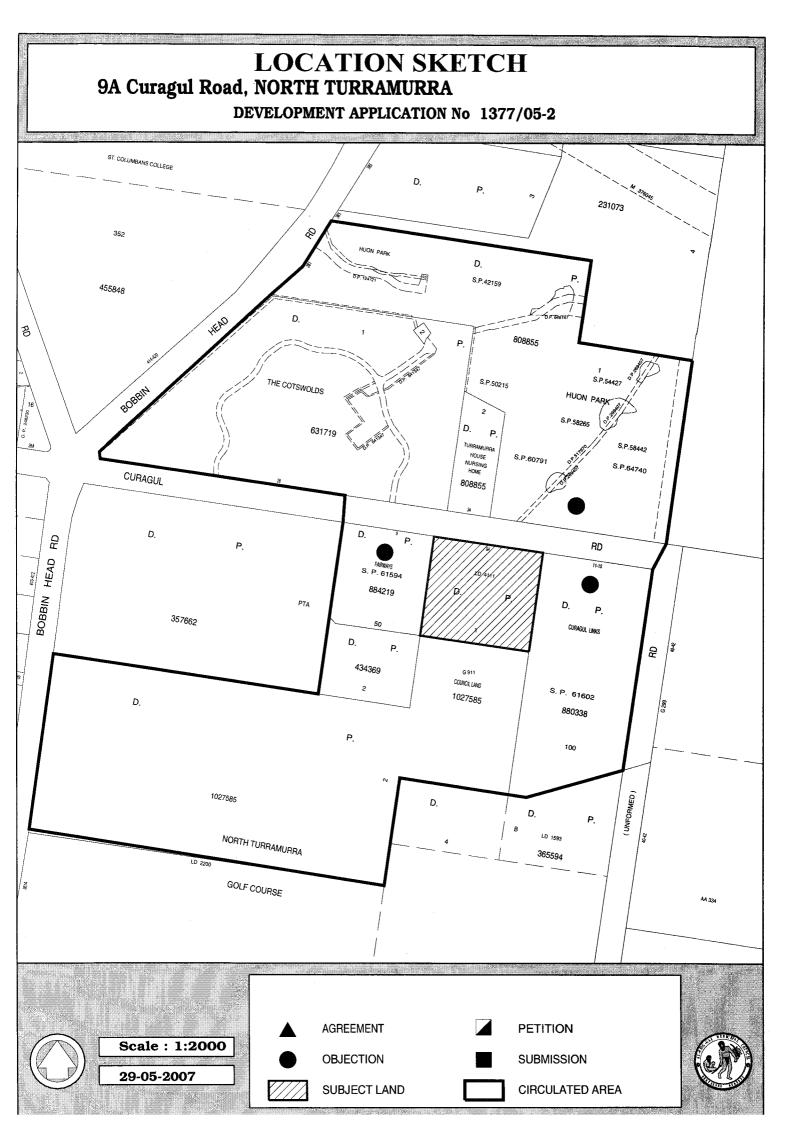
works which fails to perform in the designed manner, or as would reasonably be expected under the operating conditions. The maintenance period shall commence once the applicant received a formal letter from Council stating that the works involving public infrastructure have been completed satisfactorily.

**Reason**: To protect infrastructure.

S Garland Executive Assessment Officer Development Assessment – North S Segall Team Leader Development Assessment - North

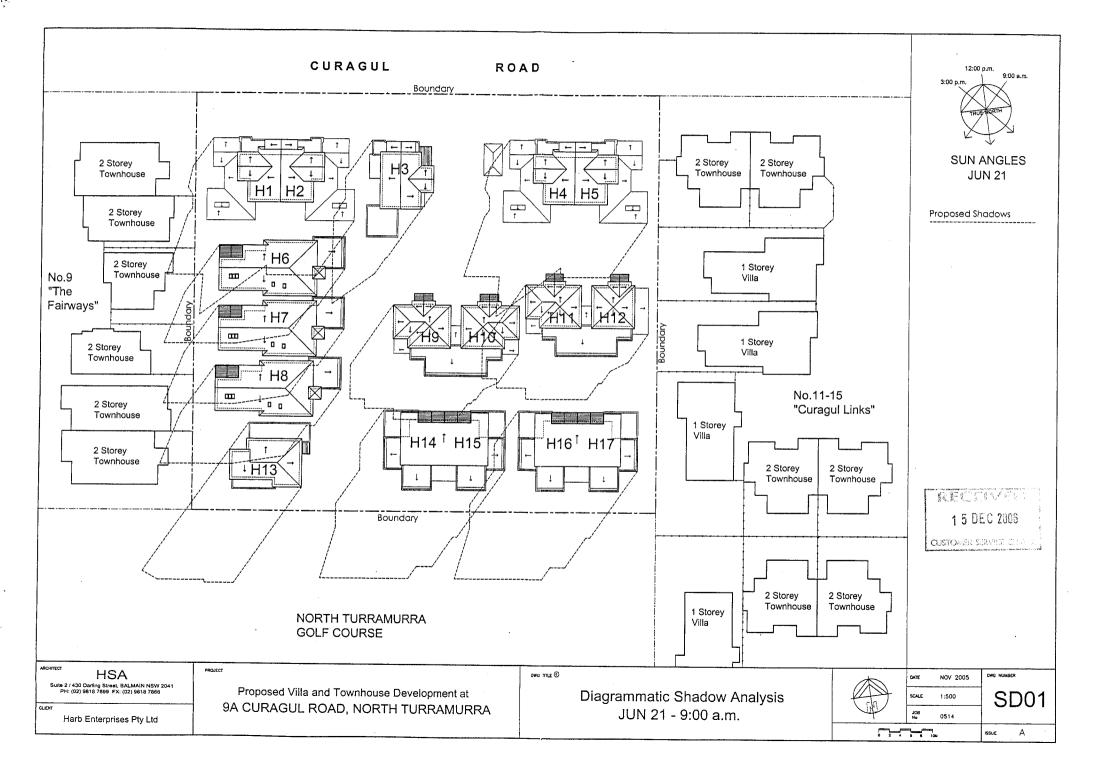
M Miocic Director Development & Regulation M Prendergast Manager Development Assessment Services

Attachments:Location plan<br/>Zoning plan<br/>Shadow plans<br/>Survey plan<br/>Site analysis plan<br/>Architectural plans<br/>Landscape plans<br/>Stormwater management concept plans<br/>Strata subdivision plans<br/>Previous Assessment Officer's report

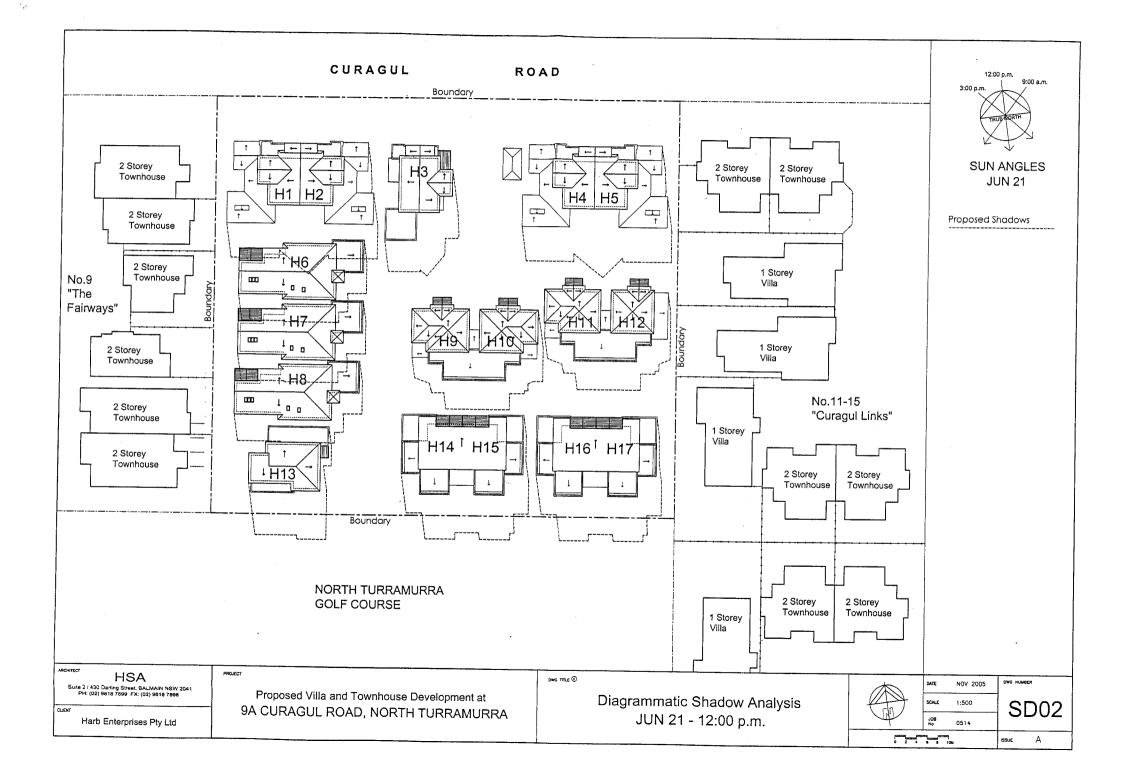


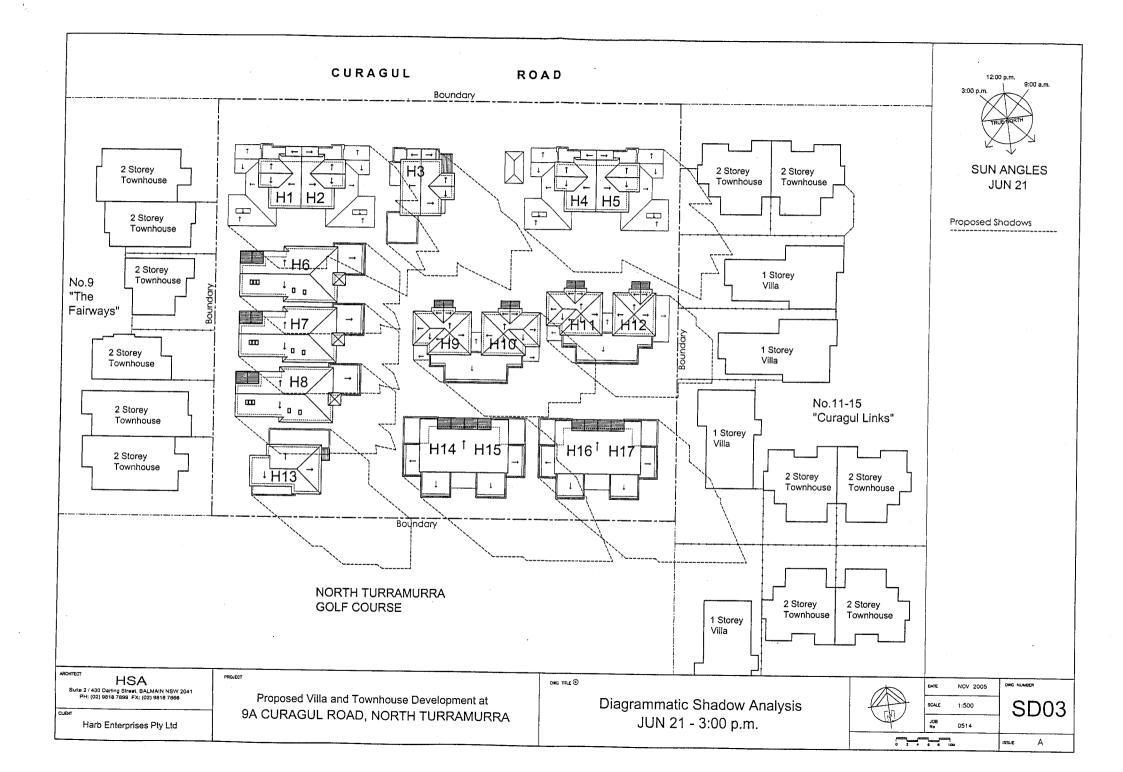
## **Zoning Extract** 9A CURAGUL ROAD NTH TURRAMURRA DA 1377/05-2 P. 2(c) 231073 352 D. D.P. 124721 P. 455848 D, D.P. 646743 핑 $\langle \diamond \rangle$ 1 808855 12 P 2 24823 37 631719 D. p RD 2(g) CURAGUL 808855 P RD 884219 ⁰2(h) D. P. Sol X 8 <sup>1027585</sup> 2(g) 880338 Ý

	ZONES		RESERVATIONS	GENERAL
2. RESIDENTIAL	3. BUSINESS	5. SPECIAL USES	OPEN SPACE	
(a) RESIDENTIAL A	(a) RETAIL SERVICES	(a) SPECIAL USES A (Schools etc)	(a) OPEN SPACE	
(b) RESIDENTIAL B	FLOOR SPACE BATIOS	(a1) SPECIAL USES A1 5(a1)	(Public Parks & Recreation)	EXISTING COUNTY ROAD
(c) RESIDENTIAL C	2(c) A1 2.0:1	(b) SPECIAL USES (Railway)	(b) COUNTY OPEN SPACE	OTHER PLANNING INSTRUMENTS
(c1) RESIDENTIAL C1	2(c1) A2 1.0:1		SPECIAL USES	
(c2) RESIDENTIAL C2	2(c2) A3 0.75:1		SPECIAL USES (Parking etc) PARKING	
(d) RESIDENTIAL D	2(d)			
(d3) RESIDENTIAL D3	(b) COMMERCIAL SERVICES		ROADS	
(e) RESIDENTIAL E	2(e)	(c) RECREATION PROPOSED	(a) COUNTY ROAD PROPOSED	
(f) RESIDENTIAL F	FLOOR SPACE RATIOS	-	(b) COUNTY ROAD WIDENING	Scale: 1:3000
(g) RESIDENTIAL G	B1 1.0;1	3(6):481)	(c) LOCAL ROAD PROPOSED	
(h) RESIDENTIAL H	B2 1.0;1	3(6)-(82)	(d) LOCAL ROAD WIDENING	Date:29-05-2007

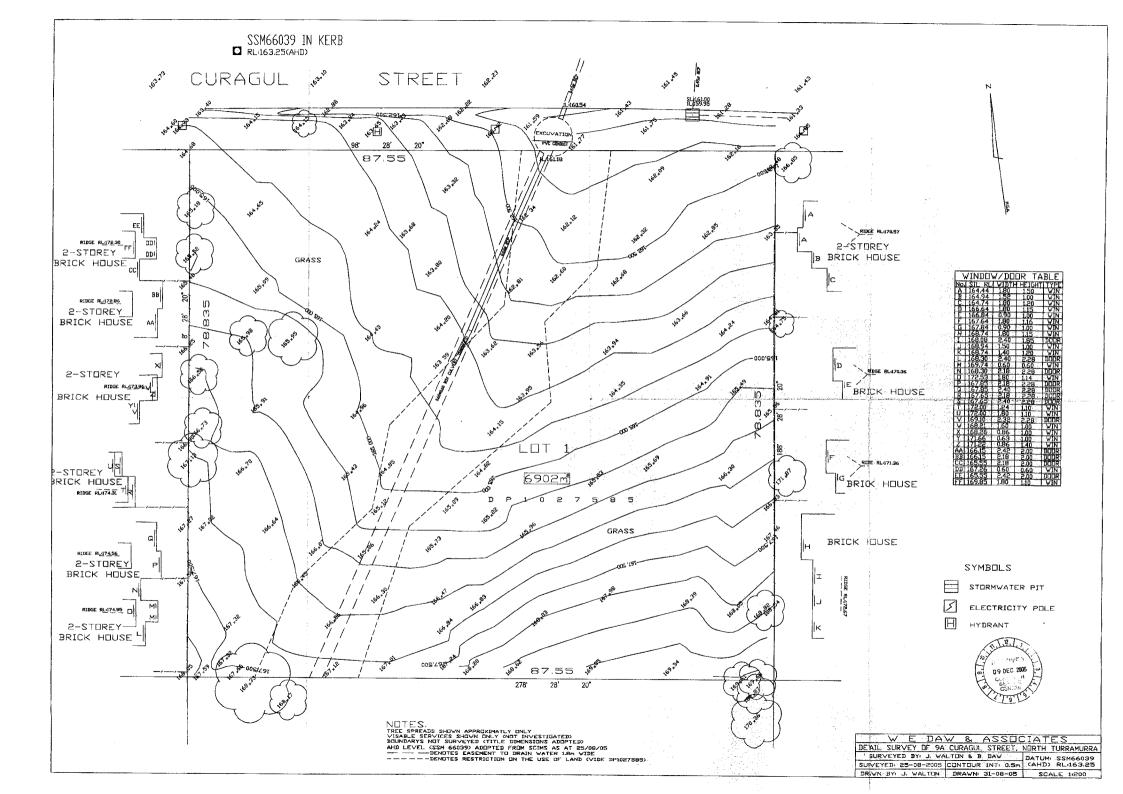


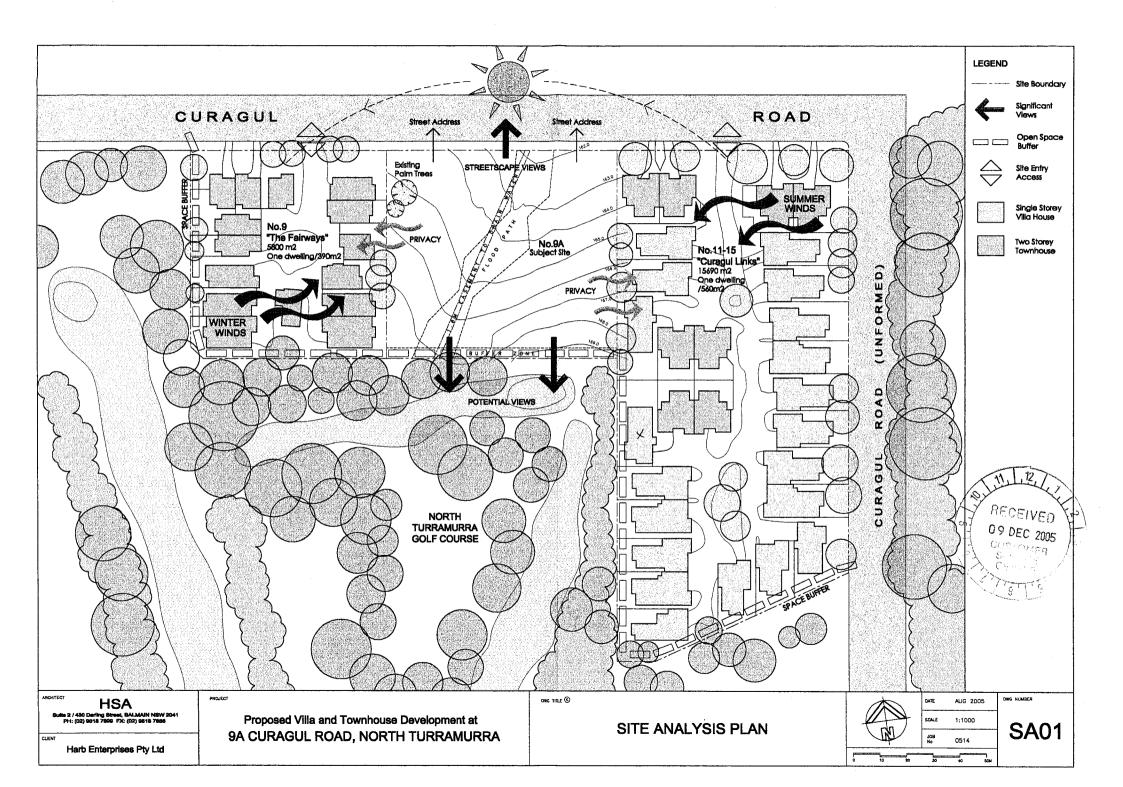
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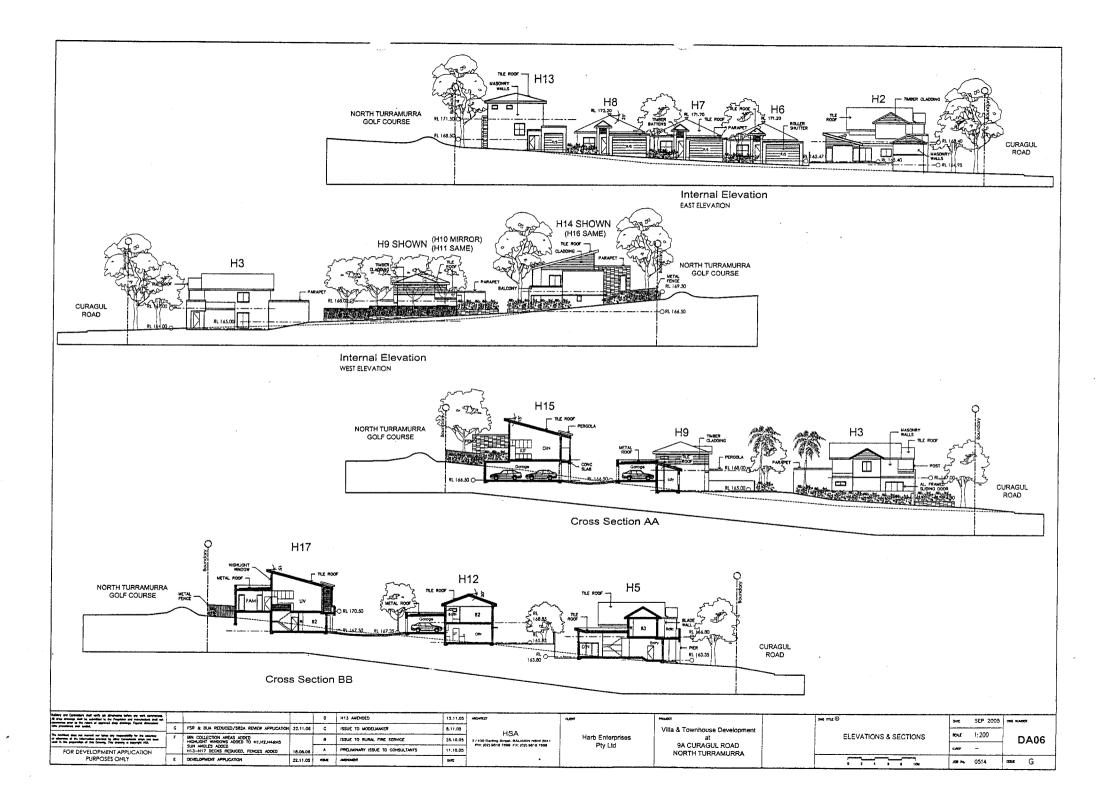


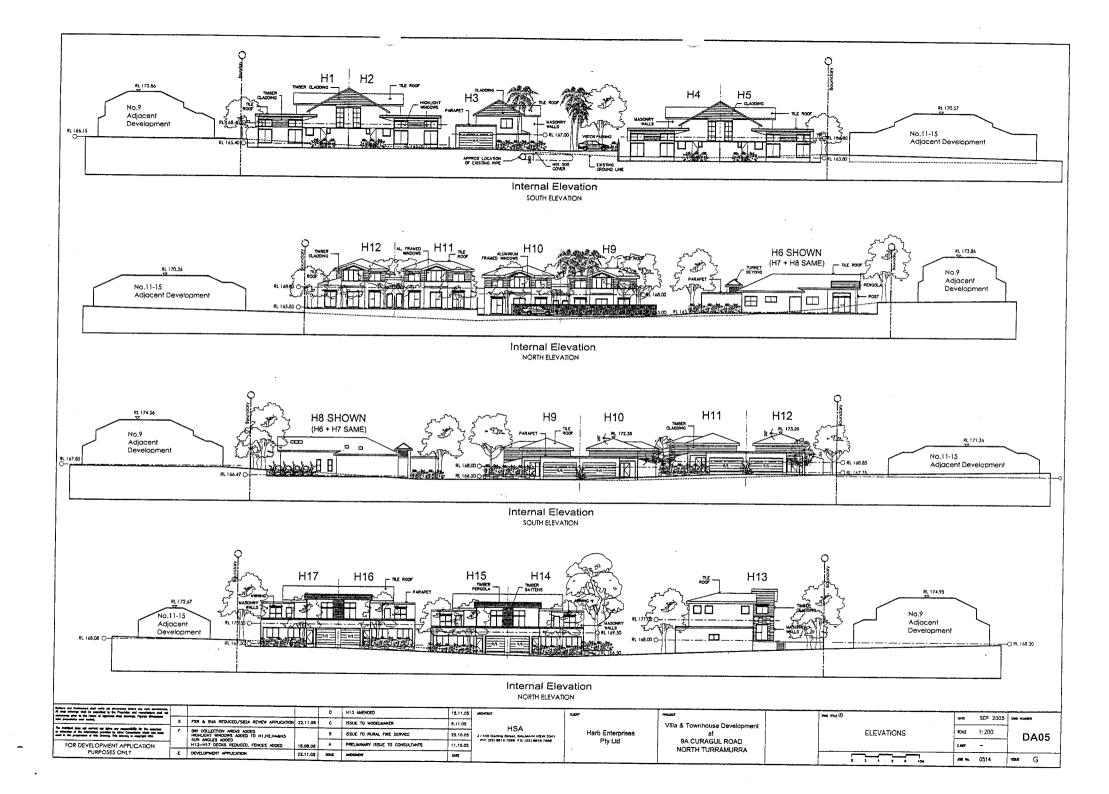


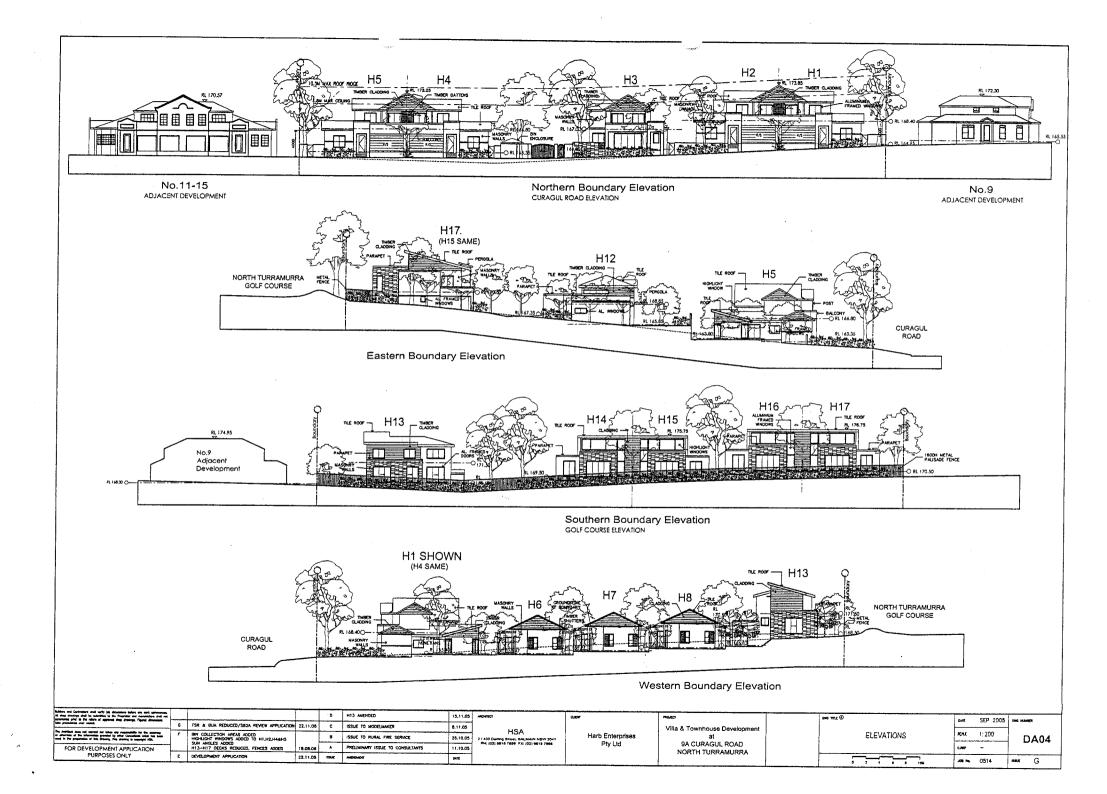
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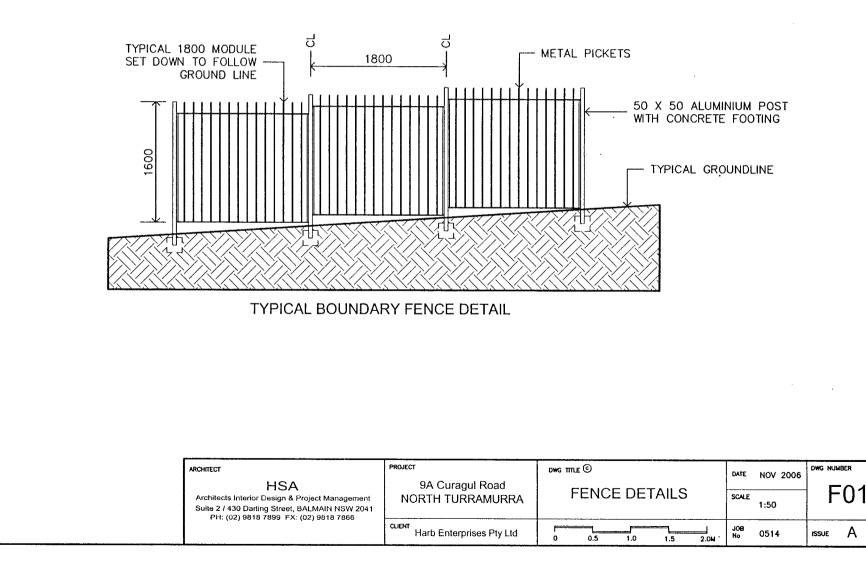


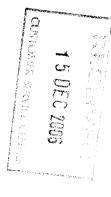




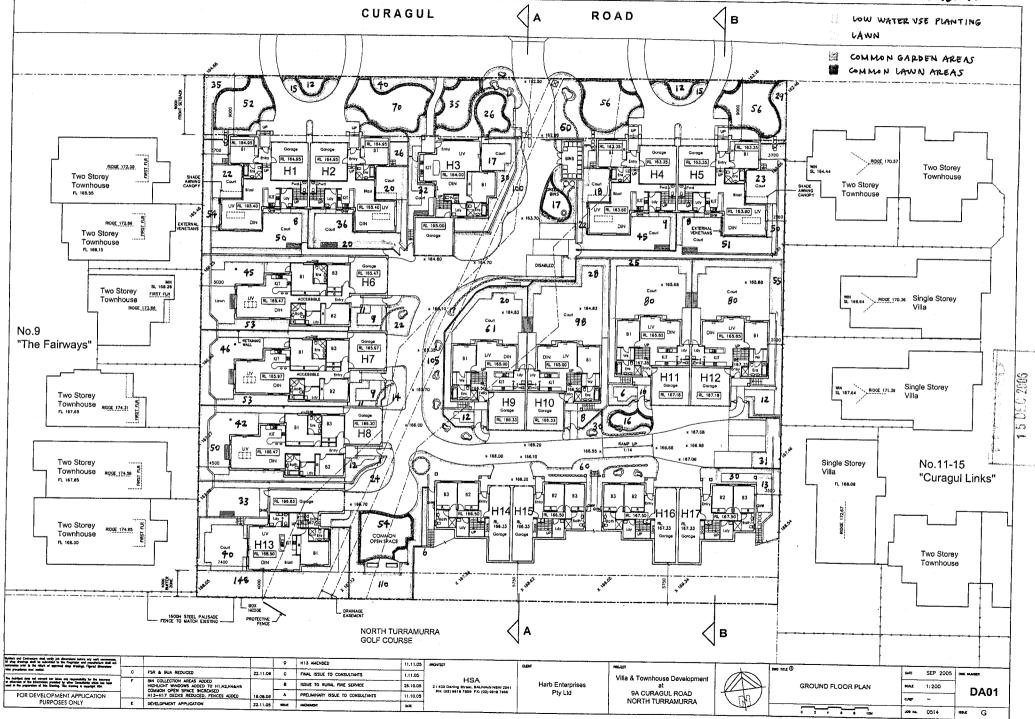




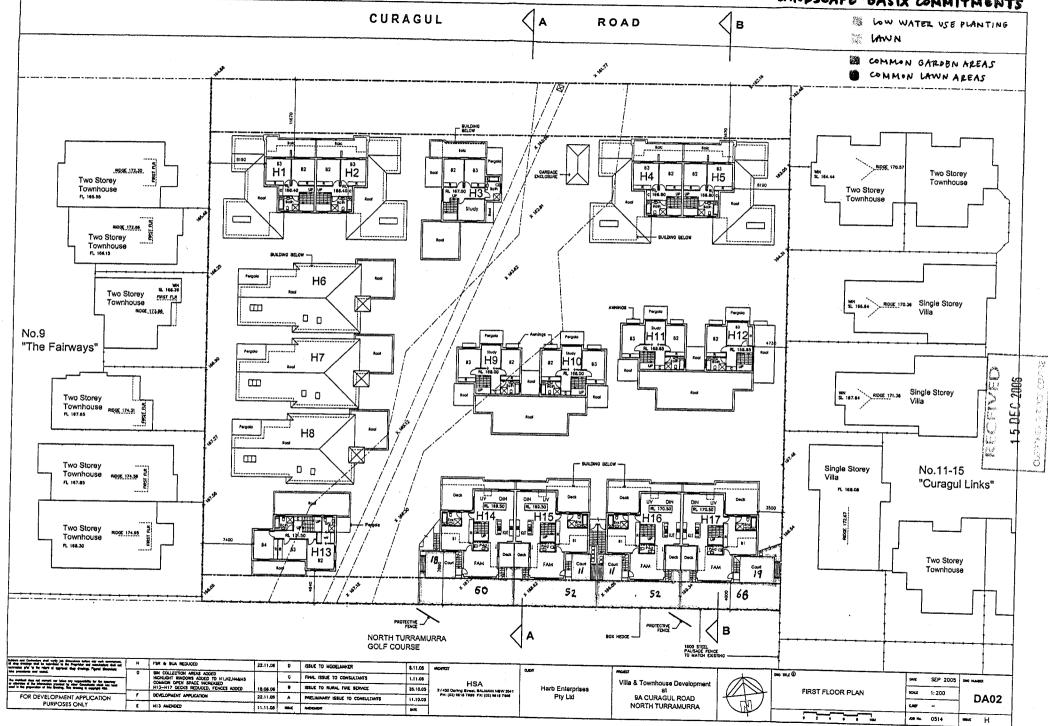


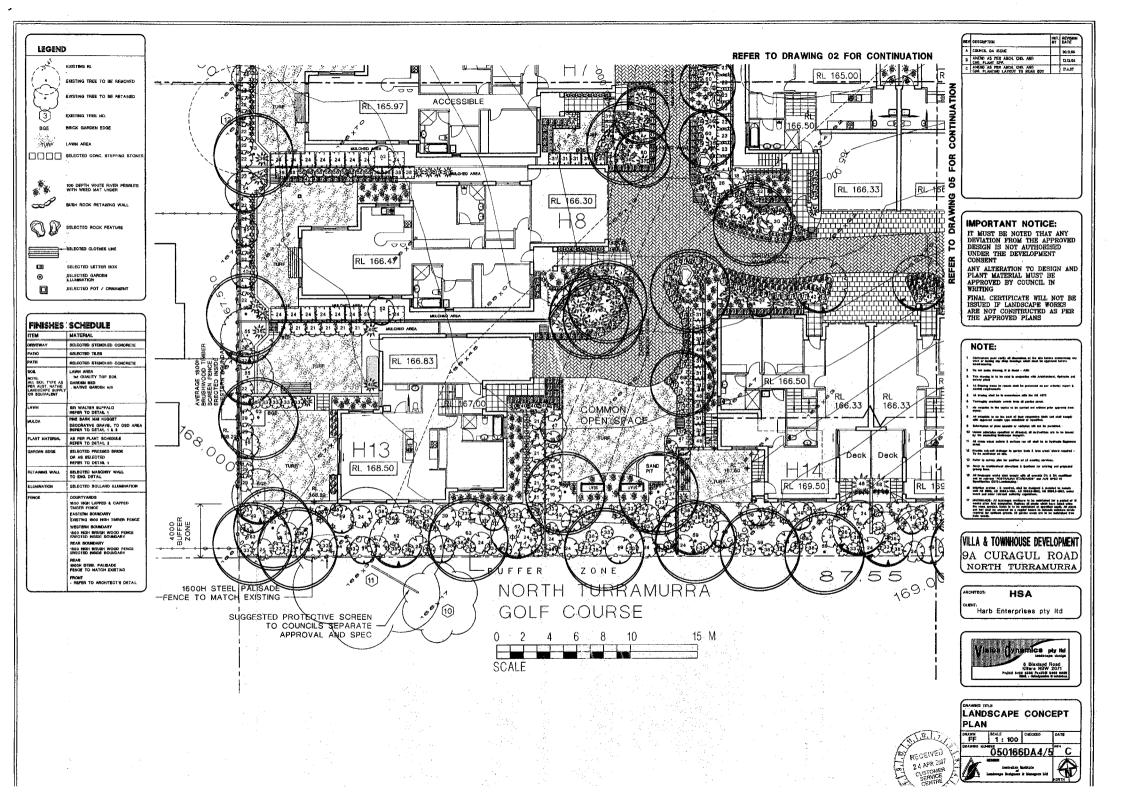


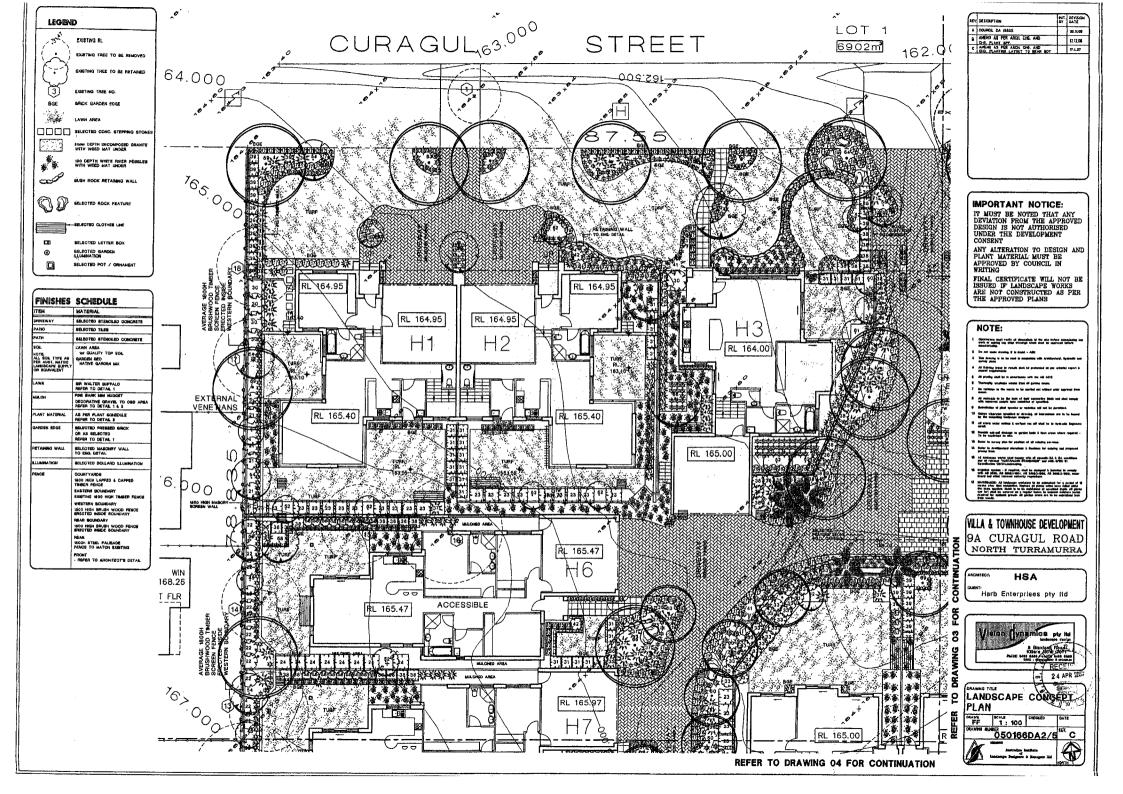
# LANDSCAPE BASIX COMMITMENTS

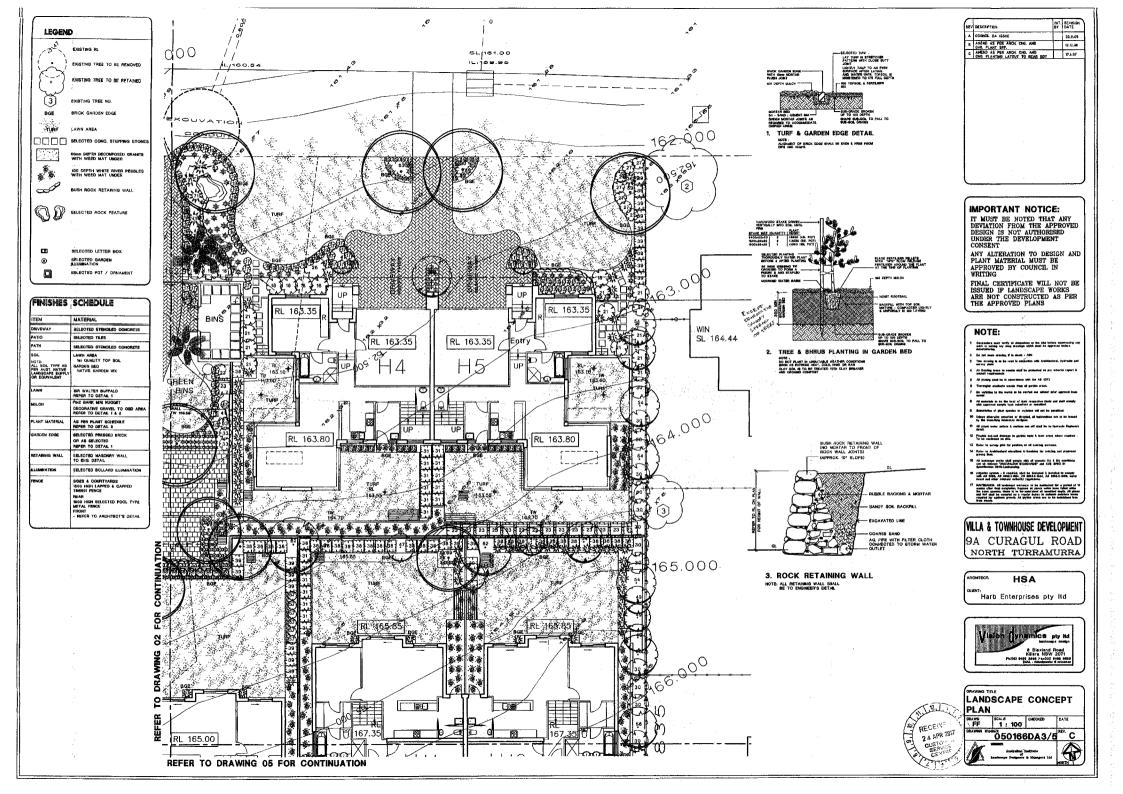


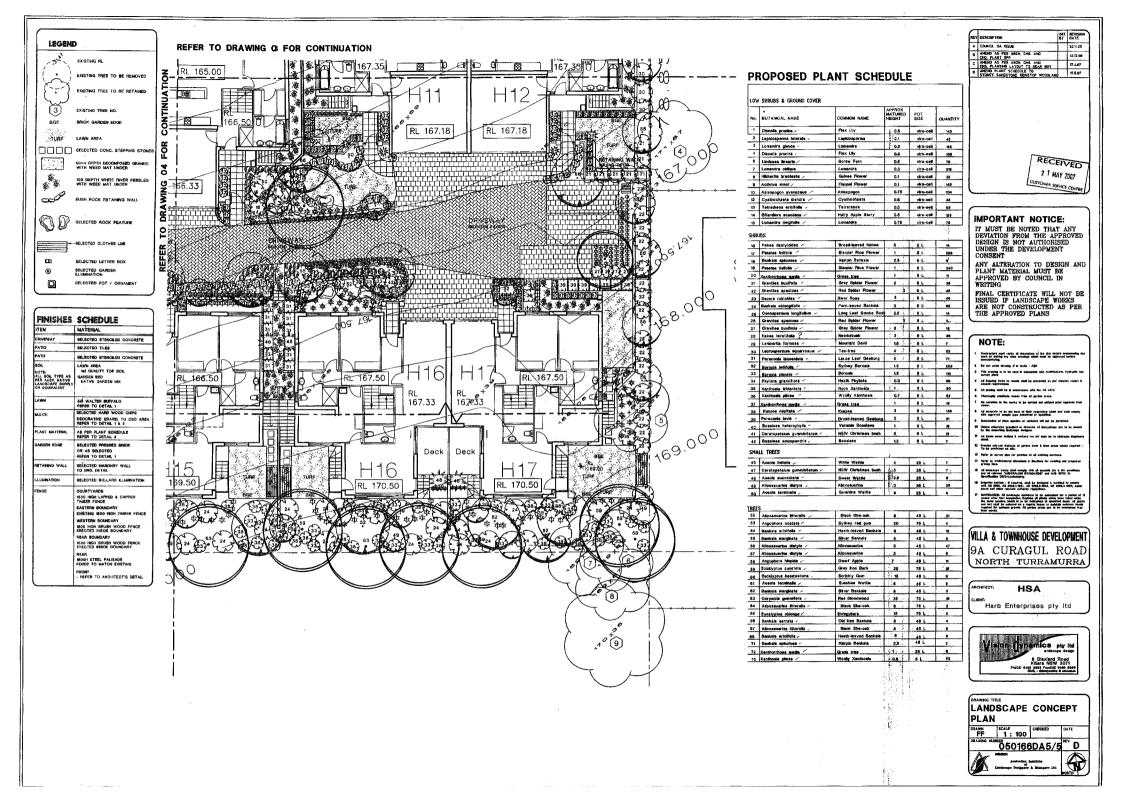
## LANDSCAPE BASIX COMMITMENTS

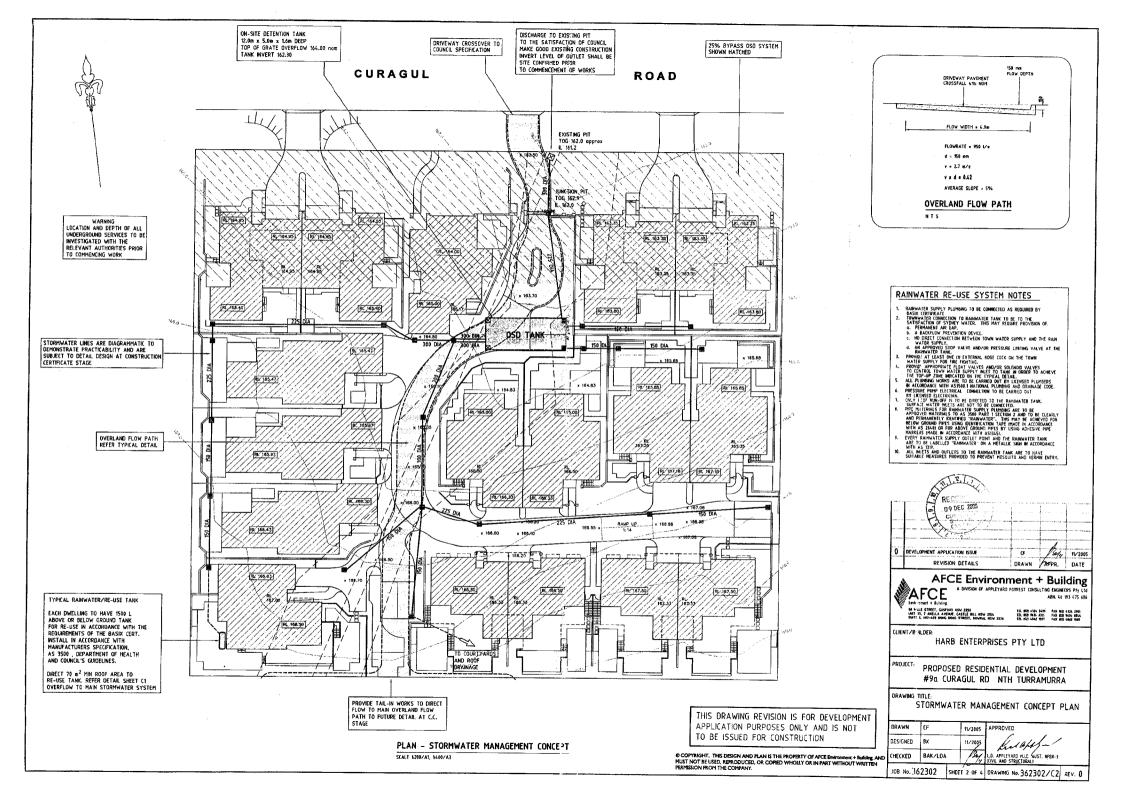












## STRATA PLAN FORM 1

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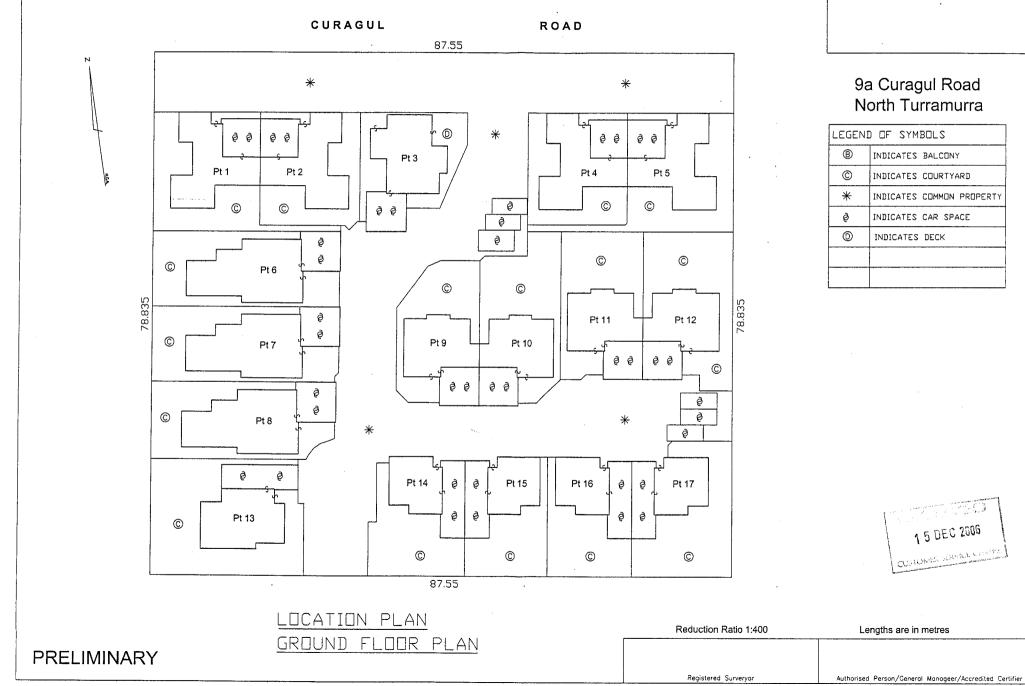
#### WARNING: CREASING OR FOLDING WILL LEAD TO REJECTION

Strata Certificate	Surveyors Certificate	PLAN OF SUBDIVISION OF LOT I IN DP 1027585	
Name of Council"Accredited Centifier	1,		:
Development) Act 1973 or * Strate Schemes (Leasehold Development) Act 1986 have been complied with, approves of the proposed;	a surveyor registered under the Surveyors Act 1929, hereby certify that:		
*strate pierv*strate pier of subdivision	(1) each applicable requirement of	L.G.A.: KU-RING-GAI Suburb/Locality: NORTH	
illustrated in the annexure to this certificate. "The accredited certifier is satisfied that the plan is consistent with a relevant	<ul> <li>Schedule 1A to the Strats Schemes (Freehold Development) Act 1973</li> </ul>	TURRAMURRA	Registered:
1) The accretioned centrer is sectioned that the part is consistent whit a treatment development consent in force, and that all conditions of the development consent that by its terms are required to be complied with before a strate cer- tificate may be issued, have been complied with.	<ul> <li>Schedule 1A to the Strata Schemes (Leasehold Development) Act 1986 has been met;</li> </ul>		Provense
TROBDE THEY DE ISSUEL, HEYE DEET COMPAND. WITH	<ul> <li>(2) (a) the building encroaches on a public place;</li> <li>(b) the building encroaches on land (other than a public</li> </ul>		Purpose:
"The strata planvisosta plan of subdivision is part of a development scheme. The " council/"accredited certifier is satisfied that the plan is consistent with any applicable conditions of any development consent and that the plan gives	place), in respect of which encroachment an appropriate easement:	Parish: Gordon County: CUMBERLAND	Ref. Map:
effect to the stage of the strate development contract to which it relates. "The council does not object to the encroschment of the building beyond the	has been created by registered +     is to be created under section 888 of the Conveyancing		
alignment of	Act 1919 (3) * this survey information recorded in the accompanying		Last Plan:
development consent in force that allows the encroachment. "This approval is given on the condition that the use of lot (s)	location plan is accurate. Signature:		
Inits approval a given on the contained reat the use of not (a). (Being utility lot's designed to be used primarily for the storage or accommo- dation of boats, motor vehicles or goods and not for human occupation as a nesidence, office, shop of the Real instricted to the proprietor or occupier.	Date:	Name of, and address for	
of a lot or proposed lot (not being such a utility lot) the subject of the strata scheme concerned, as referred to in " section 39 of the Strata Scheme	Celete if inapplicable	service of notices on, the THE OWNERS STRATA PLAN	
(Freehold Development) Act 1973 or * section 68 of the Strata Schemes (Leasehold Development) Act 1986.	+ State whether dealing or plan, and quote registered number.	(Address required on No. YA CURAGUL ROAD, NORTH TURK	AMURRA NSW 2074
Date	THIS IS SHEET 1 OF MY PLAN IN 3 SHEETS	original strata plan only) (REVISION A)	
Subdivision No			
Accreditation No	(Insert type being adopted) Model By-laws adopted for this scheme	FOR LOCATION PLAN SEE SHEET 2	
Relevant Development Consent No	Keeping of Animals: Option A/B/C "Schedule of By-laws in sneets filed with plan	Signatures, seals and statements of intention to create easements, restrictions on	the use of land or positive covenants
issued by	• No By-laws apply Strike out whichever is inapplicable		
Authorised Person/General Manager/Accredited Cartifier	Strike out whichever is inapplicable		
*Complete or delete if applicable.			
SCHEDULE OF U	NIT ENTITLEMENT		
		THIS PLAN IS A DRAFT ONLY AND IS NOT CHECKED OR REG	ISTERED AT THE
		DEPARTMENT OF LAND AND PROPERTY INFORMATION	
•			
		,	
			KECONTER .
			1 5 DEC 2006
		1	CUSTORICE, SCROTCE CENTRAL
PRELIMINARY			

# STRATA PLAN FORM 2

#### WARNING: CREASING OR FOLDING WILL LEAD TO REJECTION

#### Sheet No. 2 of 3 Sheets REV A



SURVEYOR'S REFERENCE:

# DEVELOPMENT APPLICATION RESIDENTIAL VILLAS AND TOWN HOUSES

# SUMMARY SHEET

**REPORT TITLE:** 

WARD:

**DEVELOPMENT APPLICATION N<sup>0</sup>:** 

SUBJECT LAND:

**APPLICANT:** 

**OWNER:** 

**DESIGNER:** 

**PRESENT USE:** 

**ZONING:** 

HERITAGE:

PERMISSIBLE UNDER: COUNCIL'S POLICIES APPLICABLE:

COMPLIANCE WITH CODES/POLICIES: GOVERNMENT POLICIES APPLICABLE:

*COMPLIANCE WITH GOVERNMENT POLICIES: DATE LODGED:* 

**PROPOSAL:** 

# 9A CURAGUL ROAD, NORTH TURRAMURRA

Wahroonga

1377/05

9A Curagul Road, North Turramurra.

Lot 1 DP1027585

Harb Enterprises Pty. Ltd.

Harb Enterprises Pty. Ltd.

H Sidaway and Associates Pty. Ltd.

Vacant

Residential 2(h)

No

KPSO

KPSO

DCP 23 Curagul Road, North Turramurra DCP 31 - Access DCP 40 – Waste Management DCP 43 – Car Parking DCP 47 – Water Management

No

SEPP 1, SEPP 20, SEPP 55

Yes

8 December, 2005 22 August, 2006 (Amended plans)

Villa, Townhouse Development and Strata Subdivision.

#### **RECOMMENDATION:**

#### Refusal

# **PURPOSE FOR REPORT**

To determine development application No. 1377/05 which seeks consent for the erection of a mix of 17 villa and townhouse dwellings with associated parking and strata subdivision.

## **EXECUTIVE SUMMARY**

#### Issues:

- Floor space ratio
- Built-upon area
- Decks within restricted development area
- Solar access to open space areas within and outside the site
- Dimensions of open space areas.
- Location of communal open space
- Compliance with BASIX landscape commitments
- Lack of detail in contamination report
- Non-compliance with waste enclosure requirements
- Building encroachment within landscape buffer zone
  - Lack of detail for courtyard walls, boundary fencing
- Width of double garages
- Strata plan does not match amended unit plan

# Submissions:

# Fourteen (14)

Land & Environment Court Appeal:

Recommendation:

# Refusal

No

# THE SITE AND SURROUNDING AREA

#### The site

Visual character study category:	Identified but not dated
Lot & DP number:	Lot 1 in DP 1027585
Easements/rights of way:	Yes
Heritage Item:	No
Heritage conservation area:	No
In the vicinity of a heritage item:	No
Bush fire prone land:	No
Endangered species:	Yes: Duffy's Forest Ecological Community

/ 2

(June)

Urban bushland:

Contaminated land:

The site is vacant and located on the southern side of Curagul Road at Turramurra to the east of Bobbin Head Road. It is known as No. 9A Curagul Road.

No

No

The site has an area of  $6902m^2$  with a frontage of 87.55metres and a depth of 78.835 metres. It is subject to an easement to drain water 1.8 metres wide and a restriction as to user over part of the site adjacent to the drainage easement, which prevents the construction of permanent structures under certain circumstances.

# Surrounding development:

Mix of villa/townhouse and retirement accommodation.

# THE PROPOSAL

)

The proposal is to erect 17 villa/townhouse dwellings with associated car parking and strata subdivision.

# Dwelling Units 1, 2, 4 and 5

These two storey units have frontage to and access their garages from Curagul Road. At the ground level they comprise the following: porch, entry, bedroom 1 with en-suite and walk in robe, hall, staircase, laundry, powder room, store, kitchen, living/dining area, deck and a double garage.

At the upper level they comprise the following: two bedrooms, bathroom, stairs, landing and a balcony.

# **Dwelling Unit 3**

A two storey unit with frontage to Curagul Road and with vehicle access from the central driveway at the rear of the dwelling unit.

At the ground level the unit comprises the following: porch, entry, bedroom 1 with en-suite, staircase, laundry, powder room, study, kitchen, living/dining area, deck and a double garage. At the upper level the unit comprises the following: two bedrooms, bathroom, stairs and landing.

#### Dwelling Units 6, 7 and 8

These single storey units have frontage to the central driveway.

They comprise the following: porch, entry hall, 3 bedrooms, 1 with en-suite, laundry, bathroom, kitchen, living/dining area, deck and a double garage.

# Dwelling Units 9, 10, 11 and 12

These two storey units have frontage to and access their garages from the central driveway. At the ground level they comprise the following: porch, entry, bedroom 1 with en-suite, study, staircase, laundry, powder room, store, kitchen, living/dining area, deck and a double garage. At the upper level they comprise the following: two bedrooms, bathroom, stairs and a landing.

# **Dwelling Unit 13**

A two storey unit with frontage to and access the garage from the central driveway.

/3

At the ground level the unit comprises the following: porch, entry, bedroom 1 with en-suite, staircase, laundry, powder room, kitchen, living/dining area and a tandem double garage. At the upper level the unit comprises the following: two bedrooms, bathroom, stairs and landing.

#### Dwelling Units 14, 15, 16 and 17

These two storey units have frontage to and access their garages from the central drive way. At the ground level they comprise the following: porch, entry, hall, stairs, laundry, bathroom, 2 bedrooms and a tandem double garage.

At the upper level they comprise the following: stairs, landing, living room, kitchen, dining/family room, bedroom 1 with en-suite, study, powder room, deck and a balcony.

A garbage enclosure is located adjacent to the western side of Dwelling unit 4 and the green waste collection area is at the rear of the site adjacent to Dwelling unit 13.

A small common open space area is located at the rear of the site between Dwelling units 13 and 14.

A strata subdivision of the development is proposed creating 17 titles and common property.

#### Amended plans dated 22 August, 2006 were lodged to address concerns of Council.

The amendments related to the provision of an on-site garbage collection area, addition of skylights to improve solar access and an increase in the area of the communal open space.

### **CONSULTATION - COMMUNITY**

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

#### **Original scheme dated 8 December, 2005**

Russell Fox. Unit 130, 381 Bobbin Head Road, North Turramurra NSW 2074

... Merilyn Davidson. 5/9 Curagul Road North Turramurra NSW 2074

... Eric Okely. General Manager The Cotswlds Village. 28 Curagul Road, North Turramurra ... NSW 2074

... Ernest Henry. 1/11-15 Curagul Road, North Turramurra NSW 2074

... Betty Musgrove.131/381 Bobbin Head Road, North Turramurra NSW 2074

... James and Marianne Cochrane. 129/381 Bobbin Head Road, North Turramurra NSW 2074

... Rosalie Geddes. 4/9 Curagul Road, North Turramurra NSW 2074

... Jim and Trish Johnson. 21/11-15 Curagul Road, North Turramurra NSW 2074

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- 9. ... John Ford and Sheng-Chun Chao 28/11-15 Curagul Road, North Turramurra NSW 2074
- 10. ... Peter and Sue Gisbone. 26/11 Curagul Road, North Turramurra NSW 2074
  - H. ... Helen Bird. 8/9 Curagul Road, North Turramurra NSW 2074
    - A2. ... M and C Smith.27/11-15 Curagul Road, North Turramurra NSW 2074
  - 13. ... A Anderson. 381 Bobbin Head Road, North Turramurra NSW 2074
- 14. ... D Sullivan 123/381 Huon Park North Turramurra NSW 2074

The submissions raised the following issues:

1. Russell Fox. Unit 130, 381 Bobbin Head Road, North Turramurra NSW 2074

# Concerned with drainage from the site and with the noxious material that may be contained with the stormwater.

Council's Development Control Engineer is satisfied that drainage from the site will be acceptable. See 5 below.

However, Councils Principal Environmental Scientist does have concerns related to contamination of stormwater and additional investigation will be required to be undertaken by the applicant. See 5 below.

2. ... Merilyn Davidson. 5/9 Curagul Road North Turramurra NSW 2074

#### Exceeds the built upon area.

Agreed, Council does not support this variation.

### Loss of views to the east

Yes, views to the east will be affected.

Loss of privacy. Dwelling Unit 8 living room windows face Unit 5's master bedroom. The separation distance between both sets of windows will comply with Amcord guidelines.

Loss of tree at the rear of adjoining Unit 4 (9 Curagul). Provides protection to Unit 5's courtyard. Council's Landscape Development Officer considers that the nominated tree is a weed species and should be removed. Proposed landscaping in the area should provide some early morning shade.

# Include high quality landscaping between Dwelling Unit 8 and Unit 5 to provide privacy and depth to Unit 5's patio area.

The proposed landscaping would appear to satisfy this requirement.

#### Retain the existing fence

The application does not provide any detail in regard to fencing.

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3. ... Eric Okely. General Manager The Cotswlds Village. 28 Curagul Road, North Turramurra ... NSW 2074

# Concern about the limited water and sewerage supply services in the area. Will fire fighting services be affected?

Water and sewerage services are the responsibility of the Sydney Water. Fire fighting services should not be affected.

# *Will the pumping station in the village grounds be expanded* Unknown.

# *Will the increased traffic require road widening* No road widening is proposed.

4. ... Ernest Henry. 1/11-15 Curagul Road, North Turramurra NSW 2074

# Will the root systems of the proposed landscaping adjacent to the eastern boundary of Dwelling Unit 5 destabilize the proposed retaining wall.

It is unlikely, however the wall is be built within the curtilage of Dwelling Unit 5 and as such will be their responsibility.

# Overshadowing of private open space by Dwelling Unit 5 to adjoining Unit 1/11-15 Curagul Road, to the east during the afternoon in winter.

It would appear that the overshadowing is generated by the lower level of Dwelling Unit 5 and as such improvement would prove difficult. The proposed development complies with the setback and building envelope requirements of DCP 23. It would appear that the private open space of Unit 1/11 - 15 Curagul Road would be in shadow for the entire day during the winter solstice. A more detailed shadow analysis should be undertaken in this location.

# 5. ... Betty Musgrove.131/381 Bobbin Head Road, North Turramurra NSW 2074

#### Need for a sullage pit in Curagul Road and the exposed sewer pipe

This development will attract conditions that kerb and gutter be constructed for the frontage of the site. This will necessitate the construction of a kerb inlet pit to replace the existing open pit over the stormwater line (the exposed sewer pipe will have to be covered as part of these works). These works would be conditioned on any consent and the detailed design would be submitted prior to CC for Council's approval under the Roads Act.

The development itself will be required to implement permanent water quality measures under Chapter 8 of DCP 47. After completion of the works, the quality of runoff from the property should be improved by the retention and re-use and detention systems proposed.

Councils Principal Environmental Scientist does have concerns related to contamination of stormwater and additional investigation will be required to be undertaken by the applicant.

## Construction of development, concern for run-off

The installation of erosion control barriers would be conditional to any approval.

6. ... James and Marianne Cochrane. 129/381 Bobbin Head Road, North Turramurra NSW 2074

Concern about downstream drainage and associated debris within Huon Park Refer to 5 above.

**Concern about the sewer pipe adjacent to the open ended pipe from the golf course** Refer to 5 above.

7. ... Rosalie Geddes. 4/9 Curagul Road, North Turramurra NSW 2074

# Concern about the loss of an 'Acer negunda' tree on the boundary between Unit 4 (9 Curagul) and Dwelling Unit 7. Would like this tree retained

Council's Landscape Development Officer considers that the nominated tree is a weed species and should be removed. Proposed landscaping in the area should provide some shade.

# What type of fence proposed for the common boundary

No details have been provided in regard to the side boundary fencing.

# Concerned about the colours of the proposed development

This is a subjective point of view. Council is not concerned with the colour of the proposal.

8. ... Jim and Trish Johnson. 21/11-15 Curagul Road, North Turramurra NSW 2074

## The density of the development is too high

Agreed. Council does not support this variation.

# Overshadowing during winter of the homes along the eastern boundary of the proposed development. Needs to be setback further from the side boundaries

Yes, there will be overshadowing of the private open space areas within 11-15 Curagul during winter. The proposed development complies with the setback and building envelope requirements of DCP 23. The proposed development appears to comply with Amcord, Element 5.4, A8.4, in regard to sunlight to private open space areas of the single storey dwellings adjoining the eastern boundary, however a detailed shadow analysis would be needed for confirmation.

9. ... John Ford and Sheng-Chun Chao 28/11-15 Curagul Road, North Turramurra NSW 2074

# Over development of the site.

The density and built-upon areas of the proposal do not comply with DCP 23. Council does not support the variation.

# Visual and acoustic privacy concerns, type of fencing proposed

No details have been provided in regard to the side boundary fencing. The proposal complies with Amcord guidelines in respect of separation distances between Dwelling Unit 5 and Unit 28 (9 Curagul) buildings.

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# Overshadowing during winter of the homes along the eastern boundary of the proposed development.

Yes, there will be overshadowing of private open space.

The proposal appears to comply with Amcord guidelines in respect of separation distances. The proposed development appears to comply with Amcord, Element 5.4, A8.4, in regard to sunlight to private open space, refer to 8 above..

10. ... Peter and Sue Gisbone. 26/11 Curagul Road, North Turramurra NSW 2074

# Overshadowing of western side of Unit 26 (11 Curagul) including rooms within the unit and a large area of private open space.

The proposed development complies with Amcord, Element 5.4, A8.4, in regard to sunlight to private open space, refer to 8 above. The shadow projections indicate that only a small area of the western wall would be affected.

# Are shadow diagrams based on true north Yes.

#### Overlooking from windows and balconies within the proposed development

The separation distances between residences comply with Amcord guidelines. The proposed development complies with the setback and building envelope requirements of DCP 23.

*Loss of airflow from westerly and north westerly winds.* Council has no information in respect of changes to airflow.

#### Acoustic privacy

The separation distances between residences comply with Amcord guidelines.

#### Views and vistas

The proposed development complies with the setback and building envelope requirements of DCP 23.

#### Fencing

No details have been provided in regard to the side boundary fencing.

#### Landscaping

The common boundary is proposed to be planted with a row of *Dodonsea vicosa* 'Purpurea' Purple Leafed Sticky Hop Bush to a height at maturity of 3 metres and and 4 *Tristaniopsis laurina* Water Gums to a mature height of 8 metres.

#### Services

Water and sewerage services are the responsibility of Sydney Water.

#### Built-upon area is excessive

Agreed. Council does not agree with the variation.

# Height of Dwelling Unit 17

The height of this dwelling complies with the DCP.

#### **Boundary** setback

The proposed development complies with the setback and building envelope requirements of DCP 23.

#### Compatibility of built form

Council does not have objections to this issue.

#### Visually Prominent sites

Council would not consider that Dwelling Unit 17 is a visually prominent site. Refer to previous comments on height, separation distances ,etc..

#### Access and Parking, opposite bedroom windows, headlight nuisance

A suitable screen could be erected at the rear of the visitor parking spaces.

#### Storm-water drainage

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Council's Development Control Engineer considers the drainage arrangements for the proposal acceptable subject to conditions.

Councils Principal Environmental Scientist does have concerns related to contamination of stormwater and additional investigation will be required to be undertaken by the applicant.

#### 11. ... Helen Bird. 8/9 Curagul Road, North Turramurra NSW 2074

### Additional traffic

Yes, there will be additional traffic. The applicant's traffic consultant has advised that there will not be any unsatisfactory traffic capacity, safety or environmental related implications.

#### **Evacuation and fire danger**

Rural Fire Services have been consulted and raise no objection to the proposal. The site does not require the issue of a Bush Fire Safety Authority.

#### Sewerage services

This is a matter for Sydney Water.

#### **Retention of trees**

Only one tree is proposed to be retained within the property. Council will require that the two existing palms be transplanted within the site.

12. ... M and C Smith. 27/11-15 Curagul Road, North Turramurra NSW 2074

Concern over the location of the single storey dwellings in the proposed development. They should have been placed adjacent to the existing single storey development in the adjoining development to the east

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This is a sensible suggestion. No doubt the applicant may have reasons for not considering this, possibly related to the location of the existing drainage system within the site and their desire to maximize returns.

# *Excessive built-upon area* Agreed.

# Set back to Dwelling Unit 12, closer to the side boundary than others within the proposed development

The proposed dwelling complies with the setback and building envelope requirements of DCP 23.

# Landscape fencing and walls on common boundaries

No details have been provided in regard to common boundary fencing.

#### **Overshadowing**

The proposed development appears to comply with Amcord, Element 5.4, A8.4, in regard to sunlight to private open space, refer to 8 above.

#### **Rural Fire Service comments**

The site does not require the issue of a Bush Fire Safety Authority. Rural fire services have not raised any particular issues.

#### 13. ... A Anderson. 351 Bobbin Head Road, North Turramurra NSW 2074

#### Increased traffic

The applicant's traffic consultant has advised that there will not be any unsatisfactory traffic capacity, safety or environmental related implications.

## 14. ... D Sullivan 123/381 Huon Park North Turramurra NSW 2074

#### Drainage and unwanted debris and exposed sewer pipe

This development will attract conditions that kerb and gutter be constructed for the frontage of the site. This will necessitate the construction of a kerb inlet pit to replace the existing open pit over the stormwater line (the exposed sewer pipe will have to be covered as part of these works). These works would be conditioned on any consent and the detailed design would be submitted prior to CC for Council's approval under the Roads Act.

The development itself will be required to implement permanent water quality measures under Chapter 8 of DCP 47. After completion of the works, the quality of runoff from the property should be improved by the retention and re-use and detention systems proposed.

Councils Principal Environmental Scientist does have concerns related to contamination of stormwater and additional investigation will be required to be undertaken by the applicant.

## Amended plans dated 18/8/06 were received by Council on 22 August, 2006.

The amended plans were not notified as the amendments were relatively minor.

# **CONSULTATION - WITHIN COUNCIL**

#### **Urban Design**

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

## Introduction

This Development Application was received in December 2005. This is the first review of this DA by Olsson & Associates Architects. As the buildings proposed are a maximum of 2 storeys in height, SEPP 65 is not applicable to this DA.

#### 1.0 Design Review

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## **Principle 1: Context**

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

#### Comment:

The built form context is comprised of -

- the North Turramurra Golf Club directly south of the site. An easement of 4-8m runs along the southern boundary adjoining the golf course to provide physical and visual separation;
- the Turramurra House Nursing Home located directly north of the site, with buildings up to three storeys in height;
- existing one and two storey villas adjoining the site to the west at No. 9 Curragul Road and to the east at No. 11-15;

The site is 87.5m wide fronting Curagul Street and 78.8m long. The site slopes down from the Golf Course to Curagul Street by some 5.5m. There are good filtered views across from the golf course, through the site to the Kuring-gai Chase National Park. It is the objective of DCP 23 that views are maintained out from the Golf Course to the National Park.

The site comprises a small number of large canopy trees along the western boundary that are not significant. A valley runs diagonally across the site and is described as a wetland in DCP 23. A drainage pipe runs along the valley below ground to a detention tank at Curagul Street.

The adjoining sites to the east and west have a Residential 2(h) zoning and to the south of the site a portion of the Golf Course has a Residential 2(g) zoning. The site to the north of Curagul Street has a 2(g) zoning.

The Residential 2(h) zoning of this site and existing buildings adjoining the sites to the east and west as well as the existing buildings to the north of Curagul Street establishes the future scale of development on this sites as being 1 to 2 storey maximum. It is the objective of LEP 194 and DCP 23 to ensure that any new residential buildings are compatible with the existing environmental character in the immediate context and that they have a harmonious relationship with the adjoining developments. The scope available for minimising the impact of the proposed development on the existing residential buildings and neighbouring aged housing is limited to the siting of the proposed buildings, the setbacks and quality of the landscape within the setbacks and the architectural form and character of the buildings.

#### **Principle 2: Scale**

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

#### Comment:

It is the objective of DCP 23 to maintain a view across the site from the Golf Course, north, to the National Park. All buildings along the rear boundary are two storeys in height and have main flat roofs opening to the south at an angle of 15-17 degrees. It is recommended that the roofs to buildings at the rear of the site are reduced in pitch to further increase the views across the site to the National Park.

The proposed buildings step with the slope of the land. A common open space is proposed along the rear boundary and is to be planted with moisture tolerant trees and shrubs as recommended in DCP 23. The proposed large canopy moisture tolerant tree planting between building H13 and H14 creates a vista from the Golf Course to the "wetland" area of the site as encouraged in DCP 23.

The scale of development is acceptable, as it complies with the 2(h) controls.

#### **Principle 3: Built Form**

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

#### Comment:

The site is required to have a minimum front setback zone of 9m, but an average across the width of the site of 10.5m. Buildings H1-H5 have a setback of 9m, less than the 10.5m average across the site. The neighbouring building to the east of the site is set back some

7m to 9m and the adjoining building to the west is set back 9m. A number of large canopy trees have been proposed in the front building setback zone. It is recommended that the 9m setback is accepted, however Council's landscape architect should ensure that the proposed landscape in the setback are is of sufficient quality density and size to allow the reduced setback.

The proposed buildings are set back 2m to 7m along the eastern boundary of the site and 2.5m to 7.5m along the western boundary at ground floor. There are a number of buildings along these boundaries that are two storeys in height. These floors are setback between 3.5m to 8.2m in excess of the 3.0m recommended in DCP 23. There is only one window proposed in Building H17 that overlooks a neighbouring property, however this window is not a major window and it is setback some 12m from the neighbouring building.

The proposed buildings are setback between 4m to 10.5m along the rear boundary site. It is a requirement of DCP 23 that an 8m setback is required along the eastern part of the rear boundary to facilitate large canopy tree planting as this area is a golf ball hazard. No documents in the DA submission indicate where this 8m setback is located. It is recommended that a drawing is provided to indicate where the 8m setback required in DCP 23 is located.

Units H16 and H17 are located in the south-eastern corner of the site, potentially within the recommended 8m setback zone required in DCP 23. The first floor of these units are setback 4m to 9m. If it is established that these buildings are within the setback zone required in DCP 23, it is recommended that Units H16 and H17 are set back 8m from the rear of the site and that more than one large canopy tree is provided in this setback zone.

The proposed form of the buildings is a series buildings of different sizes and with different roof forms that are harmonious with those found in the surrounding context and in particular on the neighbouring sites. The elevation to Curagul Street comprises gable ends, hip and valley roofs and framed entries similar to those found in the adjoining developments. In this respect, the built form is acceptable.

#### **Principle 4: Density**

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

The proposed site coverage is 54% in excess of the 50% maximum in DCP 23. The proposed FSR is 0.45:1, in excess of the maximum 0.4:1 in DCP 23. There is 1 dwelling/406m2 proposed, less than the maximum of 1 dwelling/390m2, resulting in 17 dwellings. It is possible, however, on this site to achieve 18 dwellings whilst complying with the site coverage and FSR controls. The excessive floor area and site coverage is a result of the dwelling areas being too large. It is recommended that Units H16 and H17 are setback 8m from the southern boundary in order to reduce the floor area and site coverage of the proposed DA.

Principle 5: Resource, energy and water efficiency

ALC: NO

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

All living rooms to dwellings have a northerly aspect and is to be commended. Building depths are less than 18m and ensures that all dwellings can be naturally cross-ventilated and daylit.

The proposed driveway has been efficiently designed limiting the amount of paved areas on the site. The driveway has been designed to collect rainwater for reuse onsite. The use of raised timber decks in private courtyards maximises the amount of pervious site area. Each dwelling is to have a rainwater tank collecting water from any paved areas or from roof drainage. This is to be commended.

#### Principle 6: Landscape

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

Comment:

The proposed landscape includes a number of large canopy trees between buildings and within setbacks. There are a number of large canopy trees proposed in both common open space, as well as private open space.

Adjacent to the Golf Course a number of large canopy trees are proposed. However, in the south-eastern corner of the site, there is only one large canopy tree proposed between Units H16 and H17. DCP 23 requires that additional large canopy tree planting is provided in this area of the site within an increased 8m setback zone as this zone is a potential golf ball hazard and in close proximity to a golf course green. It is recommended that a number of large canopy trees are provided within the 8m setback zone at the south-eastern corner of the site.

Otherwise, the landscape 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.

More than 70% of apartments will receive greater than 3 hours sunlight between 9am and 3pm in mid-winter. More than 60% of apartments are naturally cross-ventilated. All kitchens are located on external walls and all living rooms will receive greater than 3 hours sunlight between 9am and 3pm in mid-winter. All apartments will be able to be naturally cross-ventilated.

#### **Principle 8: Safety and Security**

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

There are no perceived safety or security issues.

#### **Principle 9: Social Dimensions**

SEPP 65: Good design responds to the social context and needs of the local community in terms of lifestyles, affordability and access to social facilities. New developments should optimise the provision of housing to suit the social mix and needs in the neighbourhood, or, in the case of precincts undergoing transition, provide for the desired future community.

The mix of apartments is acceptable.

#### **Principle 10:** Aesthetics

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

The proposed dwellings use a palette of materials and building forms that reinforce the dwellings location within a landscape setting and provide articulation.

### 2.0 Conclusion and recommendations

#### It is recommended that-

- the roofs to buildings at the rear of the site are reduced in pitch to further increase the views across the site to the National Park
- Council's landscape architect should ensure that the proposed landscape in the 9m setback of Buildings H1 to H5 is of sufficient quality density and size to allow the reduced setback
- that a drawing is provided to indicate where the 8m setback required in DCP 23 is located;
- that Units H16 and H17 are set back 8m from the rear of the site and that more than one large canopy tree is provided in this setback zone;
- that Units H16 and H17 are setback 8m from the southern boundary in order to

reduce the floor area and site coverage of the proposed DA;

that a number of large canopy trees are provided within the 8m setback zone at the south-eastern corner of the site.

### Landscaping

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

#### AMENDED PLANS

Numerous amendments have been made to the plans however only 1 of these relate to landscape issues which is the reduction in the width of the decks along the southern boundary by 700mm.

#### **DCP23 - Buffer Zone**

Regardless of the reduction in the width of the decks along the southern boundary the amended plans do not comply with Clause 13.4 of DCP 23 which states that "No development is to occur within the restricted development area identified on LEP131 and as shown on Landscape Plan No LP01/93 dated 18th November 1993 as buffer zone."

The designated buffer zone is 4 metres wide along the southern boundary adjacent to the Golf Course extending to 8 metres wide at the south eastern corner.

#### BASIX

An amended BASIX Certificate has not been submitted with the amended plans however, given the minor changes to the proposal it is presumed that the previous landscape commitments nominated will still be required.

It is a requirement under the BASIX Certificate that the applicant show compliance with the landscape commitments on the DA plans. The plans submitted do not comply with the BASIX landscape commitments.

It would appear that the landscape commitments required for some of the units is substantial and large areas of turf will have to be substituted for indigenous or low water use species. This will impact on the useable outdoor space available.

#### Landscape Proposal

The landscape proposal by Vision Dynamics, Drawing No's 050166DA1- A5/5, Revision A and dated 30/11/05 are not considered satisfactory for the following reasons.

The landscape plan shall comply with clause 14.4 of Development Control Plan 23. The layout of the garden beds within the buffer zones adjacent to the Golf Course and Curagul Road shall comply with Development Control Plan 23 Landscape Plan No. LP01/93 dated 18/11/93. (Refer to the note of the plan for Buffer Planting Zones.)

Tree 15 - *Livistona australis* (Cabbage Tree Palm) and Tree 16 – *Phoenix canariensis* (Canary Island Palm) are to be transplanted and appropriately relocated on the site.

#### CONCLUSION

ALC: NO.

The Landscape Section cannot support the amended application in relation to landscape issues for the following reasons.

The proposal does not comply with DCP23 Clause 13.4. No development is permitted within the designated buffer zones. The proposed decks along the southern boundary shall be deleted.

The plans do not indicate compliance with BASIX landscape commitments. A separate plan shall be submitted clearly indicating the landscaped areas for each dwelling and the common area that comply with BASIX, (hatching or shading of the areas is required).

The landscape proposal by Vision Dynamics, Drawing No's 050166DA1- A5/5, Revision A and dated 30/11/05 are not considered satisfactory for the following reasons.

The landscape plan shall comply with clause 14.4 of Development Control Plan 23. The layout of the garden beds within the buffer zones adjacent to the Golf Course and Curagul Road shall comply with Development Control Plan 23 Landscape Plan No. LP01/93 dated 18/11/93. (Refer to the note of the plan for Buffer Planting Zones.)

Tree 15 - *Livistona australis* (Cabbage Tree Palm) and Tree 16 – *Phoenix canariensis* (Canary Island Palm) are to be transplanted and appropriately relocated on the site.

## Engineering

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

The application is for the construction of 17 townhouses on vacant land. Strata subdivision is indicated on the application form.

The following documentation was used for the assessment:

The Turnbull Group Statement of Environmental Effects, November 2005; W.E.Daw & Associates detail survey, dated 31-08-05; Transport and Traffic Planning Associates Assessment of Traffic and Parking Implications, November 2005;

AFCE Environment + Building Stormwater management and Environmental site Management Concept Plans, 362302/C1 to C4, all Rev.0; HSA Architectural plan Ground floor plan DA01 Issue F.

The application is supported subject to conditions.

#### Water management

The site is traversed by a Council drainage pipe and a Restriction on Use over the 100 year ARI overland flow extent. This restriction was placed by Council upon registration of DP1027585, and the terms of the restriction are:

"No permanent structure such as a dwelling, garage, impervious fence or swimming pool nor the placing of fill will be permitted to be constructed on the land affected by this restriction except where it can be adequately demonstrated that the structure or fill will: not be subject to damage by stormwater in the 100 year flood event; not impede the overland flow of stormwater in the 100 year flood event; not increase the risk of flooding of other properties; not have a significant adverse affect (sic) on the natural environment."

The proposal is in keeping with these terms since the concept stormwater plan shows that the overland flow can be contained in the driveway section. It will be tidy for the extent of the restriction to be modified in conjunction with the subject development. This can be done prior to occupation.

The stormwater concept plan shows an individual rainwater tank for each dwelling and the BASIX commitments are for the re-use of the retained roofwater for toilet flushing, clothes washing and irrigation.

An on site detention tank is also shown under the driveway and this is satisfactory. The site is already subject to a Positive Covenant and Restriction on Use over any on site detention system under the terms of DA1027585.

Stormwater quality controls are required under DCP 23 and Council's DCP 47, however these can be provided separately and may be shown on the Construction Certificate plans. The recommended conditions include this.

Discharge of stormwater from the site is to the "pit" in the easement which is just at the Curagul Road property boundary. At present this is an open excavation. The construction of a pit will be required – see below under "Council infrastructure". It is understood that a PVC conduit which crosses this excavation is a sewer service, possibly private. This service will have to be covered or relaid and, if Sydney Water does not have any requirements for this, then the engineer will have to include it in the design.

#### Traffic and parking

The main access to the development is via a 5.5 metre wide driveway in the centre of the frontage. Four of the dwellings are to share two direct accesses off Curagul Road. Reversing into the street from those four dwellings is considered acceptable, since sight distance is good and traffic volumes are low.

Traffic generation is 11 to 14 vehicle movements per peak hour, which is a relatively minor increase on traffic volumes in Bobbin Head Road and not likely to adversely affect conditions in Curagul Road.

#### Waste management

Council's Manager Waste Services has commented on the proposal (31 August), so no further discussion is required from Development Engineers.

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# Council infrastructure

The existing trunk drainage pipe within the easement appears to need replacing (the survey plan has a note "damaged"), and the open unformed pit in Curagul Road will have to be properly constructed. DCP 23 also requires the construction of kerb and gutter, road shoulder and footpath for the frontage of the site. The design for these works will have to be submitted to Council for approval; this can be done prior to issue of the Construction Certificate.

Engineering conditions have been provided in respect of any forthcoming approval.

#### Waste Services

Council's Waste Services Officer has commented on the proposal as follows:

- The waste bin enclosure does not comply with the provisions of DCP40.
- The enclosure should be fully enclosed with a roof and drainage connected to the sewer for floor waste.
- Night lighting, hot and cold hose cock, should be provided for cleaning
- Bin arrangement does not allow for ease in stacking. Bins should not be arranged in stack formation.
- Green wastes are to be serviced from the street.

#### **Open Space**

Open space has advised that it is to be made clear that an existing 18 hole golf course is already in operation opposite the proposed development site. The operation of a golf course results in its use from dawn to dusk with maintenance work occurring between this time as well. Associated issues such as noise, traffic, flying golf balls etc do at times impact on surrounding residents.

The use of the site as a golf course will continue in future years and it is expected that any new surrounding properties will have to take into consideration the aforementioned impacts.

#### **Principal Environmental Scientist**

This memo relates to the preliminary environment assessment (PEA) by Brink & Associates. The study found that there were a number of areas of potential environmental concern at the site of the proposed development. The concerns related to electrical cables and issues of potential soil contamination from the previous site occupants (including use for a veterinary surgery) and an area of disturbed soil was located in the site. It was also suggested that pesticides may have been used on the site. Such concerns demand that sediment and stormwater issues need to be carefully managed at this site for human and environmental health reasons.

I was concerned that this PEA included very little detail on the stormwater easement through the si te, that accompanying plans indicate will be overbuilt by the proposed development. I consider that escape of soil material and potential contaminates (as identified by the PEA) into the stormwater from the site could pose a risk to local environmental, particularly during and after heavy rain. In

addition it may have health implications for the retirement complex immediately downstream of the site. It was acknowledged in the PEA that the condition of the enclosed stormwater was cracked in places.

The stormwater easement within this sites flows into an unnamed tributary of Cowan Creek in Kuring-gai Chase National park, and thus is considered as a sensitive environment. After heavy rainfall it would potentially only take a few minutes for pollutants from this site to be washed into the National park and Cowan Creek, adding to the environmental pressures posed from urban runoff.

I would suggest that a stormwater plan for the proposed development identify such environmental sensitivities and also address the potential risks of soil contamination associated with development of the site. Amelioration measures for this proposed development need to include strict sediment controls during the development activity. The proposal should make use of water sensitive urban design measures that maximize the use of porous surfaces and promote retention and reabsorption of stormwater runoff into the soil. On-site treatment of stormwater would be highly desirable. Water tanks for landscaping and other non-potable uses could also be considered for the proposal. Measures to prevent or improve the quality and flows of runoff and nutrients from the site should be considered. Council's new Riparian Policy (2004) and DCP 47, can provide guidance in regard to riparian zones and water quality. Developers need to be able to demonstrate that proposed developments will not decrease, but maintain or improve water quality.

#### **CONSULTATION – OUTSIDE COUNCIL**

#### **Rural Fire Services**

This is not an integrated referral.

Council has consulted with the Commissioner of the NSW Rural Fire Service, concerning measures to be taken with respect to the protection of persons, property and the environment from danger that may arise from a bush fire. The comments provided by the Rural Fire Service are as follows:

Please be advised that the DA - 1377/05 does not require the issue of a Bush Fire Safety Authority. Accordingly, the application is referred back to Council for your final determination.

### STATUTORY PROVISIONS

#### State Environmental Planning Policy No. 55 – Remediation of Land

Insufficient detail provided in respect of the environmental assessment of the site.

# Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River

Insufficient detail provided in respect of the environmental assessment of the site.

# Ku-ring-gai Planning Scheme Ordinance (KPSO)

**COMPLIANCE TABLE** 

Development standard	Proposed	Complies
Clause 33	Aesthetic appearance of the proposal from the golf	YES
Aesthetic appearance	course	
Clause 43 (7)(a)		
Site area (min): 929m <sup>2</sup>	6902m <sup>2</sup>	YES
Clause 43 (7)(a)		
Street frontage (min): 18.28m	87.55m	YES
Clause 46		YES
Height (max): 7m without the		
Consent of Council		
Clause 53		
Car parking spaces (min):		
• 1 space /flat (residents)	2 spaces per unit	YES
• Minimum size 5.4m x	5.4 x 2.7	YES
2.4m)		1
Suitable access		YES
Clause 60	0.45:1	NO
Floor space ratio: 0.4 : 1		
Clause 60BA	54%	NO
Built-upon area: 50%		
LEP 131	Decks to Dwelling units 13 – 17 proposed within	NO
Structures within restricted	restricted area	
area		

The proposal does not comply with the requirements of Clause 60, floor space ratio and Clause 60BA built-upon area of the Ku-ring-gai Planning Scheme Ordinance (KPSO) as well as the objectives of Local Environmental Plan 131 (LEP 131) which seeks to prevent the erection of structures or the carrying out of certain other development within 4 metres of the southern boundary of the land.

# STATE ENVIRONMENTAL PLANNING POLICY NO.1 (DEVELOPMENT STANDARDS)

The applicant has submitted a State Environmental Planning Policy No.1 (Development Standards) objection to the requirements of Clauses 60 and 60BA of the KPSO with regard to the floor space ratio and the built-upon area.

#### AIMS OF THE POLICY

SEPP 1 aims to provide flexibility in the application of planning controls, where strict compliance with a development standard would, in any particular case, be unreasonable or unnecessary or tend to hinder the attainment of the following specific objectives of the Environmental Planning and Assessment Act, 1979:

#### "(a) to encourage:

(i) the proper management development and conservation of natural and man-made resources, including agricultural land, natural areas, forest, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment;

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(ii) the promotion and co-ordination of the orderly and economic use and development of land;"

Clause 6 of the SEPP 1 states as follows:

"Where development could, but for any development standard, be carried out under the Act (either with or without necessity for consent under the Act being obtained therefore) the person intending to carry out that development may make a development application in respect of that development, supported by written objection that compliance with that development standard is unreasonable or unnecessary in the circumstances of the case, and specifying the grounds of that objection."

#### Floor space ratio

60. (1) In each of the zones specified in Column I of the Table to this clause, the ratio of the total floor space area of any building to the area of the site upon which the building is or is proposed to be erected (which may be referred as the 'floor space ratio', shall not be greater than that set out opposite such zone in Column II of the Table:

#### TABLE

Column I	Column II
Zone No 2(d)	0.85:1
Zone No 2(e)	0.50:1
Zone No 2(h)	0.40:1

#### Purpose of the development standard

There are no objectives listed in the Ku-ring-gai Planning Scheme Ordinance (KPSO) indicating the reasons for the standard set out in Clause 60 regarding the floor space ratio required in Zone 2(h).

However, it is considered that this standard was established to ensure that the bulk and scale of development meets the aims and objectives for residential zones as set out in Schedule 9 of the KPSO.

#### Variation to the standard

The proposal seeks a floor space ratio of 0.45:1 in lieu of the required 0.4:1.

#### **Reasons for non-compliance**

The applicant has provided the following reasons for non-compliance with the standard. As part of the applicants argument references have been made to the requirements of Development Control Plan No23.

> The FSR is noted as a density control however it is significant to note that the actual density expressed in terms of dwellings per square is less than permitted by the DCP which is I per 390m2 whereas 1 per 406m2 is proposed;

> For medium density development a density of I dwelling per 406m2 is in real terms not overly dense;

> The FSR proposed is only marginally beyond the 0.4:1 standard by an amount of 0.05:1;

- > This is considered numerically significant and is of such a small variation that it could not be read by an observer due to the fact that the proposed development will not exhibit any outward or internal symptoms of overdevelopment;
- > The FSR control determines that amount of floorspace in relation to the size of the site and is thus primarily a bulk control;

> The proposed development consists of a variety of single storey dwelling houses, two storey dwelling houses and townhouses and is of a bulk and scale not dissimilar to those on each side and obviously less than the housing in evidence on the northern side of Curagul Rd;

- > Accordingly it is apparent that the proposal will respect the character of the existing medium density housing in the street as required by Clause 10 of the DCP;
- > Further the development will create a high quality heavily landscaped context for the site and one that will allow views to the golf course from the development for residents. Vistas from the course over the site are limited due to the existence of a berm adjacent to the boundary and screen planting. Further it is desirable to create privacy for residents. None the less an aspect across the site will be maintained in the development in pursuit of the objective.

# Whether compliance is unreasonable or unnecessary

The proposed density of 45% exceeds the development standard by 5%.

A 40% density would permit a gross floor space of 2760.8m<sup>2</sup> while the 5% increase adds an additional 345m<sup>2</sup> of floor space. This is roughly the equivalent of two single storey dwellings. A reduction in the gross floor space would have the potential to decrease the overall built-upon area and/or reduce building bulk which would be beneficial in improving solar access to areas of private open space both within and outside the site and the need to have structures encroach within the restricted area. It would also help the development to comply with the BASIX landscape commitments.

It is to be noted that the developments on both sides of the proposed development were required to comply with the 40% density development standard.

# Whether the application is consistent with the aims of the policy set out in Clause 3

For the reasons stated above the application is not consistent with Clause 3 nor with the objects specified in Section 5 (a)(i) and (ii) of the Act.

# Whether there is concurrence

The proposed non-compliance does not raise any matter of significance related to state or regional environmental planning.

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The proposed non-compliance in relation to 40% density will result in an adverse impact on adjoining sites and the wider community as residential and open space amenity will be affected for the reasons given above.

Accordingly, the public benefit in maintaining the planning controls will be compromised in this instance, the SEPP 1 objection does not have merit and compliance with the development standard is reasonable and necessary.

#### Built-upon area of land at 9-15 Curagul Road, North Turramurra

- 60BA (1) This clause applies to land situated at 9-15 Curagul Road, North Turramurra, shown coloured light scarlet with dark red edging and lettered "2(h)", and partly marked with black cross hatching, on the map marked "Ku-ring-gai Local Environmental Plan No. 131" deposited in the office of the Council.
  - (2) Notwithstanding any other provisions of this Ordinance, the maximum built- upon area of the land to which this clause applies is 50 per cent
  - (3) For the purpose of this clause, "built-upon area" has the same meaning as in Clause 60C(4).

"Built-upon area" means the area of a site containing any built structure (whether covered or uncovered), any building, carport, terrace, pergola, hard-surface recreation area, swimming pool, tennis court, driveway, parking area or any like structure, but excluding minor landscape features.

#### Purpose of the development standard

There are no objectives listed in the Ku-ring-gai Planning Scheme Ordinance (KPSO) indicating the reasons for the standard set out in Clauses Clause 60BA regarding the built-upon area required in land situated at 9 - 15 Curagul Road, North Turramurra, in Zone 2(h).

However, it is considered that this standard was established to ensure that the site retains adequate space for substantial landscaping to enhance the natural features of the site and adjoining areas of development and to provide pervious areas capable of rainwater absorption and to meet the aims and objectives for residential zones as set out in Schedule 9 of the KPSO.

#### Variation to the standard

The proposal seeks a built-upon area of 54%, (60% if permeable pavement is included) in lieu of 50%.

#### **Reasons for non-compliance**

The applicant has provided the following reasons for non-compliance with the standard. As part of the applicants argument references have been made to the requirements of Development Control Plan No23.

- > The proposed built upon area is 60% (inclusive of 6% permeable paving) whereas the standard calls for a maximum of 50%. The amount of the non compliance is numerically minor and it cannot be suggested that there is an unreasonable proportion of the site provided as landscaped area;
- > The site at present is distinguished by not providing a landscape quality due to it being characterized by open areas of turf. The proposed treatment will create a heavily planted contextual landscaped environment contrary to the existing situation, thus enhancing the environment in achievement of the objective;
- > The distribution of high quality soft landscaped area has achieved a balance of planting over the entirety of the site including significant frontage planting and compliance with the buffer planting area to the golf course. Additionally planting has been distributed through out the site between the buildings and along the driveway areas to enable a landscaped environment to be appreciated from all points of view;
- > A comprehensive storm water strategy prepared by Appleyard Forest accompanies the submission ensuring that the development adopts water sensitive urban design in both the retention and detection of water on the site and also includes 6% of permeable paving to allow water infiltration;
- > The golf course constitutes public land and the proposal has achieved compliance with the buffer landscaping requirements as detailed in the DCP.

# Whether compliance is unreasonable or unnecessary

The proposed built-upon area of 60% for the development exceeds the development standard by 20% when the permeable driveway is included.

The proposed development encroaches within the 4 metres wide restricted development area as indicated in the Residential 2(h) zone on the Ku-ring-gai Planning Scheme zoning map and the solar access to a number of private open space areas is poor.

An application that complied with the 50% maximum built-upon area would provide an additional 1380m<sup>2</sup> of landscaped open space that would enable compliance with the aims of the restricted zone and provide greater flexibility for the provision of private open space areas with acceptable standards of solar access within and outside the site. It would also help the development to comply with the BASIX landscape commitments.

It is to be noted that the developments on both sides of the proposed development were required to comply with the 50% built-upon area development standard.

# Whether the application is consistent with the aims of the policy set out in Clause 3

For the reasons stated above the application is not consistent with Clause 3 nor with the objects specified in Section 5 (a)(i) and (ii) of the Act.

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#### Whether there is concurrence

The proposed non-compliance does not raise any matter of significance related to state or regional environmental planning.

The proposed non-compliance in relation to built-upon area will result in an adverse impact on adjoining sites and the wider community as residential and open space amenity will be affected for the reasons given above.

Accordingly, the public benefit in maintaining the planning controls will be compromised in this instance, the SEPP 1 objection does not have merit and compliance with the development standard is reasonable and necessary.

# **Draft SEPP (Application of Development Standard) 2004**

The aims of this draft SEPP (Application of Development Standard) 2004 are:

- (a) to provide an appropriate degree of flexibility in the application to particular development of a development standard specified in or under an environmental planning instrument, and
- (b) to achieve better outcomes for and from development in the circumstances addressed in this Policy, and
- (c) to promote good strategic planning practice by incorporating provisions allowing flexibility in local environmental plans.

Clause 7(2) of draft SEPP (Application of Development Standard) 2004 also sets out the requirements that must be demonstrated in writing to justify the departure. This includes:

- (a) that the proposed departure from the development standard will result in a better environmental planning outcome than that which could have been achieved on the site had the standard been complied with, and
- (b) that the proposed development will be in the public interest by being consistent with any aims and objectives expressed in, or implied from:
  - I. the zone in which the development is proposed to be carried out,
  - II. the development standard, or in any relevant environmental planning instrument.

The above departures would not result in a better environmental planning outcome than that which could have been achieved on the site had the site density and built-upon area complied with the KPSO standards as this would have provided potentially smaller building footprints thus providing sufficient open space land for the development to comply with the restricted development area and improved solar access to private open space areas because of the reduced built-upon area and possible building bulk.

The proposal is not consistent with the objectives of the residential zoning under Schedule 9 of the KPSO and is not considered acceptable for the reasons addressed above under SEPP 1 objections.

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# Structures within restricted area

The deck areas of units 13 to 17 are proposed to be erected within the restricted area as shown on the map marked "Ku-ring-gai Local Environmental Plan No.131" (LEP131).

The aims and objectives of LEP131 are as follows:

(a)..

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(b) to prevent the erection of structures or the carrying out of certain other development within 4 metres of the southern and western boundaries of that land; and (c) ...

A State Environmental Planning Policy No. 1 objection has not been lodged in respect of this variation to the Ku-ring-gai Planning Scheme Ordinance and LEP131.

Should an SEPP 1 objection be lodged it would not be supported.

# POLICY PROVISIONS DCP 23

	COMPLIANCE TABLE	
Policy standard	Proposed	Complies
Clause 11 Density	·· 2	
Site area/dwelling: 390m <sup>2</sup>	407m <sup>2</sup>	YES
(min)	0.45:1	NO
Floor space ratio: 0.4:1	0.43.1	NO
Clause 12 Building sizes		
Ceiling height max.: 8 m	$\leq 8 \text{ m}$	YES
Ridge height max.: 10.5 m	≤10.5 m	YES
Building height plane:	No encroachments	YES
Clause 13 Building setbacks &		1 EG
building lines		
Building setback: min. 9 m,	9m	YES
average 10.5 m	9m	NO
Side eetheely. Commby with	<b>*T</b>	
Side setback: Comply with building envelope	No encroachments	YES
bunding envelope		
No development within	Units 13, 14, 15, 16 and 17' decking encroaches	NO
restricted development area:		
min, setback 4 m, average 8 m		
Length of wall: 12 m (max.)	Upper level front elevation of units 1, 2, 4 and 5	YES
	Exceeds 12 m, but balcony breaks up the facade	

127

Clause 14 Site development and Landscaping	•	
Built-upon area: 50% (max.)	54%	NO
Compliance with Landscape Plan LP01/93		NO
Clause 15 Tree cover	Only two significant trees to be retained	YES
Clause 16 Streetscape, building design		
Compliance with Clauses 10, 11, 12, 13, 14, 15 of DCP		NO
Compatible character with existing development		YES
Appearance of single detached house when viewed from the street		NO
Energy efficient	Basix provided	YES
Clause 17 Visually prominent sites		
Cut and fill: 1.5 m (max.)	Cut: up to 2 m, fill: up to 1.6 m	NO
Clause 18 Privacy and overlooking.		
Must comply with Clauses 13 and 14	Does not comply	NO
Orientation of windows		YES
Balconies and decks		NO

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Clause 19 Sunlight access		
Compliance with Clause 13 and 14		NO
Access to sunlight.		
Proposed buildings Proposed private open space	Acceptable Unacceptable for units1, 2, 4, 5, 15, and 16	YE S NO
Adjoining buildings Adjoining private open space		YE S NO
Clause 20 Private open space		
Minimum width and depth 5 x 5 metres	Minor variations to Units 8, 9, 13, 15, and 16	NO
Direct access to living areas		YES
Maximise solar access	Unacceptable for units1, 2, 4, 5, 15, and 16	NO
Clause 21 Private courtyards		
Minimum width and depth 5 x 5 metres	Minor variations to Units 8, 9, 13, 15, and 16	NO
Clearly defined walls, fencing	Fencing detail not provided	NO
Consider privacy	Detail not provided	NO
Balconies, consider overlooking	Acceptable	YES
Clause 22 Common open space	Partly located in restricted zone Not convenient to all units particularly1 and 5	NO
Clause 23 Traffic	Acceptable traffic report submitted.	YES
Clause 24 Access and parking	40 spaces provided which complies. Double garage dimension slightly less than DCP 23 requirements	NO
Clause 25 Views	Acceptable	YES
Clause 26 Noise	Acceptable	YES

# **Clause 11 Density**

Comments on the floor space ratio have been provided within the SEPP 1 discussion.

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### Clause 13 Building setbacks & building lines

#### **Curagul Road setback**

The building setback to Curagul Road does not meet the minimum average set back of 10.5 metres. This is not significant as the developments on both sides of the proposed development have reduced building setbacks of 9.5 metres on the west and 7.5 metres on the east. The Curagul road setback is acceptable.

#### No development within restricted development area:

The rear decks of Dwelling Units 13 to 17 encroach within the 4 metres wide buffer planting zone and Dwelling Units 16 and 17 also within the 8 metres zone. Dwelling 5 encroaches into the 10 metres buffer zone fronting Curagul Road.

The intention of Development Control Plan No.23 is to prohibit development within the buffer planting zone and while this has been relaxed in some locations on adjoining development it is inappropriate to do so for this development along the southern boundary given the adjoining golf course green.

The objectives of the buffer planting zone are as follows:

- 1) Prevent damage to people and property as a result of stray golf balls.
- 2) Provide an opportunity for landscaping to screen the subject land from the golf course.
- 3) To enhance and encourage views from the golf course to the National Park and future open space areas within the subject site.
- 4) To provide an opportunity to erect protective fencing between the subject land and the golf course in an unobtrusive location which is to be well screened.

There is no objection to the encroachment of Dwelling Unit 5 into the 10 metres buffer zone fronting Curagul Road.

The Development Control Plan also requires the developer to enter into a deed of agreement and create a Section 88B Instrument to prohibit development within the buffer zone. This not considered practical and should not be imposed.

#### Clause 14 Site development and landscaping.

#### **Built-upon area**

Comments on the built-upon area have been provided within the SEPP 1 discussion.

#### **Compliance with Landscape Plan LP01/93**

Refer to discussion above and the Landscape Development Officers report.

#### **Clause 16 Streetscape and building design**

**Compliance with Clauses 10, 11, 12, 13, 14, 15 of DCP** Refer to discussions above.

Refer to discussions abo

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#### Appearance of single detached house when viewed from the street

When viewed from Curagul Road Dwelling Units 1 and 2 and 4 and 5 do not appear as single dwellings. However, they are not dissimilar to other dwellings on adjoining sites and no objection is raised.

#### **Clause 17 Visually prominent sites**

#### Cut and fill: 1.5 m (max.)

There are numerous locations on the site where the cut and fill will exceed the DCP controls. Overall they are acceptable as they will not be particularly noticeable from adjoining sites.

#### **Clause 18 Privacy and overlooking**

#### Must comply with Clauses 13 and 14

Refer to previous discussion.

#### **Balconies and decks**

The decks to Dwelling Units 13 to 17 will have the potential to directly overlook the adjoining golf course which contravenes the DCP. This partly caused by the fact that the decks are proposed to be erected within the restricted zone (plantation buffer zone) and this reduces the available land for screen planting.

#### **Clause 19 Sunlight access**

# Must comply with Clauses 13 and 14

Refer to previous discussion.

## Private open space to proposed development

The sunlight access to the private open space areas of Dwelling Units 1, 2, 4, 5, 15 and 16 is poor. These areas are in shade in mid winter for the entire day which is not acceptable

There are concerns related to sunlight access to adjoining properties on both the east and the west of the site, in particular Dwelling 1 at 11 - 15 Curagul Road. It would appear that the private open space for this dwelling will be in shade in mid winter for the entire day which is not acceptable Other adjoining dwellings are affected to a lesser degree, however additional detail of overshadowing would be required to obtain an accurate effect.

#### **Clause 20 Private open space**

# Minimum width and depth 5 x 5 metres

There are variations to the standard in Dwelling Units 8, 9, 13, 15, and 16. The variation to Dwelling Units 8 and 9 is small and can be accepted. The area of private open space for Dwelling Units 13, 15 and 16 while not providing the minimum dimensions of  $5 \times 5$  metres is also within the restricted plantation buffer zone which was not the intent of the DCP as is part of the private open space toDwelling Units 14 and 15.

#### Maximise solar access

Refer to previous comments.

#### **Clause 21 Private courtyards**

Minimum width and depth 5 x 5 metres Refer previous comments.

#### Clearly defined walls, fencing

Wall and fencing detail has not been provided. Detailed fencing details indicating the height type and location.

#### **Consider privacy**

Courtyard privacy cannot be considered until fencing details are provided.

#### Clause 22 Common open space

The location of the common open space is not suitable for all dwellings in the development complex, particularly Dwelling Units 1 and 5. It would be preferred in a more central location.

#### **Clause 24 Access and parking**

#### **Garage dimensions**

In Dwelling Units 1 to 12 the double garage dimensions of  $5.4 \ge 5.4$  metres do not meet the DCP, nor the Car Parking Code in regard to the minimum width requirements. It is considered that as a minimum they should be amended to comply with the Car Parking Code requirements and provide a minimum width of 5.6 metres.

#### **Development Control Plan 31 – Access**

DCP 31 requires that the development provide 1 dwelling that is accessible to the disabled. Dwellings 6 and 7 have been provided as accessible dwellings in accordance with the DCP. Matters for assessment under DCP 31 have been taken into account in the assessment of this application.

No detail has been provided in respect of compliance with the relative adaptable housing standards. There is concern that the double garages will not meet the standards and no disabled visitor parking space has been provided.

### **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.

#### **Development Control Plan No. 43 – Car Parking**

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

#### **Development Control Plan 47 – Water Management**

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

#### Section 94 Plan

The development attracts a section 94 contribution of \$393,577.92 which is required to be paid for the 16 additional dwellings, made up as follows, 3 dwellings of  $142m^2$  in area at \$19,039.30 and 1 3 dwellings of  $\ge 150m^2$  in area at \$25,881.54.

## STRATA TITLE

## Ku-ring-gai Planning Scheme Ordinance (KPSO)

# Subdivision (cl.58A):

The proposed strata title of the dwellings within the proposed development, defined as subdivision, is permissible with the consent of Council under the provisions of Clause 58A of the KPSO. The provisions of Clause 58A allows subdivision within the Residential 2(h) zone. Despite this, no development standards are provided for strata subdivision. The proposal must therefore be considered under the aims and objectives for residential zones.

# Aims and objectives for residential zones:

The proposal for strata subdivision is consistent with the aims and objectives for the residential zones, and: (i) maintains the amenity and environmental character of the residential zone; and (ii) allows for residential development compatible with the character of the area.

# POLICY PROVISIONS

# Subdivision Code

The Subdivision Code does not include any specific provisions for strata subdivision nor does it apply to land zoned Residential 2(h). However, Clause 8 of that Code deals with final plans of subdivision for certification under the Local Government Act and Section 88B instruments under the Conveyancing Act. Appropriate conditions of consent are provided to ensure compliance with these provisions.

## LIKELY IMPACTS

All likely impacts of the proposal have been assessed elsewhere in this report.

# SUITABILITY OF THE SITE

The site is suitable for the proposed development.

### ANY SUBMISSIONS

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

## **PUBLIC INTEREST**

The approval of the application is considered not to be in the in the public interest.

# ANY OTHER RELEVANT MATTERS CONSIDERATIONS NOT ALREADY ADDRESSED

There are no other maters for discussion.

## CONCLUSION

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

#### **RECOMMENDATION:**

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

THAT Council, as the consent authority, refuse development consent to Development Application No. 1377/05 for the construction of a Villa, Townhouse Development and Strata Subdivision on land at 9A Curagul Road, North Turramurra], as shown on plans prepared by HSA, Job No. 0514, Drawings DA01, Revision F, Dated 18/08/06, DA02, Revision G, Dated 18/08/06, DA03, Revision G, Dated 18/08/06, DA04, Revision F, Dated 18/08/06, DA05, Revision F, Dated 18/08/06, DA06, Revision F, Dated 18/08/06, for the following reasons:

(1) The proposal is an overdevelopment of the site.

(2) The proposal does not comply with the 'floor space ratio' of Clause 60 of the Ku-ring-gai Planning Scheme Ordinance.

Clause 60 permits a maximum floor space ratio of 0.4:1. The proposed development has a floor space ratio of 0.45:1.

The non-compliance with the floor space ratio results in an increased building bulk and scale which has an impact on the built-upon area of the site and compromises;

- (i) the 4 metres wide restricted development area of Local Environmental Plan 131 with the construction of deck areas within that area and
- (ii) solar access to private open space areas both within ( units 1, 2, 4, 5, 15, and 16) and outside of the site ( particularly the Dwelling at No.1/11 15 Curagul Road).

(iii) compliance with the BASIX landscape commitments.

The State Environmental Planning Policy No. 1 objection lodged in respect of this non-compliance is not supported.

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(3) The proposal does not comply with the 'built-upon area' of Clause 60BA of the Ku-ring-gai Planning Scheme Ordinance.

Clause 60BA permits a maximum built-upon area of 50%. The proposed development has a built-upon area of 60%

The non-compliance with the built-upon area compromises

- (i) the 4 metres wide restricted development area of Local Environmental Plan 131 with the construction of deck areas within that area and
- (ii) solar access to private open space areas both within ( units 1, 2, 4, 5, 15, and 16) and outside of the site ( particularly the Dwelling at No.1/11 15 Curagul Road).

(iii) compliance with the BASIX landscape commitments.

The State Environmental Planning Policy No. 1 objection lodged in respect of this non-compliance is not supported.

(4) The proposal does not comply with Clauses 2 (b) and 5 of Local Environmental Plan No. 131 which seeks to prevent the erection of structures or the carrying out of certain other development within 4 metres of the southern boundary of the land.

The deck areas of units 13 to 17 are proposed to be erected within this restricted area. A State Environmental Planning Policy No. 1 objection has not been lodged in respect of this noncompliance.

- (5) Assessment of the impacts of the development in respect of State Environmental Planning Policy No. 55 Remediation of Land and Sydney Regional Environmental Plan No. 20 Hawkesbury Nepean River cannot be completely assessed due to lack of detail in the contamination report prepared by Brink and Associates. Further investigation is required in respect of the following;
  - issues of potential soil contamination from the previous site occupants (including use for a veterinary surgery)
  - an area of disturbed soil located in the site.
  - a suggestion that pesticides may have been used on the site
  - the need for sediment and stormwater issues to be carefully managed at the site for human and environmental health reasons.
  - escape of soil material and potential contaminates (as identified by the PEA) into the stormwater from the site as this could pose a risk to the local environmental, particularly during and after heavy rain
  - health implications for the retirement complex immediately downstream of the site.
  - The potential for pollutants from this site to be washed into the National park and Cowan Creek, adding to the environmental pressures posed from urban runoff.
- (6) The plans do not indicate compliance with BASIX landscape commitments. A separate plan is needed to clearly indicate the landscaped areas for each dwelling and the common area that comply with the BASIX Certificate submitted with the application, (hatching or shading of the areas is required).
- (7) Certification by an accredited access consultant has not been provided in respect of compliance with the relative adaptable housing standards and Australian standards.

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There is concern that the dimensions of the double garages will not meet the standards and no disabled visitor parking space has been provided.

- (8) The landscape proposal by Vision Dynamics, Drawing No's 050166DA1- A5/5, Revision A and dated 30/11/05 are not considered satisfactory for the following reasons;
  - The landscape plan shall comply with clause 14.4 of Development Control Plan 23.
  - The layout of the garden beds within the buffer zones adjacent to the Golf Course and Curagul Road shall comply with Development Control Plan 23 Landscape Plan No. LP01/93 dated 18/11/93. (Refer to the note of the plan for Buffer Planting Zones.)
  - Tree 15 *Livistona australis* (Cabbage Tree Palm) and Tree 16 *Phoenix canariensis* (Canary Island Palm) are to be transplanted and appropriately relocated on the site.
- (9) The waste bin enclosure does not comply with the provisions of Development Control Plan No.40 and Policy for Construction and Demolition Waste Management
  - The enclosure should be fully enclosed with a roof and drainage connected to the sewer for floor waste.
  - Night lighting, hot and cold hose cock, should be provided for cleaning
  - Bin arrangement does not allow for ease in stacking. Bins should not be arranged in stack formation.
  - Green wastes are to be serviced from the street.
- (10) The proposal does not comply with the following requirements of Development Control Plan 23 Nos. 9, 9A, 11 and 15 Curagul Road, North Turramurra as follows;

Clause 11 Density

• The proposal provides a floor space ratio of 0.45:1 in lieu of 0.4:1. Refer to comments under 1 above.

Clause 13 Building setbacks and building lines

- The proposed construction of decks to units 13 to 17 within the 4 metres wide plantation buffer zone.
- The proposed construction of units 16 and 17 within the 8 metres wide and variable width plantation buffer zone.

The objectives of the buffer planting zone are as follows:

- 1) Prevent damage to people and property as a result of stray golf balls.
- 2) Provide an opportunity for landscaping to screen the subject land from the golf course.
- 3) To enhance and encourage views from the golf course to the National Park and future open space areas within the subject site.
- 4) To provide an opportunity to erect protective fencing between the subject land and the golf course in an unobtrusive location which is to be well screened.
- Clause 14 Site development and landscaping

/36

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- The proposal provides a built-upon area of 60% in lieu of 50%. Refer to comments under 2 above.
- The proposal does not comply with the landscape plan LP01/93 attached to DCP 23 with regard to buffer zone planting. Refer above.

Clause 19 Sunlight access

• The sunlight access to the private open space areas of units 1, 2, 4, 5, 15 and 16 within the development site and to the adjoining development to the east and the west, particularly Dwelling 1/11 – 15 Curagul Road is unacceptable.

Further detailed shadowing would be required to establish the effects on the adjoining properties. A reduced built-upon area would provide flexibility in the location of private open space areas.

Clause 20 Private open space

• There are variations to the standard in regard to the minimum dimensions of Units 8, 9, 13, 15, and 16. The variation to units 8 and 9 is small and can be accepted. The area of private open space for Units 13, 15 and 16 while not providing the minimum dimensions of 5 x 5 metres is also within the restricted plantation buffer zone which was not the intent of the DCP, as is part of the private open space to units 14 and 15.

Claus 21 Private courtyards

• Wall and courtyard fencing (including side boundaries) detail has not been provided, is missing or is difficult to interpret.

This creates difficulties in assessing privacy aspects in the courtyards. A detailed plan indicating courtyard wall or fencing details would be of assistance. The plan should include top of wall and ground levels and fencing heights.

Clause 22 Common open space

• The location of the common open space is not suitable for all dwellings in the development complex, particularly Dwellings 1 and 5. It would be preferred in a more central location.

Clause 24 Access and parking

• In Units 1 to 12 the double garage dimensions of 5.4 x 5.4 metres do not meet the DCP, nor the Car Parking Code in regard to the minimum width requirements. It is considered that as a minimum they should be amended to comply with the Car Parking Code requirements and provide a minimum clear width of 5.6 metres.

(11) The strata plan does not correspond to the amended building plans adjacent to units 4 and 13.

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(12) No information has been provided in respect of the availability of water and sewerage services to the site.

#### **DRAFT CONDITIONS** Should the application be appealed

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 SIXTEEN (16) ADDITIONAL DWELLINGS IS CURRENTLY \$393,577.92. 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. 2.	Community Facilities Park Acquisition and Embellishment Works	\$1 117.76
	(Insert figure for relevant Suburb)	
	- Turramurra	\$4 723.00
3.	Sportsgrounds Works	\$1 318.32
4.	Aquatic / Leisure Centres	\$27.82
5.	Traffic and Transport	\$150.28
6.	Section 94 Plan Administration	\$100.04

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

#### OCCUPANCY RATES FOR DIFFERENT DWELLING SIZES

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

It is recommended that-

- the roofs to buildings at the rear of the site are reduced in pitch to further increase the views across the site to the National Park
- Council's landscape architect should ensure that the proposed landscape in the 9m setback of Buildings H1 to H5 is of sufficient quality density and size to allow the

/38

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reduced setback

- that a drawing is provided to indicate where the 8m setback required in DCP 23 is located;
- that Units H16 and H17 are set back 8m from the rear of the site and that more than one large canopy tree is provided in this setback zone;
- that Units H16 and H17 are setback 8m from the southern boundary in order to reduce the floor area and site coverage of the proposed DA;
- that a number of large canopy trees are provided within the 8m setback zone at the south-eastern corner of the site.

Visual and acoustic screens are to be erected on the eastern side of the visitor spaces adjacent to Dwelling 17.

Dwellings 6 and7 are to be provided as accessible units in accordance with SDCP 31.

Development A fficer/ Executive Assessment Officer

on 2

Team Leader Development Assessment Services

12/10/06

Matthew Prendergast Manager Development Assessment Services

Michael Miocic Director Development and Regulatory Services

Attachments:



S02355, S03662 2 August 2007

### SETTING OF DATE FOR THE ELECTION OF MAYOR & DEPUTY MAYOR - 2006/2007

### **EXECUTIVE SUMMARY**

PURPOSE OF REPORT:	To give consideration to setting the date for the 2007/2008 Election of the Mayor & Deputy Mayor.
BACKGROUND:	Section 290 of the Local Government Act provides that Council shall elect a Mayor and is required to hold a Mayoral Election in September each year of its term.
	Section 231 of the Act empowers the Council to elect a Deputy Mayor.
COMMENTS:	Traditionally, Council has held the Mayoral Election early in September.
RECOMMENDATION:	That the 2007/2008 Election of Mayor & Deputy Mayor be held on Tuesday, 4 September 2007 & that the 2007/2008 Election of Chairpersons & Deputy Chairpersons of Council's Committees & Advisory Committees be held on 25 September 2007 & also, that Council consider the appointment of various Community Committee members/delegates on 25 September 2007.

### **PURPOSE OF REPORT**

To give consideration to setting the date for the 2007/2008 Election of the Mayor & Deputy Mayor.

### BACKGROUND

Section 290 of the Local Government Act provides that Council shall elect a Mayor and is required to hold a Mayoral Election in September each year of its term.

Section 231 of the Act empowers the Council to elect a Deputy Mayor.

Also, Council's Code of Meeting Practice (Clause 20 - Annual Elections) states:

That Council determine the meeting in September each year at which the election for Mayor, Deputy Mayor, Committee members and delegates is to be held.

### COMMENTS

Traditionally, Council has held the Mayoral Election early in September.

The recommended date to hold the Mayoral/Deputy Mayoral elections would be 11 September 2007. However, a number of Councillors have prior commitments on that date. It is considered that the best option is to transfer the Ordinary Meeting of Council from 11 September to 4 September 2007 to enable all Councillors to be present for the Mayoral/Deputy Mayoral elections.

In previous years, the election of the Chairpersons/Deputy Chairpersons of Council's Committees and Advisory Committees has been deferred to the following Council meeting. These elections could then be held in conjunction with the appointment of the various Community Committee members and organisation delegates.

### CONSULTATION

Not applicable.

### FINANCIAL CONSIDERATIONS

Not applicable.

### CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Not applicable.

#### S02355, S03662 2 August 2007

### SUMMARY

Not applicable.

### RECOMMENDATION

A. That Council amend its Meeting Cycle for September 2007 as follows:

4 September 2007	Ordinary Meeting of Council
11 September 2007	(Transferred to 4 September 2007)
25 September 2007	Ordinary Meeting of Council

- B. That the 2007/2008 Election of the Mayor and Deputy Mayor be held at the Ordinary Meeting of Council on Tuesday, 4 September 2007.
- C. That the 2007/2008 Election of the Chairpersons/Deputy Chairpersons of Council's Committees and Advisory Committees be held on Tuesday, 25 September 2007.
- D. That Council consider the appointment of various Community Committee members/delegates on Tuesday, 25 September 2007.

Geoff O'Rourke Senior Governance Officer John McKee General Manager

S02046 23 July 2007

# LOCAL GOVERNMENT ASSOCIATION CONFERENCE 2007

### **EXECUTIVE SUMMARY**

PURPOSE OF REPORT:	For Council to determine its delegates to the 2007 Local Government Association of NSW Annual Conference.
BACKGROUND:	The Annual Conference will be held at Coffs Harbour from Sunday, 21 October to Wednesday, 24 October 2007.
COMMENTS:	The number of voting delegates for each Council is dependant on population. Based on Ku-ring-gai's population, Council will be entitled to 5 voting delegates.
RECOMMENDATION:	That Council determine its elected delegates and the General Manager or his delegate accompany elected representatives to the Conference.

### **PURPOSE OF REPORT**

For Council to determine its delegates to the 2007 Local Government Association of NSW Annual Conference.

### BACKGROUND

The Annual Conference will be held at Coffs Harbour from Sunday, 21 October to Wednesday, 24 October 2007 with the theme "Anchoring the Future".

A Local Government Forum titled 'Global Problem, Local Solutions' - leadership on climate change will be held on Saturday, 20 October 2007.

### COMMENTS

The number of voting delegates for each Council is dependent on population. Based on Ku-ring-gai's population, Council will be entitled to 5 voting delegates.

### FINANCIAL CONSIDERATIONS

Registration for the Conference is \$990.00 per person which includes a number of functions and the Conference sessions. Accommodation and travel expenses are additional.

### SUMMARY

The Local Government Association Conference will be held from 21 October to 24 October 2007.

### RECOMMENDATION

- A. That Council determine its elected delegates to the 2007 Local Government Association Conference.
- B. That the General Manager or his delegate accompany the elected representatives to the Conference.

Geoff O'Rourke Senior Governance Officer John McKee General Manager

Attachments: Draft Conference Program - 802700 & 802701



### Local Government Association of NSW Annual Conference

OCTOBER 20-24, COFFS EX-SERVICES CLUB, COFFS HARBOUR NSW



Brought to you by:

Local Government

Association of NSW



Conference Elite Sponsor:







LGA 2007 CONFERENCE – OCTOBER 20-24 COFFS EX-SERVICES CLUB, COFFS HARBOUR NSW

# welcome to coffs harbour







LGA 2007 CONFERENCE – OCTOBER 20-24 COFFS EX-SERVICES CLUB, COFFS HARBOUR NSW

# about coffs harbour

Coffs Harbour is a thriving regional city of 68,000 that enjoys a unique lifestyle created by its geography and climate. Nestled between the coastal slopes of the Great Dividing Range and the 60 kilometres of golden beaches that form its boundaries, Coffs Harbour has gained a reputation as a dynamic and rapidly expanding economic hub.

On top of the wide range of leisure attractions and lifestyle opportunities available, the city can also boast excellent transport links as well as education and health facilities that make it the envy of the NSW North Coast. As a city, it can also lay claim to a cultural and historic heritage that has given it a rich multicultural makeup and outlook.

Coffs Harbour has been named one of the world's most liveable cities. Come and see why that is such a welldeserved accolade.



LGA 2007 CONFERENCE – OCTOBER 20-24 COFFS EX-SERVICES CLUB, COFFS HARBOUR NSW

# message from the LGA president



We are making a welcome return to Coffs Harbour for our 2007 Annual Conference.

Our theme this year is 'Anchoring the Future'. Local Government does anchor communities. While other spheres of government have withdrawn from many areas of service provision, Local Government has never been afraid to protect services to our own communities, even when this has severely tested our resources. Sometimes we can be our own worst enemies, but in a changing world, people can rely on their local council to stay focussed on essential services and their community's well being.

I encourage you all to attend the Saturday Forum titled 'A Climate for Change'. Local Government is leading the charge on climate change, filling the void left by other spheres of government unable or unwilling to act. Across the globe Local Government has answered the challenge. The myriad ideas, plans and projects initiated by local councils to address climate change have shown in a practical way how to think globally and act locally.

The financial sustainability of Local Government and our ability to meet the community's expectations for affordable services continue to be at the forefront of our advocacy. Indeed, your Association has been concerned to ensure that our conferences are sustainable and affordable. Your Conference Committee and our host council have been meticulous in putting together a conference which is great value for your money.

I welcome you all to the 2007 Annual Conference and know that our visit to Coffs Harbour will be enjoyable and constructive.

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Cr Genia McCaffery <sup>VU</sup> President, Local Government Association of New South Wales



LGA 2007 CONFERENCE – OCTOBER 20-24 COFFS EX-SERVICES CLUB, COFFS HARBOUR NSW

# message from the mayor



It is with great pleasure and pride that I welcome you to the 2007 Local Government Conference in Coffs Harbour.

We are very lucky to live in an area that is almost unique in Australia. Coffs Harbour's location on the coastal plain between the mountains and the sea means we have a wonderfully temperate climate with a diverse and fascinating landscape that is home to an enormous range of animal and plant species.

The Coffs Coast area extends from mountain rainforest, through undulating rural landscapes dotted with heritage towns to the nearly 60 kilometres of golden beaches, which attract thousands of visitors to our city every year.

Similarly offshore, two opposing ocean currents bring together an abundance of sea life that would never normally meet and which also make the area a must-see destination for water sports enthusiasts of all kinds.

Nestled between this exceptional land and seascape is the vibrant and growing city of Coffs Harbour. Twice a major winner in the international LivCom awards, and judged one of the World's Most Liveable Cities, Coffs Harbour is home to a rapidly growing population attracted by its lifestyle, economic opportunities, leisure options and attractions.

Visitors too enjoy the first-class accommodation, award-winning cafes and restaurants and myriad leisure activities on offer in our area.

I hope that you will also have time to sample some of the Coffs Coast's delights while you are here for the conference.

I can guarantee you a warm welcome and a stay that will leave you with very happy memories.

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Keith Rhoades AFSM Mayor, City of Coffs Harbour



LGA 2007 CONFERENCE – OCTOBER 20-24 COFFS EX-SERVICES CLUB, COFFS HARBOUR NSW

# draft conference program

NOTE: Program content correct at time of printing. Changes may occur without notice.

### Saturday 20 October

# 12noon - 5.00pmRegistration opens at Ex-Services Club1.30pm - 4.30pmForum: Auditorium Ex-Services Club

Local Government Forum: 'Global Problem, Local Solutions' - leadership on climate change. Quentin Dempster instigates a conversation with Hon Malcolm Turnbull MP and Mr Peter Garrett (invited)

#### Sunday 21 October

9.00am - 5.30pm	Registration opens at Ex-Services Club
2.00pm - 3.00pm	Church service, Saint Augustines
3.00pm - 4.00pm	Afternoon tea in Ex-Services Club
4.00pm - 5.30pm	Official Opening Ceremony, Auditorium, Ex-Services Club
	Mayoral procession
	National Anthem
	Indigenous welcome
	Welcome from Mayor, Cr Keith Rhoades, Coffs Harbour City Council
	Welcome address by Cr Genia McCaffery, President LGA
	Presentation of Outstanding Service Awards
5.30pm - 7.00pm	President's Welcome Reception, Trade Display area, Ex-Services Club

#### Monday 22 October

9.00am	Conference Opening of Business Session	
	Hon Morris lemma MP, Premier of New South Wales (invited)	
9.30am	Hon Paul Lynch MP, Minister for Local Government (invited)	
	Ministers Morning:	
10.00am	Hon Frank Sartor MP, Minister for Planning (invited)	
10.30am	Hon Kristina Keneally MP, Minister for Ageing and Disability Services (invited)	
	(Morning tea concurrent)	
11.00am	Dr Graeme Pearman, Interim Director, Monash Sustainability Institute	
11.30am	Adoption of Standing Orders	
	Presentation and adoption of Treasurer's Report	
	Consideration of motions	
12.15pm	Hornsby Shire Council 'Hornsby Earthwise - Triple Bottom Line Sustainability Case Study'	
12.30pm	Lunch	
1.30pm	Consideration of Motions	
3.00pm	(Afternoon tea concurrent)	
4.00pm	Conference adjourns for Happy Hour in trade exhibition	
5.00pm	Happy Hour concludes	
7.30pm	Social Night 'A Night of Grace with Grace Night' (optional)	



LGA 2007 CONFERENCE – OCTOBER 20-24 COFFS EX-SERVICES CLUB, COFFS HARBOUR NSW

# draft conference program

NOTE: Program content correct at time of printing. Changes may occur without notice.

### **Tuesday 23 October**

<b>8.30am</b> 9.00am	Ballot to host 2009 LGA Conference opens		
9.30am	Hon Richard Torbay MP, Speaker, Legislative Assembly (invited) Hon Chris Hartcher MP, Shadow Minister for Local Government		
10.00am			
10.30am	Hon Eric Roozendaal MLC, Minister for Roads (invited) Opening of Business Session		
10.00am	Consideration of motions		
	Ballot for 2009 Conference Host closes		
11.00am	Consideration of motions		
12.15pm	Dubbo City Council 'Greenhouse Initiatives of a Regional Council' Case Study		
12.30pm	Lunch		
1.30pm	Consideration of motions		
4.00pm	Conference adjourns for Happy Hour in trade display		
	Draw Prizes from trade display		
5.00pm	Happy Hour concludes		
7.00pm	Gala dinner Bonville International Golf Club	Contraction and an and a state of the state of the	
-	sponsored by Country Energy	countryenergy	

### Wednesday 24 October

9.00am	Opening of Business Session
	Broken Hill 2008 presentation
9.15am	North Sydney Case Study: 'Buying Green' (invited)
9.30am	Consideration of motions
12noon	Drawing of prizes. Submission of conference evaluation forms closed
12.15pm	Closing ceremony

#### FREE COUNCILLOR WORKSHOPS - 1.00PM - 3.00PM

At the LGA we are keen to give you many opportunities for personal professional development. Therefore we are proud to let you know we have arranged three compressed but interactive workshops for you on Wednesday 24 October, the last afternoon of the LGA Conference.

#### THE WORKSHOPS ARE:

Workshop One	Media Skills in the lead up to an election
Workshop Two	Conflict of Interest and Code of Conduct
Workshop Three	Probing Questioning Techniques - How to ask hard financial questions!

We encourage all attendees to avail themselves of this great learning opportunity - bookings essential.

Please see the attached WORKSHOP REGISTRATION FORM for details.



LGA 2007 CONFERENCE - OCTOBER 20-24 COFFS EX-SERVICES CLUB, COFFS HARBOUR NSW

# registration fees

	EARLY BIRD REGISTRATION before 7th September 2007	REGISTRATION after 7th September 2007
Delegate Registration	\$880.00	\$990.00
Sponsor Registration	\$440.00	\$440.00
Partner Registration	\$440.00	\$440.00

The registration fee to attend this conference has been significantly reduced from the real cost of attendance due to successful sponsorship monies supporting the conference infrastructure. Similar business conferences for industry and associations meetings are priced for delegates between \$1000.00 and \$3000.00 for a three (3) day conference. This four (4) day conference and its inclusions represents great value and we thank our sponsors for their support.

All fees include GST.

# entitlements

### Delegate entitlements include:

- Saturday Forum
- Afternoon Tea and Opening Ceremony
- President's Welcome Reception
- All conference sessions
- Morning and afternoon teas and lunch on Monday and Tuesday and morning tea on Wednesday
- Happy Hours on Monday and Tuesday
- Gala Dinner
- Conference bag and materials
- Membership to Coffs Ex-Services Club (10% discount on food and beverage)

#### Sponsor entitlements include:

- Afternoon Tea and Opening Ceremony
- All conference sessions
- Morning and afternoon teas and lunch on Monday and Tuesday and morning tea on Wednesday
- Happy Hours on Monday and Tuesday
- Membership to Coffs Ex-Services Club (10% discount on food and beverage)

Please note that most sponsorships include tickets to the Gala Dinner and the President's Welcome Please check Reception. your Sponsorship Prospectus. If your sponsorship does not include tickets and you wish to attend, please indicate so on your registration form (fees apply).

A delegate is considered to be anyone registering to attend the conference and a sponsor is considered to be an employee of an organisation who is sponsoring or exhibiting at the conference.

#### Partner entitlements include:

- Afternoon Tea and Opening Ceremony
- President's Welcome Reception
- Happy Hours on Monday and Tuesday
- Gala Dinner
- Coffs Harbour Local Sights Tour
- Membership to Coffs Ex-Services Club (10% discount on food and beverage)

A partner is someone who is accompanying a registered delegate.



LGA 2007 CONFERENCE – OCTOBER 20-24 COFFS EX-SERVICES CLUB, COFFS HARBOUR NSW

# how to register

# LOCAL GOVERNMENT ASSOCIATION OF NSW 2007 CONFERENCE, DELEGATES AND PARTNERS REGISTRATION INFORMATION

Complete one registration form per person, indicating the functions you wish to be booked to attend (both inclusive and optional). Calculate the total cost for your organisation on the Payment Summary Form and include with appropriate registration forms. Please photocopy the registration form if you need more than one.

#### **Payment Details**

Payment must accompany registration forms. Payment may be made by cheque, credit card (MasterCard and Visa only) or direct deposit (details available on the payment summary form). Please note - registrations will not be processed, and thus bookings not confirmed, without required payment.

#### **Registration Enquiries and Due Date**

You are requested to submit registrations by Friday 14 September. Registrations should be sent to:

LGA 2007 Conference PO BOX 5013 ALBURY NSW 2640 Phone: 02 6023 6300 Fax: 02 6023 6355 Email: Iga2007@ccem.com.au

Please call Bradley Hayden at Countrywide Conference & Event Management for registration enquiries on 02 6023 6300.

#### Confirmation

All registrations will be confirmed in writing after receipt of registration form with required payment.

#### **Cancellations**

All cancellations must be advised in writing. Cancellations made by 5pm on Friday 28 September will be eligible for a full refund of all registration payments made, less a \$100.00 administration fee per registration. Cancellations made after 5pm on Friday 28 September will not be entitled to any refund, however substitute delegates may be sent - please notify Bradley Hayden on 02 6023 6300 with name changes.

### **Privacy Policy**

Coffs Harbour City Council is hosting the LGA2007 Conference on behalf of the LGSA and is bound by and committed to supporting the principals set out in the Privacy & Personal Information Act 1998. Coffs Harbour City Council will collect and store information you provide in the registration form for the purposes of enabling us to register your attendance at the conference. With your permission, Coffs Harbour City Council may disclose some of the information that is collected in the registration form such as your name, organisation and its location and your email address. Coffs Harbour City Council will not otherwise, without your consent, use or disclose your personal information for any purpose unless it would reasonably be expected that such purpose be related to the offer, provision and improvement of conferences and services or where such purpose is permitted or required by law.

### Liability

In the event of unforeseen circumstances the Conference Organiser does not accept responsibility for loss of monies incurred by delay.



LGA 2007 CONFERENCE – OCTOBER 20-24 COFFS EX-SERVICES CLUB, COFFS HARBOUR NSW

## how to register

### **Registration Desk Opening Times**

Saturday 20th October 2007	12.00 - 17.00
Sunday 21st October 2007	09.00 - 17.00
Monday 22nd October 2007	08.00 - 17.00
Tuesday 23rd October 2007	08.00 - 17.00
Wednesday 24th October 2007	08.00 - 12.30

#### **Special Requirements**

If you have any special dietary or access requirements, please ensure that you complete the appropriate section of the registration form.

#### Accommodation and Child Care

For all accommodation requirements, please contact the Coffs Coast Visitors Information Centre on 02 6652 1522 or 1300 369 070 and mention that you are attending the LGA 2007 Conference.

Child care arrangements may be made directly with your accommodation venue. If the venue is unable to help, please contact the Coffs Coast Visitors Information Centre.

#### **Getting to Coffs Harbour**

Qantas, Virgin Blue and Brindabella Airlines operate regular flights from Sydney, Brisbane and Melbourne to Coffs Harbour Airport, one of the largest regional airports in NSW. There are convenient connections to all capital cities. For all air travel enquires please call Debbie Gray at Travelscene American Express Coffs Harbour on 02 6651 2747 or 1300 738 888 or email: debbie@kellytravel.com.au and state that you are attending the LGA 2007 Conference.

Driving - Sydney to Coffs Harbour via the Pacific Hwy is approximately a 6hr drive. Brisbane to Coffs Harbour via the Pacific Hwy is approximately a 5hr drive. Coming from the west? Travel via New England along the scenic Waterfall Way.

Coffs Harbour Train Station	(02) 6651 2757
Country Link	13 22 32
Coffs Harbour Taxis	131008
Holiday Coast Limousines	(02) 6658 9999 or 0409 131 908

#### **Transport to the Conference Venue**

There is limited parking at the Coffs Ex-Services Club and some parking has time restraints, therefore transport has been arranged from all conference hotels to the venue - morning and night. Transport will also be provided to and from the airport and to the conference social functions. Please book your requirements on the registration form - sections 6 and 7.

By completing and submitting this registration form you are deemed to have read and accepted the cancellation and privacy policies.



LGA 2007 CONFERENCE - OCTOBER 20-24 COFFS EX-SERVICES CLUB. COFFS HARBOUR NSW

# social functions





### Saturday - Local Government Forum **Coffs Ex-Services Club** 1.30pm - 4.30pm

All delegates are invited to attend this Forum which will focus on Leadership on Climate Change. The Forum is included in the registration fee. Additional tickets are available at \$44.00 inc GST.

### Sunday - President's Welcome Reception Coffs Ex-Services Club amongst the trade display, 5.30pm - 7.00pm

The President's Welcome Reception will follow the Opening Ceremony amongst the trade display. Delegates and Partners are encouraged to mingle with Sponsors whilst enjoying sumptuous canapés and beverages. Local entertainment will create a relaxing networking environment for all to enjoy.

Additional tickets are available at \$77.00 inc GST.



### Monday - Social Night (Optional) "A Night of Grace with Grace Knight". **Novotel Pacific Bay Resort** 7.30pm to 10.00pm Cost: \$66.00 inc GST per person



Grace Knight (ex Eurogliders) and her band will perform smooth, jazz vibes overlooking the lagoon, on the beautiful balconies of Charlie's Restaurant, at Novotel Pacific Bay Resort. Tonight's function is a stand up dinner with limited seating. An affordable evening not to be missed. Please note that numbers are limited, so please register early to avoid disappointment.



LGA 2007 CONFERENCE – OCTOBER 20-24 COFFS EX-SERVICES CLUB, COFFS HARBOUR NSW

# social functions



#### Tuesday - Gala Dinner Bonville International Golf Club 7.00pm - 11.30pm Cost: \$165.00 inc GST per person

Sponsored by:



Be prepared for an evening to remember at the multiaward winning Bonville International Golf Resort. Your tastebuds will be tantalised with exquisite food prepared by Bonville's Consultant Chef George Francisco, from the iconic Jonah's Restaurant at Whale Beach, Sydney. There will also be complementing wines, not to mention the divine ambience with The Great Dividing Range as the stunning backdrop on the 14th fairway and cleverly themed local entertainment. Come dressed to kill or leave the ties and heels at home as you will be on the actual golf course and dancing the night away on the sand dance floor under the stars. Without giving too much away, dinner will be seated and underneath three marguees - so don't forget something to wrap around your shoulders in case of a slight breeze.





LGA 2007 CONFERENCE – OCTOBER 20-24 COFFS EX-SERVICES CLUB, COFFS HARBOUR NSW

# partners/optional tours

# ALL TOURS ARE SUBJECT TO MINIMUM AND MAXIMUM NUMBERS AND BOOKINGS WILL BE PROCESSED AS RECEIVED.

#### **COFFS HARBOUR LOCAL SIGHTS TOUR**



Saturday 20th or Sunday 21st October 2007. Cost : Included in partners registration fee Additional tickets \$35.00 Minimum number required ~ 20 Saturday 1.30pm - 4.30pm Sunday 10.00am - 1.00pm

Coffs Harbour is a region of green, pristine rainforests, relaxed, friendly towns and some of the best beaches on the eastern coastline. This tour will highlight some of the local sights, so be sure to have your cameras ready.

Departing from the Coffs Ex-Services Club, we will begin our journey through the heart of the Coffs CBD down to the historic Jetty area. Stopping at Beacon Hill you can take in the spectacular views of the Coffs Coast, including the Coffs Harbour International Marina.

We then travel south past the Southern Cross University and our International Stadium before passing through the picturesque village of Sawtell with its spectacular headland views. We'll swing around north on the Pacific Highway, calling into the famous Big Banana before climbing up the Bruxner Park Road to take in the panoramic outlook over Coffs Harbour and enjoy morning/afternoon tea. We see a little of the Coffs rural scenery, before heading up to Woolgoolga, home to one of Australia's largest Sikh communities. Then it's out onto the dramatic Woolgoolga Headland before heading back along the Pacific Highway and returning to the Coffs Ex-Services Club.

# DORRIGO WORLD HERITAGE PARK & BELLINGEN BROWSING TOUR



Monday 22nd October 2007 9.30am - 4pm Cost: \$65.00 Minimum number required ~ 25

A trip to the Coffs Coast would not be complete without a visit to Dorrigo and its famous National Park and the Sky Walk. We will depart from the Coffs Ex-Services Club and travel through the lush Bellinger Valley, stopping at the Old Butter Factory in Bellingen for morning tea.

We will then make the climb along the Waterfall Way to Dorrigo and the beautiful Dangar Falls. Lunch will be taken at the historic Dorrigo Hotel before heading to the National Park and a stroll over the rainforest canopy on the Sky Walk. On the way home we will revisit Bellingen to browse the main street and historic township. You can visit the Hammond and Wheatley Store, the Old Church and Yellow Shed - where you will find fabulous treats, antiques and quaint gifts.



LGA 2007 CONFERENCE – OCTOBER 20-24 COFFS EX-SERVICES CLUB, COFFS HARBOUR NSW

# partners/optional tours

#### WATER RAT CRUISE, INCLUDING LUNCH



#### Monday 22nd October 2007 9.15am - 1.30pm Cost: \$60.00 Minimum number required ~ 25 Maximum number required ~ 49

Time to kick back and relax! Departing from the Coffs Ex-Services Club you will enjoy comfortable all weather cruising on the Kalang and Bellinger Rivers in the beautiful Bellinger Valley. Only a 20 minute ride south of Coffs Harbour, the cruise departs at 10am and is followed by a two course lunch at Anchors Wharf Restaurant, situated right on the waters edge. Morning tea is included. Toilet facilities are available on board.

#### WHALE WATCHING



Tuesday 23rd October 2007. 9am to 11.30am Cost: \$45.00 Minimum number required ~ 15

Where the mountains meet the sea! Take it all on board the big, safe and stable "Spirit of Coffs Harbour II". Your experienced and professional crew will guide you all the way with a commentary both informative and humorous.

Each year from June to November some 8,000 magnificent humpback whales and their calves visit the pristine waters of Coffs Harbour. You will be in total awe

of their spectacular behaviour. Imagine the thrill of seeing a 16 metre long, 40 tonne whale as it launches itself out of the water right before your eyes, then waves its pectoral fins and slaps its tail. Unforgettable! You will also marvel at Coffs Harbour's coastline, which is unsurpassed and like no other in the world. Take in the raw splendour as the magnificent Great Divide reaches down to unite with the sub tropical waters encompassed by the beautiful Solitary Islands Marine Park.

#### **GALLERY, WINE & DINE TOUR**



Tuesday 23rd October 2007 9.30am to 4pm Cost: \$75.00 Minimum number required ~ 25

Leaving from the Coffs Ex-Services Club we will arrive at The Bunker Cartoon Gallery. The Gallery is located in an original WWII Bunker that was saved from demolition by the Rotary Club of Coffs Harbour. The Bunker retains its historical significance though now transformed into a funky up-tempo gallery space.

Following The Bunker is morning tea at Mangrove Jacks on The Promenade, soaking up the sun and the sights on picturesque Coffs Creek. Here you will have time to browse the latest fashions, imported gifts, furniture, homewares and jewellery, before heading back into the CBD to the Coffs Harbour Museum and Coffs Harbour Regional Gallery.

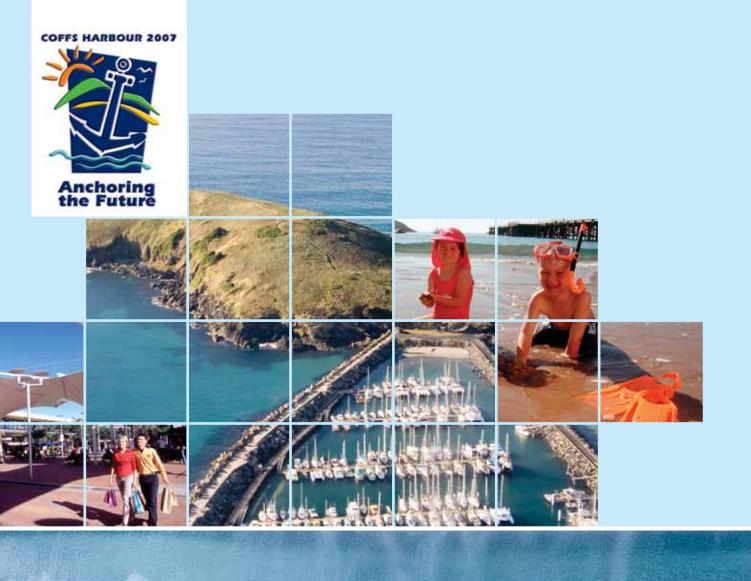
Next we head north to beautiful Emerald Beach for lunch at Saltwater Restaurant. Here you will experience sensational food and stunning views. Food and tea and coffee is included, other beverages are not included in price.

To finish off your outing we will take a scenic country diversion to the Two Tails Winery at Nana Glen for a tasting, cheese and biscuits. Afterwards you will be dropped back at your accommodation or at the Coffs Ex-Services Club.



LGA 2007 CONFERENCE – OCTOBER 20-24 COFFS EX-SERVICES CLUB, COFFS HARBOUR NSW

#### sponsors Elite countryenergy Distinguished Social Dinner o annent of Environment & Climate Change NSV IIIIII FuturePlu ENVIRONMENTAL SOLUTIONS **Internet Cafe** Cappuccino Volunteer mobilemuster OANTASLINK morpheum Print Media Partner Valued CLAUDE ECO Point JARDINE LLOYD THOMPSON MyCareer . **State**Cover The Sydney Morning Herald Trade The Cancer CUCO ECON australbricks The SafeWater Company Food Grange Local Government Н Regulation Association of NSW Partnership" Local Government Local Government **M** marsdens Local Government Learning Solutions EmploymentSolutions Maddocks PROCUREMEN Nature Conservation Motion COM Prospectors EarthSciences MultiScreen Council Your own In-House TV Station of NSW SPLASHdOWI ublic Libraries New South Wales -Country





## LGA 2007 DELEGATE & PARTNERS registration form

LGA 2007 CONFERENCE - OCTOBER 20-24 COFFS EX-SERVICES CLUB, COFFS HARBOUR NSW

#### Please complete this registration form and return with payment. NOTE: All fees are inclusive of GST.

#### **SECTION 1 - PERSONAL INFORMATION (Delegate)**

_ Post Nominal	Given Name	
	State	Post Code
<	Mobile	
	_ Post Nominal	State < Mobile

Date of Birth - required for Coffs Ex-Services Club Membership \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

#### **SECTION 2 - REGISTRATION FEES**

	EARLY BIRD REGISTR before 7th September 2	
Delegate Registration	\$880.00	\$990.00
Partner Registration	\$440.00	\$440.00
		TOTAL SECTION 2 \$

Partners Name

\_\_ Date of Birth \_\_\_\_ / \_\_\_\_ / \_\_\_\_\_

#### **SECTION 3 - SPECIAL REQUIREMENTS**

Please indicate any special needs including 
Dietary (please specify)

Additional registration forms and

conference updates can be obtained from the conference website at:

http://lga2007.coffsharbour.nsw.gov.au

or call 02 6023 6300

□ Access Provisions □ Child Care □ Other (please specify)\_

SECTION 4 - SOCIAL FUNCTIONS - The following events are included in the registration fees, please tick to indicate if you will be attending the event. If you wish to purchase additional tickets please complete this section.

INCLUDED EVENTS	Delegate	Partner	Additional Ticket Price	Number of Total Additional Tickets
Saturday - Local Government Forum			\$44.00	\$
Sunday - Church Service			No charge - Ple	ease indicate for catering
Sunday - Opening Ceremony			No charge - Ple	ease indicate for catering
Sunday - President's Welcome Reception	on 🗆		\$77.00	\$
Tuesday Night Gala Dinner			\$165.00	\$
OPTIONAL EVENT (Not included in Re	egistration Fee)			
Monday Night Social Dinner			\$66.00	\$

Monday Night Social Dinner			\$66.00		\$_
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#### TOTAL SECTION 4 \$\_



Local Government Association of NSW

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### LGA 2007 DELEGATE & PARTNERS registration form

LGA 2007 CONFERENCE – OCTOBER 20-24 COFFS EX-SERVICES CLUB, COFFS HARBOUR NSW

#### **SECTION 5 - OPTIONAL ACTIVITIES**

**Coffs Harbour Local Sights Tour -** This tour is included in the Partners Registration fee. There are two options available. Please indicate when you wish to book this tour:

□ Saturday 1.30pm - 4.30pm □ Sunday 10.00am - 1.00pm

Optional Extra Tours	Ticket Price	No of Tickets	Total
Coffs Harbour Local Sights Tour - Additional tickets	\$35.00		\$
□ Saturday 1.30pm - 4.30pm □ Sunday 10.00am - 1.00pm			
$\square$ Monday - Dorrigo World Heritage Park and Bellingen Browsing	\$65.00		\$
Monday - Water Rat Cruise	\$60.00		\$
□ Tuesday - Gallery, Wine and Dine Tour	\$75.00		\$
Tuesday - Whale Watching	\$45.00		\$

TOTAL SECTION 5 \$\_\_\_\_\_

#### SECTION 6 - AIRPORT TRANSFERS (\$15.00 per person each way)

□ I would like to book a transfer from Coffs	Harbour Airport to my accommod	lation
Name of Accommodation		
Arrival Date & Time	Flight Number	Number of Persons
□ I would like to book return transfer from	Coffs Ex Services Club	
Departure Date & Time	Flight Number	Number of Persons

TOTAL SECTION 6 \$\_\_\_\_\_

#### **SECTION 7 - OTHER TRANSFERS**

Do you require transfer from your accommodation listed above?  Yes  No			
DELEGATE	□ Conference Sessions	Monday Social Night	🗆 Tuesday Gala Dinner
PARTNER	□ Conference Sessions	Monday Social Night	🗆 Tuesday Gala Dinner

### I acknowledge the privacy policy and give permission for my contact details to be used in the manner described

 $\Box$  Yes  $\Box$  No (Please note, no tick will be noted as a yes)

TOTALS	
SECTION 2 REGISTRATIONS	\$
SECTION 4 SOCIAL FUNCTIONS	\$
SECTION 5 OPTIONAL ACTIVITIES	\$
SECTION 6 AIRPORT TRANSFERS	\$
GRAND TOTAL	\$

Additional registration forms and conference updates can be obtained from the conference website at: http://lga2007.coffsharbour.nsw.gov.au or call 02 6023 6300



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## LGA 2007 DELEGATE & PARTNERS registration form

LGA 2007 CONFERENCE - OCTOBER 20-24 COFFS EX-SERVICES CLUB, COFFS HARBOUR NSW

# SUMMARY OF PAYMENT FORM

### TAX INVOICE

Coffs Harbour City Council - ABN 79 126 214 487

Please complete this summary form for your organisation and return it with the appropriate payment and individual registration forms.

Organisation Name			
Contact Person			
Address			
Suburb			Post Code
Telephone	Fax	Mobile	
Email			
Total people included in this summa	ary Total a	amount being paid \$	

#### **PAYMENT METHOD**

Cheque - Please make payable to Coffs Harbour City Council and send to address below with your registrations.

□ **Credit Card** - Please note a 1% surcharge applies □ Visa □ Mastercard

Name on card

Card Number \_\_\_\_\_/ \_\_\_\_/ \_\_\_\_/ \_\_\_\_\_/ \_\_\_\_\_/

Expiry Date \_\_\_\_\_/ \_\_\_\_\_

Cardholders Signature

EFT

BSB - 032 576

Account number - 00 00 85

Account name - Coffs Harbour City Council General Fund

Please ensure you fax or email details of your EFT payment to the conference secretariat.

Reference - LGA2007 and your company name. If EFT advice is not received then payment may not be associated with your registrations - and your registrations may not be processed.

#### CANCELLATIONS

All cancellations must be advised in writing. Cancellations made by 5.00pm on Friday 28 September will be eligible for a full refund of all registration payments made, less a \$100 administration fee per registration. Cancellations made after 5.00pm on Friday 28 September will not be entitled to any refund, however a substitute representative may be sent.

#### **REGISTRATION FORMS SUMMARY**

REGISTRATION FORMS SUP	
Name of Conference attendee	Sub Total
1	\$
2	\$
3	\$
4	\$
5	\$
6	\$
7	\$
8	\$
тс	DTAL \$

#### DUE DATE FOR REGISTRATIONS

You are requested to submit registrations by Friday 14 September. Registrations should be sent to the conference secretariat:

LGA 2007 CONFERENCE **PO BOX 5013 ALBURY NSW 2640** Phone - 02 6023 6300 Fax - 02 6023 6355 Email - Iga2007@ccem.com.au

Additional registration forms and conference updates can be obtained from the conference website at: http://lga2007.coffsharbour.nsw.gov.au or call 02 6023 6300



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Local Government

S05943 30 July 2007

### APPOINTMENT OF AUDITOR FOR THE SIX YEAR PERIOD TO 30 JUNE 2013

### **EXECUTIVE SUMMARY**

PURPOSE OF REPORT:	To appoint Council's auditor for the period 1 July 2007 to 30 June 2013, pursuant to Section 422 of the Local Government Act 1993.
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 expired on 30 June 2007, Council called for tenders to appoint auditors for the period 1 July 2007 to 30 June 2013.
RECOMMENDATION:	That pursuant to Section 422 of the Local Government Act 1993, Council hereby appoints the firm Spencer Steer as its auditor for the period 1 July 2007 to 30 June 2013.

### **PURPOSE OF REPORT**

To appoint Council's auditor for the period 1 July 2007 to 30 June 2013, pursuant to Section 422 of the Local Government Act 1993.

### BACKGROUND

Section 422 of the Local Government Act 1993 requires Council to tender for audit services for the period commencing 1 July 2007 for a period of six (6) years.

Council at its meeting on 13 March 2007, resolved to call tenders for audit services for the period 1 July 2007 to 30 June 2013.

A tender specification was developed (**Attachment A**) and tenders called on 3 April 2007 closing on 17 April 2007.

Four (4) tenders were received and evaluated by a committee of Council officers comprising the General Manager, Director Corporate, Acting Director Operations and Acting Manager Finance. The Committee decided to interview Spencer Steer, Pitcher Partners and PriceWaterhouseCoopers.

### COMMENTS

Refer confidential Attachment B.

### CONSULTATION

Not Applicable

### FINANCIAL CONSIDERATIONS

The 2007/2011 Management Plan has a budget of \$41,000, being the annual audit fee. The tender price from Spencer Steer is \$48,500. The \$7,500 shortfall will be needed to be considered as part of the September Quarterly Budget Review.

### CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

The Acting Director Operations was a member of the selection panel which examined tenders submitted to Council.

### SUMMARY

Council has called tenders to appoint Council's auditor for the period 1 July 2007 to 30 June 2013, pursuant to Section 422 of the Local Government Act 1993. After a review process involving scoring of evaluation criteria and interviews, the review Committee unanimously agreed on the appointment of the firm Spencer Steer, who offered the best value for money and are considered to

#### Ordinary Meeting of Council - 14 August 2007

#### Item 4

be well equipped to conduct Council's audits and have extensive experience in Local Government audits.

### RECOMMENDATIONS

- A. That pursuant to Section 422 of the Local Government Act 1993, Council hereby appoint the firm Spencer Steer as its auditor for the period 1 July 2007 to 30 June 2013.
- B. That the audit fee for the financial year to 30 June 2008 be set at \$48,500 exclusive of GST.
- C. That the audit fee for subsequent years be increased by the percentage increase in the Sydney All Groups Consumer Price Index as at 31 March each year. The base index for this purpose will be the March 2008 quarter.
- D. That the General Manager be authorised to formally issue a letter of appointment to the firm Spencer Steer.
- E. That the \$7,500 shortfall be considered as part of the September Quarterly Budget Review.

John Clark Director Corporate Tino Caltabiano Manager Finance

Attachments:A. Tender Specifications for Auditing Services - 754845B. Confidential Evaluation Summary

# Closing date April 17, 2007 Ku-ring-gai Council Tender Specifications for Auditing Services

### for the six years ending June 30, 2013

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

Development and Regulation – Director, Michael Miocic Technical Services - Director, Greg Piconi Community Services - Director, Janice Bevan Open Space & Planning - Director, Steven Head Finance & Business – Director, John Clark

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

Manager Finance - vacant Financial Accountant - John Lane Management Accountant - Michael Lopez Manager Purchasing/Insurance – Bill Bright Senior Rates Clerk – Robert Hay

#### 1.2 <u>Computer Systems</u>

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 <u>Funds</u>

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:

Ku-ring-gai Council - Management Plan

Council's most recent Annual Financial Reports for 2005/06 can be found at:

http://www.kmc.nsw.gov.au/www/html/311-financial-statements-20052006.asp

#### 1.5 <u>Business Activities</u>

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 <u>Government Grants</u>

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 <u>Pensioner Rebate of Rates</u>

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.

# 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 <u>Services Required</u>

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."

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
- 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 July 1, 2007 to June 30, 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.
- 2.4.4 The Auditor's appointment will cease on June 30, 2013. The Auditor will be expected to complete all work associated with the 2012/13 financial statements in the event that they are not re-appointed for a further period, including such work that may necessarily take place after June 30, 2013.

# 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 <u>Fees</u>
- 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.

# 3.0 Instructions to Tenderers

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

# Tender Specification for Audit Services

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 <u>Computer Audit</u>

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 <u>Visits</u>

- Number per annum
- Duration
- Approximate dates

# 3.5 <u>Audit Time</u>

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

# 3.6 <u>Fee</u>

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 <u>Referees</u>

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:

- 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 April 17, 2007.

# **Tender Specification for Audit Services**

# 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 <u>Selection</u>

Tenders will be reviewed by a committee consisting of the General Manager, Director Finance & Business, Manager Finance and the Director Technical Services. 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 Future Developments**

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

S02846 9 July 2007

# MEMORANDUM OF UNDERSTANDING WITH THE DEPARTMENT OF PLANNING FOR THE FUTURE OF THE ABANDONED B2 ROAD CORRIDOR SOUTH TURRAMURRA

# **EXECUTIVE SUMMARY**

PURPOSE OF REPORT:	To seek the agreement of Council to enter into a Memorandum of Understanding (MoU) with the Department of Planning for the future of the use of the abandoned B2 road corridor at South Turramurra.
BACKGROUND:	On 27 March 2007 Council resolved to commence the development of a Memorandum of Understanding with the Department of Planning to define the roles, responsibilities and expectations between the parties in reference to the future use of the abandoned B2 road corridor at South Turramurra. The resolution sought that a draft agreement be brought back to Council for consideration and execution.
COMMENTS:	The Department of Planning has prepared a Memorandum of Understanding for this project. This agreement has incorporated comments by Councillors and staff that specifically sought, among other matters, to specifically explore the option of part of the site to be developed for a sporting facility and to look at the development of the site as a whole to incorporate sustainable design elements. Notably the agreement offers the transfer at no cost to Council of 4,420 m <sup>2</sup> of bushland adjacent to Sir David Martin Reserve for the purpose of local open space.
RECOMMENDATION:	That the Mayor and General Manager execute the Memorandum of Understanding (MoU) with the Department of Planning on behalf of the Minister administering the Environmental Planning and Assessment Act 1979 titled "The future use of the abandoned B2 road corridor at South Turramurra."

# PURPOSE OF REPORT

To seek the agreement of Council to enter into a Memorandum of Understanding (MoU) with the Department of Planning for the future of the use of the abandoned B2 road corridor at South Turramurra.

# BACKGROUND

On 27 March 2007 Council gave consideration to a report on the option and partnerships for the development of the abandoned B2 road corridor, South Turramurra. At this meeting it was resolved:

- A. That Council commence the development of a Memorandum of Understanding with the Department of Planning, with a draft to be brought to Council for consideration and execution.
- *B.* That a detailed study into costs and projected income for the development of the site be undertaken with the Department that incorporates:
  - *i. low density residential use consistent with the current 2C zoning;*
  - *ii. low density residential use consistent with the current 2C zoning with a sportsfield and associated infrastructure within the site.*
- C. That community consultation be undertaken as outlined in the report to include local residents and the broader Ku-ring-gai community and associated interest groups and the results reported back to Council.

This report seeks to address part A of the resolution as the first stage towards determining the future use of the site.

# COMMENTS

The Department of Planning has prepared a MoU in consultation with Councillors and staff (Attachment 1).

# Notable inclusions in the MoU include:

- A commitment to transfer the Duffys Forest endangered ecological community bushland adjacent to Sir David Martin Reserve to Council at no cost;
- Sharing of costs for the development of the lands where there is mutual benefit;
- Recognition that if Council wishes to use part of the land for a sporting facility and associated infrastructure that the costs involved would be borne by Council;
- Recognition that the land will need some easements and that they can be used to benefit the collection of stormwater for Sir David Martin Reserve; and
- The residential blocks will range from  $750m^2$  to  $930m^2$ ;
- A timetable for the development of the site; and

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#### **Ordinary Meeting of Council - 14 August 2007**

Item 5

S02846 9 July 2007

• A broad recognition of the need to incorporate sustainability within the design principles for the project.

On agreement of this document Council and the Department of Planning will be able to progress in the first instance subdivision design options and costing including that for the provision of a sporting facility. This planning will enable staff to consult with the local community on the future use of the site and gather information on the relative support for each option and issues therein. The timetable to program the project is included as Schedule 3 to the agreement.

More recently Council resolved on 17 July 2007 to pursue a sustainable village for the residential component of the former freeway land corridor in South Turramurra. This concept is consistent with the development principles as articulated in the MoU specifically :

"1.2 (g) to contribute to the social, environmental and economic sustainability of the new community" and that the Development Principles have "regard to the need to maintain ecologically sustainable development" (2.4).

The process of fully implementing these principles within the site will be undertaken in the creation of a site specific Development Control Plan (DCP). This planning instrument would be able to set a sustainable framework for infrastructure, site layout, residential design, landscaping, material selection and energy.

# CONSULTATION

There has been no public consultation in the development of this MoU.

# FINANCIAL CONSIDERATIONS

The cost to develop this MoU has been borne to-date by the Department of Planning. The Agreement seeks a cost sharing arrangement for all mutually beneficial consultancies and as such there will be a cost to Council for its development and implementation. These costs while not budgeted for can be drawn from the facilities reserve as a loan against the future development income.

# CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

This matter has been discussed with the Finance department.

# SUMMARY

This report and accompanying MoU has been prepared in response to the resolution of Council on 27 March 2007 with respect to progressing the future of the use of the abandoned B2 road corridor at South Turramurra with the Department of Planning. The MoU outlines the terms and nature of the agreement between the two parties and enables Council to investigate other land management

options on the site over and above low density development including the provision of a sportsfield, stormwater harvesting collection area and other public infrastructure. Importantly it also offers to transfer at no cost to Council the Duffys Forest bushland adjacent to the site at the completion of the approval for the site.

# RECOMMENDATION

- A. That Council enter into a Memorandum of Understanding with the Department of Planning with respect to the future of the use of the abandoned B2 road corridor at South Turramurra.
- B. That the Mayor and General Manager be authorised to execute and affix the Common Seal on all documentation associated with the Memorandum of Understanding.

Peter Davies Manager Sustainability & Natural Environments Steven Head **Director Strategy** 

Attachments: Memorandum of Understanding from Department of Planning - 810235

Baker & M<sup>o</sup>Kenzie

# MEMORANDUM OF UNDERSTANDING

Ku-ring-gai Council

Department of Planning on behalf of the Minister administering the Environmental Planning and Assessment Act 1979

For the future use of the abandoned B2 road corridor at South Turramurra

#### 555670-v5\SYDDMS\AUSASVBAKER & M©KENZIE

Solicitors Level 27, AMP Centre 50 Bridge Street SYDNEY NSW 2000 Tel: (02) 9225-0200 Fax: (02) 9225-1595 Email: ashley.stafford@bakernet.com

Draft: 25 May 2007

Ref: 555670-v1\

# Contents

Clause Number	Heading	Page	
Part 1: Development Principles			
1	Key objectives for residential release	1	
2	Key benefits for local community and environment.	2	
3	Process	3	
4	Information	5	
5	Costs and consultants	5	
Part 2	: General provisions		
6	Basis and Intention	6	
7	Duration and change	6	
8	Disputes	7	
9	General provisions	8	
10	Definitions and interpretation	9	
	Schedule 1 Plan of Land	<b>13</b> 13	
	Schedule 2 Description of Land	<b>14</b> 14	
	Schedule 3 Timetable	<b>15</b> 15	

# Date2007PartiesKu-ring-gai Council (ABN 86 408 856 411) of 818 Pacific Highway, Gordon<br/>NSW 2072 (Council)Department of Planning on behalf of the Minister administering the<br/>Environmental Planning and Assessment Act 1979 (ABN 36 691 806<br/>169) of Level 4, 10 Valentine Avenue, Parramatta NSW 2150 (DOP)

# Recitals

- A The abandoned B2 road corridor at South Turramurra comprises land owned by Council (approx. 1.637 ha, as well as 0.344 ha of unformed public road) and DOP (approx 1.573ha) in the Ku-ring-gai local government area set out in Schedules 1 and 2 ("Land").
- B On 13 January 2006, *Ku-ring-gai Local Environment Plan 201* rezoned the Land as partly Residential "C" and partly Open Space Recreation Existing under the *Ku-ring-gai Planning Scheme Ordinance*.
- C Given the nature and extent of their land ownership in this area, Council and DOP consider they should work cooperatively in relation to the land release and subdivision of the Land so as to achieve an effective, sustainable planning outcome and an appropriate return on so much of the land that is released.
- D Council and DOP have agreed to establish those cooperative processes in accordance with the terms of this MOU.

Words and phrases in this document are defined in Part 2, Section 10.

# **Operative provisions**

Part 1: Development Principles

# 1 Key objectives for residential release

- 1.1 Council and DOP will cooperate in accordance with the Development Principles in this Part 1 with a view to preparing for release so much of the Land as has been zoned for residential use.
- 1.2 The Land will be prepared for release (including any necessary subdivision) so as to:
  - (a) establish the foundation for a new low density urban community consistent with the Planning Law;
  - (b) maintain and, where appropriate, improve on the amenity and environmental character of the neighbouring residential land;
  - (c) establish a residential land release that is compatible with the existing environmental character of the locality and is sympathetic to other neighbourhood development;

- (d) configure lots (in terms of area, width and shape) that take account of the neighbourhood subdivision patterns;
- (e) recognise the importance of providing additional housing for residents of Ku-ring-gai and New South Wales;
- (f) ensure the orderly and economic disposal of surplus land, including by providing a yield consistent with the commercial management and development of that land;
- (g) contribute to the social, environmental, and economic sustainability of the new community; and
- (h) investigate the opportunity for a new sporing field in South Turramurra.

# 2 Key benefits for local community and environment

#### DOP contributions to local community

- 2.1 DOP agrees that once its Land is immediately available for release (if attained within the Term of this MOU) so as to achieve the planning outcomes in accordance with these Development Principles and a Commercial Yield, DOP will:
  - (a) within 30 days organise transfer to Council, at no cost to Council, of 4,420 m<sup>2</sup> of land adjacent to Sir David Martin Reserve, being Lot 7 DP 29705 for the purposes of local open space bushland;
  - (b) if a sports field is the preferred option as determined between the Council and DOP, give effect to any agreement to contribute land for use as a sports field (in accordance with clause 2.2); and
  - (c) give effect to any agreement associated with the irrigation of Auluba Ovals 1 and 2 (in accordance with clause 2.3).

#### Development of land as a sports field and associated infrastructure

- 2.2 DOP and Council will negotiate in good faith any terms on which, if the Land is successfully released in accordance with clause 2.1, DOP would contribute any of its Land for use as a sportsfield, including the terms on which DOP would:
  - (a) provide any of its Land to Council (including price);
  - (b) exchange any of its Land for Council's Land; or
  - (c) DOP would enable water, drainage or other utility works required on, or for, the sportsfield to be conducted on or under its Land.

#### Facilitation of irrigation of Auluba Ovals 1 and 2

2.3 DOP and Council will negotiate in good faith any terms on which, if the Land is successfully released in accordance with clause 2.1, DOP would take steps to facilitate on its Land the irrigation of Auluba Ovals 1 and 2 (including, by way of example, easements if appropriate).

#### **Environmental management**

2.4 These Development Principles are to be applied having regard to the need to maintain ecologically sustainable development.

- 2.5 The parties agree that the future ownership and management of so much of the Land as is zoned (or rezoned) as recreation will be negotiated as part of any redevelopment of that part of the Land zoned for residential use.
- 2.6 It is intended that Council will retain ownership and management of all public land that arises from the subdivision process.

#### Other public facilities or contributions

- 2.7 The desirability of providing additional facilities or services in connection with the Land will be investigated and assessed against other uses that have public benefit. Such uses will be assessed against the financial returns related to the sale of Land as well as the broader public good. In particular, Council and DOP will investigate:
  - (a) public recreation facilities;
  - (b) additional public open space;
  - (c) community facilities, amenities or services;
  - (d) roads, carparks, cycleways and walkways;
  - (e) drainage, sewerage and other water services; and
  - (f) ways in which the Land can be used to provide water for irrigation to Auluba Ovals 1 and 2.
- 2.8 DOP and Council will consult each other, and negotiate in good faith where applicable, on the administration and dedication of any developer contributions for the Land.
- 2.9 Subject to clause 2.10 and unless otherwise provided by law from time to time, subdivision contributions will be calculated in accordance with Council's *Section 94 Contribution Plan* (dated 30 June 2004).
- 2.10 Council acknowledges that the land DOP proposes to transfer to it under clause 2.1 of this MOU is valuable and represents a significant contribution to the cost of meeting any demands on local infrastructure from the land release in section 1. Council and DOP agree that DOP's contribution to the process in this MOU, and to the extent permissible by law any contribution required to Council by law, will be reduced by the agreed value of that land (not including any drainage easement ordinarily required in the course of a subdivision). Should the value of the land not be agreed, Council and DOP may agree that the land be valued by an independent third party.

# 3 Process

#### Studies and documentation

- 3.1 Within the time agreed in Schedule 3 Council and DOP will, for the purpose of achieving the land release and subdivision in accordance with these Development Principles, jointly:
  - (a) prepare a detailed study on the estimated costs and projected income from the development of the land;

- (b) develop a detailed proposal to give effect to these Development Principles, which proposal will form the basis of future planning instruments or policies that are to apply to the Land
- (c) agree to material arrangements for the provision of infrastructure to the Land, including any details concerning:
  - (i) drainage and ancillary works associated with the upgrade of Sir David Martin Reserve;
  - (ii) public roads within and adjacent to the Land;
  - (iii) other access ways such as cycle-ways and pedestrian footpaths to encourage use of non-motorised transport;
  - (iv) management of any contaminated land; and
  - (v) payment of any amounts in accordance with clauses 2.8 to 2.10; and
- (d) prepare any proposed new environmental planning instruments, development control plans or like instruments affecting the land; and
- (e) prepare any development application for:
  - (i) any necessary subdivision and associated works; or
  - (ii) any other development required to give effect to these development principles.

#### **Public participation**

3.2 Council agrees to coordinate consultation with Councillors, key local interest groups, local residents and the broader Ku-ring-gai community. Council will give DOP the opportunity, if it so requests, to participate in that process, including by reviewing any communications made for the purpose of consultation.

#### **Diligently pursue Application**

3.3 The parties agree at all times to diligently pursue and use their best endeavours to have any development application, draft environmental planning instrument, draft development control plan, or other application, submission, document or policy (together, "**Application**") approved by any relevant decision maker and will amend such Applications in respect of any minor amendments or variations which the decision maker may require as a pre-condition of approving the Application and must promptly provide to the decision maker any additional substantiation, documentation, reports and plans as may be reasonably required in support of the Application.

#### **Consent to process**

- 3.4 Council and DOP agree to sign any Application, if required, and to do all such other acts as the other party may reasonably require in respect of an Application prepared in accordance with these Development Principles.
- 3.5 The obligation to progress Applications and consent to processes in clauses 3.3 and 3.4 does not extend to DOP or Council in any regulatory capacity in which it would be inappropriate to do so.

# 4 Information

#### Information sharing

- 4.1 In the course of pursuing the Development Principles, the parties agree to use reasonable endeavours to ensure that both parties can take the benefit of all plans, drawings, specifications, applications, approvals, studies, reports and other correspondence, information and material (excluding legal advice or any other information that DOP or Council have prepared or received separately from the process set out in this MOU) obtained or sought by the parties for the purpose of the process in this MOU. The parties will share such documents without additional cost and without any restriction placed on their use by the parties.
- 4.2 The parties must keep each other regularly informed as to any developments in the progress of any Application.
- 4.3 The obligation to share information in clauses 4.1, 4.2 and 4.4 does not extend to information prepared, received or held by DOP or Council in any regulatory capacity in which it would be inappropriate to share information.

#### Sharing upon termination

4.4 If this MOU is terminated for any reason then the parties agree to immediately forward and make available to each other copies of all plans, drawings, specifications, approvals, report studies and other material and correspondence (excluding legal advice or any other information that DOP or Council have prepared or received separately from the process set out in this MOU) used, obtained, prepared or caused to be prepared by or on behalf of the parties for the purpose of the process in this MOU. This clause 4.4 survives termination to the extent that it applies to materials prepared before termination.

# 5 Costs and consultants

- 5.1 The parties may from time to time engage contractors, consultants or third parties to undertake work for both parties in connection with the process set out in this MOU. The parties will use reasonable endeavours to ensure that any consultant engaged in this capacity will be engaged jointly or, where the consultant will only accept engagement by one party, to ensure that both parties may use any material prepared by the consultant.
- 5.2 Any costs of engaging consultants in accordance with clause 5.1, or any other expenditure for the purpose of the process in this MOU, is to be agreed in writing by that parties prior to incurring the costs.
- 5.3 The parties agree that ordinarily it will be appropriate to bear a proportion of any costs under clause 5.2 based on their relative share of the Land the subject of the process in this MOU.
- 5.4 Each party will bear its own expenses, costs and Taxes relating to the execution of this MOU and any costs that are not approved in accordance with clause 5.2, including any legal fees.
- 5.5 Neither party will charge those other for services or professional advice provided by their own employees in relation to process in this MOU.

# 6 Basis and Intention

#### Capacity

6.1 The parties have legal authority to enter into this MOU and have legal title to the land described in Schedule 2.

## No contract

6.2 This document does not constitute a contract between the parties. It is designed to record the common understanding and intentions of the parties and not intended to create binding contractual relations.

## No authority

6.3 Neither of the parties has the power or authority to bind the other including, without limitation, any power or authority to incur any liability or expense on behalf of the other, except as provided by this MOU, without its prior written consent.

## No fetter

6.4 Nothing in this MOU is to be considered as fettering the proper exercise of statutory discretion of any Government Agency.

# **Development Principles subject to law**

6.5 The parties agree that nothing in this MOU is intended to be inconsistent with, or otherwise avoid or act as a constraint on any legal obligation, right or duty imposed on the parties by the Planning Law.

# 7 Duration and change

# Term and sunset

- 7.1 Subject to this section 3, this MOU commences on the date of execution ("**Commencement Date**") and terminates on the earlier of:
  - (a) the date provided by clause 7.2; and
  - (b) the sale or other transfer by DOP of all of its Land,

unless both parties agree in writing to an extension ("Term").

- 7.2 If:
  - (a) within 2 years from the Commencement Date, DOP has not received notices of determination from the consent authority that enables development which achieves the planning outcomes in accordance with these Development Principles and a Commercial Yield; or

(b) Council does not at all times diligently pursue and use its best endeavours to have the development application approved and granted by the consent authority as required by clause 3.3,

then this MOU terminates and, for the avoidance of doubt, DOP is under no obligation to carry out the contributions or agreements in section 2.1 of this MOU.

#### Timetable

7.3 The parties agree implement the Development Principles in accordance with the timetable set out in Schedule 3.

#### Amendment or change in law

7.4 This MOU may be amended by agreement of the parties in writing. It is intended that this MOU will be reviewed and amended as necessary upon any amendment to the Planning Law that materially impacts on the Development Principles.

#### 8 Disputes

#### Dispute resolution procedures to apply

- 8.1 If a Dispute arises under this MOU, a party will not commence any Court proceedings unless it has complied with this section 8, except to seek:
  - (a) urgent interlocutory relief; or
  - (b) a remedy where a delay in commencing proceedings in Court could prejudice the party's entitlement to seek that remedy.

#### **Negotiations**

8.2 The parties will attempt to resolve any Dispute which arises under this MOU expeditiously by negotiation between representatives of the parties who have authority to settle the Dispute.

# **Notice of Dispute**

- 8.3 If any Dispute arises under this MOU which cannot be resolved under clause 8.2, the party raising the Dispute will:
  - (a) as soon as practicable give notice of the Dispute to the other party ("**Notice of Dispute**"); and
  - (b) at the same time, or as soon as practicable thereafter, give to the other party detailed particulars of the matters in issue in the Dispute (comprising a statement of relevant facts and issues, and the quantum and legal basis of any claim).

#### **Resolution by Managers**

- 8.4 Managers with sufficient authority from each party will convene a meeting of the parties within fourteen (14) days after a Notice of Dispute has been given. At that meeting:
  - (a) representatives of the parties concerned must confer in good faith to attempt to resolve the Dispute, putting to each other the issues in dispute and any points of difference;

- (b) if the parties agree as to how the dispute should be resolved, they will document that agreement; and
- (c) if the parties cannot agree as to how the dispute should be resolved, the Dispute will be referred to expert determination under clause 8.5.

#### **Expert Determination**

- 8.5 If the procedures in clauses 10.2 and 10.4 do not lead to resolution of any Dispute, then not earlier than seven (7) days after the meeting in clause 10.4 either party may give notice in writing to the other referring the Dispute to expert determination ("**Expert Determination** Notice").
- 8.6 Notwithstanding the giving by either party of an Expert Determination Notice, the parties must continue to take all reasonable steps to attempt resolution of the Dispute without expert determination.
- 8.7 No later than fourteen (14) days from the date on which the Expert Determination Notice is provided to a party, the parties will organise for the Dispute (unless it has been otherwise settled) to be heard and determined by an independent expert agreed by the parties (or if no agreement can be reached, appointed by the President of the Law Society of New South Wales).
- 8.8 It is intended that the decision of the independent expert will be final and binding if neither party commences further proceedings in respect of the Dispute within 14 days after the independent expert's decision is given to the parties.

# 9 General provisions

#### GST

- 9.1 Terms used in clauses 11.1 to 11.6 have the meanings given to them in the *A New Tax System* (Goods and Services Tax) Act 1999 (Cth).
- 9.2 Unless expressly stated otherwise, all fees, charges, prices or other sums payable or consideration to be provided under or in accordance with this MOU are exclusive of GST.
- 9.3 If GST is payable on any supply made under or in accordance with this MOU, the recipient of the taxable supply must pay to the supplier an additional amount equal to the GST payable for the taxable supply. Payment of the additional amount will be made at the same time as payment for the taxable supply is required to be made in accordance with this MOU.
- 9.4 If this MOU requires a party to pay for, reimburse or contribute to any expense, loss or outgoing (*reimbursable expense*) suffered or incurred by another party, the amount required to be paid, reimbursed or contributed by the first party will be the sum of the amount of the reimbursable expense net of input tax credits (if any) to which the other party is entitled in respect of the reimbursable expense and any GST payable by the other party.
- 9.5 Where required by law, the supplier will give the recipient of the taxable supply a tax invoice complying with any legislation under which GST is imposed.
- 9.6 Each party must pay any amount it is required to pay under clauses 9.2 to 9.5 in full and without deduction, notwithstanding any entitlement that it may have to a credit or offset.

#### Further assurances

9.7 Each party must, at its own expense, whenever reasonably requested by the other party, promptly do or arrange for others to do, everything reasonably necessary or desirable to give full effect to this MOU and the transactions contemplated by this MOU.

#### Counterparts

9.8 This MOU may be signed in counterparts and all counterparts taken together constitute one document.

#### **Governing law**

9.9 This MOU is governed by the laws of New South Wales.

#### Jurisdiction

- 9.10 Each party irrevocably and unconditionally:
  - (a) submits to the non-exclusive jurisdiction of the courts of New South Wales; and
  - (b) waives, without limitation, any claim or objection based on absence of jurisdiction or inconvenient forum.

#### Survival

9.11 Any agreement in this document to reimburse another party for a claim survives termination.

# 10 Definitions and interpretation

10.1 In this MOU, unless the context requires another meaning:

Application is defined in clause 3.3.

*Business Day* means a day that is not a Saturday, Sunday, a public holiday or bank holiday in Sydney.

*Commercial Yield* means, following subdivision of the Land owned by DOP, the lot size of each lot within DOP's Land that is to be disposed of to a third party (not being the New South Wales Department of Planning in another capacity, the Council or any Government Agency) is on average in the range between 750 m<sup>2</sup> and 930 m<sup>2</sup> to allow orderly subdivision design.

Commencement Date is defined in clause 7.1.

Development Principles means the principles set out in Part 1 of this agreement.

Dispute means any difference or claim arising under this Agreement that:

- (a) a Party has not complied with or is in breach of this Agreement;
- (b) a Party is owed payments under this Agreement; or
- (c) this Agreement has a different meaning, interpretation or effect from the way in which a Party (or Parties) is implementing this Agreement.

#### Government Agency means:

- (a) a government, whether federal, state or local or a department, office or minister of a government acting in that capacity; or
- (b) a commission, delegate, instrumentality, agency, board, or other government, semigovernment, judicial, administrative, monetary or fiscal body, department, tribunal, entity or authority, whether statutory or not, and includes any self-regulatory organisation established under statute.

#### MOU means this Agreement.

**Planning Law** means laws (whether Commonwealth or State) applying in New South Wales insofar as they apply to the agreed process in Part 1 of this agreement, including the *Environmental Planning and Assessment Act 1979* and its subordinate instruments (including without limitation the *Ku-ring-gai Planning Scheme Ordinance*, as amended) and the *Local Government Act 1993*.

#### Tax means:

- (a) a tax, levy, charge, impost, deduction, withholding or duty of any nature (including stamp and transaction duty, but excluding GST) at any time imposed or levied by any Government Agency or required to be remitted to, or collected, withheld or assessed by, any Government Agency; and
- (b) any related interest, expense, fine, penalty or other charge on those amounts;

and includes any amount that a person is required to pay to another person on account of that other person's liability for Tax.

*Term* is defined in clause 7.1.

- 10.2 In this MOU, unless the context requires another meaning:
  - (a) a reference:
    - (i) to the singular includes the plural and vice versa;
    - to a document (including this MOU) is a reference to that document (including any Schedules and Annexures) as amended, consolidated, supplemented, novated or replaced;
    - (iii) to a party means a party to this MOU;
    - (iv) to an item, Recital, clause, Schedule or Annexure is to an item, Recital, clause, Schedule or Annexure of or to this MOU;
    - (v) to a notice means a notice, approval, demand, request, nomination or other communication given by one party to another under or in connection with this MOU;
    - (vi) to a person (including a party) includes:
      - (A) an individual, company, other body corporate, association, partnership, firm, joint venture, trust or Government Agency;
      - (B) the person's successors, permitted assigns, substitutes, executors and administrators; and

- (vii) to a law includes any legislation, judgment, rule of common law or equity or rule of any applicable stock exchange, and is a reference to that law as amended, consolidated, supplemented or replaced and includes a reference to any regulation, by-law or other subordinate legislation;
- (viii) to proceedings includes litigation, arbitration and investigation;
- (ix) to time is to Sydney time;
- (x) the words "including" or "includes" means "including, but not limited to", or "includes, without limitation" respectively;
- (b) where a word or phrase is defined, its other grammatical forms have a corresponding meaning.
- (c) headings are for convenience only and do not affect interpretation of this MOU.
- (d) if a payment or other act must (but for this clause) be made or done on a day that is not a Business Day, then it must be made or done on the next Business Day.
- (e) if a period must be calculated from, after or before a day or the day of an act or event, it must be calculated excluding that day.

# Execution

Executed as an Agreement.

**Signed** for and on behalf of **Department of Planning on behalf of the Minister administering the Environmental Planning and Assessment Act 1979** by its duly authorised representative in the presence of:

Signature of witness

Name of witness (please print)

**Signed** for and on behalf of **Ku-ring-gai Council** by its duly authorised representative in the presence of: Director, Land Management Branch Name of authorised representative

Signature of authorised representative

(please print)

Peter. J Lee

Signature of witness

Signature of authorised representative

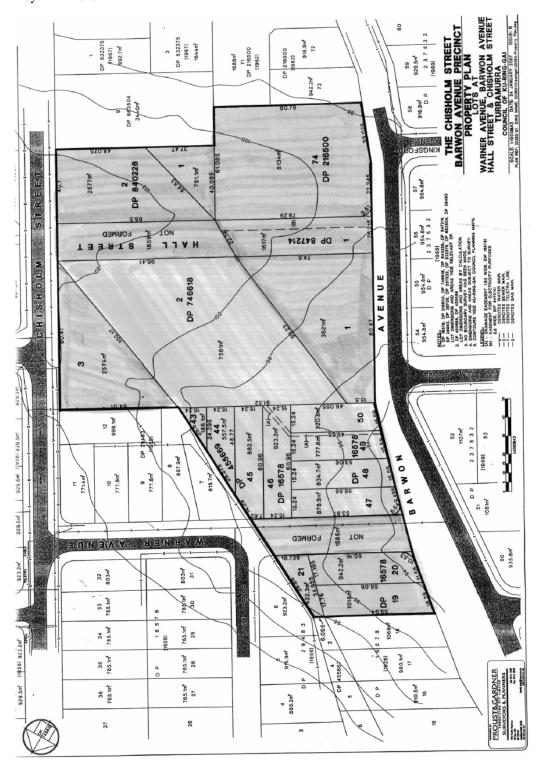
Name of witness (please print)

Name of authorised representative (please print)

# Schedule 1

## Plan of Land

Key: Land



MEMORANDUM OF UNDERSTANDING Draft

# Schedule 2

# **Description of Land**

DOP Land	Council Land
Lot 19, 20, 46, 47, 48, 49, 50 DP 16578	Lots 1 and 3 DP 746618
Lot 21, 43, 44, 45 DP 455669	Lot 1 DP 847214
Lot 2 DP 746618	Lots 1 and 2 DP 840228
	Lot 74 DP 216500
	Public Road: Hall Street and Warner Avenue (approx 0.344 ha)

# Schedule 3

# Timetable

	Date	Clause
Event		reference
Detailed study on the estimated costs and projected income from the development of the land.	Oct 2007	3.1(a)
Detailed proposal to give effect to Development Principles.	Oct 2007	3.1(b)
Draft environmental planning instruments, development control plans or like instruments prepared.	Nov/Dec 2007	3.1(d)
Council completes all necessary public participation processes.	Nov/Dec 2007	
Draft environmental planning instruments, development control plans or like instruments approved.	April/May 2008	3.1(d), 3.3, 3.4
Material arrangements for the provision of infrastructure to the Land agreed in principle.	May/June 2008	3.1(c)
<ul> <li>Prepare and submit any development application for:</li> <li>any necessary subdivision and associated works; or</li> <li>any other development required to give effect to these development principles.</li> </ul>	June 2008	3.1(e)
All required development applications approved.	July/Aug 2008	3.1(e), 3.3, 3.4
Land release.	Aug/Sept 2008	1.1, 2.1
DOP transfers 4,420 m <sup>2</sup> adjacent to Sir David Martin Reserve to Council.	Lodge transfer within 30 days from land being immediately available for release.	2.1

S04471 16 July 2007

# SIR DAVID MARTIN RESERVE DRAFT LANDSCAPE MASTERPLAN

# **EXECUTIVE SUMMARY**

PURPOSE OF REPORT:	To provide Council with a draft Landscape Masterplan for Sir David Martin Reserve.
BACKGROUND:	At the Ordinary Meeting of Council on 6 December 2005 it was resolved that:
	1. The District Park Landscape Master Planning process be commenced for St Ives Village Green, Kissing Point Village Green (Sir David Martin Reserve) and The Swain Gardens during 2005/2006.
	2. District Park Landscape Master Planning continue to be identified within Council's Management Plan.
	The Sir David Martin Reserve draft Landscape Masterplan and The Swain Gardens Landscape Masterplan are the first two District Park landscape masterplans to be completed.
COMMENTS:	The draft Sir David Martin Reserve Landscape Masterplan provides a vision for the development of the park over the next ten years. It will allow Council to carry out improvements at the park in stages, as funding becomes available, with the knowledge that all projects at the park are in keeping with and will contribute to a long term vision for the park.
<b>RECOMMENDATION:</b>	That Council resolves to place the draft Landscape Masterplan for Sir David Martin Reserve on public exhibition for 28 days with a further 14 days for comments to be received prior to adoption by Council.

S04471 16 July 2007

# **PURPOSE OF REPORT**

To provide Council with a draft Landscape Masterplan for Sir David Martin Reserve.

# BACKGROUND

Demand for developed open space in Ku-ring-gai is high and the provision of parks and sportsgrounds is relatively low and not evenly distributed, with some suburbs having far less developed open space per population than others. Predicted increases in the population will have a significant impact on the ability of our existing parks and sportsgrounds to cater for the needs of current and future residents.

Previous studies undertaken by Council were instrumental in the decision to embark on the preparation of landscape masterplans for Council's fifteen district parks.

One such study was the Open Space Distribution Needs Study (2000), which identified that "Council's local and district parks are not (in terms of both quantity and suitability) fully meeting the recreation needs of existing populations and do not have the capacity, therefore, to absorb the recreation needs and demands of new populations".

The current 2004/2009 Section 94 plan acknowledges that "a large number of parks require further embellishments to more effectively meet the needs and expectations of (existing and future) recreational users".

Recognising the inability of existing parks in Ku-ring-gai to meet the needs of the current population in conjunction with the impact of predicted increases in population Council included the preparation of District Park Landscape Master Plans into the Community Development section of Council's 2005/2009 Management Plan.

Following consideration of a report regarding the preparation of District Park Landscape Masterplans at the Ordinary Meeting of Council on 6 December 2005 it was resolved that:

- 1. The District Park Landscape Master Planning process be commenced for St Ives Village Green, Kissing Point Village Green (Sir David Martin Reserve) and The Swain Gardens during 2005/2006.
- 2. District Park Landscape Master Planning continue to be identified within Council's Management Plan.

The Sir David Martin Reserve draft Landscape Masterplan and The Swain Gardens Landscape Masterplan are the first two District Park landscape masterplans to be completed.

Work has progressed on all locations identified within the resolution. An initial concept which will be subject to considerable review in the future has been adopted by Council for the St Ives Village Green, as a component of the Ku-ring-gai Centres Development Control Plan. This report focuses

#### Ordinary Meeting of Council - 14 August 2007

#### Item 6

6/3

on the development of a masterplan for Sir David Martin Reserve. A separate report, on the agenda for this meeting will consider the development of a masterplan for The Swain Gardens.

The December 2005 report also identified the development of three Landscape Masterplans for 2006/07. Of these, an initial concept has been adopted by Council for Robert Pymble Park. As with St Ives Village Green, it is suggested that further refining of this plan will be required prior to its ultimate implementation. Initial work has commenced on Turramurra and Hassell Park. The current 2007-2011 Management Plan has identified that the preparation of these plans continue. As per the programme identified in December 2005, district parks scheduled to undergo landscape masterplan preparation include the following; Lindfield Park, Wahroonga Park and Gordon Recreation Area. It is proposed to commence this work in March 2008.

# COMMENTS

The approach utilised in the development of the Landscape Masterplans has followed the principles of successful placemaking.

The master planning process included significant community consultation from the conceptual stage of the design through to the production of a completed draft plan. Gaining a better understanding of the recreational needs of the local community and being able to help them achieve their goals was one of the main outcomes of the master planning process.

Key stakeholders with an interest in the Landscape Masterplan include the Kissing Point Sports Club, local residents, dog walkers and local schools.

The main concern from local residents was that the Reserve would be overdeveloped or noisy activities would be introduced, however the range of facilities that were requested by other stakeholders were considerate of other peoples needs and well-suited to the site, such as the youth activities area and additional seating for elderly. This has resulted in a holistic design outcome that has provided facilities that can be shared by the clubs and the local residents.

The Plan has provided the Kissing Point Sports Club with a vision that they feel keen to contribute towards themselves and they are currently applying for federal and state government grants and are keen to organise working bees to work on the various components of the Plan.

All groups valued the established landscape character of the Reserve, which contains the endangered vegetation of Duffys Forest Ecological Community. The Masterplan seeks to improve the ecology of the site by protecting and enhancing the vegetation and implementing sustainable practices.

One matter that was considered in detail was whether the plan could allow for an increase in the playing field area of Auluba 1 & 2. An increase in the size of this area would have detrimental impacts on vegetation surrounding the oval including potential clearing of Duffy's Forest vegetation. It is not proposed in the draft Plan.

A summary of recommendations contained in the draft Plan, which is attached to this report, include the following:

Design:

- Improve access and circulation
- Formalise main entries
- Establish a sealed pedestrian path network
- Provide three parking options for community feedback

Facilities:

- Auluba 1 and 2 to be upgraded
- Auluba 3 to be upgraded
- Lighting to be upgraded
- Storage
- Picnic area adjacent to club house
- Seating and landscaping for shade at Auluba 3
- Additional parking
- New batting nets
- Formalised entrances
- Cycle path
- Exercise equipment
- New youth exercise area with shelters
- Dog area fenced

The Sir David Martin Reserve Landscape Masterplan aims to:

- Integrate sustainable principles into park design;
- Incorporate elements that are important to the community and user groups; and
- Balance the concerns of all community groups

This Landscape Masterplan will allow Council to carry out improvements at the park in stages, as funding becomes available, with the knowledge that all projects at the park are in keeping with and will contribute to a long term vision for the park.

With a significant component of expenditure for the projects at the park expected to be sourced from Section 94 funds, this Landscape Masterplan will assist Council to ensure that these funds are utilised to the best effect for the local community and within a reasonable timeframe.

# CONSULTATION

Invitations for three community information sessions were posted to residents of South Turramurra and posters were displayed in local shops and at Turramurra library. The information sessions were conducted on 27, 29 and 30 September 2006.

At each session a workbook was distributed to provide feedback. The community's comments are included in the draft Landscape Master Plan and demonstrate how Council has responded to their needs.

S04471 16 July 2007

#### S04471 16 July 2007

Several meetings were also held with representatives of Kissing Point Sports Club in the development of this Plan and all groups and individuals that have contributed to the development of the Plan will be notified of the exhibition. Summary panels of the Landscape Masterplan will be available at the Reserve and on the Web during the period of exhibition in addition to an item appearing in Council's weekly advertisement in local papers.

# FINANCIAL CONSIDERATIONS

The Plan provides Council with a list of projects to enable expenditure as is provided for in Council's current Section 94 Plan. Expenditure for Stage 1 implementation of the Plan is available in the 2007/2008 Management Plan and Council will consider a report on this at its meeting of 28 August 2007.

# CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

The Plan has been developed with input of staff from Strategy, Community and Operations.

# SUMMARY

The draft Sir David Martin Reserve Landscape Masterplan provides a vision for the development of the park over the next ten years. It will allow Council to carry out improvements at the park in stages, as funding becomes available, with the knowledge that all projects at the park are in keeping with and will contribute to a long term vision for the park.

# RECOMMENDATION

- A. That Council resolves to place the draft Landscape Masterplan for Sir David Martin Reserve on public exhibition for 28 days plus 14 days for comments prior to final adoption by Council.
- B. That Council consider a report following the period of public exhibition to formally adopt the Landscape Masterplans for Sir David Martin Reserve.

Jenny Cronan **Project Officer**  Roger Faulkner Sport & Recreation Planner Steven Head

**Director Strategy** 

Attachments: Sir David Martin Reserve Draft Landscape Masterplan - 784702



# Sir David Martin Reserve Draft Landscape Master Plan

July 2007

# CONTENTS

Page

Consultation activities		
Sense of place		
Community vision	2	
Site identity	3	
Ecology		
Access and circulation		
Parking and traffic		
Community		
Passive Recreation	8-9	
Active Recreation	10	
Youth Activities	11-12	
Sports Clubs	13-15	
Sportsfield Options	16-19	
Landscape Concept Plan Drawing	20	

# Appendix A

Stage 1 consultation findings (worksheet responses)

# Appendix B

Site analysis and design considerations

# Appendix C

 Properties to consider for future extension to this District Park as suitable for community facilities.

# Appendix D

Option for additional sportsfield at Chisholm Street

# **CONSULTATION ACTIVITIES**

# **MASTER PLAN PROCESS**

Identify key issues with the community and stakeholders

Develop a Draft Landscape Master Plan





Refine Draft Master Plan and adopt by Council

Master Plan to be implemented in stages

# **STAGE 1 CONSULTATION**

# to identify key issues

# Consultation

- Community workshop held 27 September, 2006
- Staffed display/site meeting at Kissing Point Village Green 29 and 30 September, 2006
- Spring Regional Sports Forum presentation 23 August 2006
- Interviews with staff from Turramurra High School and Turramurra Public School.

# Responses

37 worksheets and email responses plus Kissing Point Sports Club's responses on behalf of their 1,500 members.

# The main activities undertaken at the Reserve

- Organised sport: soccer, cricket, softball, baseball
- Children's playground and junior cycle track
- Socialising at Kissing Point Village Green
- Dogs: off-leash area and exercising
- Walking



Sports groups use the Reserve for competitive sport on weekends, team training weeknights, occasionally for special sport development days, social/community functions. Members also use the Reserve for jogging, walking and other impromptu activities such as picnics.

Schools use the fields weekly for sport, as well as gala days and annual sports carnivals.

See Appendix A – Completed Worksheets

# **STAGE 2 CONSULTATION**

# to gain direction for refining concepts

This Draft Landscape Master Plan for Sir David Martin Reserve, as presented, is based on the above consultation with the community. We would like your response to the ideas presented, particularly where there are several options. Your input will be considered in the preparation of the final Landscape Master Plan.

# SENSE OF PLACE: COMMUNITY VISION

# What you told us

### What you value

- Local character: "Quiet ambience." "Pleasant place." "Casual, informal character, clear of motor vehicle pollution."
- Bushland: "Wild, rustic." "Bush ambience." "Sense of being in the bush." "Nature and space in the suburbs." "Access to bushland."
- **Open space:** "Space for playing with children." "Walking across the ovals and seeing how big the Aussie sky is."
- Large open space areas: "Flexibility of use, location, community feel and sense of ownership ... the focus of the Reserve as a place of community interaction, given the location of the shops are nearby, is extremely important."

### What you would not like

Destruction of bushland: "More cleared areas for passive recreation." "Youth 'hang-out' in bushland - damaging bush."

### Your vision

- The Reserve to remain relatively unchanged: "Kept clean and tidy." "Not too much development." "Casual, community feel." "Don't light up bush areas at the risk of disturbing native animals."
- Bushland protected and enhanced: "Nature reserve with bushland protected and enhanced for passive recreation." "Flannel flowers and Christmas Bells exist to the east." "Remove weeds and plant indigenous." "Remove dead timber in the freeway corridor." More native trees." "Trees for shade."

# Council's response

Enhance local character, bushland and open space:

- Replant Duffys Forest vegetation particularly around boundaries to provide continuous and more integrated landscape character.
- New structures, such as buildings and activity areas, to occur in existing building zones and developed areas to complement the landscape.
- Plant additional trees to screen structures and provide shade...
- Consider adjoining properties for future extension to the Reserve (see Appendix C).





# **SENSE OF PLACE: SITE IDENTITY**

# Furnishings and accessories to compliment the existing character of the Reserve

All furniture to be accessible such as picnic tables and bubblers.







Source: "Town and Park Furniture"







Source: steps at Palm Beach light house

Source: 'Landmark'

Seating to match existing with good back support and arm rests.

Opportunity for public art to highlight the unique properties of site, such as sculpture of the native plants and animals. This echidna is by Ishi Buki

Fencing to match existing at Kissing Point Village Green.

Steps in bushland, where necessary, to be either timber or sandstone.



# **ECOLOGY**

Masterplanning principles . . .

### Integrate sustainable principles into park design

Reuse, recycle and reduce waste Manage off-site impacts such as noxious weeds and encroachments Biodiversity conservation: Protect and enhance native plants and habitat Provide corridors to link bushland areas Incorporate water sensitive urban design principles

# What you told us

#### What you would not like

- Destruction, or negative impacts on bushland: "Insufficient management." "Weeds." "More cleared areas for passive recreation." "Youth 'hang-out' in bushland damaging bush."
- Poor drainage: "Muddy surrounds of the baseball ground, boggy areas." "Poor drainage areas near cricket nets."
- Rubbish, litter: "Not enough bins." "Not enough bins in park or the dog off-leash area." "Bins overflow on weekends." "Alcohol bottles."

#### Your vision

- Sustainable principles
- Environmental studies of bushland (school expressed an interest).
- Bushland protected and enhanced
- Support for water recycling project

# Council's response

- Prepare timetable and action plan to implement adopted 'Plan of Management' for bushland on this site.
- Plants to be Duffys Forest species where possible, otherwise native plants.
- Provide fencing where required to protect bushland.
- Provide bushland corridors and additional shade.
- Harvest stormwater to irrigate sportsfields and improve water quality.
- Redirect stormwater run-off away from bushland to improve bushland health and condition.
- Solar lighting where required, or lighting that can be adapted for solar energy as it becomes available.
- Introduce recycling bins and improve service.
- Interpretative elements installed.



Example from Marine Biological Station Park at Watson's Bay. Interpretative signage imprinted in concrete sets along path in bushland to avoid cluttering the landscape with signs.



Locations for new plantings of Duffy's Forest vegetation while retaining solar access to neighbouring properties and maintaining visibility into the site from the streets.

# **ACCESS AND CIRCULATION**

# What you told us

#### How you access the Reserve

The majority of local residents said that they walk to the Reserve including the high school students. People walk with dogs and with prams and they also bicycle. Most sports-club members come by car. Most short-cuts linked Chisholm Street to Kissing Point Road or from Auluba Road to Kissing Point Road/Vernon Street.

### What you would like

- Walking tracks through bushland: "Better defined walking tracks through bush." "Boardwalk." "Connect Chisholm Street with shops." "Wider and level paths." "Access through the bush is very difficult with a baby buggy - need wider, level paths made from compacted earth, rather than asphalt, which is in keeping with bush landscape. If its accessible for a 3 wheel buggy then it's accessible for almost everyone."
- Path with lighting from Kissing point Road to Auluba 1 and 2.

#### Your vision

Walking tracks through bushland: "Walking tracks identified and remove logs beside path." "Two walking tracks through bush". " Define access from Chisholm St to Auluba 1 and 2 ." "Walking tracks designed to protect bushland; particularly from youth activities".





Existing undefined and eroded tracks

Proposed stabalised paths

# Council's response

- Maintain existing access points where residents enter and exit the Reserve. Formalise main entries with landscaped areas for a more welcoming feel to the Reserve (refer to pages 8 & 9). Provide park information signs at main entrances (refer to plans pages 7 & 10).
- Upgrade two of the existing paths through bushland and provide suitable surface for walking, such as crushed sandstone, to compliment the bushland character and improve drainage and erosion.
   Minimum width of path 1.2m. Paths located on the fire breaks.
- Define paths through bushland and deter shortcutting.
- Connect developed areas of Reserve for all-weather access as a shared pedestrian/cycle way. Grade towards Auluba 3 to direct stormwater away from bushland. Minimum width of path 2.5m. See page 15.



#### Sir David Martin Reserve Draft Master Plan. Page 5

# **PARKING AND TRAFFIC**

# What you told us

### What you would not like/least like

- No parking within the Reserve.
- **No parking along Kissing Point Road**: "Current problem due to new paths that prevent cars parking adjacent to baseball field." "Cars park on cycleway on both sides of Kissing Point Road. Why not relocate the path inside the park fence and reinstate parking with bays and use logs/stumps and create permanent, screened parking at 2 Vernon St?" "Dislike parking along Kissing Point Road; suggest permanent parking at 2 Vernon Street with vegetation to screen carpark."
- Traffic issues generated by sport: "Lack of parking control" "Driving behaviour." "Parking congestion by sporting activities." "Auluba Road is dangerous with cars on both sides and impatient parents turning in driveways." "Driving behaviour of parents at Saturday sports which can be careless."
- Lack of vehicular parking.

### What you would like

Parking facilities near sportsfields: "Angle parking at clubhouse area of Auluba Road and along Kissing Point road." "Angle parking from the main diamond to Vernon Street with the footpath relocated inside the Reserve for walking, jogging." "Paved parking along Kissing Point Road". "Paved parking along Vernon Street." "What is intended with the parking opposite Kissing Point Village Green?"

### Your vision

Improved parking: "Parking needs improvement as the upgraded pathway has greatly restricted parking." "Parking barrier along Kissing Point Road (particularly on Saturdays) to prevent cars from angle parking over the footpath – a dangerous situation as pedestrians are forced onto the road". "Improved parking for Auluba 3 – better parking facilities."



# Council's response

### Options for increasing parking

Option 1. Provide sealed angle parking along Kissing Point Road beside sportsfield area to increase parking capacity.

Option 2 Vernon Street: formalise parking beside the Village Green – surface and line mark.

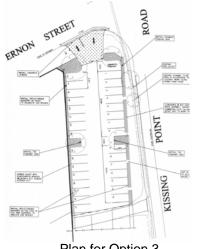
Option 3. Seal carpark on vacant site at 2 Vernon Street. Informal planting at edges to screen from housing.

Retain kerbside parking along Auluba Road

Options subject to Car Parking Development Control Plan No. 43.

New parking areas to incorporate water sensitive urban design to reduce the impact on bushland and waterways.

# **PARKING AND TRAFFIC**



Plan for Option 3



Discuss with Greg Piconi who did not like option 1, but George Koolick did.

Option 3 was proposed several years ago and rejected due to neighbour's objections

Greg may be able to fund



Could we have a raised medium strip and round about at Vernon St to stop cars turning into parking along KPRd from right lane. Far less dangerous!

Plan here with how angle parking and path will work along **KP** Road



# COMMUNITY: PASSIVE RECREATION

# Masterplanning principles

# Sustainable principles

Provide access and amenity to all residents Design for low maintenance Offer opportunities for a range of recreational activities, both formal and informal, active and passive Incorporate elements that are important to the community and user groups Balance the concerns of all community groups Implement strategies that promote community health and well being

## What you told us

### What you value most

- Social opportunities: "We place great value on the large open space, clubhouse and its home fields, the children's playground and the bush areas. We value the whole area enormously and are very aware that the KPSC, clubhouse and surrounding grounds form an integral part of the physical development of young and old and the social and community life in South Turramurra and the surrounding suburbs."
- Social opportunities at Kissing Point Village Green: "Good place to take visitors." "Good place to take children."

### What you would like to be available

- Increased social opportunities: "The facilities are fully used now, however, there is scope for increased social facilities. Upgrade clubhouse as community building; a multipurpose venue or registered/licensed club with outdoor BBQ/picnic area. There is scope to use the open space for one-off or irregular events (concerts, carols, weddings, school events and so on) ... promote the idea of the Reserve as a community space." "BBQ shelter with chess table for elderly residents."
- More seating: "Quiet areas for contemplation." "Seating along pathways." "Need seating with good back support."

### Your vision

More seating: "More tables and chairs." "Quiet areas for sitting." "Double length table with bench seats and roof for larger group picnics." "Spectator seating/shade and some passive areas."

# Council's response

### Formalise main entries to Reserve with attractive landscaped spaces suitable social gatherings.

#### Auluba Road:

- New entrance next to memorial area/clubhouse with sealed surface and seating to promote social opportunities and enhance the suitability of the Reserve for community events (see pages 9-10).
- Additional seating to compliment new youth area next to cricket nets (see pages 10, 12 &13).

#### **Kissing Point Road**

New seating at entrance adjacent to the field (see page 7)

#### Additional seating

- Seats beside pathways; limited in bushland and placed to avoid disturbing the vegetation and to allow for shady and sunny places.
- Seating at edge of fields for spectators and community use.
- Double-sized picnic setting at Kissing Point Village Green.

# **COMMUNITY: PASSIVE RECREATION**



New seating areas



Existing entrance area next to clubhouse.



Proposed combined entrance and seating area next to clubhouse.

# FORMALISE ENTRIES WITH LANDSCAPED AREAS

# **COMMUNITY : ACTIVE RECREATION**

# What you told us

### What you would like to be available

- Children's play and playground
- Jogging walking track with exercise stations

#### What you value most

- Playground: "It's great." "Enclosed, good." "Safe area."
- Dog area: "Complete fencing to dog off-leash area." "Maintain dog area and complete fence." "Contain dogs so they don't go into the bush."

### What you would not like

- Vehicles or traffic through bushland: "Trail bikes". "Motorised vehicles." "Mountain bike tracks."
- Skateboard activities: "Encourages anti-social behaviour, graffiti, litter, consumption of alcohol, attracts undesirable elements."
- Noisy activities: "No parties." "No model aircraft." "Dog area (left as is) not fenced."
- Expansion of dog off-leash areas. "The Reserve should not be opened for access as a dog reserve in the same manner as other ovals in the municipality the focus to be on human activity..."

#### Your vision

- Maintain dog area and complete fence: "Contain dogs so they don't go into the bush."
- Walking/jogging track
- Exercise stations: "Along jogging track" "Stretch station similar to Scarborough Field near Loftberg.

# Council's response

- Provide for future expansion of the playground in the longer term.
- Complete fence to dog off-leash area
- Provide exercise equipment located at new sealed path (from Auluba Road to Vernon Street).
- Path suitable for bicycle use included (refer page 5)



Suitable exercise equipment

# COMMUNITY: ACTIVE RECEREATION NEW YOUTH ACTIVITIES

# What you told us

### What you would like to be available

- Activities for older children: "Formal activities that are challenging, but not skateboard." "Space for informal football; away from organised sports area." "Kicking wall/tennis wall; carefully positioned within sporting area, not in bushland."
- Facilities school children like: "All ball games, basketball, volleyball, hoop areas, frisbees."
- Pitching wall located at Auluba 1 and 2

### What you would not like

(Refer page 10) Trail bikes, motorised vehicles, mountain bike tracks.

### Your vision

Social opportunities for youth: "Meeting places where youth can meet and talk near activity zone."

# **Council's response**

- Provide youth activities, located next to cricket nets. Basketball area and pracitce wall, suitable for tennis, softball and soccer.
- Seating area next to clubhouse compliments this facility (see pages 10 & 13).
- The location for the youth facility allows activities to expand onto the fields. It is near the local shops and clubhouse facilities.
- The facilities can be used by the club for training and therefore taking some wear off the fields.
- A new batting cage is included next to the existing cricket nets to compliment this facility (see page 10)
- Refer to image of proposed youth area (see pages 13 & 14).



Location of new youth activities area

# COMMUNITY: ACTIVE RECEREATION NEW YOUTH ACTIVITIES



Existing area adjacent to cricket nets



Proposed area adjacent to cricket nets

# **COMMUNITY: SPORTS CLUBS**

# What you told us

# What you would like

- Practice and game facilities prefer Auluba 3 shared with softball.
- Improved field condition and repositioning of fields 1 and 2 with senior field to front of site.
- Lighting to allow training for sports using small balls such as cricket and softball.
- Fencing to Auluba 1 and 2 to prevent ball loss.
- Extension of safety fencing at Auluba 3.
- Shelters for teams to sit under at diamonds and updated benches.
- Practice nets upgraded and enlarged to suit cricket, baseball and softball practice.
- Storage for equipment and bins.
- Clubhouse improved as community building, multipurpose venue.
- Spectator seating and shade for Auluba 1, 2 and 3.

# What you value

- Open space: "Flexibility of open space."
- Sportsfields and facilities: "For youth." "Available all year round."
- Clubhouse: "Related social opportunities." "Ideal clubhouse."

# What the community would not like

- No more sporting activities: "Currently used to its optimum, Canoon Road complex nearby." "No more soccer." "All weekend."
- No night evening sports activities: "Other than properly organised training sessions." "Soccer practice is noisy." "No activities after 9 pm." "No night baseball etc., no floodlights please."
- Noise: "Noise generated by soccer spectators." "Noise from night time practice."
- Clubhouse: "substandard." "Ugly." "Poor landscaping around clubhouse."

# What the sports club would not like

- Poorly maintained playing surface
- Poor condition and inadequacy of cricket nets
- Dilapidated infrastructure

# Your vision for the future of the Reserve

# Short term

- Best use of sportsfields rotate junior fields mid-season
- Upgrade and refurbish Auluba 1, 2 and 3 with watering system to fields 1 and 2.
- Lighting suitable for small ball activities
- Practice nets and kicking wall
- Storage for clubhouse
- Fencing: Safety nets at Auluba 3
- Toilet facilities upgraded and improved maintenance

#### Medium term

- New turf wicket
- Upgrade clubhouse
- Relocate cricket training facilities
- Field 3 used for multi-purpose sport

#### Long term

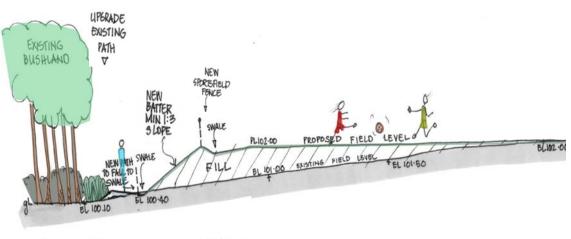
- Facility use as registered/licensed club
- Realignment of fields for soccer and cricket
- Turf wicket strips for fields 1 and 2.

Improved parking

# **COMMUNITY: SPORTS CLUBS**

# Council's response

- Improve maintenance of public toilets and provide unisex accessible toilet at clubhouse.
- Upgrade Auluba fields 1 and 2 with water harvesting, irrigation and lighting.
- Maintain location of Senior field at Auluba 1. Changing the orientation will result in the cricket pitch being located in the football field. North/south orientation is more effective as it reduces the impacts of the westerly sun (see page 16).
- Rotate Junior fields as suitable.
- Upgrade Auluba field 3: level with new surface and size to accommodate senior football field and reposition junior baseball diamond slightly to the south.
- Investigate options for like-sports to be grouped together, such as softball and baseball.
- Investigate opportunities for lighting at Auluba 3 to AS 2460-2.6-1994 Guide to Sports Lighting – Specific Recommendations for Baseball and Softball
- Provide additional seating.
- Provide rebound wall suitable for soccer, softball and tennis (see page 10 & 13), or a synthetic surface area suitable for training.
- Upgrade fencing to fields to meet safety, aesthetic and Council standards.
- Provide batting cage adjacent to existing cricket nets (see page 10).
- Consider increased storage for bins and sports equipment where possible (see page 10).
- Design cricket pitches to accommodate winter use surfaces located between football fields and with synthetic covers.
- Support opportunities to upgrade clubhouse in order to provide a flexible-use community building.
- Consider access to power for softball pitching machine.

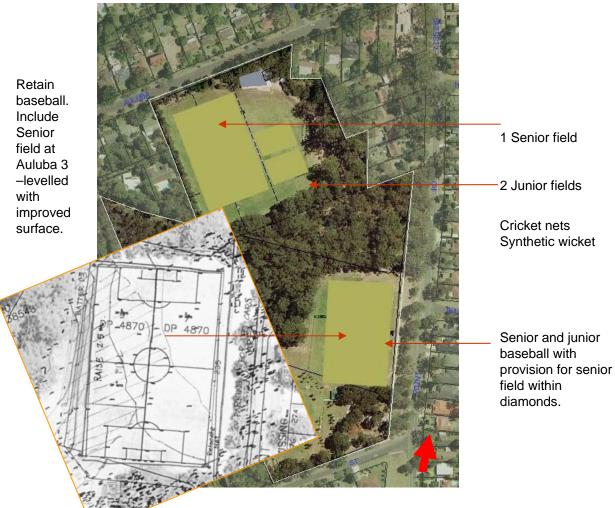


CONCEPTUAL SECTION

Auluba 3 – leveled to accommodate senior football field. Fence at rear above embankment.

Path below embankment.

# SPORTSFIELD CONFIGURATION



# Strengths

- Set in cleared area no existing vegetation to clear
- No existing services in field area to damage
- Existing toilets, storage and club kiosk adjacent
- Existing playground and picnic area adjacent
- Field orientated North/South
- Existing site infrastructure water and power available for connections
- Can be sited without effect to existing senior baseball backnet and dug-outs
- Re-levelled site and path can be graded to control stormwater run-off and associated damage to bushland
- If lights installed, no adjacent housing on site
- Greater connection of sports grounds with walkng track

# Weaknesses

- Small run-out and limited spectator space around field
- Baseball diamonds to be summer use only
- Baseball mound to be moved each season
- No club storage sheds or change rooms

# Configuration Option A retain existing site use



1 Senior field

2 Junior fields Cricket nets Synthetic wicket

Baseball and softball

# Strengths

Current project: Stormwater harvesting, underground water tank and irrigation for Auluba 1 and 2.

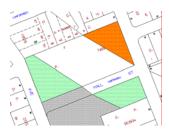
# Weakesses

Sportsfield usage is concentrated and fields over used due to limited space and usage patterns.

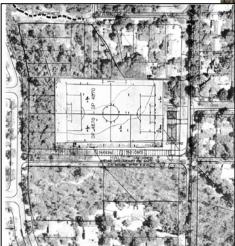
# Funding

Stormwater harvesting and irrigation funded through Council's Environmental Levy

# Configuration Option C Senior field at Chisholm Street (locally known as the Horse Paddock)



Council owned land Department of Planning





Location of field

# Strengths

New purpose built field New purpose built toilets, storage and community/club room Parking for up to 50 cars 90o off Hall Street Some space for villa housing DOP housing land can have access street frontages for access

# Weakness

Small run out and limited spectator space around field Field orientated east/west No existing infrastructue services Housing land only allows 4 blocks at 450m2 Removal of existing bushland Cost to purchase land

# Preliminary opinion of probable cost \$2,295,645

# Football field configuration Option C 3 Senior fields



1 Senior field )

2 Junior fields Additional Senior field Uses: football and cricket.

Auluba 3 - rebuilt (or as is)

# Discussion on reconstructing Auluba 2

# **Opportunities**

Additional Senior football field, combined with the 2 junior fields

# Constraints

Access at north/east corner Siting cricket nets Destruction of some bushland

# Prelimiminary opinion of probable cost

Earthworks, cut, soil, irrigation Retaining wall 2m high x 100m Fence above retaining wall 100m

# Possible relocation of preschool



Relocate play space to Auluba Site and concentrate recreation facilities in one location. Playground use would be positive associated with sports activities, general family recreation. Improves main access to site.

This allows senior playing field and sufficient access for walking/cycling shared pathway, revegetation etc. Relocate Kindy to this site- positive link to shops, bus stop etc. Parking (10 spaces) relocated along frontage of Auluba Rd and possible drop-off in widened laneway. (Currently no dedicated kindy parking available)

Retain site walk through pathway to connect Balmaringa Ave and as setback to neighbouring house. More space in play area.

# SIR DAVID MARTIN RESERVE

# **CONCEPT PLAN**



# **APPENDIX A – WORKSHEETS**

# **APPENDIX B – SITE ANALYSIS**





Topography Sir David Martin Reserve is located 100m above sea level and sits on the flat ridge top area above the Lane Cove

# Sir David Martin Reserve is located in the Lane Cove River Catchment.

Source: Soil Landscapes of the Syd Sheet (Chapman & Murphy 1989 w Region 11100.00

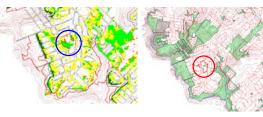
#### Soil landscapes Local soil types





Vegetation Local ecological communities include:

#### Duffys Forest Ecological Community Sydney Sandstone Ridgetop Woodland Sydney Turpentine Ironbark Forest Coastal Sandstone Heath Coastal Sandstone Heath Sydney Blue Gum High Forest



Fire Sir David Martin Reserve has been identified as fire prone land. A hazard reduction burn within the Reserve was last carried out in September 2003.



Natural areas Shows the proximity and potential links of Sir David Martin Reserve with natural areas Lane Cove National Park

Bushland in parks and reserves

#### Description of the

existing environment Sir David Martin Reserve covers an area of 105.734ha. The site consists of developed sport and recreation areas - Auluba Ovals 1, 2 and 3, Kissing Point Village Green, and undeveloped remnant bushland.

Location Sir David Martin Reserve is located at Kissing Point Road, through to 10B Auluba Road and Chisholm Street, South Turramurra.

Geology and soil Geology: Mittagong formation which contains embedded shale, fine to medium quartz sandstone with an absence of rock outcrop. Soils: Lucas Heights derived from sandstone and shale. A story soil with low fertility and low available water capacity. Latertitic topsoils are hard setting and story subsoils can be socio and improvements. and impermeable. The ovals have been filled with imported subgrade material.

#### Vegetation

Remnant 'Duffys Forest' Ecological Community (Tall Open Forest) is located at the centre of site with small areas at the park edge and along Kissing Point Road. This area is listed on Schedule 1 Part 3 of the Threatened Species Conservation Act 1995 as an endangered ecological community

#### Native animals

Ninox strenua (Powerful owl) which is 'vulnerable'. (Recovery plan prepared Local Gov Act 1993 Sections 36A-36D)

Wildlife sightings recorded by local residents include owls, echidnas, blue tongue lizards, green tree frogs, goannas, crested hawk. Terrestrial macro invertebrate surveys are currently underway.

Hydrology Much of the surface run-off is currently directed towards the bushland areas at the centre of the site.

#### Climate/microclimate

Aulua 1 and 2 sports fields are warm and sunny, with tail trees providing some shelter from hot and cold westerly winds and southerly busters along with some cooling north-easterly breazes in the evenings.



Overland water flow Embankment cut Embankment fil

Ecology

Ku-ring-gai Council





# Sir David Martin Reserve

District Park Master Plan - Site Analysis

# **APPENDIX B – SITE ANALYSIS**

#### Local History

The indigenous inhabitants of South Turramurra are the Terramerragal tribe, which is a sub-group of the Ku-ring-gai tribe.

Source: Kissing Point Progress Assoc. 1998 Subdivisions began in the Kissing Point Road area of South Turramurra in 1927 and did not result in major settlement but farms and market gardens. In 1958 the population reached 800 and the area was designated as rural, virgin bush or difficult terrain.

Development in the 1950s provided homes for young families. 'The most significant landscape items are the remnant eucalypts that define Kissing Point Road and Auluba Reserve'.

Source: Ku-ring-gai Heritage and Neighbourhood character Study Godden Mackay Logan Keys Young. 2001



Walking tracks

Walking tracks link to the 'Step Track' and to the National Park 'Great North Walk'. Bushcare sites



Current land use The area around the park is zoned 'Residential 2c' and the local shopping centre is zoned 'Commercial 3a and 3c'.

The park itself is zoned 'Recreation 6a' and classified as Community Land.



Sports reserves Sports reserves in the local area



Strengths

Three sports fields with good spatial qualities – scale, bushland views and sense of enclosure Remnant forest Good connections - shady paths within Reserve Potential to improve wildlife habitat to enhance forest Good shade and sunny areas Attractive picnic area with shelters and playground New landscaped dog off-leash area



Vandalism Access to Reserve not defined Building unattractive oor landscaping around building Stormwater runoff not captured Bushland weeds and areas of erosion Most signage unattractive and no interpretative signs for park facilities nattractive old fences Minimal parking



Community



**Aesthetics** 

# Sir David Martin Reserve

District Park Master Plan - Site Analysis

# **APPENDIX B – SITE ANALYSIS**

#### Area — 10.57 ha

#### Landscape Character

The Reserve contains a remnant forest of 'Duffys Forest Ecological Community' and the associated ecological benefits associated with the forest.

#### Formal sports activities

Football (soccer) Cricket Softball/Baseball Public Schools Sports Association

#### **Informal Activities**

Children's playground

Dog off-leash area

Two cricket nets

Recreational walking, jogging, cycling

Socialising - picnics and youth 'hang-out'

Informal sports

Local group uses – for example uses by the neighbouring church

#### Park Infrastructure

The Reserve contains 3 of Ku-ring-gai's 46 sportsfields

#### Auluba Ovals 1 and 2

Sportsfields – 1 Senior, 2 Junior Clubhouse/Amenities building Grounds shed Sports field lights Water tank for irrigation Cricket nets with 2 bays

#### Auluba Oval 3

Two softball/baseball areas with back-nets Bunkers at senior area

#### Kissing Point Village Green

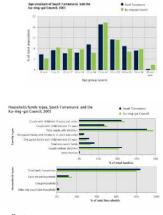
Children's playground

Children's bicycle track

Amenities building – disabled toilet, family toilet, small storage and kiosk

Picnic facilities - shelters and 2 electric BBQs

Dog off-leash area fenced from the road



Facts & figures

# **Opportunities**

Large and diverse site Relatively flat Close to schools and shops Valuable bushland to enhance and protect Multiple entry points – linking neighbourhoods Close proximity to Lane Cove National Park Potential to improve circulation Potential to increase activities and facilities Better use of sportsfields Interpretation and education Improve amenities Co-ordinate palettes of colours materials and furniture/fittings over the whole site Community meeting place

# Constraints

Residential area – impact of activities at the Reserve on local residents Endangered Ecological Community Significant trees Fire break clearing behind houses Weeds Multiple users Conflicts between formal and informal uses Limited parking Vandalism High demand for sportsfields

# **Opportunities & Constraints**

# Social

Provide access and amenity to all residents

Offer opportunities for a range of recreational activities, both formal and informal, active and passive

Preserve open space, recognising its value as an important community asset

Minimise impacts on neighbours such as traffic, parking, noise, light and litter

# Environment

Protect and enhance native plants and habitat

Provide corridors to link bushland areas

Incorporate water sensitive urban design principles

Reuse, recycle and reduce waste

Manage off-site impacts such as noxious weeds and encroachments

# Economic

Implement programs to reduce energy and water consumption

Improve Council operations and maintenance practices within the budget

Work with community groups to improve facilities

Make improvements to reduce public liability and insurance claims

Work with hirers and lessees for mutual benefit

# **Sustainable principles**

# **APPENDIX C**

# Properties to consider for future extension to this District Park as suitable for community facilities

The additional space, as highlighted, is not necessarily suitable for extensions to the fields, some areas are better suited as parklands.



# APPENDIX D Additional sportsfield at Chisholm Street

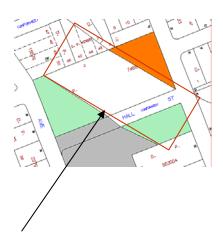


# Strengths

New purpose-built field New purpose-built toilets, storage and community/club room Parking for up to 50 cars at 90° angle off Hall Street Some space for alternative housing

# Weakness

Small run out and limited spectator space around field Field orientated east/west No existing infrastructue services Housing land only allows 4 blocks at 450m<sup>2</sup> Removal of existing bushland Cost to purchase land



Land owned by the Department of Planning

S05919 16 July 2007

# THE SWAIN GARDENS DRAFT LANDSCAPE MASTERPLAN

# **EXECUTIVE SUMMARY**

PURPOSE OF REPORT:	To provide Council with a draft Landscape Masterplan for The Swain Gardens and to seek Council's approval to name Swain Native Park as The Swain Gardens.	
BACKGROUND:	At the Ordinary Meeting of Council on 6 December 2005 it was resolved that:	
	<ol> <li>The District Park Landscape Master Planning process be commenced for St Ives Village Green, Kissing Point Village Green (Sir David Martin Reserve) and The Swain Gardens during 2005/2006.</li> <li>District Park Landscape Master Planning continue to be identified within Council's Management Plan.</li> </ol>	
	The Swain Gardens draft Landscape Masterplan and the Sir David Martin Reserve Landscape Masterplan are the first two District Park landscape masterplans to be completed. Research for the preparation of a landscape masterplan for the site revealed that it was registered with the Geographical Names Board of New South Wales as 'Swain Native Park'.	
COMMENTS:	The draft Landscape Masterplan for The Swain Gardens provides for the protection and enhancement of The Swain Gardens and The Swain Reserve. The site was originally deeded to the National Trust by Mr A N Swain and transferred to Council in 1980 under conditions of a covenant including that the name of the site be called 'The Swain Gardens'	
RECOMMENDATION:	That Council resolves to place the Swain Gardens draft Landscape Masterplan on public exhibition for 28 days with a further 14 days for comments to be received prior to adoption by Council and that Council liaise with the Geographical Names Board to rename Swain Native Park as The Swain Gardens.	

# **PURPOSE OF REPORT**

To provide Council with a draft Landscape Masterplan for The Swain Gardens and to seek Council's approval to name Swain Native Park as The Swain Gardens.

# BACKGROUND

Demand for developed open space in Ku-ring-gai is high and the provision of parks and sportsgrounds is relatively low and not evenly distributed, with some suburbs having far less developed open space per population than others. Predicted increases in the population will have a significant impact on the ability of our existing parks and sportsgrounds to cater for the needs of current and future residents.

Previous studies undertaken by Council were instrumental in the decision to embark on the preparation of landscape masterplans for Council's fifteen district parks.

One such study was the Open Space Distribution Needs Study (2000), which identified that "Council's local and district parks are not (in terms of both quantity and suitability) fully meeting the recreation needs of existing populations and do not have the capacity, therefore, to absorb the recreation needs and demands of new populations".

Further the current 2004/2009 Section 94 plan acknowledges that "a large number of parks require further embellishments to more effectively meet the needs and expectations of (existing and future) recreational users".

Recognising the inability of existing parks in Ku-ring-gai to meet the needs of the current population in conjunction with the impact of predicted increases in population Council included the preparation of District Park Landscape Master Plans into the Community Development section of Council's 2005/2009 Management Plan.

Following consideration of a report regarding the preparation of District Park Landscape Masterplans at the Ordinary Meeting of Council on 6 December 2005 it was resolved that:

- 1. The District Park Landscape Master Planning process be commenced for St Ives Village Green, Kissing Point Village Green (Sir David Martin Reserve) and The Swain Gardens during 2005/2006.
- 2. District Park Landscape Master Planning continue to be identified within Council's Management Plan.

The Swain Gardens draft Landscape Masterplan and the Sir David Martin Reserve Landscape Masterplan are the first two District Park landscape masterplans to be completed.

Work has progressed on all locations identified within the resolution. An initial concept which will be subject to considerable review in the future has been adopted by Council for the St Ives Village

#### Ordinary Meeting of Council - 14 August 2007

#### Item 7

7/3

Green, as a component of the Ku-ring-gai Centres Development Control Plan. This report focuses on the development of a masterplan for The Swain Gardens. A separate report, on the agenda for this meeting will consider the development of a masterplan for the Sir David Martin Reserve.

The December 2005 report also identified the development of three Landscape Masterplans for 2006/07. Of these, an initial concept has been adopted by Council for Robert Pymble Park. As with St Ives Village Green, it is suggested that further refining of this plan will be required prior to its ultimate implementation. Initial work has commenced on Turramurra and Hassell Park. The current 2007-2011 Management Plan has identified that the preparation of these plans continue. As per the programme identified in December 2005, district parks scheduled to undergo landscape masterplan preparation include the following; Lindfield Park, Wahroonga Park and Gordon Recreation Area. It is proposed to commence this work in March 2008.

Swain Native Park is located at 77 Stanhope Road, Killara. The site was bequeathed to the public by Mr A. N. Swain and consists of two distinctive landscape areas, one area covers 1.2ha of bushland and the other covers 0.72ha of cultivated gardens.

The bushland area was purchased by the National Trust of Australia (New South Wales) in 1960 with funds made available by Swain & Company Pty. Ltd. The gardened area was created by Mr Swain and is located behind private properties and eventually accessed from Northcote Road by a right-of-way (Lot 11). Lot 11 was transferred by the National Trust to the Swain family in 1980. Upon his death in 1973 Mr Swain bequeathed the Gardens to the National Trust who held it until 1980.

In 1980 the National Trust of NSW transferred the Swain Native Park to the Council of the Municipality of Ku-ring-gai.

# COMMENTS

The approach utilised in the development of the Landscape Masterplans has followed the principles of successful placemaking.

The master planning process included significant community consultation from the conceptual stage of the design through to the production of a completed draft plan. Gaining a better understanding of the recreational needs of the local community and being able to help them achieve their goals was one of the main outcomes of the master planning process.

The Swain Gardens is one of Ku-ring-gai's best kept secrets. It is located in Stanhope Road Killara, behind The Swain Reserve. The Swain Gardens were created during the 1940s to 1960s by Arthur Newling (Mick) Swain, a Sydney bookseller and amateur gardener. Both properties were bequeathed to the public by Mr Swain.

The Gardens are culturally significant. They are a post war landscape with modernist studio and an intricate network of sandstone retaining walls and concrete paths that showcases non-indigenous (or exotic) vegetation. Mr Swain intended that his gardens be in a natural setting and he purchased the adjoining Reserve from a development company to ensure this.

#### Ordinary Meeting of Council - 14 August 2007

#### Item 7

Community input has focussed on what type of activities people would like to see happening here, not what changes will be made. This is because of the site's cultural significance which limits activities. Because it is a culturally significant site, the draft Masterplan does not involve developing the site, but rather conserving it and introducing sustainable practices such as the water harvesting project which will be installed to provide irrigation.

The Burra Charter formed the basis for the development of the conservation plan. These needed to be determined first, to assess what type of activities are suitable, due to the fragility of the Gardens.

Mr Swain created a modernist garden of an extent and design consistency that was rare during the period. The visual and spatial structure of the Gardens is based on a botanical collection of nonindigenous vegetation that is contrasted with the adjoining indigenous vegetation of the Swain Reserve and Wombin Reserve. These natural areas merge into adjoining County Open Space, then Garrigal National Park, which is within the Middle Harbour catchment. This has resulted in a complex, layered landscape that is unique both culturally and physically. In response to this, draft Landscape Masterplan is a synthesis of three distinct areas of interest:

- 1. Heritage/culture
- 2. Sustainability/ecology
- 3. Social/economic values

The framework for the Swain Gardens District Landscape Masterplan report is based on the NSW Local Government Amendment (Ecologically Sustainable Development) Act, 1997, which aims to "protect, restore and enhance the quality of the environment in New South Wales, having regard to the need to maintain ecologically sustainable development, and to reduce the risks to human health and prevent the degradation of the environment".

A summary of recommendations outlined in the plan, a copy of which is an attachment to this report, is as follows:

#### Conservation

- Strengthen the contrasting landscapes of the Gardens and adjacent Reserves which is integral to the experience of the landscape setting
- Maintain the Gardens in a manner that retains and preserves the original character.
- Maintain the fabric in good condition and, in particular consult a qualified stone-mason with heritage expertise for advice on preserving stonework and consult an arborist to report on the condition of significant trees
- Improve the sense of arrival provide interpretative signage at Reserves and Gardens
- Update 1992 plant list
- The Old Tennis Court area in The Swain Reserve is the place of least significance and most suitable for new developments if required

<u>Sustainability</u>

- Incorporate water sensitive urban design principles to ensure the health of the catchment such as riparian zone planting and a sedimentation pond where Wombin Creek exits the Gardens
- Implement stormwater harvesting project with riparian zone planting

#### Ordinary Meeting of Council - 14 August 2007

#### Item 7

S05919 16 July 2007

- Implement sustainable horticultural practices
- Select exotic and endemic plant species that will not spread into adjacent areas
- Install sedimentation pond below where creek exits Gardens
- Recycle waste

Social opportunities

- Promote the Gardens as a place of botanical displays, particularly in spring and autumn. Label Camellias and significant trees
- Provide disabled parking on site for two cars
- Provide activities within the constraints of the physical site and its cultural significance, particularly activities related to the arts, such as open-air theatre, poetry readings and music recitals, also filmmakers, photographers and functions such as weddings. Promote the Garden Room/Viewing Lawn for hire for activities such as gardening groups, book clubs, knitting/sewing circles, catered meals, weddings, filmmakers, gardening clubs.

The National Trust of NSW transferred the site to Council with a set of covenants and Council agreed to accept the terms and conditions, including Item 1 which specifies the name of the site as follows:

- 1. The Ku-ring-gai Council, for itself, its successors and assigns hereby covenants with the National Trust:
  - a) The area to be dedicated to The Ku-ring-gai Council other than Lot 11, Deposited Plan 601545 shall be named by The Ku-ing-gai Council as 'The Swain Gardens' and are hereinafter so named.
  - c) The Ku-ring-gai Council shall cause the name of the late A N Swain to be permanently and prominently recorded with the National Trust as the public benefactor of The Swain Gardens in a position in The Swain Gardens open to easy view by the public.

During the development of the plan it was discovered that this matter has not been finalised and it is recommended that Council make application to the Geographical Names Board to enable its finalisation.

The draft plan is considered ready for exhibition.

# CONSULTATION

Invitations to an information session held on Saturday 16 June 2007 from 10.00am-11.30am at the Garden Room within the Swain Gardens were mailed to residents of the streets surrounding the Gardens and the Friends of Swain Gardens. Information panels and a draft Plan were provided to generate discussion. The ten local residents who attended the information session were unanimously supportive of the draft Masterplan.

Councillors have been briefed on the development of the Landscape Plan and all those who have provided input to the development of the plan have been notified of this report going to Council.

# FINANCIAL CONSIDERATIONS

The Plan provides Council with a long term view on the management of the gardens which can be prioritised to assist in future financial planning. Some works are of an operational nature and can be completed within existing recurrent budgets and others would be subject to future capital works and /or grant proposals.

# **CONSULTATION WITH OTHER COUNCIL DEPARTMENTS**

Council's Strategy Department and Operations Department have been consulted in the development of this report and draft Masterplan.

# SUMMARY

The draft Landscape Masterplan for The Swain Gardens provides for the protection and enhancement of The Swain Gardens and The Swain Reserve. The draft plan is considered ready for exhibition.

# RECOMMENDATION

That Council -

- A. Resolves to place the Swain Gardens draft Landscape Masterplan on public exhibition for 28 days with a further 14 days for comments to be received prior to adoption by Council.
- B. That Council apply to the Geographical Names Board to finalise naming of "The Swain Gardens".

Jenny Cronan	
<b>Project Officer</b>	

Roger FaulknerSteven HeadSport & Recreation PlannerDirector Strategy

Attachments: The Swain Gardens draft Landscape Masterplan - to be circulated separately

SO3014 6 August 2007

# ACRON OVAL, REVIEW OF DOG OFF-LEASH TRIAL AREA - REVIEW OF COMMENTS RECEIVED DURING TRIAL PERIOD

# **EXECUTIVE SUMMARY**

PURPOSE OF REPORT:	To report to Council on the trial use of Acron Oval as a dog off-leash area.
BACKGROUND:	Council resolved at the 12 December 2006 Ordinary Meeting of Council to conduct a dog off leash area trial at Acron Oval, St Ives. This trial allowed dogs to be exercised off leash whenever the sportsfield area was not being used for organised sport and games. Comments regarding the trial could be made to Council until 30 June 2007.
COMMENTS:	The 6 month trial of Acron Oval as a dog off leash area resulted in 53 comments and two petitions submitted to Council. Of these responses, 24 individual respondents plus 169 petitioners were in support of Acron Oval becoming a permanent dog off leash area and 29 individual respondents plus 183 petitioners were against the location becoming a permanent off leash area.
RECOMMENDATION:	It is recommended that Acron Oval be endorsed as a recognised off-leash area whenever the sportsfield area is not being used for organised sport and games, that an education process with key stakeholders is undertaken, and that the problems of damage to the turf wicket area caused by dogs and uncollected dog faeces be monitored on an ongoing basis and Council reconsider the dog off-leash status of Acron Oval if these problems persist.

# **PURPOSE OF REPORT**

To report to Council on the trial of Acron Oval as a dog off-leash area.

# BACKGROUND

The Local Government Act requires each Council area provide one designated off leash area.

In 2002, Council carried out a review of the provision of dog off leash areas around Ku-ring-gai. This study looked at the 13 resolved sites at that time as well as an additional 14 sites and considered a number of issues including the spread of open space which was designated off leash and non off leash to ensure as even a spread of provision of both types of area as possible.

The study undertaken in 2002 assessed each site in relation to a number of issues including; the size of the site, the population who had 'local' access to the site, and the existing and required infrastructure with a view to determining the suitability of each site. As a result, there are now a total of 19 adopted off leash areas in Ku-ring-gai, of which 10 are permanent areas and the remaining 9 are sportsfields which are off leash when not being used for organised sports and games, one of which is only off leash after 1pm each day, that being Golden Jubilee Fields (back oval). If endorsed as an off-leash area, Acron Oval will become the twentieth off-leash area and the tenth sportsfield which is off-leash when not being used for organised sports and games.

The same report referred to above identified that the designated areas needed to be upgraded to ensure they were safe and suitable for use, with the basic facility provision determined to be fencing, water, bins, seats and shade. At this time it was recognised that it is not possible to fully appreciate the suitability of each site unless they meet these basic minimum requirements. This has been very evident by the increase in use and the positive feedback received about the sites where upgrades have been completed.

At the Ordinary Meeting of Council on 12 December 2006 Council resolved to conduct a dog off leash area trial at Acron Oval, St Ives. This trial allowed dogs to be exercised off leash whenever the sportsfield area was not being used for organised sport and games. Comments regarding the trial could be made to Council until 30 June 2007.

# COMMENTS

The dog off-leash trial at Acron Oval commenced in January 2007 when signs were erected at the Oval advising the local community that the sportsfield area was being trialled as a dog off-leash area when not in use by formal hirers, and that public comments were invited until 30 June 2007.

On 15 January 2007 letters were mailed to residents in streets surrounding Acron Oval notifying them of the trial. Local schools and seasonal sporting clubs who hire Acron Oval, including St Ives Junior AFL Club and Lindfield District Cricket Club, were also written to and advised of the trial and invited to provide their comments and suggestions by 30 June 2007.

Throughout the trial period, 53 comments and two petitions were received. The first petition presented to Council on 5 February 2007 contained 169 signatures and stated:-

"We, the undersigned, request Ku-ring-gai Council declare Acron Oval an off-leash area from 6pm to 8am daily".

The head petitioner, Mr Bill Pavletich, also stated in his letter that the off-leash trial had been remarkably well received and that it was a joy to see a wide range of people now using the Oval and respecting the niceties of good social behaviour.

The other petition received by Council on 28 June 2007 contained 183 signatures (24 of these did not include an address) and stated:-

"We, the undersigned, believe that Ku-ring-gai Council should not allocate Acron Oval to be an unleashed dog area".

The head petitioner, Ms Sandra Amasi, states that the petition canvasses members of St Ives Junior AFL Club only and that there have been many issues of having unleashed dogs sharing the oval with children, including increased risk of injury to children, both via attacks and collisions with dogs, and hygiene issues when excrement is left on the oval and surrounds. She states that the members of the club strongly object to Acron Oval being used as an unleashed dog area, in the interests of safety and health for all who use the ground.

53 comments were received during the trial period and a summary of each comment is provided as Attachment 1 of this report. All persons submitting comments have been written to acknowledging receipt of their comments and informing them that they would be notified when the final report is to be considered by Council.

24 of the 53 comments supported the trial and recommended that Acron Oval remain a dog offleash area. Many people referred to the important social and health benefits to be gained by both dogs and owners from off-leash areas.

At the commencement of training for the winter sports season in March/April there was some confusion among a number of dog owners as to the days and times of the St Ives Junior AFL Club formal training sessions. Council undertook to clarify these issues for both sporting and informal users.

The main problem throughout the season seemed to be during the transition period in each afternoon before club training commenced. Dog owners were of the opinion that it was still reasonable to have dogs off leash while children began arriving at the ground and warming up and kicking balls around before training commenced. Club members, on the other hand, were of the opinion that dogs should be on a leash as soon as any club members were on the oval preparing for training. This situation seems to have lead to some discontent and aggression between the two groups. In order to overcome this problem it is recommended that dogs are to be on-leash as soon as the first person arrives for club training or a match.

29 of the 53 comments objected to the trial and requested that the Oval not become a permanent offleash area. The main objection regarding the trial cited dog owners ignoring the on-leash requirement during formal sporting activity and dogs subsequently becoming a danger to children and on occasion licking drink bottles and urinating on bags. Most objectors also raised concerns about the health impacts arising from dog faeces being present on a sportsfield which is to be used for training or matches.

3 of the 53 comments supported the trial, but recommended strong conditions be included. One of these submissions, from Mrs Linda Brivik, states the following:

"As a dog owner I am very happy about the off-leash trial being conducted at the Acron oval. I have found, as a regular user of the oval, that most of the dogs on the oval are generally well behaved, I find it's the owners of some of these dogs that need to learn some manners.

One of the serious issues I have is that some people don't "pick-up" after their dogs. I have actually seen some people watch their dogs mess and then just walk away. Also, there is no excuse that you don't have a packet, because after all, you are taking your dog out and you should be prepared. I think there should be severe fines for people who don't clean up as this is a sports area where many hours are spent keeping the oval in excellent condition (the cricket pitch in summer for example), and is where children have sports carnivals, training etc, so it's grossly unfair that some people have to spoil it for many others".

These comments, although made by a dog owner in support of the off-leash area, provide a good summary of the issues that many objectors raised in their submissions.

It is the opinion of staff that the issue of un-collected dog faeces is an issue that needs to be addressed. It is proposed that a combination of education and communication initiatives with stakeholders and continued enforcement of the Companion Animals Act by Council's Regulation and Compliance Rangers be used to manage this issue. With this in mind, one of the key recommendations of this report is that if the recommendation to make Acron Oval an off-leash area is adopted by Council, that Council coordinates an education process involving all stakeholders to ensure all groups understand their responsibilities and keep lines of communication open between each other and Council. It is proposed that a meeting of all stakeholders be facilitated by staff to initiate this process and that ongoing meetings be facilitated.

Comments were also sought from the Council staff member responsible for the maintenance of the oval and the preparation of the turf cricket wicket area. It was reported by this staff member that during the 2006/2007 summer cricket season he generally found between three and ten piles of dog faeces per day on the oval. No noticeable change or decrease in uncollected dog faeces was observed after the trial period commenced in January compared to before the trial period. The same staff member reported that dog owners and dogs interfere with turf wicket preparation as they walk and run across the centre wicket area, even sometimes while preparation is happening. Dog paw prints are always found on the turf wicket area, particularly after rain or watering, which is a significant problem after rain when it takes extra work to remedy. Even when the wicket area is roped off, dog owners and dogs still access the area. A similar temporary fencing material to that used at Bert Oldfield Oval would assist minimise these impacts although current resourcing at this oval will prevent this from occurring as it does involve more labour than at present.

SO3014 6 August 2007

The Manager Regulation and Compliance also provided comments that she regularly walked her dogs on a leash at Acron Oval during AFL club training during the trial period and reports that she has never witnessed any AFL club member targeting a dog or dog owner with a football, as had been claimed in one of the submissions received by Council. The Manager Regulation and Compliance also reports lots of dog droppings on the oval and that persons must not be picking up. She also reports that the oval seems most busy with dogs in the mornings.

In response to the comments received from the Manager regulation and Compliance and Council's Greenkeeper responsible for the preparation of the Acron Oval wicket area, it is recommended that the problems of damage to the turf wicket area caused by dogs and uncollected dog faeces be monitored on an ongoing basis and the dog off-leash status of Acron Oval be reconsidered by Council if these problems persist.

# CONSULTATION

Consultation was undertaken over the last 6 months during the Acron Oval dog off-leash area trial period, with residents in surrounding streets being notified with a letter in the mail sent on 15 January 2007. In addition to this, schools and sporting clubs who hire the oval, including St Ives High School, the Ku-ring-gai Zone Primary Schools Sports Association (PSSA), St Ives Junior AFL Club, and Lindfield District Cricket Club, were notified of the trial period. Notices were also erected on site at the main entrances to the oval advising the local community and oval users that Acron Oval was a trial dog off-leash area when not used by a formal hirer.

A representative of local dog owners, Mr Bill Pavletich, who had previously been the head petitioner in a petition presented to Council in June 2006 before the Council resolution to conduct the off-leash trial, was also written to by Council on 16 January 2007 and informed about the commencement of the trial period. Mr Pavletich was subsequently the head petitioner in another petition submitted to Council on 5 February 2007.

All residents who commented and provided a mailing or email address have received a written acknowledgment of their comments. Furthermore, these people and the two head petitioners will be advised of the date when this item is included in the Business Paper for the Ordinary Meeting of Council.

Consultation with all stakeholders will be ongoing in an effort to ensure the successful operation of Acron Oval as on off-leash area.

# FINANCIAL CONSIDERATIONS

If the recommendation for Acron Oval be established as a dog off-leash area is adopted by Council then the main initial financial consideration is the replacement of signage, which will be in the region of \$500.00 for two signs. Furthermore, there is a financial implication to the organisation of the increased resources required to monitor and regulate the recommendations being made, including an increase in Compliance Regulation staff resources to patrol the area to ensure that the change in status of the area is recognised by the community.

There will also be considerable cost to install a fence around the oval to formalise it as a designated off-leash area and ensure that it is safe and suitable for use. This cost is estimated to be around \$50,000 and will need to be prioritised in accordance with Council's matrix for Capital Works expenditure on embellishment of dog off leash areas.

## CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

In respect of the trial period itself, Strategy staff have consulted with Regulation Compliance and Operations staff.

### SUMMARY

53 comments and two petitions were received during the Acron Oval dog off-leash trial period and a summary of each comment is provided as Attachment 1 of this report. The number of comments received from people supporting and objecting to the trial was very close. After consideration of the comments received and issues raised, it is recommended that Acron Oval be endorsed as a recognised off-leash area whenever the sportsfield area is not being used for organised sport and games, with other key recommendations being an education and communication process for all stakeholders, and the ongoing monitoring of issues at the Oval, with the possibility that the off-leash status of the Oval will be reconsidered by Council if these problems persist.

# RECOMMENDATION

- A. That Acron Oval be endorsed as a recognised off-leash area whenever the sportsfield area is not being used for organised sport and games.
- B. That Council coordinates an education process involving all stakeholders to ensure all groups understand their responsibilities and keep lines of communication open between each other and Council.
- C. That the problems of damage to the turf wicket area caused by dogs and uncollected dog faeces be monitored on an ongoing basis and the dog off-leash status of Acron Oval be reconsidered by Council if these problems persist.
- D. That Acron Oval as a dog off-leash area be prioritised in accordance with Council's matrix for Capital Works expenditure on embellishment of dog off leash areas.

Roger Faulkner Sport & Recreation Planner Steven Head Director Strategy

### Attachments: Summary of Comments received during trial period of Acron Oval - 810403

Summary of comments received for Acron Oval, dog off leash trial Support - it is the perfect area for this type of activity and I fully support this trial and hope that in the future it can become a permanent situation. Support - all the dogs at the oval are extremely well behaved, as are their owners. I sincerely hope that the off-leash system will remain. Support - I was thrilled to read your letter offering Acron as a trial to the dogs off their leads. Support - we have no objection to the conducting of a dog off-leash trial at Acron Oval. Support - I feel that this trial has been so positive for the community and often mothers with kids come to the park in order for their children to play with the well-behaved dogs. No fence is good because owners have to watch their dogs the whole time which reduce the likelihood of excrement. Support - I would like to thank you for the trial period and we will be using this facility daily, and am hoping that this trial is successful to be made a permanent facility. Support - there are very few opportunities for neigbours and locals to meet in an an informal and friendly way in today's busy world and this is one very positivie one. Support - commend Council's sensible decision of a 6 mth trial. Support - will give dogs and their owners a great deal of pleasure. Support - I wish to thank the council for agreeing to trial Acron Oval as and Dog Off Leash Area. have used this Oval day and evening for the past three years and have never met such a nice group of dogs and dog owners. The dog owners who use this oval to exercise their dogs are extremely conscientious Support - wonderful opportunity for interaction between dog walkers and kids and general walkers. Always found ground to be clean and tidy. Support - please be advised I am totally supportive of allowing the facility to be used as a dog off-leash area whenever the sportsfield area is not being used for organized sport and games Indeed, such an activity makes greater utilization of the area. Support - I am a dog owner and regularly walk my dog, a Golden Retriever, on Acron Oval. I fully support the trial of Acron Oval as dog off leash area and encourage the Council to make the trial rules permanent. Support - utilise Acron Oval as a Dog Off-Leash Area. I find the system is working well and have not experienced an unruly, out of control dog in the area. Overall I find the dog owners using the area to be careful and considerate. I mention I have found the dog owners to be conscientous in 'cleaning up' after their dogs and also of the very minority of dog owners who might 'miss'. However I would mention the only problem at Acron Oval is the debris and rubbish left by people other than dog owners including discarded bottles, cans and household rubbish. Support - Primroses at 2/6 King Street Turramurra offer no objections to this proposal. Support - in response to your letter, we appreciate your efforts in helping with the trial for the off-leash area on Acron oval. We are fully in favour of it continuing. Support - in response to your letter, we appreciate your efforts in helping with the trial for the off-leash area on Acron oval. We are fully in favour of it continuing. Communication during AFL training transition times will save Council the constant hassle of often exaggerated claims. Support - I have already noticed a signifcant improvement in the behaviour and temperament of all the dogs, as well-exercised dogs are usually well-behaved dogs. Support - this has been very beneficial for our dog , allowing her to run free with other dogs and increase her 'social' skills. Support (emails to and from Councillor Hall at the end of May). Support - we are so happy and delighted to have the freedom of allowing our dog together with all her "friends" to play freely and happily in the park. Support with conditions - as a dog owner I am very happy about the off-leash trial being conducted at the Acron oval. I have found, as a regular user of the oval, that most of the dogs on the oval are generally well behaved, I find it's the owners of some of these dogs that need to learn some manners. One of the serious issues I have is that some people don't "pick-up" after their dogs. I have actually seen some people watch their dogs mess and then just walk away. Also, there is no excuse that you don't have a packet, because after all, you are taking your dog out and you should be prepared. I think there should be severe fines for people who don't clean up as this is a sports area where many hours are spent keeping the oval in excellent condition (the cricket pitch in summer for example), and is where children have sports carnivals, training etc, so it's grossly unfair that some people have to spoil it for many others. Support with conditions - some criteria will have to be met by dog owners, including picking up faeces which is a problem now, and cancellation of the off-leash area if anyone is ever bitten by a dog. Support with conditions - anyone walking a dog who is not in possession of a disposal bag for the purposes of picking up their dogs excrement should be fined on the spot. Objection - has complained in the past 20 July 2006. Objection - it is not appropriate for large dogs to run enleashed on Acron Oval where young children may be present at any time and If the trial results in a large increase in droppings left on the oval this should be reasonable grounds for prohibiting unleashed dogs on the oval in the future.

Objection - we would oppose the use of the oval for off-leash dogs for two reasons: On numerous occasions both my kids and the balls they are playing with have been chased (and in some cases damaged - the balls, not the kids) by dogs off leash. W/e expect that off-leash dogs have less supervision by owners, which means when they defecate, the mess is less likely to be cleaned up.

Objection - I find that alot of owners are neglectful when it comes to picking up after their dogs. You can see that whenever you go walking around the streets of St lve s. If I wanted my family to socialise with a dog then I would get one. I dont see why we now cant use a oval to play/ride bikes on because the council feels that dogs should get more freedom then people.

Objection - my husband and I walk or jog each day around the oval and so often are cut off by dogs running loose or are threatened by them. Perhaps a compromise would be to have a dedicated time in the morning and afternoon for the dogs and install a sign spelling out the hours so that others can use the oval in peace at other times.

Objection - to be faced with unleashed dogs running riot and defecating on the oval is simply intolerable and would cause us not to visit the oval (take grandchildren to oval).

Objection - there are unbelievely irresponsible dog walkers pass our street and we are really disgusted by the dog excrement left on our lawn. If the oval is dog off leash it will encourage more walkers and residents will suffer.

Objection - while sympathising with dog owners and their dogs we would not support this program if children or ageing people use the area at times when dogs may be there off-leash.

Objection - two serious concerns, namely safety and hygiene.

Objection - I support the general objection to Acron Oval being used as an unleashed dog area, in the interests of safety and health for all ground playing sport on the ground.

Objection - strongly object to acron oval being used as an unleashed dog area. This type of ground is limited in the municipality and should be protected from the issues that arise with having dogs.

Objection.

Objection - sporting ovals are not the answer for dog off leash simply because of the likely effects of the increased traffic.

Objection - do not like them unleashed and sharing the ground with so many children.

Objection - do not like them unleashed and sharing the ground with so many children.

Objection - in my opinion there should be no off leash dogs allowed on any council oval any time.

Objection - strongly object to Acron Oval being used as an unleashed dog area, in the interests of health, safety and the enjoyment of small children using the oval for playing sport.

Objection - clear conflict in terms of safety and health for the children in the club.

Objection - to Acron Oval being used as an unleashed dog area, in the interests of safety and health for all who use this ground for playing sport.

Objection - to Acron Oval being used as an unleashed dog area, in the interests of safety and health for all who use this ground for playing sport.

Objection - to Acron Oval being used as an unleashed dog area, in the interests of safety and health for all who use this ground for playing sport.

Ojection - many concerns please see TRIM # 772350.

Objection - to Acron Oval being used as an unleashed dog area, in the interests of safety and health for all who use this ground for playing sport.

Objection - whilst it is quite reasonable to expect to expect the fellow members of our community to clean-up after their dogs, the simple fact remains that some already don't and others will be less likely to do so when their dog, off-leash, relieves itself on the other side of the park because they are either too lazy to do so or didn't see it happen in the first place. From personal experience, there is also a clear danger to anybody being present on the Oval with dogs running around off-leash. In July '04 I was present at an AFL training session simply watching the end of my son's session when I had a small dog run between my legs whilst being chased by a very large dog. The large dog endeavoured to do the same but crashed into me dislocating my right knee leaving me with an ambulance ride for an evening in hospital and a week off work,not to mention the pain,expense and on going problems with the joint to this day as a direct result of dogs being off-leash at Acron Oval, an area utilized in large numbers by all ages of our community most evenings of the week throughout the year.

Objection - to Acron Oval being used as an unleashed dog area, in the interests of safety and health for all who use this ground for playing sport.

Objection - has raised concerns about the club having to collect dog excrement prior to training etc.

Objection - to Acron Oval being used as an unleashed dog area, in the interests of safety and health for all who use this ground for playing sport.

Objection - revert to its former status only permitting dogs on leashes. Hygiene reasons etc - kids play with st ives afl.

Objection - on-leash rules during AFL training are often ignored and dog faeces often not picked up. As a minimum, Rangers should patrol oval after hours. Maybe investigate making a smaller park in the area a dog park instead.

TOTAL

29 object to off-leash area

21 support off leash area

3 support off-leash area with conditions - strong fines for people who don't pick up and the off-leash status to be cancelled if there are any dog bites at the oval.

S03447 6 August 2007

# PARKS, SPORT & RECREATION REFERENCE GROUP -MINUTES OF 12 JULY 2007

## **EXECUTIVE SUMMARY**

PURPOSE OF REPORT:	To bring to the attention of Council the Minutes from the Parks, Sport and Recreation Reference Group meeting held on Thursday, 12 July 2007.
BACKGROUND:	The role of the Parks, Sport and Recreation Reference Group (PS&RRG) is to provide resident, user group and industry expert advice to Council on matters relevant to the types and standards of service and the content of Council's strategic plans, policies and Plans of Management in relation to parks, sport and recreation.
COMMENTS:	Ten (10) items of business were discussed (PSRRG 72 – PSRRG 81). Comments have been provided on items relevant to Council in the Minutes in Attachment 1 and items not referred to relate to general business of the Reference Group.
RECOMMENDATION:	That the Minutes from the Parks, Sport and Recreation Reference Group meeting held on Thursday, 12 July 2007 be received and noted.

## **PURPOSE OF REPORT**

To bring to the attention of Council the Minutes from the Parks, Sport and Recreation Reference Group meeting held on Thursday, 12 July 2007.

## BACKGROUND

The role of the Parks, Sport and Recreation Reference Group (PSRRG) is to provide resident, user group and industry expert advice to Council on matters relevant to the types and standards of service and the content of Council's strategic plans, policies and Plans of Management in relation to parks, sport and recreation.

## COMMENTS

At the meeting of the PSRRG held on 12 July 2007 ten items of business were discussed. Comments have been provided on items relevant to Council. Items not referred to relate to matters requiring further consideration prior to recommendation to Council, or where items are directed towards the sharing of information.

The meeting discussed the review of the Acron Oval off-leash dog area trial and off-leash dog areas at sports fields generally, and unanimously agreed to make the following recommendation to Council:

"That the PS&RRG recommends that Council increases regulatory patrols of dog off-leash areas, particularly on weekends during sporting competition fixtures".

The meeting discussed the feedback received during the public exhibition of the Preferred Concept Masterplan for the North Turramurra Recreation Area, which is due to be considered at an Ordinary Meeting of Council on 28 August, 2007 and unanimously agreed to make the following recommendation to Council:

"Having received preliminary feedback on the results of the public exhibition of the preferred concept plan for North Turramurra Recreation Area (NTRA), the PS&RRG reiterates its support for the preferred Concept Masterplan".

The meeting discussed a staff proposal to construct a mountain bike trail adjacent to the new fire trail at Golden Jubilee Fields, Wahroonga. Council has submitted an application for a NSW Department of Sport and Recreation Regional Sports Facility Grant for this project.

The meeting discussed alternative sportsfield locations.

The meeting discussed a proposal from KDSA which is currently being investigated by the NSROC Sportsfield Officers Group to change the annual sporting season dates by moving the start dates of each season back by 2-4 weeks to coincide with the school terms. Input was sought from the various sports represented on the PSRRG.

### S03447 6 August 2007

The meeting reviewed the Autumn 2007 Sports Forum and agreed that it was an excellent Forum which fostered an environment for interaction between the majority of the sporting disciplines in Ku-ring-gai. The meeting agreed that Council's Wet Weather Policy will be an important item for discussion at the Spring Sports Forum.

Other matters discussed were of a general nature or will require further consideration prior to formal recommendation to Council.

## CONSULTATION

The Reference Group is a consultative forum representing the interest of residents, user groups and industry professionals.

### FINANCIAL CONSIDERATIONS

There are no direct financial considerations related to this report.

## CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Consultation with other departments has not taken place in the preparation of this report.

### SUMMARY

The Parks, Sport and Recreation Reference Group meeting of 12 July 2007 discussed a number of new and ongoing issues and opportunities in open space areas, including the Acron Oval dog off leash trial and the issue of dogs off-leash on sportsfields generally, preliminary results of feedback from the public exhibition of the NTRA Preferred Concept Masterplan, a proposal to construct a mountain bike trail adjacent to the new fire trail near Golden Jubilee Fields in Wahroonga, alternative sportsfield locations, and possible seasonal date changes.

### RECOMMENDATION

That the Minutes of the Parks, Sport and Recreation Reference Group held on Thursday, 12 July 2007 be received and noted.

Roger Faulkner Sport and Recreation Planner Steven Head Director Strategy

Attachments: Minutes of 12 July 2007 - 810109

# Ku-ring-gai Council

## Parks, Sport and Recreation Reference Group

### Minutes from meeting on Thursday 12 July 2007

Level 3, Ante Room 7.00pm - 9.30pm

Chair: Mayor Nick Ebbeck

### Attendees:

Allenaces.			
Members	Councillors	Staff	Guests
Hugh Bennett	Cr Nick Ebbeck	Steven Head	John McFadden
Craig Bryant	Mayor (Chair)	Director Strategy	Peter Rezek
John Ceccato	Cr Elaine Malicki	Roger Faulkner	
Grant Corderoy	(Deputy Chair)	Sport and Recreation	
Andrew Falk	Cr Tony Hall	Planner	
Alan Fredericks		Ryan Blouin	
Frank Freeman		Bookings Liaison Officer	
David Howard		Matthew Drago	
Campbell Wratt		Manager Open Space	
Michael Nesteroff		Operations	

### Apologies:

Members	Councillors	Staff
Ann Smith		
Sandra Van De Water		
Birgitte Lunde		
Matthew Horne		

### Meeting Commenced: 7.00pm

**Declaration of Pecuniary Interests** No pecuniary interests were declared.

### **Confirmation of Previous Minutes**

**Motion:** *"That the Minutes from 24 May 2007 meeting be accepted"*. (Moved Andrew Falk. Seconded Campbell Wratt). Carried unanimously.

### **Business Arising**

Alan Fredericks reminded the meeting about the relationship that Ku-ring-gai Council has fostered with Bland Shire Council, which continues to be affected by severe drought and is still in need of sporting equipment donations from city clubs and associations. Group members were asked to take the request to their respective clubs and associations.

### General Business

### PSRRG 72 – Review of Acron Oval Dog off-leash trial

Acron Oval is heavily used in the winter season and bins were often observed to be overflowing, therefore it was requested that consideration be given to additional bins at the oval. Matter to be referred to Operations Department.

Councillor Hall requested that when an analysis of petitions against dog off-leash area at Acron Oval is undertaken, consideration be given to the fact that it is mainly from AFL club members (which is a winter sport) and any decision to ban off-leash dog walking would affect summer dog walking.

**Motion:** "That the PS&RRG recommends that Council increases regulatory patrols of dog off-leash areas, particularly on weekends during sporting competition fixtures".

(Moved Andrew Falk. Seconded Campbell Wratt). Carried unanimously.

### PSRRG 73 – North Turramurra Recreation Area

**Motion**: *"Having received preliminary feedback on the results of the public exhibition of the preferred concept plan for North Turramurra Recreation Area (NTRA), the PS&RRG reiterates its support for the preferred Concept Masterplan".* (Moved Campbell Wratt. Seconded Frank Freeman). Carried unanimously.

### PSRRG 74 – Aquatic Feasibility

The Reference Group requested a presentation of the initial concept plans be given to the next meeting of the PS&RRG on Thursday 30 August 2007. User groups at the West Pymble Pool also be consulted about concept plans.

### PSRRG 75 – Bushland Mountain Bike Trail

The proposal to construct a mountain bike trail adjacent to the new fire trail at Golden Jubilee Fields in Wahroonga was discussed, including the application for a NSW Dept of Sport and Recreation Regional Sports Facility Grant for this project. Frank Freeman raised a concern that if the trail is constructed, parking spaces will need to be incorporated into the overall design.

Frank Freeman asked that the area to be used for the Bushland Mountain Bike Trail be considered for a 'junior sportsfield'. The Director Strategy advised that this idea has been investigated previously and is not possible, given the nature of the fill material and inappropriate size and shape of the site.

### PSRRG 76 - Alternative Sportsfield Locations

Councillor Hall stated that he would prefer Avondale Pony Club be taken off the list of possible new sportsfield locations.

Frank Freeman stated that he would like to see Avondale Pony Club remain on the list.

Councillor Hall stated that the old nursery and old vegetation tree lopping tip site should be added to the list of possible alternative sportsfield locations to be investigated.

Co-location of sports such as horse riding to be considered at future meetings.

### PSRRG 77 – Annual Season Dates

The Sport and Recreation Planner outlined a proposal received from Ku-ring-gai District Soccer Association (KDSA) to change the annual season dates by moving the start dates of each season back by 2-4 weeks to coincide with the school terms. Significant benefits for condition and renovation of sportsfields could be achieved. It was explained that responses from this discussion would be taken to next meeting of NSROC Sportsfield Officers Group for further discussion.

Ku-ring-gai Little Athletics Centre representative, John McFadden advised the Reference Group that logistically athletics season dates could not change. He also suggested an ovalby-oval planning approach when considering long term season date changes.

Craig Bryant from Lindfield Junior Rugby Club explained that a change in season dates will not work for Junior Rugby because it crossed over too many other Council boundaries.

### PSRRG 78 – Autumn Sports Forum, 30 April 2007

Campbell Wratt commented that this year's Autumn Sports Forum fostered an environment of superior interaction between the majority of the sporting disciplines in Kuring-gai.

He also suggested that a bigger venue be sought to allow larger numbers of parents to attend and that more time for informal interaction between the sports.

The Group suggested having a high profile speaker as the Guest Speaker at the Spring Sports Forum, which may in turn attract a larger number of parents to attend.

Council's Wet Weather Policy will be an item to be discussed at the Spring Sports Forum.

It was suggested that Auluba Sportsfield Clubhouse be considered as the venue for the Spring Sports Forum.

# **PSRRG 79** - Proposal from KDSA to vary the current limit on field use from 15 Sundays to three quarters of a weekend.

David Howard from KDSA discussed this proposal. Members to think about issues for the next meeting.

### PSRRG 80 - Capital Works

The Mayor raised the possibility of synthetic in-fill being considered or trialled for high use goal mouth areas of sporting fields. This option will be researched by staff and findings reported back to the Reference Group.

### PSRRG 81 – Other Items

Andrew Falk suggested that if Council staff make a recommendation that an oval not be used for training and/or competition games due to wet weather, that same oval should be closed and not available to any users, including dogs and their owners. It was agreed that this issue will be discussed at the next meeting of the Reference Group. It was noted that a Resolution of Council for this policy change would be required.

### Meeting Closed: 9.30pm

SPRING SPORTS FORUM:	Monday 22 October 2007
Next Meeting:	<b>Thursday 30 August 2007</b> 7.00pm – 8.30pm Level 3, Council Building, Ante Room <b>.</b>

S02921 17 July 2007

# **6TH NATIONAL MAINSTREET CONFERENCE**

# **EXECUTIVE SUMMARY**

PURPOSE OF REPORT:	To provide feedback from the 6th National Mainstreet Conference held in March 2007.
BACKGROUND:	Council has adopted a policy that after return from a conference the Councillor/s or an accompanying staff member shall provide a written report to Council on the aspects of the conference relevant to Council business and / or the community. Council staff and 2 Councillors attended the 6 <sup>th</sup> National Mainstreet Conference held in Melbourne from 19 to 21 March 2007.
COMMENTS:	The Mainstreet conference brought together a wide range of professionals working in mainstreet programs and offered solutions, best practice and innovation for sub-urban and regional mainstreets. There are several implications for Ku-ring-gai in particular through the current new 6 town centres plans and under the comprehensive LEP and DCP process for the remaining retail centres.
RECOMMENDATION:	That Council receive and note the report.

### **PURPOSE OF REPORT**

To provide feedback from the 6th National Mainstreet Conference held in March 2007.

### BACKGROUND

Council has adopted a Policy for Attendance at Seminars, Conferences and other Training and Educational Expenses that after return from a conference, the Councillor/s or an accompanying staff member shall provide a written report to Council on the aspects of the conference relevant to Council business and/or the community. Council Staff Janice Bevan and Antony Fabbro, the Mayor, Councillor Ebbeck and Councillor Ryan attended the 6<sup>th</sup> National Mainstreet Conference, held in Melbourne from 19-21 March 2007. The title of the conference was "Creating Successful and Vibrant Places, Solution, Best Practice and Innovation for Urban, Suburban and Regional Mainstreets".

## COMMENTS

The central focus of the 2007 Mainstreet Conference was "Mainstreets" – at the scale of a town, region, suburb, city, activity centre or mall. Mainstreets are often the critical driver of a healthy and prosperous community, and increasingly they are required to perform a diverse range of new and challenging functions beyond the traditional one of 'a place to do business'.

In the new millennium Mainstreets are receiving increasing recognition of their role as places where people can work, shop, live, play, meet, relax, enjoy and interact. There is a far greater recognition of the diversity of these roles and how successful Mainstreets can contribute positively to the physical, social and economic health of our communities. This complexity of roles has demanded a whole host of new tools, approaches, thinking and ideas.

The key aims of the mainstreet conference were to:-

- Explore actions and initiatives that have the capacity to tackle the complex range of Mainstreet issues.
- Identify successful mechanisms to co-ordinate the many and varied aspects of Mainstreet revitalisation and management programs.
- Engage, inform, educate and inspire the diversity of stakeholder groups.
- Demonstrate the benefits of working in a collaborative fashion.
- Showcase best practice approaches.

### Major Themes of the Conference (see attached program)

### Managing and Sustaining City Centres

**Towns and Tourism- Geelong-** with examples from Geelong- Otway Vic, City of Perth WA and Auburn Council NSW.

**Place making and partnerships** – with examples from Bendigo Vic, Place Making in Tasmania and Caloundra City Centre, Old.

**Regional revitalisations**- with examples from Ingham, Qld, Newman, WA and the Wollongong city centre revitalisation.

**Development Dilemmas and Challenges** with examples from Hasting City NZ, City of Whittlesea Vic and Richmond Mall in NZ.

Key Note- The Power of partnerships: centre management success stories

Community Capacity and Mainstreets - with examples from Noosa Qld and Mallee Campus, Vic

Creating Vibrant Places - with examples from Greensborough, Banyule & Frankston City, Vic

Centre Planning and Design – with examples from Geelong City.

**Strategic Management of Mainstreets** - examples from Waitakere City Council NZ, and Mc Nabb associates Vic.

Transit cities - with examples from Maribymong Vic, Dandenong and Whitehorse Vic

**Environment and sustainability-** with examples from consultants, USA and Green Building Council of Australia.

Mainstreets snapshots and innovations & trend and insights with various short presentations.

Managing Success – with examples from consultants and Darebin Council Vic.

Design and integration- with examples from retailers in Vic.

**Practical revitalisation ideas-** with examples from Melbourne University, Dandenong St Marys NSW.

Marketing and branding- with presentations from marketing consultants. Retail – the hearts of our main streets- with presentation from retailers in Vic. Business development- with presentations from Marketing consultants' and Central Geelong.

### Main Street Hypothetical

### **Conference Overview and Key Implications for Council.**

Organisers of the 2007 Mainstreet conference held in March introduced an innovative format with the first day of the conference being staged in the City of Geelong, showcasing innovative new public domain, urban design and revitalisation of the Geelong town centre and the along water front

### Item 10

10/4

of Geelong City. This provided a unique opportunity for the delegates to experience first hand the cultural venues, public art, and the vibrant town centre of Geelong.

The remaining two days were held at the conference centre at the Melbourne Cricket Ground. There were international and national presentations given at the conference attended by over 500 delegates.

A key theme was that suburban shopping strips such as those found in traditional centres (e.g. Kuring-gai centres along the Pacific Highway and St Ives) are able to compete with major shopping complexes so long as they are attractive, clean, safe and offer a great shopping experience.

It is vital to develop a succinct plan for the successful evolution of town centres and this must be developed over the longer term.

Development of a successful revitalisation plan -

- It is essential to really understand the centre,
- Examine how the place is performing in relation to other similar centres.
- A particular issue may be affecting all centres not just and individual centre.

Next is the prognosis, what is going to happen to your centre in the next few years and, moreover, what might happen if you do nothing. A high level stakeholder involvement is vital, through a comprehensive consultation program

A network of successful town centres can contribute to sustainable communities and are vital to the economic wellbeing of regions.

The mainstreet conference made it clear there are several key lessons for the town centre planning and the wider comprehensive LEP/DCP process:

- Need to create a vibrant exciting, stimulating shopping strip- with a vision, a plan, local leadership by Council and partnership with the community to succeed.
- Need for community planning and the need to form partnerships with government and private enterprises.
- Mainstreets are often the critical driver of a healthy and prosperous community, and increasingly they are required to perform a diverse range of new and challenging functions beyond the traditional one of 'a place to do business'. In the new millennium Mainstreets are now places where people can work, shop, live, play, meet, relax, enjoy and interact.
- There is a far greater recognition of the diversity of these roles and how successful Mainstreets can contribute positively to the physical, social and economic health of our communities.

Seven secrets of success on the street were outlined by Jeff Sanford- Chairman of the International Downtown Association and president and CEO of the Memphis Centre City Commission these are relevant to Council's mainstreet planing

1. Make sure your district / precinct / traders association is legally sanctioned with recognised geographic boundaries.

### Item 10

S02921 17 July 2007

- 2. It must have a dedicated source of funding.
- 3. Have defined marketing and promotional plans.
- 4. Maintain strong partnerships with its local government and retailers.
- 5. Embrace change. Do not become complacent or comfortable.
- 6. Maintain a clean, safe, attractive and inviting environment.
- 7. Make sure your "brand" is unique, different, exciting and an experience.

As the Town centre program is being implemented there will be a need to identify and plan for Place management. Through the initial planning phase to set the framework, the implementation phase to work on the detailed design, development and facilitation of place management and the Maintenance phase- through ongoing support, festivals etc. note all these phases overlap and all require different levels of expertise and co-ordination.

Management of our mainstreets / urban places needs to be targeted across Council for all activities and requires good communication across all departments, with a budget and supported with sustainable funding. It is important to plan for a place rather than issues.

The first step the Town centres place management and mainstreet management has commenced with the preparation of the overall plans and the public domain plans which will which bring the detailed design and delivery for the creating and embellishing new urban spaces as out line for each centre within the DCP.

In Ku-ring-gai the first steps towards place management have commenced with the preparation of the Ku-ring-gai Town centres LEP and the detailed DCP provisions. In addition the preparation of the aligned strategies for each centre (e.g. parking management plans, developer contribution plans, facilities planning) will feed and into the next stage of mainstreet planning and the potential place management phase as development is implemented.

## CONSULTATION

Not required for this report.

## FINANCIAL CONSIDERATIONS

Council has a conference and training budget for staff and councillors that provided the funding for the attendance at the conference.

# **CONSULTATION WITH OTHER COUNCIL DEPARTMENTS**

Feedback from the conference where appropriate has been incorporated into the future planning for the centres and across all Departments of Council.

### SUMMARY

The Mainstreet conference brought together a wide range of professionals working in mainstreet programs and offered solutions, best practice and innovation for sub-urban and regional

Item 10

mainstreets. There are several implications for Ku-ring-gai in particular through the current new 6 town centres plans and under the comprehensive LEP and DCP process for the remaining retail centres.

### RECOMMENDATION

That Council receive and note the report.

Antony Fabbro Manager Urban Planning Janice Bevan Director Community

Attachments: Conference program - 796919

S02921 17 July 2007

# **6th National Mainstreet Conference Program**

# MCG, Melbourne & Waterfront, Geelong, Victoria, Australia

# March 18-21 2007

'Creating Successful and Vibrant Places' Solutions, best practice and innovation for urban, suburban and regional Mainstreets.

www.mainstreetconference.com.au





**Register before 31st December, 2006 and save \$\$** with our great Early Bird registration fees.

















# Welcome and Invitation from the National Mainstreet Management Committee

On behalf of the National Mainstreet Management Committee, we invite you to attend, participate, share, learn, network and have loads of fun at the Sixth National and Third Trans-Tasman Mainstreet Conference.

Successful National and Trans-Tasman conferences have been organised by management committees in Maryborough Qld (1995), Albany W.A. (1997), Melbourne Vic. (1999), Melbourne Vic. (2004), and Manakau N.Z. (2005). If you were one of the 500 plus people lucky enough to attend the very successful and much celebrated Melbourne conference in 2004, then you'll know to come back again! If you didn't make it, then don't miss this one!

A real highlight of the 2007 conference is the Regional and City focus through a partnership with the City of Greater Geelong and Central Geelong Marketing. A novel train journey will transport delegates to the wonderful regional city of Geelong and a full day's program at the premier Geelong Performing Arts Centre. The day will conclude with refreshments on the waterfront before the sun goes down and we return to Melbourne by train in preparation for the next two days - Marvellous Melbourne with its wonderful mix of vibrant and eclectic centres will host the next two days at the famous Melbourne Cricket Ground (MCG). The conference dinner on Tuesday evening will also highlight another Melbourne icon – the National Gallery of Victoria.

After much planning, time and resources, we have secured nine impressive keynote speakers. These keynotes will be supported by a diverse blend of Australian and New Zealand presenters from a range of professions, backgrounds, communities and experiences. All this guarantees, a highly relevant and practical conference where a melting pot of ideas, strategies and stories can be shared that everyone will learn from real stories for real and passionate practitioners!

We look forward to seeing you in Melbourne and Geelong in March 2007 for this inspiring and memorable event.

### Co-Chairs

Matthew Gould - VECCI Nicole Maslin - City of Banyule Cr Claude Ullin - City of Stonnington

### Executive

Steve Bentley - City of Greater Geelong Matthew Gould - VECCI Nicole Maslin - City of Banyule Stephen Sully - Community Business Centres Victoria Cr Claude Ullin - City of Stonnington

### General Committee

Cameron Bragg - Community Business Centres Victoria Paula Brennan - City of Greater Dandenong Lynda Bredin - City of Glen Eira Mark Courtney - City of Melbourne Mike McIntosh - City of Port Phillip Billy Redmond - City of Stonnington Jodie Smith-Reyntjes - Central Geelong Marketing

# Who should attend?

- Local Government personnel including Economic and Community Development Officers, Planners, Councillors, and Elected Officials.
- Chambers of Commerce and Business Associations.
- Members and Executive Officers of Regional/Economic Development Boards.
- Mainstreet and Centre Managers, Centre Co-ordinators and Placemakers.
- Small Business Community Organisations and Leaders.
- Developers.

- Urban Designers and Planners.
- Business and Industry Leaders.
- Members of Mainstreet and Town Committees.
- Business Enterprise Centres.
- Academics with an interest in Local and Community Economic Development.
- Policy Makers.

- Tourism Officers and Practitioners.
- Training Providers and Institutions with a commitment to Small Business Development.

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- Retailers and Traders Associations.
- Arts and Cultural Organisations.

# **Keynote Speakers**



# Cathy Coleman

President & CEO, Downtown Norfolk Council, Norfolk, Virginia USA

A native of Canada and a twenty-three year veteran of downtown development and management, Cathy Coleman has experienced the worst and the best of times in the downtown development business. She has guided her organisation through a dramatic revitalisation of downtown Norfolk and as a past chairman of the International Downtown Association, she has also influenced downtown development strategies around the world.

A firm believer in the power of partnership and the value of community planning, she will share her insights and her knowledge of the tools and strategies supporting the amazing rebirth of most North American urban centres. She will also encourage delegates to think about the challenges of revitalisation, and what it takes to sustain the vitality.

### Managing and Sustaining Vibrant Places

Creating successful and vibrant places is only the beginning of the journey – it is not the whole trip. Competition, construction, the changing taste of consumers and even complacency serve to keep downtown professionals on their toes. Sustaining the appeal and vibrancy of downtown requires day-to-day management, on-going attention to detail, committed public and private partnerships and a high dose of creativity.

Strategies to manage the vibrancy in commercial districts range from keeping Main Streets clean and safe, to creating unique customer experiences through entertainment, distinctive retail, comfortable streetscapes and attractive facades. Sustaining the vibrancy is more complex. Success breeds more success and with success comes more challenges.

Business Improvement Districts often are the tool used to fund these strategies. This dedicated funding stream leverages partnerships with government and accountability to property and business owners encouraging their support in the process of sustainability.

Managing and Sustaining a vibrant downtown is a job that constantly evolves, a job that is never done.



David Feehan, President International Downtown Association (IDA)

Dave Feehan has devoted more than 35 years to rebuilding and revitalising cities. He has directed downtown programs in Des Moines, Detroit, and Kalamazoo, and neighbourhood development programs in Pittsburgh and Minneapolis. He helped found and served as the first director of the Citizens League of Southwestern Pennsylvania, a Pittsburgh-based regional public policy organisation. He has been active in IDA for 15 years, and the programs he has directed have won several awards, from IDA, the International Parking Institute, and the US Department of Housing and Urban Development. He has served IDA as a board member and officer, most recently as chairman. He was appointed by the board to serve as president and chief executive officer in April, 2001.

Under Dave's leadership, IDA has set records for attendance at both conferences in 2002, and has seen steady growth in other areas.

Dave maintained an active consulting practice before coming to IDA, assisting a number of cities, including New York, Chicago, Las Vegas, and Miami Beach.

Dave holds a Masters Degree in Social Work Planning and Administration from the University of Pittsburgh. He has served as an adjunct professor at the University of Iowa and Metropolitan State University in St. Paul, MN.

### Worldwide Downtown Renaissance

After decades of decline in North America, downtowns are experiencing a renaissance unlike anything in the last half-century. Building on the methodologies and lessons learned in North America, cities around the world are beginning to experience similar results.

One of the most important new tools that downtowns and business districts have at their disposal is the special assessment district, or business improvement district, often referred to as a BID. These special districts have been around for more than 30 years, but they became the method of choice for downtown districts beginning in the early 1990s.

A BID provides the stakeholders with real management power. No one would have expected a simple assessment mechanism to have such a powerful and lasting effect. However, this unexpected success came about because early BID leaders recognised the importance of the "Disney" effect. Basically, so many people have visited the Disney theme parks and have come to expect the places they visit to be clean, safe, attractive and friendly that the Disney attractions have become the "gold standard" for all attractions, business districts included. Downtowns simply had to become much more clean and safe to draw visitors and investors in the first place, and attractive and friendly to keep them coming back.

Eventually, downtown leaders and managers came to understand that success is measured by creating wonderful and memorable experiences; and by packaging these experiences in such a way that a visitor, shopper, worker, resident, or investor can't help but come back over and over, while at the same time telling friends and associates. The best downtowns create magical, unforgettable moments, and like the best museums, galleries and other attractions, constantly renew and refresh their offerings. After years of failures, downtowns have finally discovered the recipe for success.



### Annie Inwood, PGDipBus Marketing Mainstreet programme co-ordinator, Economic Development Group, Auckland City

Annie has a leadership and development role working with 17 town centres and business development communities. With targeted rate funding of close to \$6 million, the relationship between council and the town centres is key and Annie sees networking within council as highly important.

In a career mirroring the diversity of Auckland's Mainstreets, Annie has worked in international education marketing, radio and television advertising and tour guiding in India.

#### Good Vibrations - Diversity in Mainstreets

Auckland City's long-term vision is for vibrant, distinctive and connected local centres that reflect all our communities.

Through the 17 business and town centres comprising over 11,000 businesses, the Auckland Mainstreet program delivers a platform to reach one in every five businesses in Auckland city.

This Mainstreet program provides a grass roots neighbourhood perspective for implementing the key strategy of economic development in Auckland City. Diversity of business, communities, locations, geography, history and character give a vibrant base to achieve the economic objectives of New Zealand's biggest city, and the third fastest growing city-region in Australasia.

# **Keynote Speakers**

We look at how the diversity of each town centre can be enhanced and vibrancy can be amplified for all town centres whether they have just 6 l businesses or over 6,500, an annual budget of \$33,000 or \$2.6 million.

To add value for the town centres through the Mainstreet program co-ordinator role, efforts are prioritised towards: business development and training initiatives, enhancing the connectivity for town centres within council, providing town centre specific research.



# David H. Jenkin A.M.

David Jenkin has spent his entire career in the retailing industry. He rose from department buyer to Regional Chief Executive of The Myer Emporium Ltd., and Board Member. David has consulted to retailers in Australia, negotiated in Japan and the United States to bring unique retailers to Australia, and been a Board Member of five national specialty chains. He has advised governments on retail policy and retail projects.

David has actively observed retailing in more than 60 countries and acts as a mentor to individual retailers.

In addition to his involvement in retailing David has had a 20 year association with the global humanitarian organisation, World Vision, and was the first non-American to chair the International Board (based in the U.S.A.).

In 1998 David was awarded a Member of the Order of Australia and he is a much sought after speaker both in Australia and overseas.

### What Great Retailers Do

As a result of his association with retailers all over the world, David Jenkin wrote the best-selling book 'What Great Retailers Do - 50 Keys to Make Your Shop a Winner' in 2006.

In this session, David will highlight some of the Key Issues from the book and will illustrate each principle with impactful stories which every shop owner will find helpful and immediately applicable to their business.

The book has received acclaim from retailers, large and small. It is written in a conversational way with fifty short chapters covering all aspects of retailing. At the end of each chapter is a key (a literal key) to success. In addition, there are nine case studies focusing on retailers who have a particular strength from which all retailers can learn. Some of these retailers are single outlet companies in strip centres.

David Jenkin is a compelling speaker who dispels many of the myths that surround the retail industry and provides the shop owner with dozens of practical ways to improve their business.

"Great practical wisdom based on examples from successful retailers. Retailers must buy this book (before it's too late for their business!").

### Peter Irvine

Managing Director and Joint Owner, GLORIA JEAN'S COFFEE (Worldwide)



Stephen Ogden-Barnes

Program Director, Australian Centre For Retail Studies (ACRS)

Steve has a BA (Leeds), and a MA Retail Management (Manchester). Steve joined the ACRS in 2002 from the UK, where he lectured in retail, business management, and corporate strategy, in the higher education sector. At the ACRS, Steve is responsible for development and delivery of the suite of store management programs, and co-ordination of the Centre's senior strategic management programs. He also co-ordinates the Centre's seminars, including the annual Global Retail Insights Seminar, and Store Manager Seminar. A popular and engaging presenter, Steve is regularly commissioned to give presentations at conferences, seminars and in-company events on a wide variety of retail topics including international retail trends; multi-channel retailing; internet retailing; consumer trends; retail technology and innovation.

### Australian Retail Snapshot

Each year the Australian Centre for Retail Studies produces a comprehensive report titled "Australian Retail Snapshot" that gives an overview of the changing Australian retail landscape and highlights key trends and emerging issues in the retail industry. The presentation associated with this report provides an industry overview, identifies top retailers for 2006 and investigates their key success factors, identifies significant retail trends, top retail news stories and hot topics such as mergers and acquisitions. This presentation provides retailers and non-retailers alike with an excellent overview of the current Australian retail environment.



### Stephen Sully Director Planning by Design Pty Ltd

Stephen Sully is an Urban Planner with over twenty years experience in all facets of urban planning, economic development and urban design. He has specific interest and experience working with Activity, Town and Retail Centres and has successfully worked with over 30 centres across Australia.

# The importance of centres and the role of management in their success.

Stephen has recently completed an eighteen-month project investigating a variety of approaches to, and the success factors for, centre management programs in both Australia and the U.K. He will draw on this project to discuss the critical importance of centres and fundamental elements for their success. Specific reference will be made to the U.K. Business Improvement District program, identifying which aspects, principles and processes are relevant to Australia and how they could be pursued.



### Nigel Peardon, BIDs Project Director, Birmingham City Centre Partnership – Director, Bidology Consulting

Nigel practised as a town planner for some thirty years in the public sector, gaining experience in the areas of strategic planning, economic development, urban regeneration and activity centre management.

He has lead a wide range of physical regeneration and business investment projects and contributed to the renaissance of Birmingham, the UK's second largest city. More recently, these include the development of the Birmingham's City Centre Partnership and the city's initial Business Improvement District (BID) programme as part of the UK National Pilot.

### The Renaissance of City Centres

Nigel will speak, from a public sector perspective, on how Birmingham City Centre has been transformed over the last 20 years. Specific aspects to be addressed include the critical role of the public sector, how positive relationships with the private sector have been promoted, what economic, social and environmental benefits have been achieved, how management of the city centre is being developed and, how commitment and investment be sustained.

# **Keynote Speakers**



### Peter Kenyon

Peter Kenyon is a social entrepreneur and community enthusiast. After establishing Community Employment Development Units both within the Western Australian and New Zealand Governments, Peter in 1990 created the Bank of I.D.E.A.S. as an international consultancy service to research, promote and facilitate fresh and creative ways to stimulate community and economic development.

Subsequently, Peter has worked with over 1000 communities and undertaken assignments in 45 countries. He has authored 15 publications, including two recent publications focused on best business practice in rural communities and with Indigenous Australians.

Peter has been responsible for adapting a number of overseas community and economic development tools for application in Australia. Ten years ago, he investigated the potential of the Business Retention and Expansion (BR+E) Program, an initiative that was a major business development tool within most states of the USA. Following accreditation as Australia's first Master Consultant for this program, Peter has redesigned the US program and introduced national versions in Australia (four states), New Zealand and South Africa.

### The Business Retention and Expansion Program: An invaluable tool for building both the local economy and community.

The Business Retention and Expansion (BR+E) Program is a practical local community response to the fact that existing local businesses represent the key engine for continuing economic activity and new jobs in any local economy and community.

The BR+E Program provides a practical methodology to enable local communities to demonstrate appreciation, understanding and support for their local business base.

Drawing upon examples from Australia, New Zealand and South Africa, Peter will illustrate how the BR+E Program has contributed not only to strengthening both rural and metropolitan economies, but also its potential as a community building and leadership development mechanism.

Finally, through this presentation, the audience will be exposed to the range of community and economic tools and resources incorporated within the  ${\rm BR+E}$  Program.



### Simon Quin Chief Executive of the Association of Town Centre Management (ATCM)

Simon has 10 years' experience in Town Centre Management. He previously worked in economic development and was project manager and co-author of the influential 'Vital and Viable Town Centres: Meeting the Challenge' report for the U.K. Government (HMSO 1994). Simon is a Board Member of the Washington DC-based International Downtown Association.

# The game plan for the successful 'evolution management' of traditional centres

ATCM is Europe's largest membership organisation engaged in promoting the vitality and viability of town and city centres. ATCM provides an effective membership network and undertakes research and advocacy. Having led the introduction of BIDs into Europe, ATCM is developing accredited qualifications in Place Management at Diploma and Masters level and the first Quality Mark for Town Centre Management initiatives. Simon's address will focus on the need to manage the evolution of traditional centres so they can successfully meet the rapidly changing needs of their communities and those of the next generation. He will discuss what needs to be done strategically and on the ground to ensure vitality and viability.



### John Hirst General Manager, Broadmead, Bristol, U.K.

John is General Manager of 'Broadmead' the main shopping neighbourhood in Bristol, the UK's 9th largest city. In this position he has responsibility for the operation, management, marketing and development of the centre. He has been directly involved with the development of town and city centres in the U.K. for the past fifteen years. Initially he examined the issues on behalf of Sears, a major national retailer in the UK with over 3,000 stores, and subsequently as a "Town Centre Manager" with the job of turning around the Bristol City Centre's retail heart which had been on the decline for almost 20 years and faced major competition from an 'out of centre' development and other city centres close by.

# The winning combination: getting the right people and attitudes together to ensure town centre success.

John will draw on his experience with the private retail sector, town centre management initiatives and most recently his experiences with the U.K. 'Business Improvement District' (BID) program. His presentation will address how the private and public sectors have worked together over the last fifteen years to transform the Broadmead Centre, initially tackling the impact of a major 'out of town' development and currently focusing on a £500m redevelopment / refurbishment of the Broadmead centre itself and a 'Business Improvement District'

Terry Laidler

Terry is a strategic communications consultant and psychologist who until June 2002 was Associate Professor of Applied Communications at RMIT University and Executive Director of the Centre for International Research in Communications and Information Technologies (CIRCIT). Prior to CIRCIT he was, for over 9 years, well known on talk back radio as presenter of two top rating programs – Presenter of the Evening Program and later the Afternoon Drive Program on ABC Melbourne and Regionals.

Terry's balanced approach in handling difficult and complex social and public affairs issues on talk back radio is well recognised. Because of his approach and ability to unravel the seemingly complex, he is often called to facilitate Conferences and Meetings for Corporations, Government and Associations.

A Psychologist, Lawyer, ex Catholic Priest, Government Policy Analyst, Tutor and Broadcaster, Terry combines experience and depth in a wide number of areas as a unique commentator and facilitator. Facilitation skills which will be put to the test when he facilitates our Special Mainstreet Hypothetical Session!

# **Field trips**

### **Hip Strips in Melbourne**

Sunday Shopping Tour. Hosted by the Cities of Port Phillip, Stonnington and Yarra. I p.m. to 4 p.m. Sunday 18 March 2007

Join us for a three-hour tour of some of the hippest shopping strips in Melbourne. From Brunswick Street, Fitzroy, Chapel Street, Prahran and Acland Street in St Kilda and everything in between, we will take you on a journey which reveals some of Melbourne's best kept shopping secrets.

The tour winds its way across Melbourne, taking in those shops you won't see on your average tourist map and discovers where Melbourne's 'hip' like to shop and hang out.

We will be hopping on and off the bus throughout, sampling some of the best coffee, grooviest fashion and classiest home wares in Melbourne.

The tour will also include maps of the areas visited and a list of must see shops to look out for and re-visit either throughout your time in Melbourne or at a later stage at your own leisure.

Seats are limited and registration will not guarantee you a seat so delegates are encouraged to book early to avoid missing out.

This field trip is included in full registration and is optional for day registration.

### **An Exploration of Central Geelong**

1.05 p.m. to 2.35 p.m. Lunchtime Monday 19 March 2007

Explore Central Geelong during your extended lunch break and follow one of the three conference trails designed to showcase the revitalised Central Geelong and enjoy a 'conference meal special' at a selection of Central Geelong's restaurants and cafes.

### Trail I – Urban Design Trail

Walk through the revitalised streets of Central Geelong to see the recent \$26 million physical upgrade of the streetscapes. Visit the award winning Little Malop Street then promenade down the palm lined Moorabool Street on your way to the sensational Waterfront Geelong.

#### Trail 2 – Arts & Culture

Visit the Geelong Gallery to see the newly acquired colonial masterpiece 'View of Geelong' by Eugene von Guerard. Walk through Johnstone Park, the heart of Central Geelong's arts and culture precinct, along Malop and Moorabool Streets, to Lt Malop Street where local galleries, boutiques and cafes abound.

#### Trail 3 – Shopping, Food & Fun

Central Geelong has a unique mix of specialised strip shopping with boutiques offering the latest in fashion and home wares, through to Australia's greatest names in retail in two major shopping centres. Follow the retail trail, along the café strip of Ryrie Street to Union Street through Market Square to Malop Street and through Westfield Bay City to Moorabool Street.

Or blaze your own trail by visiting one of Central Geelong's great cafes and restaurants.

An Exploration of Central Geelong is an optional lunchtime conference session. Delegates are advised that lunch is not included in day or full registration.

# **The Mainstreet Social Experience**

The Mainstreet Social Experience – Food, Refreshments, Dancing, Networking, Laughter and Lots of Surprises!

Not only will Mainstreet deliver an unbelievable package of learning tools, ideas and experiences, the social program is designed for maximum fun and networking.

### **Welcome Reception at MCG**

Percy Beames Bar - Melbourne Cricket Ground (MCG) Sunday 18 March, 5 p.m.

Kick back, relax and enjoy light entertainment and a warm welcome reception for conference delegates. What better way to get a start for the conference than enjoying a few refreshments with old and new acquaintances in the Percy Beames Bar at the MCG. Percy Beames was the only player to join the 200 games club in both Australian Rules Football and Cricket representing his state in both sports, and was a sports journalist for the Melbourne Age for 30 years.

### **Geelong Sunset at Deakin Waterfront Cafe**

Deakin Waterfront Café Monday 19 March, 5.15 p.m.

As the sun sets in the west enjoy an early meal of delicious finger food at the sensational Deakin Waterfront Café, a historic renovated wool store overlooking Corio Bay. Along with your old and new friends and colleagues you will be entertained by the smooth sounds of Hot Club Swing, a local Geelong band who perform a rarely heard style of music that originated in 1930s Paris, and could be best described as French Gypsy Jazz.

### **Gala Conference Dinner at NGV International**

The Great Hall - NGV International Tuesday 20 March, 7 p.m.

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NGV International is situated in the heart of the Melbourne's arts precinct in the C.B.D. The Great Hall features Leonard French's stunning stained glass ceiling as the perfect backdrop for a memorable dinner. Pre-dinner drinks will be held in Federation Court beneath the glass ceiling. Music will be provided by Bustagroove, a 12-piece band with entertainment.

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# Program

# Sunday 18th March - Melbourne

1.00-4.00 Hip Strips in Melbourne - Sunday Shopping Tour . Hosted by Cities of Port Phillip, Stonnington and Yarra.

5.00-7.00 Registration and Welcome Reception in the Percy Beames Bar at the Melbourne Cricket Ground.

# Monday 19th March - Geelong

8.14 sharp	Train departs Southern Cross Railway Station for Geelong Railway Station - delegate registration on train				
9.17	Train arrives at Geelong Railway Station				
9.45-10.00	Official Opening and Welcome				
	KEYNOTE				
10.00-10.35	Cathy Coleman. Managing and Sustaining Vibrant Places				
10.35-11.05	Morning tea				
	SIMULTANEOUS SESSIONS				
	SESSION A TOURISM AND TOWNS	SESSION B PLACEMAKING AND PARTNERSHIPS			
.05-  .35	Destination Regional Town: How Regional Towns can Tap into the Tourist \$ Roger Grant, Geelong Otway Tourism Vic.	<b>Strengthening the Heart:</b> <b>Urban Cardiology in Bendigo</b> Rod Duncan and Lilly Miszewski, City of Greater Bendigo Vic.			
.35- 2.05	<b>Packaging Perth</b> Sarah Stark and Susan Parker, City of Perth W.A.	Place Management Through separate rate imposition: Evidence from Tasmania John Byrom, University of Tasmania Tas.			
12.05-12.35	Having fun BUT making it count: triple bottom line evaluation of festivals and events Jenny Coppock, Auburn Council N.S.W.	Creating a City Centre for Caloundra City Warren Bunker, Caloundra City Council Qld			
12.35-1.05	The Central Geelong Story - Creating a Thriving Regional Heart Steve Bentley, Central Geelong and Waterfront, City of Greater Geelong Vic. J	odie Smith-Reyntjes, Central Geelong Marketing, Vic.			
	LUNCH TOURS: An exploration of Central Geelong. Three options for introduced by Steve Bentley, Central Geelong and Waterfront, City of				
1.05-2.35	Arts & Cultural Trail, Urban Design Trail, Shopping, Food and Fun Trail				
	KEYNOTES				
2.35-3.10	Peter Kenyon. The Business Retention and Expansion Program: An invalu	able tool for building both the local economy and community.			
3.10-3.45	Annie Inwood. Good Vibrations - Diversity in Mainstreets				
	SIMULTANEOUS SESSIONS WITH PANEL DISCUSSION				
	SESSION A REGIONAL REVITALISATIONS	SESSION B DEVELOPMENT DILEMMAS AND CHALLENGES			
3.45-4.05	<b>Our Town Our Future:</b> <b>A Revitalisation Strategy for Ingham, Queensland</b> Robert Prestipino, Vital Places Qld	<b>The story of Hastings City,</b> <b>the past, present and future</b> Sally Jackson, Hastings City Marketing New Zealand			
4.05-4.25	When isolation leads to innovation Danielle Cochrane & Rachel Helsby, Newman Mainstreet Project W.A.	University Hill - Keys to Success Chris De Silva, City Of Whittlesea Vic.			
4.25-4.45	Wollongong City Centre Revitalisation Strategy: Creating Opportunities Rod Oxley, Wollongong City Council N.S.W.	<b>A mall and a main street - bucking the trend</b> Pamela Williams, Richmond Unlimited, New Zealand David Hill, Richmond Mall, New Zealand			
4.45-5.05	Panel Discussion	Panel Discussion			
5.05-7.15	Enjoy an early meal of delicious finger food at the Deakin Waterfront Cafe and listen to the smooth sounds of Hot Club Swing.	overlooking Corio Bay			
7 15 0 00					

7.15-9.00 After dinner, return journey to Melbourne, train departing Geelong Train Station

# Program

# Tuesday 20th March - Melbourne

8.00-8.45	Delegate Registration				
8.45-9.15	Official Opening and Welcome				
	KEYNOTE				
9.15-10.00	David Feehan. Worldwide Downtown Renaissan	се			
10.00-10.30	Morning tea				
	KEYNOTES - THE POWER OF PARTNERSHII	PS: CENTRE MANAGEMENT SUCCESS STORI	ES		
10.30-11.00	Stephen Sully. The importance of centres and the	e role of management in their success			
.00-  .40	John Hirst. The winning combination: getting the	right people and attitudes together to ensure town	centre success		
.40- 2.20	Nigel Peardon. The Renaissance of City Centres				
12.20-12.30	Questions				
12.30-1.30	Lunch				
	KEYNOTE				
1.30-2.15	Simon Quin. The game plan for the successful 'ev	olution management' of traditional centres			
	SIMULTANEOUS SESSIONS				
	SESSION A COMMUNITY CAPACITY AND MAINSTREETS	SESSION B CREATING VIBRANT PLACES	SESSION C CENTRE PLANNING & DESIGN		
2.15-2.45	A community capacity building approach towards sustainable main street management - a tale of six precincts Fiona Wilson and Carolyn Bullen, Noosa Council Qld	Melbourne 2030, Making it Happen in Greensborough Vincent Ryan, Banyule City Council Vic.	The Geelong CAA revitalisation program - improving consultation, communication and implementation processes as part of a major urban design program Steve Scott, City of Greater Geelong Vic.		
2.45-3.15	<b>Build the Group to Build the Community -</b> <b>the Cooperative experience</b> Jennifer Grigg, Sunraysia Institute of Tafe - Mallee Campus Vic.	Frankston Alive! Revitalising a City Centre Sam Jackson, Frankston City Council Vic.	Having the Courage to Proceed Steven Burgess and Sharon Stott, TTM Consulting Qld		
3.15-3.40	Afternoon Tea				
	SIMULTANEOUS SESSIONS WITH PANEL DI	scussion			
	SESSION A STRATEGIC MANAGEMENT	SESSION B TRANSIT CITIES TALES	SESSION C ENVIRONMENT AND SUSTAINABILITY		
3.40-4.00	Management and implementation of Mainstreets Cazz Redding, red ink Vic.	Footscray Transit City - a comprehensive collaborative approach putting plans into action Kelvin Walsh, Maribyrnong City Council Vic.	Local not Global - town centres in a post peak oil world Libby Ozinga, People, Place and Partnership Qld		
4.00-4.20	<b>Setting up a number of BIDs across a whole city</b> Robin Jenkin Winter, Waitakere City Council Auckland, New Zealand	Revitalising Central Dandenong - A Partnership to Develop a Vibrant City Centre Dominic Arcaro, VicUrban Vic. Jenny Pemberton-Webb, City of Greater Dandenong Vic.	<b>The Sustainable Town Centre</b> Betsy Jackson, The Urban Agenda, Inc. Michigan U.S.A.		
4.20-4.40	A new level of Maturity - Alternatives for Funding Precinct Marketing and Management Peter McNabb, Peter McNabb & Associates Vic.	Box Hill - innovation, risk taking, bold implementation and success (history of Box Hill from Suburban Centre to District Centre to Transit City) Rob Milner, Coomes Consulting Group Vic. Paul Kearsley, City of Whitehorse Vic.	A Green Star Tool for Precincts? Michelle Malanca, Green Building Council of Australia N.S.W.		
4.40-5.00	Panel Discussion	Panel Discussion	Panel Discussion		
7 00-late	Gala Conference Dinner The Great Hall NGV	International A night of great food, great friends an	d groat pulsic		

# Program

# Wednesday 21st March - Melbourne

8.45-9.00	Entertainment			
	KEYNOTES			
9.00-9.45	Stephen Ogden-Barnes. Australian Retail Snapshot. Australian Centre for Retail Studies			
9.45-10.30	David Jenkin. What Great Retailers Do			
10.30-11.00	Morning Tea			
	SIMULTANEOUS SESSIONS			
	SESSION A POSTCARDS FROM MAINSTREETS. A SNAPSH INNOVATIONS AND IDEAS FROM AROUNE		TRE	sion b Ends, insights and impacts
11.00-12.00	A Small Town Success Story David Walmsley, Design Design - Townz Rotorua, Ne It's Not All Bull Bronwyn Meads, Bulls and District Community Tr			a <b>n Glue, Applying Global Trends Locally</b> e Hannah, Urban Glue Vic.
	Bulls, New Zealand Adding Richness to a Mainstreet through Tourism through Partnership Approaches. Julie Wilson, Manningham City Council Vic. Vibrant Villages	n: Discover Gold	11.30-12.00 The	new emerging Paradigm for Mainstreets
	Isabel Jackson, Hobsons Bay City Council Vic. <b>Conducting Market Research in Partnership</b> Megan Willis, Manningham City Council Vic.		Gilb	ert Roucheste, Village Well Vic.
	SIMULTANEOUS SESSIONS			
	session a managing for success	SESSION B DESIGN AND INTEG	RATION	SESSION C PRACTICAL REVITALISATION IDEAS
12.00-12.30	<b>New options for Town Centre Management</b> Jo Kelly, Libby Ozinga, People, Place and Partnership N.S.W.	Expanding the Horizons - Concepts, Reality and Opportunism for Traditional Mainstreet Centres Ian Ker, Town of Vincent W.A.		To market to Market to buy ! Realising the potential of farmers markets Nigel Flannigan, University of Melbourne Vic.
12.30-1.00	Anatomy of the Strategic Business Planning Process (A Case Study) Mandy Black and Mark Waldon, St-wise Pty Ltd Vic.	<b>an Historical Suburb</b> Arthur Kyron, Town of Claremont W.A.		A walk on the wild side - Revealing the best of Dandenong on foot! Jenny Pemberton-Webb and Grissel Walmaggia, City of Greater Dandenong Vic.
1.00-1.30	Making a great deal of Preston Central Kevin Breen, Darebin Council Vic.	Main Street		The St Mary's Story. It could be you. Peter Jackson-Calway, St Mary's Town Centre Management Inc. N.S.W.
1.30-2.30	Lunch			
	OPTIONAL LUNCH SESSION:			
1.30-2.30	Delegates are invited to enjoy lunch while viewing DVD. Open for Business is an inspirational film that identified and implemented techniques to improve	t captures the evolution of their business. Presented	f 5 businesses in Mt Eliza a	s they undertook an audit of their operations and
	SIMULTANEOUS SESSIONS WITH PANEL DI			
	SESSION A MARKETING AND BRANDING	SESSION B RETAIL - THE HEART MAINSTREETS	T OF OUR	session c business development
2.30-2.55	Let's Play - The Role Of Games In Raising Customer Awareness And Loyalty Felicity Gilbert, Change Concepts Pty Ltd Vic.	that work Ching Ching Ly,		Measuring Success - Evaluating activities to demonstrate effectiveness to stakeholders Jodie Smith-Reyntjes, Central Geelong Marketing Vic.
2.55-3.20	What makes Strip & Town Centres Tick? Noella Jacobs, Your Marketing Partners Vic.	the Opportunity		<b>Developing the business mix for growth</b> David West, Premier Retail Marketing S.A.
3.20-3.45	Trading Places - Discovering hidden treasures Leanne McCready and Rosemary (Ro) Gaetjens, City of Greater Dandenong Vic. David Crofts, Agile Communications Vic.	opportunities to make the most of what you've got		Get big, get little, or get out - exploiting shopping behaviour Greg Davis, Taktics4 W.A.
3.45-4.00	Panel Discussion	Panel Discussion		Panel Discussion
4.00-4.30	Afternoon Tea			
4.30-5.15	Mainstreet Hypothetical: Join a group of dynamic through the hot issues that have been discussed a experienced, enthusiastic and entertaining Terry L	nd debated throughout tl		
5.15-5.30	The Alyvia O'Day Award For Excellence in Mai by delegates and the executive committee.		est Regional and Best Metr	opolitan presentations voted

# What you need to know:

## Pre and post conference tours: Melbourne Visitor Centre at Federation Square



To help visitors gain their bearings and embark on a journey of discovery, the City of Melbourne operates a range of imaginative visitor information programs including the state-of-the-art Melbourne Visitor Centre at Federation Square.

Located opposite Flinders Street railway station, the Melbourne Visitor Centre is a one stop shop for visitors and tourists. The centre offers information on Melbourne and Victoria including brochures and maps; 'what's on' listings; internet and email facilities; souvenirs; and an accommodation, car and tour booking service. Open daily from 9am to 6pm (closed Good Friday and Christmas Day). Streetlevel lifts provide access for people with disabilities.

For tour, accommodation or travel bookings please call Best of Victoria Travel Centre: + 61 3 9928 0000

For more information visit: www.thatsmelbourne.com.au

or Tel: + 61 3 9658 9658

# that's melbourne city

### **Accommodation:**

Accommodation has been secured at The Hilton Hotel and The Victoria Hotel by the Conference Organiser to ensure best available rates. The deadline for guaranteed reservations is 10th January 2006. Bookings after this date will be subject to room availability. Delegates are advised that the Australian Grand Prix is being held in Melbourne the same weekend as the conference and the number of hotel rooms available in Melbourne is limited so please book early.

The Hilton On The Park-Melbourne, 192 Wellington Parade, East Melbourne, is offering delegates a special conference rate of \$240 for a Hilton guest room. To book accommodation delegates can choose from three options:

#### Option One:

Complete the booking form on the accommodation page at www.mainstreetconference.com.au

### Option Two:

Telephone Reservations on  $+61\ 3\ 9412\ 3222$  and quote reference number PAX180307.

Option Three: Email christine.mahlis@hilton.com

The Victoria Hotel, 215 Little Collins Street, Melbourne, is also offering delegates special conference rates of \$119 or \$95 for Heritage single rooms. To book accommodation delegates can choose from two options:

#### Option One:

Telephone Reservations on +61 3 9669 0000 between 8 a.m. and 8 p.m. and quote 'Mainstreet Conference';

#### Option Two:

Email stay@victoriahotel.com.au and quote 'Mainstreet Conference'.

### **Special Charter Train to Geelong:**

8.14 a.m. Monday 19 March 2007

Your day will start and end with a difference when you will travel on a special charter train to and from the redeveloped world-class Southern Cross Station (formerly Spencer Street Station) to Central Geelong. The relaxing fifty-minute journey will provide a great opportunity to meet conference delegates and renew old acquaintances.

On arrival in Central Geelong, it's a short walk across Johnstone's Park to the Geelong Performing Arts Centre (GPAC), your Central Geelong conference venue.

### Mainstreet Trade Exhibition and Sponsorship Opportunities

Be part of the Mainstreet Trade Exhibition.

Create a presence in our re-creation of a vibrant Mainstreet atmosphere to showcase your organisation to our local, national and international conference delegates.

Involvement is a great opportunity for companies, organisations and individuals involved in all aspects of mainstreets to feature products or services. The exhibitions, supported by sponsor partner Harts Party Hire, will be presented in an innovative and fun way and will be located right in the heart of the conference. This will provide exhibitors with outstanding promotion and direct marketing opportunities.

To enquire about exhibition opportunities contact:

Anna Jacobs on +61 3 9696 5085

**To enquire about sponsorship opportunities contact:** Kerry Griffin on +61 3 9599 0304

### **Venue Details**

#### Geelong Performing Arts Centre (GPAC) Monday 19 March 2007

GPAC is Geelong's premier performance venue and is located in the centre of Central Geelong's Arts and Culture precinct. The Ford and Blakiston theatres boast state-of-the-art facilities and equipment, and offer generous and comfortable seating.

GPAC is spacious yet intimate, offering excellent opportunities to network and converse, and is an easy ten minute stroll to the award-winning Deakin Waterfront Café.

#### Melbourne Cricket Ground (MCG) Tuesday 20 and Wednesday 21 March 2007

The hallowed turf, the MCG is our home for the Melbourne conference program and what a location! The spirit of Melbourne, the MCG, the home of so many Melbourne icon events, the AFL Grand Final, the Boxing Day cricket test, and the Melbourne Commonwealth Games 2006. A unique conference facility, delegates will be in awe of this location and the recently refurbished and developed world class facilities that it is home to. Come and soak up the atmosphere at the mighty MCG!

# **Conference registration form:**

O Day Rate: Tuesday 20 March

Total registration fees

O Day Rate: Wednesday 21 March

### **Register before 31st December, 2006 and save \$\$ with our great Early Bird registration fees.**

Please complete all sections and print in block letters. All prices are quoted in Australian dollars and include G.S.T. Confirmation of registration will be mailed to you within two weeks of receipt of registration. Please submit this form by 5 p.m. Friday 2 March 2007 to ensure adequate time for mailing. Materials for registration after this date can be collected from the Conference Registration Desk.

SECTION A: DELEGATE INF	ORMATION			
Title: F	rst Name:	ł	Family Name:	
Organisation:	Positio	n:		Type of Business:
Postal Address:		(	Suburb:	
City: S	tate:		Postcode:	Country:
Telephone (W): Telephone (W):	elephone (A/H):		Mobile Telephone	e: Fax:
E-mail:	Special	needs:		
Special dietary requirements:				
Preferred name for delegate badge:				
Which category best describes you	organisation?			
O Commonwealth Government	-	overnment Orgai	nisation	O Community Organisation
O State Government	O Retail/ 1	_	lisation	Chamber of Commerce
	-			-
O Local Government	⊖ Regiona	al Development	Organisation	O Tourism
How did you hear about the 2007 N	1ainstreet Conference?			
O Colleague O Website	O Email	O Brochure	O Adve	rtisement/Media
O Other (please specify)				
2007 Mainstreet Conference D	elegate List	Comn	nunity Business	s Centres Victoria (CBCV)
TICK HERE if you DO NOT wish to and details included in the list of deleg		CBCV	is a not-for-profit	organisation. The Mainstreet Conference is
Privacy Act:	ates.	Please		n Early Bird registration rates to all CBCV merr count registration per member / organisation.
The Privacy Act 2001 provides that before	wour name, address and	-		
contact details can be published in the list of		~		urrent member of CBCV.
distribution to delegates or any other party	/ you must give your consent.	. O Please	tick if you would li	ke to receive information about CBCV membe
SECTION B: REGISTRATION	FEES			
Full registration includes:	Day registratio	n includes:		Charter train to Geelong:
All catering at Geelong Performing Arts Centre (excluding lunch) and Melbourne Cricket Ground.	Monday 19 Marc Morning and after Performing Arts C	moon tea at Geel		Transport to Geelong (return) is via a sp charter train, and is included in full and d registration.
Sunday 18 March:	(return), and cate	ring at Deakin Wa	aterfront Café.	O TICK HERE if you DO NOT wish to tra
Hip Strips in Melbourne' Bus Tour and	Tuesday 20 Marc			on the special charter train.
Welcome Reception at Melbourne Cricket Ground.	All catering at Mel	bourne Cricket C	Ground.	
Monday 19 March:	Wednesday 21 M		Fround	
	All catering at Mel	Dourne Crickel C	oround.	
0,				
at Deakin Waterfront Café. <b>Tuesday 20 March:</b> Gala Conference Dinner at National Galle	ry			
at Deakin Waterfront Café. <b>Tuesday 20 March:</b> Gala Conference Dinner at National Galle /ictoria International.	ry Early Bird to 31/12/06		CBCV Standar to 31/12/06	rd Standard from I/I/07
at Deakin Waterfront Café. <b>Tuesday 20 March:</b> Gala Conference Dinner at National Galle /ictoria International. <b>FEES:</b>	Early Bird to 31/12/06		to 31/12/06	1/1/07
Charter train to Geelong (return) and cate at Deakin Waterfront Café. <b>Tuesday 20 March:</b> Gala Conference Dinner at National Galle Victoria International. <b>FEES:</b> O Full Registration: Government / Corpo O Full Registration: Not For Profit / Trade	Early Bird to 31/12/06 \$880.00			

\$325.00

\$260.00

\$

\$292.50

\$234.00

\$

\$357.00

\$286.00

\$

# **Conference registration form:**

### SECTION C: SOCIAL FUNCTIONS

The following social functions are included in FULL REGISTRATION. If you have chosen this option please indicate whether you would like to attend.

O Sunday 18 March: 'Hip Strips in Melbourne' Bus Tour

O Sunday 18 March: Welcome Reception at Melbourne Cricket Ground

### SECTION D: ADDITIONAL EVENT AND SOCIAL FUNCTION TICKETS FOR DAY REGISTRATION DELEGATES

Additional event and soc	cial function tickets may be purchased separately with DAY REGISTR	ATION.	
O Sunday 18 March:	'Hip Strips in Melbourne' Bus Tour	\$20.00	\$
O Sunday 18 March:	Welcome Reception at Melbourne Cricket Ground	\$71.50	\$
O Monday 19 March:	Charter train to Geelong (return)	\$25.00	\$
O Monday 19 March:	Dinner at Deakin Waterfront Café	\$34.50	\$
O Tuesday 20 March:	Gala Conference Dinner at National Gallery Victoria International	\$125.00	\$
		TOTAL ADDITIONAL FEES:	\$

### SECTION E: ADDITIONAL EVENT AND SOCIAL FUNCTION TICKETS FOR ACCOMPANYING PERSON/S

Additional event and social function tickets may be purchased separately with DAY or FULL REGISTRATION.

Title:	First N	lame: Family Name:		
Special Need	s:			
Special Dieta	ry Requirer	nents:		
Preferred Na	me for Na	ne Badge:		
O Sunday 18	8 March:	'Hip Strips in Melbourne' Bus Tour	\$20.00	\$
O Sunday 18	8 March:	Welcome Reception at Melbourne Cricket Ground	\$71.50	\$
O Monday	9 March:	Charter train to Geelong (return)	\$25.00	\$
O Monday	9 March:	Dinner at Deakin Waterfront Café	\$34.50	\$
O Tuesday 2	20 March:	Gala Conference Dinner at National Gallery Victoria International	\$125.00	\$
			TOTAL ADDITIONAL FEES:	\$

### SECTION F: PAYMENT DETAILS

Tax Invoice. Community Business Centres Victoria. A.B.N. 35 695 081 373		
Total Payment SECTION B: REGISTRATION FEES	\$	
Total Payment SECTION D: ADDITIONAL DELEGATE TICKETS	\$	
Total Payment SECTION E: ADDITIONAL ACCOMPANYING	\$	
PERSON TICKETS	\$	
	TOTAL PAYMENT DUE:	\$

### SECTION G: PAYMENT METHODS

□ Mastercard	□Visa	AMEX	Diners Club
Cheque	□ Money Order		

Please make cheques payable to Community Business Centres Victoria.

Cardholder name:

Expiry date:

Signature:

Date:

Please post or fax your registration form and payment to: Attention: Anna Jacobs

2007 Mainstreet Conference C/– John Paxinos & Associates Level | / | | 7 Sturt Street Southbank VIC. 3006 Fax: +61 3 9699 4885 Tel: +61 3 9696 5085 E-mail: info@mainstreetconference.com.au

### SECTION H: INVOICE REQUEST FOR COUNCILS AND TRADERS ASSOCIATIONS ONLY

O Please tick if you require a tax invoice to be forwarded to you before payment of registration fees. Payment will be required within 30 days of invoice date.

Invoice payable to:

(Name of C	Council or Traders As	sociation)		
Postal Addre	ess:			
Suburb:			City:	
State: Postcode:		Fax:		
Telephone (W):		Mobile:		
Contact Na	me:			
E-mail:				
Amount:				
Payment of	options:			
🗆 EFT	□ Mastercard	□Visa	AMEX	Diners Club
□ Cheque	□ Money Order			

O Monday 19 March: Dinner at Deakin Waterfront Café O Tuesday 20 March: Gala Conference Dinner at National Gallery Victoria International

24 July 2007

# **PROGRESS OF THE TENDER EVALUATION FOR THE SEWER MINING PROJECT**

# **EXECUTIVE SUMMARY**

PURPOSE OF REPORT:	To provide Council with an update and to seek direction on the sewer mining and stormwater harvesting project.
BACKGROUND:	On 8 May 2007 Council gave consideration to a report on the tender evaluation of the sewer mining and stormwater harvesting project. At this meeting it resolved to abandon the tender process, commence further discussions with the tenderers and Killara Golf Club and seek legal advice on the operation of the project. This report provides an update on these matters.
COMMENTS:	The direction of this project has changed since it was last reported to Council, most notably with Killara Golf Club stating it would contribute to the project under a purchaser provider model. As a consequence, it is a recommendation in this report that the project change its scope so as to focus only on the sustainable water needs of Gordon Golf Course. The decision by Killara Golf Club has come only after the additional information was supplied by the tenderers in response to questions and clarifications of their bids, interim legal advice and the completion of an independent technical review.
RECOMMENDATION:	That Council support the findings of the technical review and a subsequent financial analysis on a revised scope and enter into future negotiations with one of the tenderers of this project to design, construct and operate a sewer mining plant and association storage and irrigation to meet the needs of Gordon Golf Course.

S04265

## **PURPOSE OF REPORT**

To provide Council with an update and to seek direction on the sewer mining and stormwater harvesting project.

## BACKGROUND

At the Ordinary Meeting of Council on 8 May 2007 Council considered a report titled "Tender Evaluation for Sewer Mining Project." At this meeting it was resolved:

That Council:

- A. Determines not to proceed with all tenders.
- *B. Enter into discussions with all three tenderers as to the final scope and price for all key aspect of the project.*
- *C. Commence negotiations with Killara Golf Club as to the development and agreement of a supply contract.*
- D. Finalise discussion as to the capital contributions for the project including that provided by Killara Golf Club Limited.
- *E.* Legal advice be sought on the implications of Ku-ring-gai Council becoming a public water utility.
- *F.* A report be brought back to Council recommending the final scope, price and contract for the project.
- *G.* That all tenderers be advised of Council's decision in regard to this matter.

This report will deal with matters A to F each of these issues and builds on the briefing given to Councillors on 23 May 2007 (refer to confidential attachment 1).

## COMMENTS

### Determination of tender process and discussion with tenderers – resolution A and B

On the 9 May 2007, letters were sent to all three tenderers advising them of the outcome of the Council meeting of 8 May 2007. This letter sought the tenderers interest in continuing with the project. All three tenderers confirmed in writing they wished to partake in future discussions regarding the project, as resolved by Council. Following this, more detailed letters were sent to each tenderer on 23 May 2007, seeking their response to specific questions regarding their tender submission. These questions were developed with input from the tender review panel, technical review and Council.

### Technical assessment

In relation to the information returned by the tenderers in response to the letter dated 23 May 2007, substantial clarification against the technical matters identified was given by 2G Water and Econova. Tendered prices were corrected by Econova and MPI regarding the operational costs that arose from a mistake in the preparation of their tenders. Further discussion on this is given in the Confidential Attachment 5.

### Item 11

#### S04265 24 July 2007

Complementing this process, an independent technical assessment was commissioned (refer to Confidential Attachment 2). This assessment gave consideration to the sewer treatment process, membranes, noise, process parameters, odour, disinfection, inlet structures, nutrient management, monitoring and response to failures. The assessment gave comment on each of these items, identified areas for follow-up and gave broad recommendations as to the future direction of the project.

In summary, the report favoured a technology based on membrane bioreactor technology given its reliability and proven performance. This technology was tendered by Econova and 2G Water. The technology tendered by MPI was based on sonic disintegration. This is a new treatment type for the application sought in this tender and is not well tested nor are there many examples in operation. Odour and noise was identified as a potential issue for all tenders. While it is recognised that this is a difficult issue to quantify at tender stage it was raised as an important issue to address at the detailed design stage of the project with the successful tenderer. The housing of the sewer treatment plant was also an issue that only Econova addressed in their submission. Given the location of the project, this too must be addressed at the design stage that would also have benefit to noise and odour reduction.

Following the technical review, the recommendation to Council is to select a technology based on membrane bioreactor technology for treatment of the recycled water. Even though the technology based on sonic disintegration presented by MPI has some benefits in terms of turning the operation on and off on demand, the application of the technology for domestic waste water treatment and irrigation is relatively new, with only one documented pilot plant currently in operation, though MPI do make the claim that there are two others, one in "Vietnam" the other in "South America", though no details are given. The financial analysis against each of the tenderers and their technologies is provided later in this report that further supports the recommendation.

### Involvement of Killara Golf Club - resolution C and D

In the report to Council on 8 May 2007, concern was expressed as to the level of formal commitment by Killara Golf Club to this project. As previously outlined, this has been an ongoing point of concern. Notwithstanding, Killara Golf Club contributed financially to the Feasibility Study as agreed to, via an exchange on letters and the review of the Expressions of Interest. On 30 March 2007 the general position offered by Killara Golf Club was to pursue the project via a *"Purchase–Provider"* model through which it would purchase treated water through a *"Treated Water Agreement"* (refer to Confidential Attachment 1). While no details were offered on how this agreement would operate, it nevertheless assumed that this model sought to pass all project risks and costs associated with the design and construction to Council and, further, did not offer any guarantee as to purchase of a set volume of water. This position was a significantly different position as envisaged and agreed with the General Manager of the Killara Golf Club on preparation of the Grant to the NSW Government in 2006.

On 5 July 2007, following the most recent report to Council on this matter, a letter was received from the General Manager of Killara Golf Club (refer to Confidential Attachment 4) that stated, "... *Killara Golf Club has determined that it would prefer a "Purchaser-Provider" model and, in this regard the Killara Golf Club's future role is not as a "partner", but as a client of the sewer mining program. As such it is considered open to Council to make its selection, as to the preferred* 

tenderer, and that Killara Golf Club's further participation in the selection committed is no longer required."

In effect, this letter is confirmation that Killara Golf Club only wants to purchase treated water on a fee for service basis, without contributing in any material way to the project's design and construction costs, noting the additional costs to accommodate the water needs of Killara Golf Club are significant and as such, it was always understood to progress this project as a partner model through the joint funding of the capital as well as operational costs. Furthermore, Killara Golf Club has not offered any security to Council as to the future purchase of any volume of treated water. In light of this most recent development, this report recommends that the project be amended in scope to deliver against the optimal cost benefit and security for Gordon Golf Course only.

In anticipation of this response and following confirmation by Killara Golf Club, Council staff contacted the Department of Energy and Water (the grant funding body that is financially contributing to this project), to discuss the implication of a change in scope to the grant. The Manager of the Water Savings Funds advice was that Council would need to submit a revised scoping report, though indicated that the total funds allocated to the project would not likely change, as the value of this project as a demonstration of sewer mining technology was needed, and was important to the proposed "Sydney Recycled Water Grid." A revised scoping report is in preparation and will be submitted to the Department shortly.

A revised scope that focuses on the delivery of a sustainable and reliable source of water for Gordon Golf Course would entail the construction of a sewer mining plant, associated storage and new irrigation system. Excluded from the project as tendered, would be storage and transfer to Killara Golf Club, the stormwater harvesting and associated storage and a reduction of 1-2ML of storage of the treated effluent. While this change in scope will reduce some of the broader benefits of the project as initially envisaged, such as the capture and treatment of stormwater pollutants, it will still provide Gordon Golf Course with a new irrigation system and water that are necessary to improve the condition of this public asset.

Discussion and an analysis of the cost of this revised scope is given in the financial section of this report and included in Confidential Attachment 3.

### Legal issues – resolution E

Confidential Attachment 5 provides a copy of the interim legal advice on this project, noting that this advice was obtained prior to Killara Golf Club stating their withdrawal to the project and as such, will need to be amended.

Approval for this project is most likely to be given under s68 of the *Local Government Act 1993*. In effect this would mean Council would be the developer and approval authority, as such there is a need to ensure due consideration and process. Council must also provide Sydney Water notice of the approval application and consider any submissions received from Sydney Water in respect of the application. As the project will occur on Gordon Golf Course, it will need to consider the Plan of Management for the site and ensure that the proposal complies with the relevant requirements set out in the *Local Government Act 1993*. As part of this, consideration on the question as to whether the project falls within the "core management" objectives of the site, need to be addressed.

#### S04265 24 July 2007

The project falls within the Area of Operations of Sydney Water Corporation under the Sydney Water Act and Sydney Water Licence. Clause 10.5 of the Sydney Water Licence provides that another person may provide services in the Area of Operations that are the same as or similar to the Services, if the person is lawfully entitled to do so. As the project involves taking from and discharging into Sydney Water's sewerage system, consent from Sydney Water to interfere with and connect to that system will be required. The proposal will also be required to be consistent with a range of Sydney Water policies and publications and Council will most likely be required to enter a works agreement, Sydney Water's standard sewer mining agreement, and a trade waste agreement with Sydney Water to undertake the Proposal.

In undertaking the project, Council may be considered to be a public water utility and accordingly will not require a licence to construct, maintain or operate water industry infrastructure within its local government area (LGA) or to supply water (including stormwater or recycled water) or provide sewerage services by means of water industry infrastructure within its LGA.

However, Council would still be required to comply with a range of legislative requirements in respect of the project. In particular, depending on the final scope and nature of the project, it may require assessment and approval under Part 4 (and may be designated or integrated development), Part 5 or Part 3A of the *Environmental Planning and Assessment Act 1979*, approval under the *Water Management Act 2000* or a licence pursuant to the *Protection of the Environment Operations Act 1997*. Council has been liaising with and obtaining advice from the Department of Water and Energy in respect of the project, and should continue to do so when undertaking the project. Council should consider a range of non-regulatory guidelines and publications when undertaking the project, including for example:

- 1. NSW Code of Practice: plumbing and drainage.
- 2. NSW Department of Local Government Approval of Water Recycling Projects and Private Water Supplies (circular no 07-27)
- 3. Sydney Water Corporation Sewer mining how to establish a sewer mining operation (May 2006).

Finally, as noted above, Council will be required to carefully consider the terms of any legal relationships with the successful tenderer, to ensure that the issues and risks associated with the Proposal, in particular potential liability arising from the works and/or supply of water are appropriately addressed. Similarly, Council should also carefully consider the terms of any legal relationships with Sydney Water in respect of the project. As noted, the withdrawal of Killara Golf Club from the project and deleting the stormwater harvesting element of the project will also simplify the legal arrangements required to undertake the project, to some extent.

# CONSULTATION

No consultation has occurred in the preparation of this report. Noting however that correspondence with Killara Golf Club has informed this direction of the project and recommendations, since this matter was last considered by Council on 8 May 2007.

S04265 24 July 2007

## FINANCIAL CONSIDERATIONS

This section deals with four elements related to the financial analysis and risks associated with the project. Confidential Attachment 3 provides details of the financial implications and risks associated with the project as below. In summary, there is no negative financial impact on Ku-ring-gai Council as a result of Killara Golf Club's withdrawal from the project. The project risks can be addressed through amendments to the contract (as tendered) and funding for the project is available and budgeted for through grants and internal reserves.

### **Comparison of tendered price**

Confidential Attachment 3 provides a discussion and summary of the design, construction and operational costs for each of the three tenderers including clarification of the operational costs by MPI and Econova. This analysis has been undertaken on the project as tendered. In summary the bid by Econova Pty Ltd is considerably lower across each of the three project elements; design, construct and operate.

### Financial viability of tenderer

As part of the evaluation of the tenderers a financial assessment was undertaken on the tendering companies. Details and discussion notes of this analysis are included in Confidential Attachments 1 and 3. These assessments were undertaken on the basis of the project as tendered, with a project value of \$3.1 million. While there exist some concerns as to the financial risks with some tenderers given the value of the project, contractual mechanisms exist that can offset these concerns. These have been developed in conjunction with the NSW Department of Commerce. Such mechanisms will be finalised, as necessary, as part of any negotiations prior to a report to Council recommending the entering and execution of contract.

### Analysis of tendered price against a revised project scope

The revised project will have a net saving to Council in relation to the design and construction parts. The cost analysis of the operation of the sewer mining plant will need further analysis and discussion with the preferred contractor, given the change in scope and therefore volume of treated water required. Nevertheless, it will certainly be less than the amount given as the tendered operational costs assume full operation of the sewer mining plant. A more detailed assessment of this is given in Confidential Attachment 3.

### Funding and depreciation

Funding for this project is available from Council's restricted assets and an external grant. The restricted asset portion is set aside within the Golf Course Improvement Levy. Details of this are included in Confidential Attachment 3.

The Golf Course Improvement Levy will also be used to assist in the deliver of the North Turramurra Recreation Area, though funding for this particular project will not commence for a number of years, enabling the accumulation of funds to this reserve over time, as has occurred to assist in the deliver of the proposed project at Gordon.

In terms of the creation and depreciation of assets associated with the sewer mining project, there will be three main assets; the sewer treatment plant, the storage tanks and a new irrigation system for the course. The latter being the reason for the project in the first instance, on a reason of

### Item 11

protecting and enhancing the golf course itself, as a recreational facility and an income source to Council.

The contract, as tendered, has a requirement that the condition of the assets, be maintained in accordance with the quality management systems, plans and standards and that any non-conformance to those standards must be corrected or prevented as and when necessary (clause 17 of GC21 and clause 5 of Technical Specifications) as included in the tender.

In addition, the contract has included an innovations clause that seeks to provide incentives to the Contractor to add value to the works that may result in savings to the operating and maintenance costs as a result of new technology, improved practices and so forth. Given the maintenance contract is for 10 years, such innovations are likely due to the improvements in sewerage treatment technology.

# CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

This report has been prepared with Council's solicitor and Director Corporate.

## SUMMARY

Following Council's resolution on the 8 May 2007, discussions and feedback from the tenderers has been undertaken. Following this and most importantly for the project, at this point, has been the decision by Killara Golf Club to withdraw from the project as a project partner. As a consequence, it is recommended that a revised project scope be undertaken. In terms of the financial and technical assessments undertaken to-date, and recognising the significant costs incurred by the tenderers at this point, it is recommended that a revised fee proposal is sought only from the preferred tenderer as identified. This proposal would be reported back to Council as per the resolution of the 8 May 2007, and would include any modifications to the contract and terms of engagement as per the legal review and reflecting other matters as identified in the assessment process to-date.

# RECOMMENDATION

- A. That following the technical assessments, Council not proceed with tenders submitted by MPI and 2G Water.
- B. That Council delete all works specifically related to water supply for Killara Golf Course including the storage at Killara, transfer line from Gordon to Killara and additional storage at Gordon Golf Course.
- C. That Council delete the stormwater harvesting with associated storage at Gordon Golf Course from the current scope of works.
- D. That Council reduce the storage volume for treated water to between 1 and 2ML, to be defined during project negotiation.

#### S04265 24 July 2007

- E. That Council commence negotiations with Econova Pty Ltd as to the final scope, price, security and contract of the project.
- F. That Council finalise the legal advice, given the change in scope of the project.
- G. That a report be brought back to Council recommending the final scope, price and contract for the project.
- H. That all tenderers be advised of Council's decision in regard to this matter.

Director Strategy

Attachments: 1. Briefing notes for Councillors from meeting on 23 July 2007 - Confidential
2. Technical review by Muston & Associates - Confidential
3. Financial analysis against tenderers and the recommended revised scope - Confidential
4. Letter from Killara Golf Club dated 5 July 2007 - Confidential
5. Confidential legal advice - Confidential

S04151 3 August 2007

# KU-RING-GAI TOWN CENTRES DRAFT LEP AND DCP RESPONSE TO MATTERS RAISED BY THE NSW DEPARTMENT OF PLANNING ON 4 JULY 2007

## **EXECUTIVE SUMMARY**

PURPOSE OF REPORT:	To provide a comprehensive response to the issues raised in the letter of the Department of Planning dated 4 July 2007 for the Ku-ring-gai Town Centres Draft Local Environmental Plan (LEP) and Development Control Plan (DCP).
BACKGROUND:	In December 2006 Council lodged the final Draft Ku-ring-gai Town Centres LEP and DCP with the NSW Department of Planning. Following requests by Council on any outstanding matters, the Department of Planning have now formally responded with their outstanding issues with the draft Town Centres LEP and DCP.
COMMENTS:	This report sets out a comprehensive response to the issues raised by the Department of Planning in their letter dated 4 July 2007. Council has prepared a succinct and up to date summary table on each issue and where it has been previously raised by the Department, Council's previous response, further comments and additional action if deemed necessary. It is also noted some matters remain outstanding and this report sets out the options for Council to respond to the Department.
<b>RECOMMENDATION:</b>	That the recommendations set out in this report be adopted.

# **PURPOSE OF REPORT**

To provide a comprehensive response to the issues raised in the letter of the Department of Planning dated 4 July 2007 for the Ku-ring-gai Town Centres Draft Local Environmental Plan (LEP) and Development Control Plan (DCP).

# BACKGROUND

In December 2006 Council lodged the final 6 town centres Draft Ku-ring-gai Town Centres LEP and DCP with the NSW Department of Planning.

Following requests made by Council to the NSW Department of Planning on any outstanding matters in relation to the Draft Plans, the Department of Planning have now formally responded with their outstanding issues with the draft Town Centres LEP and DCP.

# PART A - KEY ISSUES RAISED BY THE DEPARTMENT AND COUNCIL'S RESPONSE

Six key issues have been raised in the letter from the Department. These are:

- 1. Reclassification and the requirement for the time frames to be reduced;
- 2. Key sites where the Floor Space Ratio is questioned;
- 3. Combining LEP Principal Standards with DCP provisions reduces redevelopment opportunities;
- 4. Yield tables are dependent on amalgamation patterns and building footprints;
- 5. Compliance with the Director General's Section 65 Certificates for St Ives, Turramurra and the authorisations for the other four centres;
- 6. The addition of 17 new heritage items has the potential to affect development on adjoining land.

Council has prepared a succinct and up to date summary table on each issue and where it has been previously raised by the Department, Councils previous response, further comments and additional action if deemed necessary.

Some matters have been previously identified, discussed with Department staff and comprehensively addressed in the formal reports back to the Department following consideration of each town centre or through the Section 68 reports, including the assessments against the Section 117 Directions. Appropriate justification has been provided on the inconsistencies with Section 117 Directions and the draft plans.

## Department of Planning Letter dated 4 July Confidential nature of attachments

As part of the Town Centre analysis Draft LEP and DCP development Ku-ring -gai Council commissioned specialised economic feasibility studies to support its case to the NSW Department of Planning that development was reasonably economically feasible and that development could take place under the proposed plans. This information has been prepared and provided to the Department of Planning on a confidential basis and it has remained confidential throughout the preparation and adoption of the 6 Town Centres Plans.

The attachments to the Department of Planning letter make particular reference to specialised economic advice to Council in relation to potential land zoning, values, development returns and yields. Release of this information would provide a third party, (including developers) an unfair commercial advantage and insight into potential commercial activities of Council at the expense of the Council.

Information of this nature is commercially valuable, and having been commissioned by Council, is confidential to Council. It is of course; open to any individual to seek their own advice on matters of this nature, at their own expense.

Staff are not in a position to release this confidential information and it would require a formal resolution of Council to have the confidential status changed.

# PART B – COUNCIL'S APPROACH TO PREPARING A RESPONSE TO THE DEPARTMENT

In preparing this report a wide range of issues and responses have been reviewed to identify a way forward for Council when making a formal response to the Department.

In general terms the approach has been to find areas where compliance with the Department's comments can be achieved largely within the existing position adopted by Council, or where, accepting the Departments request, amendments will not substantially alter the building heights or FSR.

Accordingly a framework has been prepared to provide a basis for decision making and to assist in making a formal response to the Department. The framework is provided below:

# **Key principles**

- 1. The fundamental basis of the plans is sound and represents an integrated approach to addressing a number of issues the centres face now and into the future. The response and proposed actions seek to maintain the key structure and principles of both the draft Town Centre LEP and DCP.
- 2. Council has already determined sites to include within its draft LEP. Throughout the development of the land use strategy and the exhibition phases of the draft plans in 2005 and 2006, Council considered a number of recommendations on additional sites throughout

the town centres. Therefore no new sites have been identified as part of this review process.

- 3. Where a specific request has been made by the Department in relation to a site, that site has been further analysed and may or may not have been identified as an option for further consideration by Council at this stage, eg Precinct P in Lindfield.
- 4. The LEP provisions for residential development have been retained in the new Town Centres LEP template where it is considered that their inclusion is integral to maintaining or attaining a desired characteristic. The approach to retention of controls in the DCP is similar.
- 5. Changes to the LEP or DCP proposed by the Department are supported by staff where it is considered the amendments will not substantially change the built form outcome. Staff acknowledge likely community concern in relation to some of these proposals.
- 6. The Department has raised concerns regarding residential yield and economic feasibilitystaff have investigated options to respond to these issues within the existing scale and building envelopes already identified within the plans.
- 7. Errors or omissions in the plans identified by the Department are acknowledged and corrections identified for change or deletion

This report sets out a comprehensive response to the issues raised by the Department of Planning in their letter dated 4 July 2007 (see **Attachments 1-9, 11-13 and Confidential Attachments 10 and 14).** 

This Report is divided into a number of parts:

Part A (above)	Summary of Council's response to the 6 key issues raised by the Department in their letter dated 4 July 07	
Part B (above)	Sets out the key principles Council has applied when preparing a response to the issues raised by the Department	
Part C (below)	Summary of Council's response to issues raised by the Department concerning Delegations	
Part D	Summary of Council's response to issues raised by the Department to draft LEP provisions	
Part E	Summary of Council's response to issues raised by the Department to draft DCP provisions	
Part F	Summary of Council's response to issues raised by the Department in relation to specific sites within the 6 town centres	

Part G	Summary of Council's response to the Department's concern that Council's yield tables are likely to be substantially inflated.
Part H	Summary of Council's response to the Department's concern about economic feasibility of certain sites
Part I	Summary of Council's response to issues raised by the Department in relation to listing of new heritage items
Part J	Summary of Council's recommendations for amendments to the DCP and LEP and other recommendations.
Attachments 1 - 14	Council's detailed response to each question and individual issue raised by the Department

# COMMENTS

Item 12

# **B-1 DEPARTMENT OF PLANNING ISSUE 1 - RECLASSIFICATION**

Reclassification. The Department has previously requested the timeframes for these be reduced to assist in the finalisation of the Town Centres LEP. The current proposed timeframe of mid December 2007 is unacceptable

# **Council response:**

Correspondence was sent to the Department of Planning on 11 July 2007 that set out the following response to the reclassification matter:

- 1. The Minister's directive did not outline a requirement for reclassification. The NSW Planning staff confirmed this in discussions with Council's own staff.
- 2. Council, following receipt of reports from the independent Chairpersons of the public hearings into reclassification, adopted a work program to progress the matter, taking into account public interest and transparency. The Department was briefed on the work program and Council's Resolution regarding this matter in February 2007. The Department have now advised in July, 2007 that the time frame is unacceptable.
- 3. At a recent meeting, it was outlined that the Department considered Council would need to hold new hearings for the reclassification of its land. Council, with the support of Queen's Counsel advice, has continued to progress the matter of reclassification to avoid any unnecessary delay.
- 4. In light of advice previously provided to the Department outlining the required work to ensure the reclassification process provides transparency and accountability for the public, Council would welcome an opportunity for Departmental staff to outline how the process can be further expedited.

#### Item 12

12/6

It is noted that gazettal of the Town Centres draft LEP appears unlikely to occur by December 2007; therefore the timing of the reclassifications is unlikely to be out of step with the projected development timelines.

If the Department of Planning is requesting that the recommendations of the independent hearings on the reclassifications be not be followed, the Council will require this in writing and Council reiterates the opportunity for Departmental staff to outline how the process can be further expedited.

Staff have undertaken to review, within the context of Council's resolutions, proc ess and program to progress the reclassification, to look for opportunities to expedite the final reporting on reclassification back to Council.

# **B-2 DEPARTMENT OF PLANNING ISSUE 2 – FLOOR SPACE RATIOS**

Key sites have been given FSRs which are the same or potentially less than those currently available. Requests to address these were made in response to the exhibition of the plans in 2006. There is no point in providing FSRs the same as or less that the current FSRs, particular when economic analyses identify viability only under special conditions that are unlikely to be met.

# **Council Response**

Council strongly rejects the claim that there are key sites that have been given FSRs which are the same or potentially less than those currently available. This issue has been addressed in detail in **Attachments 1-10** and Part F of this report. A summary response is set out below.

# Residential FSR

Council maintains there is no justification to increase the FSRs in the R4/2(d3) zones as these are clearly viable, as demonstrated by the large number of developments approved and under construction in Ku-ring-gai within the LEP 194 areas. There is currently \$1.7 billion of construction activity underway in Ku-ring-gai, the second highest in NSW (Source Local Development Performance Monitoring: 2005-2006 NSW, DOP, July 2007).

Council also notes that in a number of cases the draft LEP rezones existing 2(c1) or 2(c2) residential land to R4 which represents a significant increase in FSR.

# Retail and business

The available FSR under the KPSO is 2.0:1 for retail and commercial uses under Business 3(a)-(A1) (this zone applies to Gordon only) and 1.0:1 under Business 3(a)-(A2) both zones have a two storey height limit. Detailed discussions within this report show that 2.0:1 FSR is not achievable within a two storeys height limit, therefore comparisons to the KPSO are often flawed.

In Turramurra, St Ives, Lindfield, Pymble and Roseville key sites currently zoned 3(a)-(A2) with a 1:1 FSR have proposed FSRs ranging from 1.5:1 to 3.1:1 with building heights increased from 2 storeys to between 5 and 7 storeys.

In Gordon key sites currently zoned 3(a)-(A1) with an FSR of 2:1 have proposed FSRs ranging from 2.5:1 to 3.4:1 with building heights increased from 2 storeys to between 4 and 9 storeys.

#### Item 12

#### S04151 3 August 2007

Total retail floor space allowable under the proposed B2 and B4 zones across the centres has increased from increased from 110,000 to 183,000 m2 and business floor space from 127,000 to 148,000 m2.

#### Commercial

All sites zoned B2 or B4 can develop for commercial uses up to the maximum FSRs.

#### Existing Strata Developments

Areas currently zoned residential 2(d) for residential flat buildings under the KPSO (FSR 0.85:1 max height 3 storeys) have generally been rezoned for Residential R4 with an FSR of 1.3:1 and maximum height of 5 storeys. While this represents an increase in FSR Council acknowledges they will not redevelop in the short to medium term (and accordingly the yield has not been included in the yield tables).

Higher FSRs could be applied to these sites but redevelopment would still be unlikely due the constraints of Strata title.

In summary it can be clearly shown that there has been no decrease in FSR on key sites within the town centres.

### **B-3 DEPARTMENT OF PLANNING ISSUE 3 - STANDARDS**

The combination of LEP Principal Standards such as FSRs with DCP provisions reduces development opportunities further. DCP provisions have already been identified to Council for revision yet onerous provisions are still in place. These need to be removed (including those outlined in Attachment 2).

#### **Council Response:**

Council's Urban Design consultant, Russell Olsson, has provided the following comments on the Department of Planning's review of the Draft DCP.

"A common fault in planning instruments is where it is not possible to achieve the FSR on a site due to other controls. Likewise, not enough FSR in relation to the height is a waste of development potential i.e. the controls may allow a given building height, but the FSR is insufficient for a developer to take full advantage of the sites development potential. Therefore, to achieve the full development potential of a site, or town centre it is important that FSR and building heights work together, and are in a reasonable proximity to each other, with the heights allowing the FSR to be achieved. To ensure this, it is very important to do site design testing.

Environmental design principles are fundamental to the two most important State Government design based instruments, BASIX and SEPP 65. The FSR and Building Height controls in the LEP must also allow good environmental design to be achieved. Under SEPP 65, building depths should not exceed 18 metres so that other environmental standards of solar access and natural ventilation are achieved. Building envelopes ensure that these environmental standards are able to be achieved, whilst at the same time setting achievable

#### S04151 3 August 2007

FSRs and heights. This is the reason for the DCP containing building envelopes, so that the State Governments SEPP 65, BASIX and LEP Template controls are co-ordinated and that the development potential of a site, or the whole town centre is known to be achievable in future development.

The economic viability of the DCP controls has been tested by Hill PDA Land Economists. The FSRs are of a sufficient level to allow development that is fundamental to our approach, and is essential to achieving a vital and growing town centre."

The "best practice" urban design and planning approach described above, has been used in preparing the town centres LEP and DCP. The preparation and testing of building envelopes for the key sites within the centres has drawn on the expertise of planners, traffic and access engineers, urban designers and land economists to ensure that building envelopes and controls contained in the DCP allow the development standards in the LEP to be achieved in an economically feasible manner.

The LEP template provides for the height and floor space ratio to be in LEP. It is essential, given these requirements, that the height and FSRs are tested so that the height, which is fixed in metres in the LEP, will allow the FSR to be achieved. The Draft DCP provides this testing.

The LEP densities and standards have met the Minister's requirements - this reflects the new mixed use typology (not included in LEP 194), site conditions, retail strategy and the detailed economic feasibility testing. The specific issues raised by the Department of Planning in regard to the LEP are outlined within this report, and detailed in **Attachments 2, 3 and 10**.

The approach for the non-core centre residential areas has included the application and transfer of densities and standards for residential apartment development under LEP 194 to the Standard Instrument provisions, consistent with the Minister's directive. On the advice of DOP, the LEP 194 standards of deep soil planting, setbacks, landscaping etc that are consistent with the fringe residential areas, have been relocated to the new Development Control Plan, rather than the Draft Town Centres LEP.

For the core centre zones such as the B2 Local Centre zone, the deep soil provisions, site coverage, landscaping, setbacks have been substantially reduced or removed to reflect the future urban character of the town centres and meet viability. The DCP controls are therefore overall considerably less onerous than for development under LEP 194.

Amalgamations contained in the DCP are only preferred, not compulsory- this has been previously raised by the Department of Planning and was fully addressed by Council. Section 4.3 of the DCP specifically acknowledges that alternative amalgamation patterns can be implemented and that FSR potentials contained in the draft LEP are overriding standards. It is also proposed to amend Part 1.9 to clarify that associated building envelopes can be varied. Nevertheless, there are basic amalgamations required to achieve economically viable development of the nature and scale proposed in the town centres, particularly within the B2 zones. Amalgamations are also necessary to achieve basement parking.

#### S04151 3 August 2007

Given the complexity of undertaking such a detailed planning process, it is acknowledged that errors will occur in the drafting and production of the DCP. A number of onerous provisions in the DCP that the Department of Planning have previously brought to Council's attention have been, or are in the process of being rectified. It is recommended that a number of further amendments be made to address clarity and address provisions in the DCP that have been identified as inappropriate by the Department of Planning, as outlined in Part E of this report and detailed in **Attachment 12**.

# **B-4 DEPARTMENT OF PLANNING ISSUE 4 – YIELD TABLES**

Yield tables provided by Council in 2006 are dependent on all amalgamation patterns and all building footprints being achievable. In reality, this is unlikely and Council's estimates of anticipated dwellings are likely to be substantially inflated. Council needs either to give effect to these yield tables by removing those provisions /standards that constrain them or demonstrate yield tables that provide realistic estimates of yield.

# **Council Response**

The approach to yields has been discussed and provided to DOP throughout 2006. As requested by DOP, Council has submitted yield tables which show the maximum potential residential yield for every site included in the draft LEP.

Estimates of residential yields have been based on the potential for sites to amalgamate to achieve maximum residential FSR, i.e. residential sites which cannot amalgamate to over 2,400sqm have lower yields. Included in the yields are sites that are unlikely to develop prior to 2031, for example strata units or strata commercial buildings or sites recently developed. The yield tables submitted to the Department are **attached** and show an overall dwelling yield of 14,050 under LEP 194/200 and the draft Town Centres LEP. Council acknowledges that this yield figure does not factor in likely "take up" rates.

To address the issue raised by the Department, Council proposes to apply development "take-up" rates to the yield tables to indicate a realistic estimate of yields. A take-up rate of 90% is proposed for LEP 194 sites and R4 residential sites and 50% for B2 mixed use zones. The rationale for this approach is discussed in detail in Part G of this report.

By applying these conservative take-up rates Council can clearly show that they will be able to achieve around 11,000 additional dwellings for the LGA by 2031 which exceeds that required under the Metropolitan Strategy. It is further noted that this figure does not include additional dwellings from SEPP 53 dual occupancy, Seniors Living SEPP, potential redevelopment of the UTS and the SAN Hospital sites and draft LEP 212 (Beechworth to Warragal). Nor do the figures include dwelling approvals under SEPP 53 or Seniors Living since 2004.

It is also noted that to date under LEP 194 Council has approved almost 3,000 dwellings towards the target. Ongoing monitoring of development trends and "take up" rates will be undertaken by Council as part of the development of its Comprehensive LEP and revision of achievement of LEP Metropolitan Strategy dwelling targets.

## **B-5 DEPARTMENT OF PLANNING ISSUE 5 - AUTHORISATIONS**

There are a number of areas where compliance has not been achieved with the conditions of the Director-General's s65 certificates for St Ives and Turramurra and the authorisations for the other four centres. Areas of concern are identified in the attachment (Attachment 3).

#### **Council Response**

Council has had ongoing dialogue with DOP throughout the town centres draft LEP process. DOP provided written responses to the St Ives and Turramurra draft LEPs Council submitted as part of its s64 submissions to each of these centres. In regard to the other centres, DOP included conditions on "Authorisation to use Delegation" following Council's Section 54 submission and raised issues in writing following meetings with Council staff on the other centres. Council staff dealt with these other responses as Section 62 submissions in terms of staff reporting to Council.

Every issue raised by DOP, either at Section 65 stage (St Ives & Turramurra) or Section 54 (conditions on delegations) or at Section 62 stage (written responses to all centres following meetings), were addressed in the final planning reports to Council, recommending adoption of the draft LEP for each centre. These reports also include justifications for any non-compliance with the Section 117 Directions on each of the centres. All these reports were submitted to DOP as part of Council's Section 68 submissions submitted in December 2006 on the draft LEPs for each centre.

Specific issues of non compliance raised by DOP in **Attachment 3** are addressed in detail in **Attachment 1**.

# **B-6 DEPARTMENT OF PLANNING ISSUE 6 – ADDITIONAL HERITAGE ITEMS**

It is noted that seventeen additional heritage items have been added to the Town Centres LEP. As these items have the potential to affect development on adjoining land, Council is advised to ensure additional opportunities to compensate for these are provided within land adjacent to the town centres.

#### **Council response**

In preparing the Draft LEP and DCP controls that affect the new heritage items within the centres Council took into consideration the impact on the feasibility for each site, and generally the potential impacts on the adjoining sites. Council's approach demonstrates the benefits of the urban design approach- through preparing a locality analysis with building envelopes that can be tested in both urban design terms and for economic feasibility, whilst permitting retention of heritage buildings in an appropriate setting. In the review of the town centre there are existing heritage items that have been removed from the plans, while in other cases the existing streetscape character has been identified and retained in the DCP via adaptive use provisions for the key character items with the centres, rather than a traditional heritage item listing.

For each site the potential of the heritage listing to affect the redevelopment of the site itself and the potential of adjoining sites has been assessed in **Attachment 13**. In the cases where there is a proposed B2 Mixed Use Zone there has been the opportunity for an appropriate level of mixed uses at the rear of the sites. In the case of 741 Pacific Highway, Gordon (former Post Office) the site is currently being developed with a commercial building at rear In other cases such as Hillview which

#### Item 12

12/11

#### S04151 3 August 2007

is a larger site, the DCP controls will allow a reasonable level of development whist retaining an appropriate curtilage around the key buildings. Some items are located in groups and/or on isolated sites between the Highway and the Railway Line (e.g. 79-89 Pacific Highway, Roseville and I Livingstone Ave, Pymble).

For some sites the heritage item is an existing substantial commercial building and the development outcome will only have a limited effect on the development of adjoining lands, as the bulk and scale of the proposed development can be matched and further increased away from the proposed item. In addition, the potential loss of yield is also considered minimal when taking into account the hundreds of sites rezoned with the town centres LEP and therefore further compensation in other areas, adjacent to the town centres.

# PART C – DELEGATIONS

The DOP has advised of concerns that aspects of the draft LEP do not comply with the Minister's Section 55 direction, certain Section 117 directions the standard Instrument LEP or the written authorisations to use delegations for preparing and exhibiting the draft LEP. A more detailed response to the specific issues raised by DOP is included in **Attachment 1**. Following is a summary of Council's responses to the matters raised.

**C-1** The DOP expresses concern that Principal Standards in the draft LEP are to be confined to height and FSR. All other controls are stated as not conforming to the Standard Instrument.

#### **Council response**

Contrary to the statement from the Department, the Standard Instrument that applies to all NSW Councils allows minimum lot size as a development standard. The draft LEP satisfies the Minister's Section 55 Direction as it contains development standards consistent with LEP 194 and responds to previous Department advice and provides incentives to achieve the targeted yields.

**C-2** The DOP states that relevant uses from previous instruments should be transferred to the draft LEP and that uses permitted in existing commercial zones are to continue to be permissible in the B2 zone. In this regard "passenger transport facility", "sex services premises"; home occupation (sex services), club and motor showrooms are identified.

#### **Council response**

Notwithstanding the Department's comments, the uses of "passenger transport facility', "sex services premises" and "registered clubs" have been provided for. The motor showroom provision was an omission which is to be included, as is "home occupation (sex services)" in B2, B4 and B5 zones.

**C-3** The Department expresses that sites currently zoned under a business zone in the KPSO must be transferred to the B2 zone.

#### **Council response**

Properties identified are 1335 and 1337 Pacific Highway, Turramurra. Council included justification for this in its Section 68 submission. This submission has not been acknowledged. Council however proposes to include these in the B2 zone.

Further properties identified were 47-49 Rohini Street, Turramurra. These properties are already developed as 8 residential strata units. Council is to reaffirm to the Department that departure from Direction 3 is justifiable on this site.

**C-4** *The Department states the requirement for the draft LEP to be consistent with Section 117 Directions.* 

### **Council response**

This is a repeat of matters previously raised. Reference is made to items B-2 and B-3 above as well as item B-7 below. Council is to re-emphasise that it considers the draft LEP complies with Section 117 given the justifications for the small number of minor departures provided with the Section 68 submission in December 2006.

The Department further expressed concern at St Johns Avenue / Bushlands Avenue, Gordon locality being identified for potential future rezoning for open space. Council resolved on 19 June 2007 to delete / remove the site from the strategy diagram in the DCP, thus complying with the Department's request.

C-5 The Department expresses concerns that yield figures for R4 and B2 zones are unlikely to be met unless standards are relaxed and that Council hasn't demonstrated that yields provided by the R4 zone will deliver dwellings sufficient to meet Council's Metropolitan Strategy targets.

#### **Council response**

Council has discussed and provided yields to the Department throughout 2006. These have been based on the potential for sites to amalgamate. Sites which cannot amalgamate have been given lower yields. Sites unlikely to develop prior to 2031 are not included in yield figures. A yield potential of 14,050 has been identified, which includes RDS stage 1 (LEP 194/200) and the town centres LEP. It is noted that under the Metropolitan Strategy 10,000 additional dwellings are proposed for the LGA by 2031. Council has currently approved 3,000 dwellings towards the target. Dwellings outside the Town Centres and LEP 194/200, including Seniors Living and SEPP 53 will contribute towards the dwelling target. It is proposed that Council continue to monitor development take-up in consultation with DOP to ensure Metropolitan Strategy targets are achieved and to inform the Comprehensive LEP and any future reviews.

**C-6** The Department expresses concern at existing old medium density sites in the proximity of town centres which have not been included for rezoning in the draft LEP.

#### **Council response**

These sites are few in number and are currently developed as existing nursing home, strata units or townhouses and not considered likely to de redeveloped to contribute dwelling yields towards Metropolitan Strategy targets. The conditional Section 65 certificates issued by the Director General for the St Ives and Turramurra did not require these sites to be exhibited in the draft LEP. Council is to consider the appropriate rezonings for these sites as part of its Comprehensive LEP.

#### Item 12

#### S04151 3 August 2007

**C-7** The Department raises the issue that there are sites which have been down zoned within the draft LEP and that no down zoning is to occur. Particular reference is made to Gordon.

#### **Council response**

This issue has been addressed in the Section 68 report for each Centre where justification for any Section 117 Direction inconsistencies has been provided. There has been no comment by the Department responding to Section 68 report submissions. In the case of Gordon, FSRs have been increased on all sites. The retail component of business uses has been capped at 1:1 (in existing 3(a) - (A1) zones) to ensure consistency with Council's adopted retail strategy and Gordon's role as Town Centre under the Metropolitan Strategy. The Department's review of their concerns in the light of the information provided by Council as part of its Section 68 submission of December 2006 is requested.

**C-8** The Department expresses concern at the residential component of land in Gordon being provided at the expense of existing business FSR and the additional commercial provisions for Gordon being met without additional FSR provision.

#### **Council response**

This is a flow on from above. All sites have had their maximum business FSRs increased. It is acknowledged that the maximum retail FSR is capped below existing 2:1 and this might be made up by residential development. This is however in the context of the role of Gordon as a Town Centre under the Metropolitan Strategy as already stated. The Department's review of their concerns in light of the information provided by Council as part of its Section 68 submission is requested.

**C-9** *The Department states that sites designated for further investigation be resolved and nominated with a specific zoning and not down zoned.* 

#### **Council response**

There appears to be some misunderstanding on the part of the Department. There are no unresolved sites in the draft LEP other than Precinct C in Turramurra which was formally deferred under Section 68(5) of the Environmental Planning and Assessment Act.

No. 22 St Johns Avenue, Gordon and 3-7A Bushlands Avenue were never included in the draft LEP.

Sites in Turramurra (Precinct I) were the only sites removed following exhibition. These sites are currently zoned 2(d3) or 2(c) and are not subject to the Minister's direction. Council should consider bringing Precinct I into the draft LEP as exhibited.

- Properties referred to in Station Street, Livingstone Avenue, Bloomsbury Avenue and Highfield Road, Nelson Road and Russell Lane are 2(c2) or 2(b) and not subject to the Minister's direction.
- All other identified sites are included in the draft LEP.
- All remaining sites will be reviewed as part of the Ku-ring-gai Comprehensive LEP.

# PART D - SUMMARY OF ISSUES AND RESPONSES - LEP PROVISIONS

The Department of Planning (DOP) has advised of concerns with aspects of the draft LEP provisions. Some of these are broad in nature. These issues are better able to be addressed in areas of this report where principles raised are discussed in detail in site specific situations. This particularly concerns matters relating to FSR.

The matters identified by the Department concerning LEP provisions are addressed below and detailed in Attachment 2.

# **D-1** *Achievement of desired principles*

### **Council response:**

The DOP expresses concerns at standards which are stated as reducing achievement of development principles.

The local provisions proposed are in accordance with the Section 55 Direction requiring the draft LEP to be consistent with LEP 194 provisions. These provisions are consistent with the advice at the DOP workshop for the Metropolitan Councils on the standard LEP template, held on 16 May 2007. It is considered inappropriate that proposed local provisions be changed when these are consistent with the Section 55 Direction.

# **D-2** FSR Provisions

#### **Council response**

The Department fails to make clear where FSR provisions or changes are considered unsatisfactory. It is presumably considered that this is seen as reducing development potential.

Best practice urban design principles have been applied, increasing development potential on particular business area sites, rather than the development potential on constrained sites. This helps to achieve larger overall FSR increases within centres. In proposed B2, B4 and B5 zones sites retain at least a 1:1 FSR for combined retail and commercial areas and in many cases significantly more. This is discussed in more detail elsewhere in respect of specific town centres. The R4 zone is consistent with provisions of LEP 194 (2(d3) zone). It is not considered that there is any need for these provisions to be revised.

# **D-3** *Savings provisions*

#### **Council response**

The DOP is concerned that savings provisions do not conform to the general form required.

Current drafting format is on the basis of advice received from the Department of Planning. Council will accept guidance on the form of required amendments to make required changes.

# **D-4** *Inappropriate objectives and uses in the R3 and R4 zones*

#### Item 12

The DOP is unclear on the nature of objectives seen to be inappropriate.

In the absence of clarity concerning what is inappropriate no action is demonstrated to be necessary.

# D-5 Lack of inclusion of uses currently in KPSO business zones

### **Council response**

The DOP has not clearly identified omissions. As far as Council can identify the matters here relate to "sex services" and "motor showroom" uses.

The matter of "motor showroom" omission is an oversight and should be included with consent in B2, B4 and B5 zones. "Home occupation (sex services)" can also appropriately be included as a permissible use in the B2 zone.

### **D-6** *Exempt and complying issues*

### **Council response**

DOP has previously raised issues in regard to Exempt and Complying Development, which were addressed in the draft LEP. Council has also resolved (19 December 2006) to make further changes. Further informal comments were received from the Department in April 2006, which raised concerns in relation to provisions that are considered to be too limiting, internally inconsistent, or inconsistent with DCP 46, SEPP 4 or the Draft Infrastructure SEPP.

It is noted that the Exempt and Complying provisions in the draft LEP are a result of a review by Council of the previous controls under DCP 46 – Exempt and Complying Development. In this process Council has sought to:

- 1. Significantly reduce the number of development applications, reducing both the demand on Council resources, "red tape," and costs for owners/developers.
- 2. Update controls to match modern standards.
- 3. Make the controls compatible with SEPP 4.

A number of amendments are proposed to address the issues raised by DOP, eg. in relation to riparian corridors, BASIX, drainage, internal consistency of sizes and heights, setbacks consistent with the proposed amendments to R3 controls. It is also recommended that bushfire prone land be excluded from Complying Development. It is recommended that Conditions of Consent for Complying Development (see **Attachment 11**) be incorporated within Schedule 3 of the DLEP.

Clarification is sought regarding the extent to which the Draft Infrastructure SEPP should be considered.

It is also recommended that Council request further advice on the process to further the proposed amendments. Council would seek that this be discussed at the next quarterly meeting with DOP.

# **D-7** *Conversion of business use land to residential in the town centre*

### **Council response**

It is assumed DOP concerns relate to potential inconsistencies with Section 117 Directions. These have been addressed by Council in Section 68 reports, sent to the Department in December 2006, which have not been acknowledged. The circumstances applying to specific sites are discussed for individual town centres elsewhere in this report.

Council would request the DOP review its concerns in light of the information provided by Council.

### **D-8** Inclusion of low FSRs in Schedule 1

### **Council response**

The DOP concern in this matter is not made clear. (FSRs are supported on feasibility and urban design basis as discussed elsewhere.) The existing FSRs for sites in Schedule 1 are not decreased over those now applying. The table at **Attachment 3** identifies these sites. It is to be noted that the existing residential sites which have commercial uses are now relying on existing use provisions. The draft LEP now provides for commercial development on a broader basis for these Schedule 1 sites. Commercial development on these sites will not now be lost with any cessation of the existing use. In the absence of any clarity on the matter no amendments are proposed.

**D-9** Inclusion in Schedule 1 of business uses for land previously zoned thus and now zoned for residential

#### **Council response**

Business uses listed in Schedule 1 are to ensure compliance with Section 117 Direction and not diminish commercial potential of the land. Where proposed R4 lands are currently zoned for business uses justification has been provided in Section 68 submissions for which no response has been received from the Department. Many of the Schedule 1 sites have existing use status for the commercial activity as previously discussed.

It is seen to be appropriate to retain these LEP provisions.

A detailed discussion of the issues raised and discussed above is provided in Attachment 2.

# PART E – SUMMARY OF ISSUES AND RESPONSES - DCP PROVISIONS

The Department of Planning has raised concerns relating to the following issues:

**E-1** *Controls which constrain development or the achievement of targets under the Metropolitan Strategy.* 

#### **Council response**

The Department of Planning has advised that performance standards rather than codified provisions would provide flexibility and achieve higher quality design and built form outcomes.

However, as explained in Part 1 of the DCP, the design controls demonstrate ways in which the objectives can be achieved. Objectives have been provided for all sections, to ensure that applicants understand the purpose of the controls. If alternatives are proposed, applicants will need to demonstrate that the

#### Item 12

#### S04151 3 August 2007

objectives can still be achieved. The combination of objectives and specific controls gives both flexibility and direction for applicants.

It is also proposed to clarify that there is potential for variations to Part 4 of the DCP provided that the objectives of the plan are met. This will allow for innovative responses and alternatives, for example, where particular amalgamation patterns cannot be achieved.

The Department raises concerns in regard to limiting requirements in Part 2. Part 2 is intended to provide a framework and context for development controls provided later in the DCP. It is recommended that this be clarified at the beginning of each section in this Part, to avoid confusion. Further, access routes shown in the strategy are to be amended to be consistent with Part 4 while detailed strategies, such as references to specific numerical setbacks, are to be reworked to be consistent with the broad framework intended in this Part. To further avoid confusion, a comment will also be added that the development controls are found in Parts 3-9.

The Department also raises particular concerns in regard to the flexibility of amalgamation patterns, setbacks, buffers, external and internal building design, landscaping, access, water management, parking and access.

The general controls in the DCP are based on DCP 55, which provides controls to supplement LEP 194 and is updated where required to suit the Town Centre land uses and locations. The Minister's direction and Section 65 requirements have been met in this regard. Council has undertaken extensive consultation throughout the development of the LEP and DCP, both with the community in general and with site owners and potential developers. A number of standards in LEP 194 were relocated to the DCP for the Town Centres, to increase flexibility, as required by the Department. Site specific controls have been developed for a significant number of precincts. Building envelopes were tested to ensure that floor space ratios listed in the draft LEP are achievable and economically viable, as required by SEPP 65. The site specific work undertaken in the development of the LEP and DCP has resulted in plans that provide for robust, and achievable development outcomes, to support the revitalisation of the centres and increased residential density to meet the targets of the Metropolitan Strategy, while retaining a sense of the place that is Ku-ring-gai, and protecting biodiversity and ecosystem integrity.

The controls were developed to achieve the vision and objectives stated within the DCP and DLEP. The retention of the current appropriate controls is justified individually within **Attachment 12**. However, where appropriate, recommendations are included to address concerns raised by the Department. Amendments are recommended in relation to a number of sections of the DCP, including Use of the DCP, Vision and Strategies, and Parts 4 and 5. Recommended amendments for controls include: rate of parking provision and associated gross floor area, riparian corridors, illuminated signage and blinds in commercial areas. The main amendments proposed are as follows:

#### S04151 3 August 2007

Key Issue	Proposed Amendment
Amalgamations	Amend controls for Lindfield and Roseville, consistent with other centres, stating that alternative amalgamations can be considered provided the objectives are met.
Flexibility	Clarify that variations to Part 4 can be considered. Amend strategy section to improve consistency with Part 4.
Riparian buffers	Delete references to Category 1 Environmental Corridors.
Parking	Review and amend the parking controls for residential, retail (excluding supermarkets and the like) and commercial uses in mixed use zones within 400m of a rail station including those sites noted by the Department, with a view to reducing parking to encourage public transport use and ensure viability.

# E-2 Duplication of BASIX and consistency with other legislation

Council has reviewed the DCP to ensure that the provisions of BASIX are not duplicated. Every effort has been made to ensure consistency with SEPPs and relevant legislation. However, in the event of any inconsistency, such higher order instruments will prevail to the extent of the inconsistency and this will be made clear in the documentation.

# **E-3** *Plans used in the comments from the Department of Planning*

Council is concerned that most of the specific comments on the DCP are the same as those previously raised by the Department at the exhibition of the draft DCP. The Department does not appear to have noted many of the amendments that have been made in the adopted DCP at the end of last year, in May this year, or the amendments recently exhibited. Further, the Department has not responded to the justifications for Council's position where this has been explained in the Planning Reports attached to the Section 68 Reports submitted to the Department in December 2006. Council requests that the Department review its concerns, based on the adopted DCP, dated 8 May 2007, and on the information provided by Council, as **attached**.

A detailed discussion of the issues raised is provided at Attachment 12.

# PART F - SUMMARY OF KEY ISSUES AND RESPONSES – TOWN CENTRE AND SITE SPECIFIC

# **F-1** Gordon - reduction in commercial floor space

DOP is concerned that there will be is a likely reduction in commercial floor space on a number of sites currently zoned Business 3(b)-(B1).

# **Council response:**

The main area of concern is the proposed B4 zone which is located to the north of Gordon near Mona Vale and Ryde Roads. Council notes the following:

- All sites in the existing Business (3(b)-(B1)) zone have had the maximum permissible FSR increased from the current 1:1 to maximums ranging from 1.8:1 to 3.0:1 and building heights increased from 3 storeys to 8 storeys;
- All sites can develop for commercial uses up to the maximum FSR under the B4 zone;
- A minimum business/retail FSR requirement is provided on all sites to ensure active ground floor uses and to service residents/employees.

Council acknowledges that there may be a loss of commercial floor space under the B4 zone however, this is not a result of Council's planning controls rather Council's research and discussion with land owners shows that the commercial office market is no longer viable in Gordon given the competition with centres such as North Ryde. It should also be noted that there are a number of substantial office buildings in this area which are unlikely to change from offices.

Council maintains that a Mixed Use B4 provides flexibility for land owners and that a business zone such as B5 would make redevelopment unfeasible.

Council requests the DOP review their concerns in light of the information provided by Council.

# F-2 Gordon - reduction in retail floor space

DOP is concerned that there will be a reduction in floor space currently available for retail purposes on a number of sites zoned B2 under the Town Centres LEP when compared with the KPSO. **Council response** 

Council notes that there appears to be a fundamental misunderstanding when interpreting the available FSR under the KPSO. The KPSO allows 2.0:1 retail and commercial uses under 3(a)-(A1) with a two storey height limit. Typically this results in two storey buildings with retail on the ground floor and offices on the second floor. All economic advice Council has received indicates that retail on the first floor is not viable in a strip shop situation but will be in a retail mall arrangement such as the Gordon Centre. A retail building will normally achieve about 80% efficiency because elements such as parking, servicing etc. are excluded from FSR, thus a 1,000sqm site with a 2.0:1 FSR will achieve a maximum of about 1,600sqm of floor area or a net FSR of 1.6:1. Over two levels this means that a typical retail building in Ku-ring-gai has about 0.8:1 of retail uses and 0.8:1 of commercial uses. A one storey retail building may have up to 0.8:1 of retail.

Based on the above it can be concluded that the range of available retail floor space under the KPSO 3(a)-(A1) zone 0:8:1 to 1.6 maximum.

The KPSO allows 2:1 under 3(a)-(A1) with a 2 storey height limit. As shown above it is not possible under the KPSO to achieve this FSR as solely retail uses within the height limit.

By way of example the redevelopment of the Gordon Post Office site, now under construction, has achieved an FSR of 2.09:1 under the KPSO zone 3(a)-(A1) which allows 2:1 retail and commercial uses. The development is 3 storeys in height (exceeding the height limit of the KPSO) and includes

#### Item 12

#### S04151 3 August 2007

two levels of retail and one level of commercial. The retail FSR achieved is approximately 1.25:1. This translates to about 0.65:1 over each level or 65% efficiency.

Further:

- All sites within the Gordon Town Centre LEP have a retail FSR of 1.2 and 1.7:1 which in real terms is at least equal or more than that available under the KPSO;
- The increase in retail yield overall in Gordon centre is approximately 29,000sqm from 17,000sqm to 46,000sqm. While some sites retain similar FSRs others have been significantly increased. In addition new retail zones have been created;
- All sites in the existing Business 3(a)-(A2) zone have had the maximum permissible FSR increased from the current 2:1 to maximums ranging from 2.3:1 to 3.4:1 and building heights increased from 2 storeys to 8 storeys;
- In the case of the Gordon Centre the maximum retail/commercial FSR is 1.7:1 allowing 2-3 full levels of retail mall at about 70% efficiency. This equates to more than double the floor space currently available under the KPSO.

Council maintains that there is no loss of retail FSR in Gordon Centre however notwithstanding the above discussion Council understands that the inclusion of a maximum retail FSR may be confusing. It is therefore recommended that the LEP FSR map be amended to provide a site FSR with a minimum retail FSR and deletion of the maximum retail FSR. Retention of a minimum FSR is required to ensure ground floor active uses throughout the centre to all street frontages.

It is proposed to retain Council's objectives for mixed use development in the DCP where it is clearly shown that retail, commercial and residential uses are required in the centre.

# F-3 Gordon - retail proposed to be located off the Pacific Highway

The DOP expresses concern the area defined by 2-8 Moree Street and 21-27 St Johns Avenue and the shops on the Pacific Highway is unlikely to support retail down the block away from the Pacific Highway.

# **Council response**

Council notes that the proposed retail FSR in this area is 1.6:1 (total site FSR of 2.3:1 allows for additional commercial or residential uses) which allows for up to 2 full storeys of retail mall which would include a second supermarket, possibly a mini-major and specialty shops. Such centre is destination based and will not rely on visibility and passing trade to the extent the strip shops currently do. There are numerous examples of this situation in Sydney one local example being Neutral Bay.

A large proportion of the area is currently zoned 2(c2) and will potentially add up to 10,000sqm of retail space to Gordon.

Council requests the DOP review their concerns in light of the information provided by Council.

## F-4 Gordon - currently developed sites – comparison with KPSO

On a number of sites in Gordon along the Pacific highway the Department notes that there is potential for down zoning. The Department claims that as no minimum retail is specified equal to or greater than 2.0:1, which is allowable under the KPSO, there has been a down zoning.

#### Council response

In most cases the Department has not "ground-truthed" their comments and the Council can assure the Department that there has, in reality been no down zoning. Examples include 810 Pacific Highway which is a five storey commercial office building with no retail uses. The building is a substantial structure which is very unlikely to be demolished. The Town Centre LEP rezones the land to B2 which allows retail, commercial or residential uses up to 2.3:1. Another example is 818 Pacific Highway which is currently zoned for retail and business uses but is occupied by Council Chambers. There is currently no retail uses on the site and this is very unlikely to change in the long term (noting that community uses are allowable under the KPSO 3(a)-(A1) zone).

Further detail is provided at Attachment 4.

No change is recommended and Council requests the Department review their concerns in light of the information provided by Council

### **F-5** St Ives - Eden Brae

The Department is concerned that the site known as "Eden Brae" on Stanley Street St Ives will not redevelop because of the multiple titles.

# **Council response**

Council has undertaken multiple economic reviews of this site and have determined the site is economically feasible to redevelop. The issue remains that there are 22 individual Torrens titled dwellings and that redevelopment may take a long time. However, Council notes the time frame of the Plan is to 2031, consistent with the Metropolitan Strategy. Over this time we would expect a number of development cycles and that redevelopment can not be discounted completely.

It is recommended that Council retain the 131 dwellings from the St Ives yield tables and to address the Department's concerns by applying a 50% take-up rate to the B2 sites within the Town Centre LEP as these are the most difficult sites to redevelop (refer discussion below on residential yields below).

# **F-6** St Ives Shopping Village

The DOP has noted concern that the redevelopment of the St Ives Shopping Village may not be viable due to a clause in the Town Centre DCP relating to above ground parking being included in FSR.

#### **Council response**

Council notes that there is an inconsistency with the Standard Instrument and will delete the DCP clause.

## F-7 St Ives - loss of retail and commercial FSR

DOP has noted concern on a number of properties zoned B2 that there will be a loss of retail and commercial yield under the Town Centres LEP when compared with the KPSO.

#### Council response

Council notes that there appears to be a fundamental misunderstanding when interpreting the available FSR under the KPSO. The KPSO allows 1:1 retail and commercial uses under 3(a)-(A2) with a two storey height limit. Typically this results in two storey buildings with retail on the ground floor and offices on the second floor. All economic advice Council has received indicates that retail on the first floor is not viable in a strip shop situation but will be in a retail mall arrangement such as the Shopping Village. A retail building will normally achieve about 80% efficiency because elements such as parking, servicing etc. are excluded from FSR, thus a 1,000sqm site with a 1:1 FSR will achieve a maximum of about 800sqm of floor area or a net FSR of 0.8:1. Over two levels this means that a typical retail building in Ku-ring-gai has about 0.4:1 of retail uses and 0.4:1 of commercial uses. A one storey retail building may have up to 0.8:1 of retail.

Based on the above it can be concluded that the range of available retail floor space under the KPSO is between 0.45:1 minimum and 0:8:1 maximum.

Further:

- All sites within the St Ives Town Centre LEP have maximum retail FSRs of between 0.6:1 and 1.6:1 and are at least equal or more than the that available under the KPSO;
- The increase in retail yield overall in St Ives is approximately 17,000sqm from 21,000sqm to 38,000sqm. While some site retain similar FSRs others have been significantly increased as well as new sites added;
- All sites in the existing Business (3(a)-(A2)) zone have had the maximum permissible FSR increased from the current 1:1 to maximums ranging from 2.0:1 to 2.5:1 and building heights increased from 2 storeys to 5 storeys;
- All sites, other than the St Ives Village Shopping centre site, can develop for commercial uses up to the maximum FSR under the B2 zone;
- In the case of the St Ives Village Shopping Centre the maximum retail/commercial FSR is 1.6:1 allowing two full levels of retail mall at about 70% efficiency. This equates to more than double the floor space currently available under the KPSO.

Council maintains that there is no loss of retail FSR in St Ives however notwithstanding the above discussion Council understands that the inclusion of a maximum retail FSR may be confusing on certain sites. It is therefore recommended that the LEP FSR map be amended to provide a site FSR with a minimum retail FSR and deletion of the maximum retail FSR in all B2 zones (excluding St Ives Shopping Village). Retention of a minimum FSR is required to ensure ground floor active uses throughout the centre to all street frontages.

It is proposed to retain Council's objectives for mixed use development in the DCP where it is clearly shown that retail, commercial and residential uses are required in the centre.

# F-8 St Ives – proposed business uses in R4 zone

The DOP is concerned that certain R4 residential sites have been rezoned to allow commercial uses on the ground floor and that this will not be viable.

# Council response

Council has provided detailed responses in **Attachment 5**. In summary two types of development are proposed:

- Buildings capable of being adapted for professional offices on the ground floor the Town Centres LEP sets a maximum FSR for business uses within these zones. As no minimum is identified, the developments could be wholly residential if this is more viable. The Town Centres DCP (part 5.11) requires development in this zone to provide an adaptable ground floor with floor to ceiling heights of 3.6 metres to allow future adaptation to office uses if required.
- *R4 residential zone with minimum requirement for commercial uses* The current 2(d3) zone in some locations is seen to be overly as restrictive given the proximity to the town centre and inappropriate particularly given the noise from Mona Vale Road. For this reason ground floor commercial is seen as the preferred use. Council has found in discussion with business owners within St Ives Centre that there is currently a high demand for small office space and a significant undersupply. These sites (167-189 Mona Vale Road) have been given a higher FSR 0f 1.5:1 and 1.7:1 for viability.

Further detail is provided at Attachment 5.

Council requests the DOP review their concerns in light of the information provided by Council

# F-9 Turramurra - reduction in retail and commercial floor space

DOP has noted concern on a number of properties zoned B2 that there will be a loss of retail and commercial yield under the Town Centres LEP when compared with the KPSO.

# **Council response**

Council notes that there appears to be a fundamental misunderstanding when interpreting the available FSR under the KPSO. The KPSO allows 1:1 retail and commercial uses under 3(a)-(A2) with a two storey height limit. Typically this results in two storey buildings with retail on the ground floor and offices on the second floor. All economic advice Council has received indicates that retail on the first floor is not viable in a strip shop situation but will be in a retail mall arrangement.

A typical strip retail building will normally achieve about 80% efficiency because elements such as parking, servicing etc. are excluded from FSR, thus a 1,000sqm site with a 1:1 FSR will achieve a maximum of about 800sqm of retail floor area or a net FSR of 0.8:1. Over two levels this means

#### Item 12

#### S04151 3 August 2007

that a typical retail building in Ku-ring-gai has about 0.4:1 of retail uses and 0.4:1 of commercial uses. A one storey retail building may have up to 0.8:1 of retail and no office component.

Based on the above it can be concluded that the range of available retail floor space under the KPSO is between 0.45:1 minimum and 0:8:1 maximum.

Further:

- All sites within the Turramurra Town Centre LEP have maximum retail FSRs of between 0.5:1 and 1.0:1 which are at least equal or more than the that available under the KPSO;
- The increase in retail yield overall in Turramurra centre is approximately 6,000sqm from 16,500sqm to 22,000sqm. While some sites retain similar FSRs others have been significantly increased as well as new sites added;
- All sites in the existing Business (3(a)-(A2)) zone have had the maximum permissible FSR increased from the current 1:1 to maximums ranging from 1.7:1 to 2.8:1 and building heights increased from 2 storeys to 5 storeys;
- All sites can develop for commercial uses up to the maximum FSR under the B2 zone (after achieving minimum retail requirements).

Council maintains that there is no loss of retail or business FSR in Turramurra Centre however not withstanding the above discussion Council understands that the inclusion of a maximum retail FSR may be confusing or perceived to be restrictive. It is therefore recommended that the LEP FSR map be amended to provide a site FSR with a minimum retail FSR and deletion of the maximum retail FSR on sites fronting the Pacific Highway and Rohini Street.

Three sites would be excluded from this amendment as they have strategic significance and require greater definition in terms of the mix of uses required. These are Precinct C on the corner of the Pacific Highway and Kissing Point Road, Precinct A Ray Street, and Precinct E on the corner of Turramurra Avenue and the Pacific Highway.

Further detail is provided at Attachment 6.

# **F-10** Pymble - reduction in retail floor space

The DOP notes concern regarding the rezoning of areas currently zoned 3(a)-(A2) under the KPSO to residential R4 which will result in a loss of retail floor space.

# **Council response**

The majority of the sites noted by the DOP have been developed for medium density housing over the last 3 to 10 years. The proposed R4 zone in the draft LEP is intended to reflect these existing uses into the future.

On those sites which currently retain business uses (1047, 1051, 1083 and 116 Pacific Highway) to ensure compliance with the existing zoning capacity requirements under the Direction it is proposed

#### Item 12

to retain a maximum FSR of 1:1, for additional permitted non-residential uses, under Schedule 1 of the LEP.

Council has shown that there will be an overall increase in retail floor space of 4,000sqm under the Town Centre LEP and Council requests the DOP review their concerns in light of the information provided by Council.

# F-11 Pymble - reduction in commercial floor space

The DOP notes concern regarding the rezoning of areas currently zoned 3(b)-(B2) under the KPSO will result in a loss of commercial floor space.

# Council response

Council proposes B5 zone which is specifically for business uses. On most sites the FSR has been more than doubled.

The Town Centre LEP results in a potential increase of 16,000sqm of new business floor space.

Council requests the DOP review their concerns in light of the information provided by Council.

# **F-12** Pymble - reduction in retail floor space

DOP is concerned that there will be a reduction in floor space currently available for retail purposes on a number of sites zoned B2 under the Town Centres LEP when compared with the KPSO.

# **Council response**

Council notes that there appears to be a fundamental misunderstanding when interpreting the available FSR under the KPSO. The KPSO allows 1:1 retail and commercial uses under 3(a)-(A2) with a two storey height limit. Typically this results in two storey buildings with retail on the ground floor and offices on the second floor. All economic advice Council has received indicates that retail on the first floor is not viable in a strip shop situation but will be in a retail mall arrangement. A retail building will normally achieve about 80% efficiency because elements such as parking, servicing etc. are excluded from FSR, thus a 1,000sqm site with a 1:1 FSR will achieve a maximum of about 800sqm of floor area or a net FSR of 0.8:1. Over two levels this means that a typical retail building in Ku-ring-gai has about 0.4:1 of retail uses and 0.4:1 of commercial uses. A one storey retail building may have up to 0.8:1 of retail.

Based on the above it can be concluded that the range of available retail floor space under the KPSO 3(a)-(A1) zone is between 0.45:1 minimum and 0:8:1 maximum.

Further:

- All sites within the Pymble Town Centre LEP have retail FSRs of between 1.0:1 and 1.1:1 and are more than the that available under the KPSO;
- The increase in retail yield overall in Pymble centre is approximately 4,000sqm from 6,800sqm to 10,800sqm. While some sites retain similar FSRs others have been significantly increased;

• All sites in the existing Business 3(a)-(A2) zone have had the maximum permissible FSR increased from the current 1:1 to maximums ranging from 2.5:1 to 2.6:1 and building heights increased from 2 storeys to 5 storeys.

Council maintains that there is no loss of retail FSR in Pymble Centre however not withstanding the above discussion Council understands that the inclusion of a maximum retail FSR may be confusing. It is therefore recommended that the LEP FSR map be amended to provide a site FSR with a minimum retail FSR and deletion of the maximum retail FSR. Retention of a minimum FSR is required to ensure ground floor active uses throughout the centre to all street frontages.

It is proposed to retain Council's objectives for mixed use development in the DCP where it is clearly shown that retail, commercial and residential uses are required in the Centre.

Further detail is provided in Attachment 7.

# F-13 Lindfield - currency of plans

For a number of sites in Lindfield, the issues raised by the DOP fail to take into account the changes made between exhibition and adoption of the plans with its comments based on the draft exhibited plans. It appears that the DOP has not considered the final adopted Draft LEP and DCP submitted as part of the Section 68 report.

# F-14 Lindfield - residential yield figures

The DOP has provided estimates of residential yields for Lindfield on block by block basis, which are sometimes quite different to Council's estimates. However, it is unclear on what basis these are calculated. A considered response is therefore difficult.

# **Council response**

The yield tables outlining estimated residential unit figures for each precinct within Lindfield have been provided to the DOP as part of the Section 68 submission in December 2006 but it appears that the yield tables have not been taken into consideration. It should be noted that the number of existing dwellings has been excluded from the yield calculations provided.

Council has estimated its yields on the basis of an average dwelling of 110sqm, and on the assumption that development under the proposed amalgamations or similar amalgamations would take place.

# F-15 Lindfield - Site amalgamations

The DOP has noted concern relating to the practicality of the proposed amalgamations for some of the mixed use sites in Lindfield.

# **Council response**

The DCP provides preferred amalgamations to facilitate orderly development. Some amalgamation patterns have resulted from extensive consultations with relevant key stakeholders to provide more

#### Item 12

realistic redevelopment opportunities. In particular, the DCP proposes smaller site amalgamations in the core area recognising the difficulty in achieving a single large amalgamation due to the existing fragmented ownerships. However it is highly desirable to have fewer, amalgamated sites where possible. Council will add a clause to the DCP stating that alternative amalgamations can be considered where it can be demonstrated it meets the design objectives of the plan.

# F-16 Lindfield - Economic viability

The DOP has raised concern that a number of sites particularly the strip shops within Lindfield are not economically viable to redevelop due to the small sites and cost of amalgamations.

### **Council response**

Council has noted that a number of the retail strip shops are of marginal viability and economic advice has suggested that Council's parking rates are the major contributing factor. Council may consider a reduction in commercial and residential parking rates for some of the strip shop sites along the Pacific Highway and Lindfield Avenue given the existing site constraints in providing sufficient parking for proposed increased density (eg. fragmented ownerships, small and narrow site configuration) and the proximity to services and infrastructure. The reduction of parking requirements would significantly decrease the overall development cost and hence improving the viability of these sites. Further studies are to be undertaken in consultation with an economic consultant and in view of current and future public transport infrastructure.

The DOP is also concerned that the proposals on Council lands are not considered economically feasible, such as relocating public parking to the basements. It should be noted that redevelopment of Council land is subject to reclassification process as well as funding made available through Section 94 contributions and other sources. Council is undertaking further investigation on the financing and funding strategies for providing the public domain improvements and facilities (eg. new open space, new underground parking, new community facilities and the like) as part of the Section 94 strategy for the Lindfield.

Furthermore, the DOP has raised specific concern regarding the feasibility of 12-18 Tryon Rd proposal under the Town Centre Plans (detailed discussion is provided in the later section).

# F-17 Lindfield - potential loss and lack of residential yields

The DOP is concerned that on a number of existing medium density 2(e) and 2(d) sites and high density 2(d3) sites within Lindfield the draft LEP does not provide appropriate zoning which would provide sufficient incentive for redevelopment.

# **Council response**

Council has provided incentives through Clause 19 of the draft LEP, as well as the DCP provisions to encourage development to achieve the targeted residential yields.

Council has noted that most of the existing 2(e) and 2(d) medium density sites in close proximity to the core have been developed for residential flat building purposes. They are unlikely to redevelop in the foreseeable future due to the existing intensity of developments and the strata titling, hence there remains little or no development potential. Nevertheless the Draft LEP proposes new

#### Item 12

#### S04151 3 August 2007

appropriate zoning reflecting the existing predominant use and scale of development of these existing medium density sites so that they are in line with the new LEP template. Note that no or minimal increase of residential yields is anticipated within these sites.

The Draft LEP also proposes to rezone some of the 2(d3) sites to R4 with controls generally consistent with the existing LEP 194 / DCP 55 controls to avoid any potential loss of development yields. This rezoning process provides an opportunity for the formulation of site specific controls for these high density R4 residential sites responding to existing lot sizes and shapes, vegetation, topography, street width and pattern etc. The site specific building envelopes demonstrate how future development can occur, taking into consideration impacts on the amenity of the surrounding properties in terms of privacy and overshadowing, thus providing a high degree of certainty of outcome for Council, community and site owners.

More importantly, it is considered that the draft LEP complies with the Section 117 Directions (in particular Direction No 21 – Residential Zones) as it provides for either maintained or increased residential densities in all zones. In addition, Council has up-zoned some of the existing 2(a), 2(b), 2(c2) and IDO 78/79 sites in Lindfield which are not required by the Minister for increased density for consistency purposes. A yield table for Lindfield to demonstrate this has been submitted to the Director General as part of the Section 68 report in December 2006 and provides details on how increased dwelling yields in Lindfield will contribute to Ku-ring-gai's housing provision under the Metropolitan Strategy.

The DOP is also concerned the viability of redeveloping the proposed R4 sites which are traversed by the riparian corridor or required to provide new through site links. It is important to note that the provision of riparian zone and new streets should not result in any reduction in development yields for the sites.

# F-18 Lindfield - 12-18 Tryon Rd (existing commercial development site)

The DOP is concerned that the 12-18 Tryon Rd will not redevelop based on the DCP proposals.

# **Council response**

Council has noted that there appears to be a fundamental misunderstanding when interpreting the economic feasibility studies undertaken for this key site.

It is important to note that the proposed FSR of 2.6:1 for 12-18 Tryon Road is on the higher end of the range of FSR proposed for mixed use sites within Lindfield Centre. The development will also have a maximum height of 7 storeys (the highest height proposed for Lindfield) fronting the public space.

12-18 Tryon Rd can be developed separately or could be extended to include a portion of Council owned land as part of a joint venture. The DCP proposal is for a joint venture to house a new library on 12-18 Tryon Rd on an extended site to include part of Council's land in Kochia Lane. Council's economic feasibility testing of the LEP and DCP controls indicates that the scheme is feasible, with the Council owned land being used to offset the provision of the library space within the redevelopment of the site.

#### S04151 3 August 2007

To achieve an optimal outcome for both the Council (community) and site owners, Council will be in position to negotiate the provision of required car parking spaces for development of 12-18 Tryon Road on Council's land in return for the owners of 12-18 Tryon Road providing for new community facilities including a library. Accordingly, the DCP presents the option to provide future parking within adjoining Council's new basement parking. This is considered a realistic redevelopment opportunities for the land owners given the existing physical limitations to meet future parking requirements for the proposed increased density as concerned by the owners. However, redevelopment is dependent on reclassification of the adjoining Council land (Tryon car park) as well as funding being made available through Section 94 contributions and other sources.

Council also notes that feasibility studies would need to be completed to determine the value of these items to the respective parties and further negotiation to proceed.

# F-19 Lindfield - further up-zoning in residential precincts (requested by DOP)

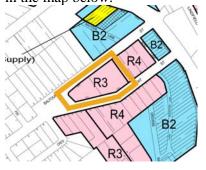
The DOP has requested further up-zoning in 4 of the residential precincts in Lindfield (see table below for locations and Council's responses).

### **Council response**

Council is not supportive of further up-zoning on any proposed R3 sites in Lindfield, especially the ones identified as interface sites. Some of proposed R3 sites are currently zoned 2(c2) and IDO 78/79 and do not fall under the Minister's directive for increased density. The Draft LEP proposes a "transition" or "buffer" zoning of a medium density R3 zoning to allow for a gradual phasing in of high density housing. The proposed new R3 zoning permitting townhouse development will also provide housing choice within the locality. Therefore R4 zoning cannot be supported in these locations to prevent any flow-on effects resulted from future development on the adjoining single houses. It should be noted that the R4 rezoning for these precincts identified by the DOP is unlikely to achieve any significant increase of residential yields given the intensity of the existing developments.

# Precinct D 9-21 Bent St (proposed R3 sites under Town Centre LEP)

The DOP requests R4 zoning for the proposed R3 sites between Bent and Balfour Sts as identified in the map below.



The existing 2(e) site at the western end is occupied by relatively new townhouse development and is unlikely to redevelop in the foreseeable future. Note that no increase of residential yields is anticipated (does not contribute to the overall yield figures for the centre).

The Draft LEP proposes new R3 zoning for this site to be in line with the new LEP template. More importantly, this rezoning is consistent with the Minister's directions (in particular the Direction No. 21-Residential Zones) as it provides increased or maintained residential density. It is important to note that R4 rezoning as requested by DOP is unlikely to be sufficient incentive to redevelop from the existing medium density development.

Precinct G 11-17 Woodside Ave & 2-2A Havilah Rd (proposed R3 sites under Town Centre LEP) The DOP requests R4 zoning for the proposed R3 sites between Woodside Ave and Havilah Rd as identified in the map below.	<ul> <li>Existing 2(c2) sites are not subject to the Minister's directive for increased density. However the Draft LEP proposes to rezone the 2(c2) sites to R3 to create a transition zone between 5-storey apartments and single houses with 3-storey development. The proposed new R3 zoning permitting townhouse development will also provide housing choice within the locality.</li> <li>It should be noted that the R4 zoning proposal for the 2(c2) sites was adopted by Council on 16 August 2006 but it was changed to R3 acknowledging the interface issues which were raised through extensive consultations with various land owners in and around the precinct.</li> </ul>
Precinct N 8-26 Russell Ave (proposed R3 sites under Town Centre LEP) The DOP requests R4 zoning for the proposed R3 sites along Russell Ave as identified in the map below.	Majority of the proposed R3 sites along Russell Avenue are occupied by relatively new medium density residential developments under strata plan and hence unlikely to redevelop. Also 22 Russell Avenue which is a heritage item has minimal redevelopment potential. The only likely development parcel is on existing 2(c2) sites at the eastern end. The Draft LEP proposes to rezone existing 2(e) and 2(c2) sites along Russell Avenue to R3 to reflect the existing predominant use and scale of development as well as to create as a transition zone to the adjoining low density areas. More importantly, the rezoning proposal complies with the Minister's direction as it provides for either maintained or increased density within this precinct. The proposed new R3 zoning permitting townhouse development will also provide housing choice within the locality. Note that 2(c2) sites are not subject to the Minister's directive for increased density. Also noting that R4 rezoning is unlikely to be sufficient incentive to redevelop from some of the existing medium density developments as raised by the DOP.

# S04151 3 August 2007

## Precinct P (triangular block including Masada College site) & its immediate surrounds

The DOP requests R4 zoning for this precinct and its immediate surrounding areas along Wolseley Rd and Pacific Hwy as identified in the map below.



Precinct P has current zoning of IDO 78/79 and Special Uses (Church) which is not subject to the Minister's directive for increased density. The Draft LEP proposes R4 and R3 rezoning within the triangular block for consistency purposes as majority of the sites are located within 600m radius from the Lindfield Station. This rezoning proposal would help facilitating the sale of Masada's land which is soon to become redundant and this is considered a good planning practice. It is intended to consolidate with the collage site at St Ives due to the decline in number of students at the current school in recent years with changing population trends.

Further up-zoning of this residential precinct cannot be supported due to its existing unique neighbourhood character and its potential interface impacts to the surrounding low density residential in terms of privacy and overshadowing. Any further increase in density in this area may cause traffic problems given that the Wolseley Road is a cul-desac.

Council's adopted zoning proposal would achieve the most balanced outcome for this precinct as it provides increased density and housing choice while protecting the interface zone and providing the maximum public domain benefits. The mix of R3 and R4 zoning which allows townhouse development along the street frontages to Wolseley and Treatts Roads and higher density apartment building against the raised rail corridor. The DCP also proposes retention and enhancement of existing vegetation within the front setback zone to Wolseley Road and extension to the existing park to assist in preserving the existing streetscape. A considerable increase in residential yield with approximately 133 new units will be provided within the block.

It is important to note that significant amount of resources have been given to provide an appropriate zoning for this precinct. Substantial work has been undertaken by various professionals to formulate the plans in regard to the built form proposals, traffic and access strategies and public domain and landscape improvements. Economic feasibility

studies have also been prepared for this precinct as part of the planning process. In addition, Council has conducted extensive consultations with residents in the area, and with the representatives for Masada and the synagogue to achieve best possible outcome for all parties. Several forums including a mediation session were held between these parties and Council to assist in formulation of zoning for this precinct.
It is not recommended to change the zoning for the properties around Precinct P along Wolseley Road and Pacific Highway based on the following:
• Properties No. 12-42 Wolseley Road currently zoned IDO 78 have not been included in the plans as they do not fall under the Minister's directive for increased density. However they are subject to rezoning under the comprehensive LEP process. An appropriate zoning will be determined within the next few years. Note that they are occupied by substantial housing in excellent condition, hence unlikely to redevelop.
• Majority of the existing 2(e) sites fronting the Pacific Highway (within the middle stretch No. 377-429 Pacific Highway) are occupied by strata- titled medium density developments and are unlikely to change in the foreseeable future. The Draft LEP proposes to rezone these sites to R3 to be in line with the new LEP template and this is consistent with the Minister's directive. Note that R4 rezoning is unlikely to be sufficient incentive to redevelop from some of the existing medium density developments.

Further detail for Lindfield is provided at Attachment 8.

# F-20 Roseville - residential yield figures

The DOP has provided estimates of residential yields for Roseville on block by block basis, which are sometimes quite different to Council's estimates. However, it is unclear on what basis these are calculated. A considered response is therefore difficult.

#### **Council response**

#### Item 12

#### S04151 3 August 2007

The yield tables outlining estimated residential unit figures for each precinct within Roseville have been provided to the DOP as part of the Section 68 submission but it appears that the yield tables have not been taken into consideration. It should be noted that the number of existing dwellings has been excluded from the yield calculations provided.

Council has estimated its yields on the basis of an average dwelling of 110sqm, and on the assumption that development under the proposed amalgamations or similar amalgamations would take place.

# F-21 Roseville - Economic viability

The DOP has raised concern that a number of sites particularly the strip shops within Roseville are not economically viable to redevelop due to the small sites and cost of amalgamations.

### **Council response**

Council has noted that a number of the retail strip shops are of marginal viability and economic advice has suggested that Council's parking rates are the major contributing factor. Council may consider a reduction in commercial and residential parking rates for some of the strip shop sites along the Pacific Highway and Hill Street given the existing site constraints in providing sufficient parking for proposed increased density (eg. fragmented ownerships, small and narrow site configuration) and the proximity to services and infrastructure. The reduction of parking requirements would significantly decrease the overall development cost and hence improving the viability of these sites. Further studies are to be undertaken in consultation with an economic consultant and in view of current and future public transport infrastructure.

The DOP is also concerned that the proposals on Council lands are not considered economically feasible, such as relocating public parking to the basements. It should be noted that redevelopment of Council land is subject to reclassification process as well as funding made available through Section 94 contributions and other sources. Council is undertaking further investigation on the financing and funding strategies for providing the public domain improvements and facilities (eg. new open space, new underground parking, new community facilities and the like) as part of the Section 94 strategy for the Roseville.

# F-22 Roseville - potential loss and lack of residential yields

The DOP is concerned that on a number of existing medium density 2(e) and 2(d) sites within Roseville the Draft LEP does not provide appropriate zoning which would provide sufficient incentive for redevelopment.

# **Council response**

Council has provided incentives through Clause 19 of the Draft LEP, as well as the DCP provisions to encourage development to achieve the targeted residential yields.

Council has noted that most of the existing 2(e) and 2(d) medium density sites in close proximity to the core have been developed for residential flat building purposes. They are unlikely to redevelop in the foreseeable future due to the existing intensity of developments and the strata titling, hence there remains little or no development potential. Nevertheless the Draft LEP has proposed new appropriate zoning reflecting the existing predominant use and scale of development of these

#### Item 12

existing medium density sites so that they are in line with the new LEP template. Note that no or minimal increase of residential yields is anticipated within these sites.

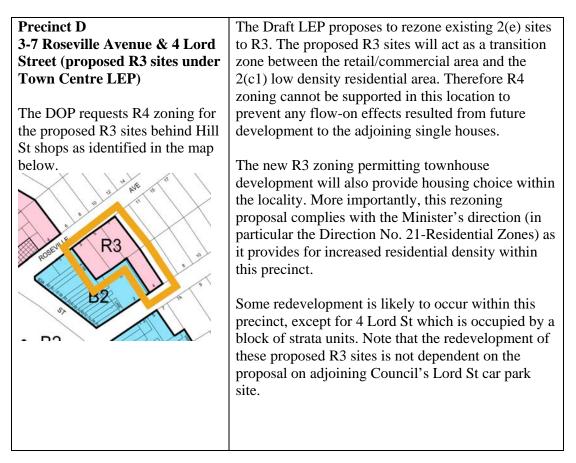
More importantly, it is considered that the Draft LEP complies with Direction No 21 – Residential Zones, as it provides for either maintained or increased residential densities in all zones. A yield table for Lindfield to demonstrate this has been submitted to the Director General as part of the Section 68 report and provide details on how increased dwelling yields in Roseville will contribute to Ku-ring-gai's housing provision under the Metropolitan Strategy.

# F-23 Roseville - zoning changes requested by DOP

DOP has requested zoning changes in 2 locations in Roseville (see table below for locations and Council's responses).

#### **Council response**

Council is not supportive of further up-zoning on any proposed R3 sites in Roseville, especially the ones identified as interface sites. The Draft LEP proposes a "transition" or "buffer" zoning of a medium density R3 zoning to allow for a gradual phasing in of high density development. The proposed new R3 zoning permitting townhouse development will also provide housing choice within the locality.



Precinct I	The Draft LEP proposes to rezone 161 Pacific	
161 Pacific Highway (proposed	Highway currently occupied by a car showroom to	
<b>B2 sites under Town Centre</b>	B5 in accordance with the Minister's directive. Also	
LEP)	noting that high residential amenity is unlikely to be	
	achieved in this busy intersection location.	
The DOP requests R4 zoning for		
the proposed B2 site at the	Panel's request to rezone 161 Pacific Highway	
intersection of Pacific Highway	currently zoned 3(b)-B2 to R4 is in contradiction	
and Clanville Road as identified	with the Section 117 Directions (particularly	
in the map below.	Direction No. 3). Note: Direction No 3 – Business	
	Zones includes the requirements that a Draft LEP	
	shall not:	
North Republic	(a) alter the location of existing zonings, or	
	(b) alter the area of existing zonings, or	
R4 R4	(c) create, remove or alter provisions applying to	
	land zoned for Business that will result in a	
R4 Manager BD	reduction of potential floor space area.	
R4		

Further detail for Roseville is provided at Attachment 9.

# PART G - TOWN CENTRE YIELDS

The Department is concerned that yield tables provided by Council in 2006 are dependent on all amalgamation patterns and all building footprints being achievable. In reality, this is unlikely and Council's estimates of anticipated dwellings are likely to be substantially inflated.

# Council response – town centre yields

Council has expended considerable resources and time to develop building envelopes for the key sites within the centres. These have been publicly exhibited and worked through with property owners, economic consultants, heritage consultants and developers and Council maintains that the envelopes are practical and workable. Council is concerned that any increase in FSR, to gain increased residential yield, will impact on the DCP envelopes and require considerable reworking and likely give rise to considerable flow on effects.

Amalgamations contained in the DCP are only preferred, not compulsory- this has been previously raised by DOP and was fully addressed by Council. The DCP specifically acknowledges that alternative amalgamation patterns can be implemented and that FSR potentials contained in the draft LEP are overriding standards. Nevertheless, there are basic amalgamations required to achieve economically viable development of the nature and scale proposed in the town centres, particularly within the B2 zones. Amalgamations are also necessary to achieve basement parking.

An alternative method of increasing residential yield while retaining the current envelopes would be to require smaller average dwelling sizes within the centres through DCP controls.

To date Council has used an average of 110sqm per dwelling to calculate the town centre yields. However it is quite reasonable to encourage smaller dwellings within mixed use buildings and there a number of planning reasons why smaller dwellings should be encouraged in the commercial centres:

- To attract a younger demographic;
- To provide a range of dwelling sizes including studio apartments which offer housing choice for different household types;
- To provide more affordable dwellings likely to attract younger first home buyers;
- To provide greater number of potential rental dwellings- to meet the demand for rental accommodation in the electorate of Bradfield which is suffering from a 41% rent stress (SMH, 25 July 2007).

Research was undertaken by Council to determine appropriate minimum dwelling sizes within mixed use zones within close proximity to a rail line or major bus route. The figures below are consistent with the Residential Flat Design code prepared by the Department of Planning and are also consistent with the suggestions for minimum apartment sizes to contribute to housing affordability (Residential Flat Design Code, pp 67-69).

Apartment Type	Minimum size sqm	Required mix
Studio	45	10-20% minimum
One bedroom	60	
Two bedroom	80	
Three bedroom	100	10-20% maximum

Using the above mix of units whereby predominantly 2 bedroom units are encouraged with an allowance for both studio and 1 bedroom apartments as well as 3 bed dwellings the average dwelling size would be around 95sqm (assuming 80% efficiency for a residential building) therefore the estimated overall yield for the centres could be increased by up to 15%. Applied to the yields provided to the Department the overall yield would increase from 3,973 to 4,569 an increase of 596 dwellings.

# Council response – LEP 194/200 yields

Council has recently undertaken a review of approved development applications under LEP 194 in order to determine whether the overall dwelling yield is consistent with Council's previous estimates.

To date Council has used 110sqm as the average apartment size to calculate the dwelling yield under LEP 194/200. Attachment 14 (Confidential) shows 50 approved developments under LEP 194 between 26 November 2004 and 28 July 2007. When the data is analysed the average dwelling size is about 115sqm. This sample includes 2,888 dwellings between 70sqm and 215sqm and is considered comprehensive.

If Council were to update the total yields for LEP 194/200 using this average there would be an overall decrease in yield of some 4%. Applied to the yields provided to the Department the overall yield would decrease from 10,077 to 9,677, a decrease of some 400 dwellings.

S04151 3 August 2007

#### Summary

Council can confirm then that the current potential dwelling yields issued to the Department are likely to be accurate with potential for plus or minus 10% in dwelling yield. This indicates that Council's figures, rather than being inflated as suggested by the Department, are reasonably accurate in terms of potential yield.

If Council is to accept the argument put forward by the Department that not all land zoned will be redeveloped the next step to determining whether adequate yield will be realised is to assume "take-up rates" for development. If we assume 90% take-up rate for LEP 194/200 sites over 30 years, which is reasonable given that over 30% has been approved in the first 2-3 years; and 50% take-up rate for the Town Centre LEP areas, which is the take-up rate used by the Growth Centres Commission for the planning of Parramatta, Wollongong and others; then a take up rate of 90% for LEP 194/200 would yield around 9,069 dwellings and a take-up rate of 50% for the centres would yield about 1986 dwellings. Together the realistic residential yield is 11,055. This figure is conservative and realistic and would exceed the target of 10,000 dwellings identified in the Metropolitan Strategy Sydney North Sub-regional Plan by more than 1,000 dwellings. It is noted that this figure does not include the potential for 10% more dwellings in B2 zones (assuming smaller apartment sizes). It is further noted that this figure does not include additional dwellings from SEPP 53, dual occupancy, Seniors Living SEPP, potential redevelopment of the UTS and the SAN Hospital sites and draft LEP 212 (Beechworth to Warragal). Nor do the figures include dwelling approvals under SEPP 53 or Seniors Living since 2004.

#### Recommendations

To address the Departments concern that the yield tables showing Council's estimates of anticipated dwellings, provided by Council in 2006, are likely to be substantially inflated it is recommended that Council:

- update estimates of yield for LEP 194 based on 115sqm average for residential 2(d3) and R4 zones;
- Modify town centre LEP yield tables using a 95sqm average apartment size for mixed use B2 zones;
- provide DCP controls to encourage a range of dwelling sizes within the mixed use (B2) zones and to provide for an appropriate proportion mix of dwelling sizes;
- modify the yield tables by applying take-up rates of 90% for residential zones and 50% for the mixed use zones to provide realistic yield estimates;
- Re-issue amended yield tables to the Department for approval.

# PART H - TOWN CENTRE ECONOMIC FEASIBILITY

DOP raise concern that a number of sites in St Ives and Turramurra are not economically viable to redevelop under the Town Centre LEP.

S04151 3 August 2007

### **Council response**

Council acknowledges that there are sites within St Ives and Turramurra that were found not to be feasible by Council's economic consultant. Most of these sites are the retail strip shops fronting Mona Vale Road, Pacific Highway and Rohini Street. Council's economic consultant has noted that Council's car parking requirements are the key contributing factor to the low feasibility.

Council's Car Parking DCP 43 requires parking rates of 1:26 for retail and commercial areas within 400 metres of a rail station and 1:17 for all other retail areas. In 2006 Council adopted revised parking rates for the draft Town Centre DCP for mixed use developments within 400 metres of the rail station where the minimum is 1 space per 33sqm of retail gross floor area and minimum 1 space per 45sqm of commercial/business space. While these new rates represent reductions of 20% and 40% respectively the feasibility studies show these rates require further reduction on some sites to ensure financial feasibility.

The Metropolitan Strategy prepared by the Department of Planning part D3.2.1 states in relation to car parking:

"The availability and cost of car parking has a significant impact on people's travel choices including where they go and the mode they use. Excess parking in locations with good public transport accessibility can undermine public transport use. Requirements for parking in areas close to good public transport can also place a cost burden on development that is not necessary".

The Government is in the process of developing a metropolitan-wide parking policy to set a framework to support the use of more sustainable transport modes to locations with good public transport access and support the Government's investment in public transport.

As this information is not yet available to Council it is necessary to undertake more detailed analysis of sites within the town centres to determine appropriate parking rates that will be consistent with the objectives of the Metropolitan Strategy.

It is recommended that Council review and makes amendments to the parking controls in the Town Centre DCP Part 5 for residential, retail and commercial uses in mixed use zones within 400m of a rail station including those sites noted by the Department in the attached tables. This work should be done in coordination with the Town Centre Parking Management Plan and with advice from an economic consultant to ensure economic viability and in view of current and future public transport infrastructure. The outcomes must be consistent with the objectives of the Metropolitan Strategy, that is, to ensure feasibility of redevelopment and improving the utilisation of public transport.

Further detail on economic viability is included in Confidential Attachment 10.

### PART I - HERITAGE

It is noted that seventeen additional heritage items have been added to the Town Centres LEP. As these items have the potential to affect development on adjoining land, Council is advised to

#### Ordinary Meeting of Council - 14 August 2007

#### Item 12

#### S04151 3 August 2007

ensure additional opportunities to compensate for these are provided within land adjacent to the town centres.

### **Council response**

In preparing the Draft LEP and DCP controls that affect the new heritage items within the centres Council took into consideration the impact on the feasibility for each site, and generally the potential impacts on the adjoining sites. Council's approach demonstrates the benefits of the urban design approach- through preparing a locality analysis with building envelopes that can be tested in both urban design terms and for economic feasibility, whilst permitting retention of heritage buildings in an appropriate setting. In the review of the town centre there are existing heritage items that have been removed from the plans, while in other cases the existing streetscape character has been identified and retained in the DCP via adaptive use provisions for the key character items with the centres, rather than a traditional heritage item listing.

For each site the potential of the heritage listing to affect the redevelopment of the site itself and the potential of adjoining sites has been assessed in **Attachment 13**. In the cases where there is a proposed B2 Mixed Use Zone there has been the opportunity for an appropriate level of mixed uses at the rear of the sites. In the case of 741 Pacific Highway, Gordon (former Post Office) the site is currently being developed with a commercial building at rear In other cases such as Hillview which is a larger site, the DCP controls will allow a reasonable level of development whist retaining an appropriate curtilage around the key buildings. Some items are located in groups and/or on isolated sites between the Highway and the Railway Line (e.g. 79-89 Pacific Highway, Roseville and I Livingstone Ave, Pymble).

For some sites the heritage item is an existing substantial commercial building and the development outcome will only have a limited effect on the development of adjoining lands, as the bulk and scale of the proposed development can be matched and further increased away from the proposed item. In addition, the potential loss of yield is also considered minimal when taking into account the hundreds of sites rezoned with the town centres LEP and therefore further compensation in other areas, adjacent to the town centres.

It is recommended that Council reinstates its position with supporting information that proposed heritage items within the Town Centres will have very limited or no effect on the development of adjoining lands.

### PART J – SUMMARY OF RECOMMENDATIONS

#### J-1 Authorisations

- 1. Council advise the Department of Planning that Clause 19 is consistent with the requirements of the Standard Instrument and previous advice provided by the Department.
- 2. Council advise the Department of Planning that the inclusion of rainwater tanks in the land use tables facilitates the provision of rainwater tanks rather than deterring them.
- 3. The properties 1335, 1337 and 1343 Pacific Highway, Turramurra be included in the B2 zone with a maximum retail / business FSR of 1:1 and a maximum site FSR of 2.3:1. The draft LEP be appropriately amended to accommodate this.

- 4. Council reaffirm to the Department of Planning that the departure from Direction 3 for the site 47-49 Rohini Street, Turramurra is justifiable.
- 5. Council re-emphasise the position that it considers the draft LEP to comply with Section 117 Directions No. 3 Business Zones and No. 21 Residential Zones.
- 6. Council reiterate its position in respect of expressed concerns by the Department at perceived down zoning provisions neutralising the opportunity for development.
- 7. Council advise the Department of Planning of its resolution of 19 June 2007 to delete land, indicated in the DCP for Gordon as potential future open space, from the DCP thus complying with the Department's request.
- 8. Council continue to monitor take up of development and yields to ensure Metropolitan Strategy dwelling targets are achieved and inform the Comprehensive LEP and any future reviews.
- 9. Council provide an appropriate zoning in its Comprehensive LEP for 702 Pacific Highway being the one site zoned 2(e) within 800 metres of Gordon Station not rezoned.
- 10. Council provide appropriate zonings in its Comprehensive LEP for those 2(d), 2(e) and 2(h) sites in St Ives not included in the draft LEP.
- 11. Council provide appropriate zonings in its Comprehensive LEP for 2(e) zones not included in the draft LEP.
- 12. Council provide appropriate zonings in its Comprehensive LEP for 2(d) zones not included in the draft LEP.
- 13. Council request the Department of Planning to review concerns expressed concerning down zoning in the light of information provided by Council as part of its Section 68 submission in December 2006.
- 14. Council requests the Department of Planning to review concerns expressed regarding the provision of residential development in Town Centres at the expense of existing business FSR in the light of information provided by Council as part of its Section 68 submission in December 2006.
- 15. Council inform the Department of Planning that there are no unresolved sites in the draft LEP other than Precinct C in Turramurra which was formally deferred under Section 68(5).
- 16. Council resolve to bring Turramurra Precinct I into the draft LEP as exhibited.
- 17. The Department of Planning be advised that 345 Pacific Highway, 1-7 Balfour Street, 376-406 Pacific Highway, 358-374 Pacific Highway, 302-356 Pacific Highway, 19 Drovers Way, 280-296 Pacific Highway, 2 Beaconsfield Parade, Lindfield are included in the draft LEP.

18. Council requests the Department of Planning to review concerns expressed regarding the facilitation of business development and inclusion of additional commercial space in the light of information provided by Council as part of its Section 68 submission in December 2006.

### J-2 LEP PROVISIONS

- 1. Consult with the Department of Planning on the desired format for proposed savings provisions to enable necessary changes.
- 2. Council include "home occupation (sex services)" as permissible with consent in B2, B4 and B5 zones.
- 3. Council include "vehicle showroom" as a permissible use with consent in the B2 zone.
- 4. Council ensure Exempt and Complying Development provisions is an agenda item for the next quarterly meeting with the Department of Planning.
- 5. Council request that the Department of Planning review concerns relating to conversion of business use land to residential in the light of information which has been provided by Council as part of its Section 68 submission in December 2006.
- 6. Delete reference to Category 1 (Environmental Corridor) in Exempt and Complying Development.
- 7. Council seek advice from the Department of Planning as to the process for furthering proposed Exempt and Complying amendments and ensure this to be on the agenda for the next meeting with the Department.
- 8. The LEP be amended in accordance with the Council's resolution of 19 December 2006 concerning Exempt and Complying provisions (as listed in the relevant comments in Attachment 2).
- 9. Council seek clarification of the extent to which Draft SEPP Infrastructure should be considered in the drafting of the provisions for Exempt and Complying Development.
- 10. Council request the Department to review the requirement to reference individual DCPs and policies in the LEP in the light of comments from Council.
- 11. Exempt Development reference for Awnings amend note to read "See also Complying Development for awnings up to 25 m2".
- 12. Amend to (d) in Decks and verandahs in Complying Development by adding: "....except where the area of land on which they are located has a slope of more than 15%, in which event the finished surface may not be not more than 800mm."

#### **Ordinary Meeting of Council - 14 August 2007**

#### Item 12

#### S04151 3 August 2007

- 13. Exempt Development note for Alterations to Dwellings has a reference note to "Alterations and additions to dwelling houses," which is to be deleted.
- 14. Delete the Exempt schedule note at the beginning of Paving referring to "Driveways in Complying Development".
- 15. Exempt Development provisions for Telecommunications- Satellite TV dishes be amended as follows:

Satellite TV dishes - ground mounted: Amend (a) to: (a) not more than one satellite dish is established per allotment or per multi- unit building, whichever is the greater.

Satellite TV dishes. roof mounted: Amend (e) to: (e) not more than one satellite dish is established per allotment or per multi-unit building, whichever is the greater.

Satellite dishes (other) - ground mounted
Amend (a) to:
(a) not more than one satellite dish is established per allotment or per multi-unit building, whichever is the greater.

Satellite dishes (other) -roof mounted Amend (e) to: (e) not more than one satellite dish is established per allotment or per multi-unit building, whichever is the greater.

Aerials/antennae Amend (f) to: (f) are not located within or beneath the canopy of an existing tree.

 Exempt Development provisions for: # Amusement Devices – 13. non automated Amend (c) to: (c) are structurally sound and adequately supported

Include a note at the end of the section, as follows: Note: Approval for the temporary structure may be required under the Local Government Act 1993, even where the development is exempt development.

# Awnings and pergolas, for Awnings add: (j) Have a minimum height of 2.4 metres above existing ground level.

# Boundary adjustments, to Clause 15 of the LEP add a local provision as follows:

(3) Notwithstanding clause 15(2), subdivision under this clause must meet the requirements for exempt development listed in Clauses 16 and 18 of this Plan and:

(a) is not undertaken on bushfire prone land;
(b) is not implemented for the purpose of leasing land;
(c) the size of any lot is not altered by more than 10%;
(d) no new property boundary is located within 0.9 metres of any building;
(e) the boundary adjustment is not within 3 metres of any tree to which Clause 34 of this LEP applies;
(f) there is no impact on the drainage or access rights for any of the subject allotments or any adjoining premises;
(g) a written notice and copy of the plan of subdivision is lodged with Council prior to lodgement with the Land Title Office;
(h) any notice of transfer is forwarded to Council with the appropriate transfer fee.

*Note: A Section 73 compliance certificate must be obtained from Sydney Water and submitted to Council with the plan of subdivision.* 

# Cubby houses, amend (c) to:
(c) have a maximum floor area of 5m2

# Decks, amend (i) to:

(i) if located on bushfire prone land, complies with relevant Australian Standards in relation to construction on such lands and are constructed of non-combustible materials other than aluminium.

# Sheds and greenhouses including shade structures, amend as follows: (h) if located on bushfire prone land, complies with relevant Australian Standards in relation to construction on such lands and

(i) are constructed of non-combustible materials other thanaluminium.

(ii) are located at least 10 metres from any tree;

(iii) are finished in a manner that ensures non-reflectivity; and

*(iv) if erected on residential premises, not more than 1 shed and/or greenhouse is erected per allotment.* 

# General:

Council request that the Department of Planning review its requirements to reference DCPs and policies in the LEP in the light of Council's comments. If this is not acceptable, banners and footpath dining be deleted from the provisions for exempt development.

# Power poles:

Relocate the provisions for Power Poles from exempt development to Complying development. Delete the following under Exempt Development: Electricity Poles – See "Power Poles".

S04151 3 August 2007

# Replacement of structures and materials:
Carport and garage replacement. Add the following provision:
(c) the new carport or garage is similar in terms of footprint, height and design to the structure it replaces.

# Stormwater drainage works (minor). Delete the following:

(b) the works are not to be undertaken within 7 metres of any tree subject to Clause 33 of this LEP.

<u>And replace with:</u> (b) the works are not undertaken within the canopy of any tree protected under clause 34 of this LEP.

### Complying Development provisions make changes as set out below:

# Amend all non-commercial complying development types by adding the following provision:

Where a BASIX certificate has previously been issued for the site, the Occupation Certificate has been issued for the development.

# For Swimming pools and spas, add a note to the end of these sections as follows: *Note: A BASIX certificate is required for pools over 40,000 litres.* 

# For BASIX and Riparian issues Council requests that the Department review its concerns in the light of the information provided by Council.

# For Decks and Verandahs, Sheds and Greenhouses, delete the requirement under "Location" for a 50 metres buffer to a Category 1 (Environmental Corridor).

# For Bush fire prone lands relating to Decks and verandahs, Pergolas, Sheds and greenhouses, Awnings and sail cloths, and Alterations and additions to commercial premises – external, delete the provision which relates to compliance with Australian Standards on bush fire prone land where applying. Insert instead a provision reading: *is not located on bush fire prone land*.

# For Decks and verandahs, Awnings and sail cloths, and Pergolas, <u>replace</u> the provision which states: has a maximum height of 2.7 metres above (existing) ground level

with: has a maximum height of 2.7 metres above finished floor level.

#### S04151 3 August 2007

# For Decks and verandahs, and Sheds and greenhouses, <u>delete all</u> of the provision which states:

not possible via a legal interallotment drainage easement, in which event the stormwater is drained to an on-site dispersal system designed, by a consulting hydraulic engineer, for the whole.....

# For Decks and verandahs, Awnings and sail cloths, and Pergolas amend the provision relating to the 6 metre setback to side and rear property boundaries to:

For residential sites is set back from all side and rear property boundaries by at least the following:

- (*i*) in R4 zones, 6 metres
- (ii) in R3 zones, 3 metres, except where dwellings primarily address the relevant boundary, where the structure is set back a minimum of 5 metres.

# for swimming pools and spas add a note to the end of these sections as follows: Note: A BASIX certificate is required for pools over 40,000 litres.

# Council requests that the Department of Planning include a note in the standard LEP template relating to BASIX for exempt and complying development.

# For Pools and spas, amend the provision relating to a 6 metre setback to side and rear property boundaries to:

For residential sites the outer edge of the nearest coping is setback from all side and rear boundaries by at least the following:

(i) in R4 zones, 6 metres

(ii) in R3 zones, 3 metres, except where the dwellings primarily address the relevant boundary, where the structure is set back a minimum of 5 metres.

# For Sheds and greenhouses insert under the "Location" criteria the following: Is set back from all side and rear property boundaries by the at least the following: in R4 zone, 6 metres;

R3 zones, 3 metres, except where the dwellings primarily address the relevant boundary, where the structure is set back a minimum of 5 metres.

# For Swimming pools and spas, amend the "Drainage" (s)(ii) criteria to read as follows:

(s)(ii) Not possible via a legal interallotment drainage easement, in which event the stormwater is drained to an on-site dispersal system designed by a consulting hydraulic engineer, for the whole site coverage area and the landscaping area is either: - at least 65% if the pre-development landscaped area is at least 65%, or- no less than the existing landscaped area if the pre-development landscaped area is less than 65%.

# For Alteration and additions to commercial premises – external, amend (e) to: *(e) does not result in additional seating capacity.* 

# For Awnings and sail cloths amend (a) by replacing 30m2 with: 25m2.

# Add the subtitle Part 1 above the Schedule 3 table. Delete the note preceding the table to Schedule 3. Include a Part 2 to Schedule 3 containing conditions of consent as per **Attachment 11**.

Delete the table heading in Part 1 Complying Development Conditions and replace with Complying Development Standards.

Add a note to Part 2 as follows:

Note: All Complying Development Certificates must be issued with a copy of all the relevant conditions for a particular development. Before work commences, the applicant is required to appoint a Principle Certifying Authority and give Council 2 days notice prior to commencement of work.

## J-3 DCP PROVISIONS

- 1. To dot point one, Section 4.3 Site Amalgamations for Lindfield and Roseville, add the following:
- 2. These are suggested amalgamations to facilitate orderly development. Alternative amalgamations can be considered if it can be demonstrated it meets the design objectives of the plan.
- 3. Add the following paragraph to Part 1.9 in the section on Part 4 after Paragraph 2:
  - a. Where an applicant wishes to vary a written design control or building envelope control to respond to the particular circumstances of their site, written justification in the Statement of Environmental Effects accompanying the development application must be provided. The written justification must demonstrate that the departure from the control/s still achieves the design objectives of the plan. An appropriately qualified and experienced design professional must prepare the written justification for the proposed variation to the control.
- 4. Delete "bio-linkages" and "bio-links" in Section S2.2.6 (St Ives) G2.2.5 (Gordon) P2.2.7 (Pymble) T2.2.7 (Turramurra) L2.2.8 (Lindfield) and R2.2.8 (Roseville).
- a. Replace with "indigenous canopy linkages".
- 5. Amend the title of Sections S2.2.6, P2.2.7, T2.2.7, L2.2.8 and R2.2.8 to "Landscaping and Biodiversity
- 6. Delete 3(i) in s6.2.1 regarding 50m buffers to Category 1 riparian corridors.
- 7. Add a note to Section 5.5.1 Deep Soil Landscaping as follows:

- 8. Note: Minimum deep soil provisions and requirements for minimum numbers of trees for tree replenishment apply only to residential zones.
- 9. Council advise the Department of Planning that the controls in relation to vehicle access in the side setback are designed to facilitate the provision of amenity and privacy and is consistent with development under LEP 194.
- 10. Council consider the adoption of amendments to the R3 controls in August 2007.
- 11. Council request the Department of Planning review their concerns in light of the amendments to the water management controls as adopted 8 May 2007 and the information provided by Council.
- 12. Council request the Department of Planning review their concerns in regard to recycling controls in light of the information provided by Council.
- 13. Amendments to Turramurra Precinct C plans to be considered by Council in August/ September 2007.
- 14. Delete numerical references and references to standards and rework and re-order other detailed strategies within the framework to ensure consistency with the broader focus of the framework.
- 15. Reword dot point 4 in Section 2.2.1 relating to the location of apartments and townhouses, to delete the reference to "one block from" and replace with "in close proximity to" Mona Vale Road or Link Road/Killeaton Street.
- 16. Council review Part 2 Strategy section to:
- 17. Delete the subtitle "Strategies" and replace with the following:a. The following provides a framework and context for the redevelopment of the centre. Specific development control are found in Parts 3to 9.
- 18. Amend the diagrams showing new access routes to ensure consistency with Part 4.
- 19. Delete numerical references and references to standards and rework other detailed strategies within the framework to ensure consistency with the broader focus of the framework.
- 20. Amend the Vision Statement for St Ives to delete the reference to "high forest" character, and replace with reference to large treed character.
- 21. Delete the reference to Street Tree Masterplan in Section S2.2.3 (St Ives). Substitute instead reference to the Public Domain Plan.
- 22. Amend the wording of the second objective in Section S2.2.6 Biodiversity (St Ives) by deleting the phrase "high forest character" and replace with "the treed character" of the area.

#### Ordinary Meeting of Council - 14 August 2007

#### Item 12

- 23. Include an additional strategy in Section S2.2.6 (St Ives) to provide for new street tree planting to all streets.
- 24. Council request further information from the Department of Planning to clarify the change being sought in regard to percentages of indigenous and exotic species in landscaping (s.2.2.6)
- 25. Delete the control re vertical canvas drop blinds in s.5.3.1.
- 26. Council request that the Department review its concerns regarding landscape and riparian requirements, given previous amendments, and given that these have been demonstrated to not compromise the achievement of target yields (Parts 4 and 6).
- 27. Council request that the Department review its concerns regarding building separation and top floor setbacks, given the proposed amendments to R3 controls, and given that these controls encourage good design while meeting the Minister's direction.
- 28. Council advise the Department of Planning that the controls in relation to facades, articulation and materials facilitate good design, without compromising the achievement of targets under the Metropolitan Strategy.
- 29. Council advise the Department of Planning that open space controls facilitate best practice design and amenity for future residents, without preventing the achievement of the targets under the Metropolitan Strategy.
- 30. Council advise the Department of Planning that site coverage controls for residential development under the DCP are consistent with LEP 194 and the Minister's Direction.
- 31. Council request that the Department review its concerns regarding orientation, glare control and shading given the previous amendments included in the adopted DCP and the information provided by Council.
- 32. Council request that the Department review its concerns regarding the list of main roads in the Appendix, the Community Activity Spaces in St Ives, setbacks to Stanley Lane and the requirement for basement parking for residential development, in light of the adopted plans and the information provided by council.
- 33. Council review and amend the parking controls for residential, retail (excluding supermarkets and the like) and commercial uses in mixed use zones within 400m of a railway station including those sites noted by the Department.
  - a. This work to be undertaken in consultation with an economic consultant and traffic and transport planner to ensure consistency with the objectives of the Metropolitan Strategy, to ensure feasibility of redevelopment and improve the utilisation of public transport. The controls are also to be consistent with the Metropolitan Parking Strategy if it is available in time.
- 34. Delete the note at s.5.14.4 that basement car parking more than one metre above ground will be considered as gross floor area.

- 35. Council advise the Department of Planning that the parking area off Porter's Lane is required to ensure parking is provided for patrons of the community facilities on the site and to off-set losses from on-street parking.
- 36. Council advise the Department of Planning that the provisions in relation to washing bays and larger visitor and service bays facilitate pollution control, and access for service vehicles and visitors with a disability.
- 37. To s. 5.14.5 add the following objective:
  a. Multi-storey car parking design that allows flexibility for changes over time.
  38. To s.5.12.3 add a note as follows:
  - a. All activities related to contaminated land must comply with the requirements of the Protection of Environment Operations Act and State Environmental Planning Policy 55- Remediation of Land.
- 39. Council provide the Department of Planning with a copy of Council's Contaminated Lands Policy.
- 40. Council advise the Department that controls which provide for adaptable housing should be retained to facilitate improved equity of access and housing choice for people with a disability.
- 41. In 8 in s10.2.4 <u>replace</u> the following:
  - a. proposed heritage conservation area of where the item is identified as a potential heritage item...
  - b. with:
  - c. draft heritage item under an Environmental Planning Instrument:...
- 42. Delete last dot point in 8 in s10.2.4 and delete 12 in s10.2.6 regarding separate listing on Council's website.

### J-4 GORDON TOWN CENTRE – SPECIFIC ISSUES

### 1. Retail off the Pacific Highway, Gordon

In relation to the Department's concerns regarding the viability of retail floor space in Precinct H (Moree Street and St Johns Avenue), Gordon under the Town Centre LEP Council maintains that because the retail area is supermarket-based it is not completely reliant on visibility from the highway.

It is recommended that Council formally approach the Department and requests the DOP review their concerns in light of the information provided by Council in this report

#### Ordinary Meeting of Council - 14 August 2007

Item 12

### J-5 ST IVES – SPECIFIC ISSUES

### 1. St Ives Shopping Village, St Ives

To address the issue noted by the Department that the redevelopment of the St Ives Shopping Village may not be viable due to a clause in the Town Centre DCP relating to above ground parking being included in FSR it is recommended that Council delete the relevant part of the clause R1 in Part 5.14.4 of the Town Centre DCP.

### 2. Eden Brae, St Ives

To address the Department's concerns that the "Eden Brae" site is unlikely to redevelop it is recommended that:

- Council retain the 131 dwellings from the St Ives yield tables; and
- apply a 50% take-up rate to the B2 sites within Town Centre LEP as these are the most difficult sites to redevelop.

### 3. Business uses in R4 zone, St Ives

In relation to the Department's concern that certain R4 residential sites have been rezoned to allow commercial uses on the ground floor and that this will not be viable Council maintains that these sites will be viable.

It is recommended that Council requests the DOP review their concerns in light of the information provided by Council.

## J-6 TOWN CENTRES – GENERAL ISSUES

### 1. Reduction in commercial floor space

In relation to the Department's concerns regarding loss of commercial floor space under the Town Centre LEP Council re-iterates that there will be no loss of commercial floor space.

It is recommended that Council formally approach the Department and requests the DOP review their concerns in light of the information provided by Council in this report.

### 2. Reduction in retail floor space

In relation to Department's concerns regarding loss of retail floor space under the Town Centre LEP Council maintains that there will be no loss of retail floor space, in fact Council has planned for substantial increases in retail space.

Council notes that the inclusion of a maximum retail FSR may be confusing and it is therefore recommended that:

#### S04151 3 August 2007

- the draft LEP FSR map be amended to provide a site FSR with a minimum retail FSR only and deletion of the maximum retail FSR;
- Certain sites are to excluded from this requirement, in particular, sites proposed for future supermarkets or other larger retail sites where a cap on retail is considered important to the overall vitality of the centre

### J-7 LINDFIELD

### 1. Recommended DCP changes

• Council to revise DCP controls for the northernmost site (321-329 Pacific Hwy & 1-5 Tryon Place) to achieve better urban form and residential amenity.

### 2. Other recommendations

- Council to review and reduce parking requirements for the following properties in consultation with economic consultant to achieve economic viability:
  - i. 1-21 Lindfield Avenue (heritage item) within Precinct A;
  - ii. 305-329 Pacific Highway and 1-5 Tryon Place (strip shop sites) within Precinct B;
  - iii. 302-356 Pacific Highway (strip shop sites) within Precinct C;
  - iv. 358-374 Pacific Highway (strip shop sites) within Precinct D.
- Council to continue the reclassification process the following Council lands to enable redevelopment:
  - i. 8-10 Tryon Road and 3 Kochia Lane (Council car park);
  - ii. 1 Beaconsfield Parade and 19 Drovers Way (Council car park).
- Council to investigate the financing and funding strategies for the following as part of the Section 94 strategy for the centre:
  - i. community component in the 12-18 Tryon Road development;
  - ii. underground car parking and new town square on Tryon Road car park site;
  - iii. community building and underground car parking on Woodford Lane car park site.
- Council to continue discussion with the owners of 12-18 Tryon Road.

### J-8 ROSEVILLE

### 1. Recommended LEP changes

• Council to consider the option to rezone proposed B5 site currently zoned 3(b)-(B2) (161 Pacific Hwy) to R4 as requested by the DOP. The potential contradiction with the Section 117 Directions is noted.

#### Ordinary Meeting of Council - 14 August 2007

#### Item 12

### 2. Other recommendations

- Council to review and reduce parking requirements for the following properties in consultation with economic consultant to achieve economic viability:
  - i. 64-116 Pacific Hwy (strip shop sites) within Precinct A;
  - ii. 69-89 Pacific Hwy within Precinct B;
  - iii. 5-35 Hill St and 1-5 Lord St (strip shop sites) within Precinct C;
  - iv. 37-63A Hill St and 1 Roseville Ave (strip shop sites) within Precinct D.
- Council to investigate the financing and funding strategies for the following as part of the Section 94 strategy for the centre:
  - i. new double-decked parking on Larkin Lane car park site;
  - ii. new village green and underground parking on Lord Street car park site.

### J-9 RESIDENTIAL YIELDS

- 1. To address the Departments concern that the yield tables showing Council's estimates of anticipated dwellings, provided by Council in 2006, are likely to be substantially inflated it is recommended that Council:
  - i. update estimates of yield for LEP 194 based on 115sqm average for residential 2(d3) and R4 zones
  - ii. Modify town centre LEP yield tables using a 95sqm average apartment size for mixed use B2 zones;
  - iii. provide DCP controls to encourage a range of dwelling sizes within the mixed use (B2) zones and to provide for an appropriate proportion mix of dwelling sizes;
  - iv. modify the yield tables by applying take-up rates of 90% for residential zones and 50% for the mixed use zones to provide realistic yield estimates;
  - v. Re-issue amended yield tables to the Department for approval.

### J-10 ECONOMIC FEASIBILITY

- 1. It is recommended that Council:
  - i. review and make amendments to the parking controls in the Town Centre DCP Part 5 for residential, retail and commercial uses in mixed use zones within 400m of a rail station including those sites noted by the Department in the attached tables.
  - ii. This work should be done in coordination with the Town Centre Parking Management Plan and with advice from an economic consultant to ensure economic viability and in view of current and future public transport infrastructure.
  - iii. The outcomes must be consistent with the objectives of the Metropolitan Strategy, that is, to ensure feasibility of redevelopment and improving the utilisation of public transport.

### J-11 HERITAGE

1. That Council reiterates its position with supporting documentation that the potential heritage items within the town centres have very limited or no effect on the development of adjoining lands.

# CONSULTATION

A copy of the letter from the NSW Department of Planning (dated 4 July, 2007) was placed on Council's website to advise the community that a response from the Department of Planning had been received.

On 17 July 2007 Council forwarded emails to some 4000 householders and other stakeholders, providing web-site access to the letter, and indicating that the Department had set out a number of issues for Council to work through. Council's email intimated it would be carefully reviewing the Department's letter and responding as quickly as possible to those issues.

A further email to the above householders and other stakeholders has been forwarded advising of this Report to Council. Notification of this report going to Council was also placed in Council's Corporate Advertisement on Friday 10 August 2007.

# FINANCIAL CONSIDERATIONS

Costs in preparing this report were covered by the Strategy Department Planning Budget.

# **CONSULTATION WITH OTHER COUNCIL DEPARTMENTS**

An integrated planning approach has been adopted in preparing and reviewing the town centre plans- all Departments where applicable have been consulted in the preparation of the Ku-ring-gai Town centres plans and the response raised in this report.

# SUMMARY

In December 2006 Council lodged the final Draft Ku-ring-gai Town Centres LEP and DCP with the NSW Department of Planning. Following requests by Council on any outstanding matters, the Department of Planning have now formally responded with their outstanding issues with the draft Town Centres LEP and DCP.

This report sets out a comprehensive response to the issues raised by the Department of Planning in their letter dated 4 July 2007. Council has prepared a succinct and up to date summary table on each issue and where it has been previously raised by the Department, Council's previous response, further comments and additional action if deemed necessary. It is also noted some matters remain outstanding and this report sets out the options for Council to respond to the Department.

S04151 3 August 2007

# RECOMMENDATION

That Council adopt the recommendations as contained within Section J of this report and outlined under the headings below for a response to the NSW Department of Planning on the issues raised with the Ku-ring-gai town centres Draft Local Environmental Plan and Development Control Plan:

- 1. Authorisations
- 2. LEP Provisions
- 3. DCP Provisions
- 4. Gordon Town Centre- Specific Issues
- 5. St Ives Centre- Specific Issues
- 6. Town Centres General Issues
- 7. Lindfield Centre- Specific Issues
- 8. Roseville Centre- Specific Issues
- 9. Residential yields
- 10. Economic feasibility
- 11. Heritage

Antony Fa	abbro	
Manager	Urban	Planning

Steven Head **Director Strategy** 

Attachments:	Attachment 1 - Delegations - table of issues and responses - 810602
	Attachment 2 - LEP provisions - table of issues and responses - 810604
	Attachment 3 - Schedule 1 zonings - table of issues and responses - 810614
	Attachment 4 - Gordon Centre - table of issues and responses - 810620
	Attachment 5 - St Ives Centre - table of issues and responses - 810624
	Attachment 6 - Turramurra Centre - table of issues and responses - 810636
	Attachment 7 - Pymble Centre - table of issues and responses - 810644
	Attachment 8 - Lindfield Centre - table of issues and responses - 810701
	Attachment 9 - Roseville Centre - table of issues and responses - 810653
	Attachment 10 - Town Centre Economic Feasibility (Confidential) - table
	of issues and responses
	Attachment 11 - Complying development conditions - 810671
	Attachment 12 - DCP provisions - table of issues and responses - 810681
	Attachment 13 - Heritage - Town Centres List - table of issues and
	responses - 802152
	Attachment 14 - LEP 194 approvals - Confidential
	Attachment 15 - Letter from DOP dated 4 July 2007 - 810706
	Attachment 16 - Attachment to DOP 4 July 2007 - Confidential

# ISSUES FROM AUTHORISATIONS AND DELEGATIONS

# SUMMARY OF KEY ISSUES AND RESPONSES

1. The DoP expresses concern that Principle Standards in the dLEP are to be confined to height and FSR. All other controls are stated as not conforming to the Standard Instrument.

Contrary to the statement from the Department the Standard Instrument allows minimum lot size as a development standard. Council advises the dLEP satisfies the Minister's Section 55 Direction as it contains development standards consistent with LEP194 and responds to previous Department advice and provides incentives to achieve the targeted yields.

2. The DoP states that relevant uses from previous instruments should be transferred to the dLEP and that uses permitted in existing commercial zones are to continue to be permissible in the B2 zone. In this regard "passenger transport facility", "sex services premises", home occupation (sex services), club and motor showrooms are identified.

Notwithstanding the Department's comments, the uses of "passenger transport facility', "sex services premises" and "registered clubs" have been provided for. The motor showroom provision was an omission which is to be included, as is "home occupation (sex services)" in B2, B4 and B5 zones.

3. The Department expresses that sites currently zoned under a business zone in the KPSO must be transferred to the B2 zone.

Properties identified are 1335 and 1337 Pacific Highway, Turramurra. Council included justification for this in its Section 68 submission. This submission has not been acknowledged. Council however proposes the inclusion of these in the B2 zone.

Further properties identified were 47-49 Rohini Street, Turramurra. These properties are already developed as 8 strata units. Council is to reaffirm to the Department that departure from Direction 3 is justifiable on this site.

#### The Department states the requirement for the dLEP to be consistent with Section 117 4. Directions.

This is a repeat of matters previously raised. Reference is made to items 2 and 3 above as well as item 7 (FSR's). Council is to re-emphasise that it considers the dLEP complies with Section 117 given the justifications provided with Section 68 submission.

The Department further expressed concern at St Johns Avenue / Bushlands Avenue, Gordon locality being identified for potential future rezoning for open space. Council resolved on 19 June 2007 to delete / remove the site from the strategy diagram in the DCP, thus complying with the Department's request.

5. The Department expresses concerns that yield figures for R4 and B2 zones are unlikely to be met unless standards are relaxed and Council hasn't demonstrated that yields provided by the R4 zone will deliver dwellings sufficient to meet Council's Metropolitan Strategy targets

Council has discussed and provided yields to the Department throughout 2006. These have been based on the potential for sites to amalgamate. Sites which cannot amalgamate have been given lower yields. Sites unlikely to develop prior to 2031 are not included in yield figures. A yield potential of 14,050 has been identified, which includes RDS stage 1 (LEP 194/200) and the town centres LEP. It is noted that under the Metropolitan Strategy 10,000 additional dwellings are proposed for the LGA by 2031. Council has currently approved 3,000 dwellings towards the target. Dwellings outside the Town Centres and LEP194/200, including Seniors Living and SEPP53 will contribute towards the dwelling target. It is proposed that Council continue to monitor development take up to ensure Metropolitan Strategy targets are achieved and to inform the Comprehensive LEP and any future reviews.

# 6. The Department expresses concern at existing old medium density sites in the proximity of town centres which have not been included for rezoning in the dLEP.

These sites are few in number and are currently developed as existing nursing home, strata units or townhouses and not considered likely to de redeveloped to contribute dwelling yields towards Metropolitan Strategy targets. The conditional Section 65 certificates issued by the Director General for the St Ives and Turramurra did not require these sites to be exhibited in the dLEP. Council is to consider the appropriate rezonings for these sites as part of its Comprehensive LEP.

# 7. The Department raises the issue that there are sites which have been down zoned within the dLEP and that no down zoning is to occur. Particular reference is made to Gordon.

This issue has been addressed in the Section 68 report for each Centre where justification for any Section 117 Direction inconsistencies has been provided. There has been no comment by the Department responding to Section 68 report submissions. In the case of Gordon, FSR's have been increased on all sites. The retail component of business uses has been capped at 1:1 (in existing 3(a) – (A1) zones) to ensure consistency with Council's adopted retail strategy and Gordon's role as Town Centre under the Metropolitan Strategy. The Department's review of their concerns in the light of the information provided by Council as part of its section 68 submission is requested.

#### 8. The Department expresses concern at the residential component of land in Gordon being provided at the expense of existing business FSR and concern at the additional commercial provisions for Gordon being met without additional FSR provision

This is a flow on from above. All sites have had their maximum business FSR's increased. It is acknowledged that the maximum retail FSR is capped below existing 2:1 and this might be made up by residential development. This is however in the context of the role of Gordon as a Town Centre under the Metropolitan Strategy as already stated. The Department's review of their concerns in light of the information provided by Council as part of its section 68 submission is requested.

9. The Department states that sites designated for further investigation be resolved and nominated with a specific zoning and not down zoned.

There appears to be some misunderstanding on the part of the Department. There are no unresolved sites in the dLEP other than Precinct C in Turramurra which was formally deferred under Section 68(5).

No.22 St Johns Avenue, Gordon and 3-7A Bushlands were never included in the dLEP.

Sites in Turramurra (Precinct I) were the only sites removed following exhibition. These sites are currently zoned 2(d3) or 2(c) are not subject to the Minister's direction. Council should consider bringing Precinct I into the dLEP as exhibited.

- Properties referred to in Station Street, Livingstone Avenue, Bloomsbury Avenue and Highfield Road, Nelson Road and Russell Lane are 2(c2) or 2(b) and not subject to the Minister's direction.
- All other identified sites are included in the dLEP.

# ISSUES FROM AUTHORISATIONS AND DELEGATIONS

Compliance with the conditions of the Director-General's s65 Certificates for St Ives and Turramurra and the Authorisations for the other four centres.

Issue raised in letter by Department July 07 Authorisations and delegations	Previously advised by the Dept	Our previous response	Comment	Proposed future action by Council
<ul> <li>A. The Principal Standards in the dLEP are to be confined to height and FSR with any others in the DCP (St Ives, Turramurra conditional Certificates) This has not happened.</li> <li>Cl. 19. Council added frontage figures which were then revised to: 18m for dual occupancies and 23m for residential flat buildings and multi dwelling housing. Council has also added three new subclauses:</li> <li>19[4] which sets a minimum area of at least 1,200m<sup>2</sup> for multi dwelling housing and residential flat building;</li> <li>19[6] which ties site area to minimum street frontages (1,800 m<sup>2</sup> or more for a minimum street frontage of 30m; 1,200 to 1,800 m<sup>2</sup> needs to have a minimum street frontage of 23m) for multi dwelling housing and residential flat building; and</li> <li>19[8] which states that multi dwelling housing and residential flat building may still be carried out on a site area of less than 1,200 m<sup>2</sup> or a frontage of less than 23m if the proposal complies with all other requirements. The plan is in effect more constrained than that advertised, as Council has provided a separate "Lot Size Map" with a minimum lot size over all R3 and R4 land of 1200 m<sup>2</sup>.</li> <li>A minimum street frontage has also been inserted. If this is used, then internal blocks could not be redeveloped. It also provides a further level of control in the dLEP not in keeping with the standards listed.</li> <li>This approach does not conform to the Standard Instrument which requires that all controls other than height and FSR should be placed in the DCP.</li> </ul>	Correspondence from the Dept on 6 July 2006 advised the following: (h) R4 developments are likely to be constrained through the minimum lot size of 1,800 sqm. The minimum lot size in LEP 194 is 1,200 sqm. Summary Requirement: Council is to provide minimum lot sizes no greater than those provided in LEP 194 (c1 25E(1)), the s55 direction and other advice to Council. The proposed increases in the standards from LEP 194 to the Town Centres LEP are not supported and are contrary to the s55 direction and other advice to Council. Summary Requirement: Council is to provide minimum street frontages no greater than those provided in LEP 194.	Addressed by Council in planning report (8 Nov 06) attached to Section 68 Report as follows: <u>Council Response:</u> To ensure compliance with Departmental requirements it is proposed that all applicable subdivision provisions of LEP 194 be included within the town centre LEP. The applicable provisions of clauses 25E (1), 25H(4), 25I(3), 25I (4) and 25I(5) would need to be included as local provisions under clause 19 of the LEP. This would also involve reducing the minimum lot size standard in the R4 zone from 1,800sqm to 1,200sqm.	Contrary to the statement from the Department, the Standard Instrument does allow minimum lot size as a development standard (Cl 19) along with FSR and Height. At the workshop run by the Department of Planning for all Councils on 16 May 2007, the Department provided examples of the format for local provisions such as combined minimum lot size/development type. The local provisions in the DLEP are consistent with this format and the advice received at the workshop. Clause 19 in the dLEP satisfies the Minister's s55 Direction as it contains development standards consistent with LEP 194 and responds to previous advice from the Department. Without these provisions, and provisions in the DCP to encourage amalgamations, development of small lots may be more common, rather than the exception. Due to practical considerations, such as the ability to provide adequate basement carparking, developments on such sites will not be able to achieve yields or good urban design outcomes commensurate with development on amalgamated sites. The subdivision standards only provide to residentially zoned land and provide for economically feasible methods of achieving the residential targets set under the Metropolitan Strategy. They give clear incentives to develop amalgamated sites to increase the overall yields surrounding the centres.	Council advise the Department that clause 19 is consistent with the requirements of the Standard Instrument and previous advice provided by the Department.

	aised in letter by Department July 07 isations and delegations	Previously advised by the Dept	Our previous response	Comment	Proposed future action by Council
				All subdivision clauses were included in the exhibited dLEP other than 19(8), which was included following exhibition. Rather than being more restrictive, cl19(8) is an enabling clause which will enable development to occur on undersized lots.	
na di	<i>The relevant uses from previous instruments that will ot lead to down-zoning are to be transferred to the LEP (St Ives s 65 conditional certificate, Gordon, indfield conditional Authorisations)</i>				
co	ainwater tanks should not require development onsent where this is likely to be contrary to BASIX equirements.			Rainwater tanks are listed as exempt development where they comply with SEPP 4. Where compliance with BASIX is required as part of a development application, the rainwater tank would be considered as part of the application. The inclusion of rainwater tanks in the land use table enables the instillation of larger tanks (i.e. tanks over 10,000 litres) that would otherwise be prohibited if they did not comply with the exempt development provisions.	Council advise the department that the inclusion of rainwater tanks in the land use tables facilitate the provision of rainwater tanks rather than deter them.
lv zc (ir pa oc	hose uses that would be permissible in the current St res business zone, but not currently available in the oning uses include: passenger transport facility intended for bus stations but the definition includes arking stations); sex services premises, home ccupation (sex services) (in KPSO as brothels); clubs, and motor showrooms. This needs to be addressed.			<ul> <li>'Passenger transport facilities' and 'Registered clubs' are permissible in the B2, B4 and B5 zones under the dLEP (they are mandatory uses under the standard instrument).</li> <li>'Sex services premises, home occupation (sex services)' have not been included as uses in the B2 zone as they are not compatible uses with the residential uses that are mandatory in the B2 zone. This potential conflict does not exist in the current 3(a) zone as it does not facilitate residential uses.</li> <li>'Sex services premises, are to be permitted in the B4 and B5 zones where the objectives of the zone have a greater emphasis on uses other than residential.</li> </ul>	That Council consider the inclusion of 'home occupation (sex services)' as permissible use with consent in the B2, B4 and B5 zones and 'motor showrooms' be included as a permissible use in the B2 zone.

	ue raised in letter by Department July 07 horisations and delegations	Previously advised by the Dept	Our previous response	Comment
				Also existing legally appro operating sex services pro currently in the 3(a) zone existing use rights. 'Home occupation (sex se been included as a permis zone. Given the home occ of the definition the impac would be significantly less services premises' and m appropriate in the B2, B4 The omission of motor sh noted and should be inclu
С.	<i>Existing permitted uses in current commercial zones are to be made permissible in the B2 zone (St Ives s.65 conditional Certificate)</i>			
•	Council needs to provide for the uses in the business zones that were available under the KPSO e.g. including brothels, clubs, motor showrooms in the B2 zone from Business zone 3(a)-(A2).			A review of all uses has b This issue was raised in p Refer to comments above
D.	Sites currently zoned under a business zone in the KPS0 must be transferred to the B2 Local Centre zone in the draft Plan (Turramurra s.65 conditional Certificate). Nos 1335 and 1337 Pacific Highway, Turramurra are zoned for business uses in the KPS0. They have been zoned R4 in the dLEP contrary to the authorisation. This matter has been raised with Council as there is concern because the sites are currently active for business uses and close to the Town Centre. Council proposes to rezone the sites to residential R4 and provided for additional (business uses on the ground floor. The concept of making the whole block R4 reduces opportunities for business development to expand close to the train station.		<ul> <li>The planning report submitted to the Department as part of Council's section 68 submission on the Turramurra dLEP included justification of the dLEP against Direction 3. – Business zones. That included the following comments in relation to 1335 and 1337 Pacific Highway:</li> <li><i>i)</i> Properties at 1335, 1337 and 1343 Pacific Highway:</li> <li><i>These sites are currently zoned Business 3(a) and are proposed to be zoned to R4.</i></li> <li>Schedule 1 of the DLEP identifies the existing non residential uses on these sites as continuing to be permissible on these sites in the</li> </ul>	The Department have faile acknowledge the content presented in the planning submitted by Council under The dLEP, although chang site, retains the existing re- business potential of the si- by Section117 Direction 3. site is not required to mee- business yield targets for under the Retail centres si- proposed zoning and FSR site in the dLEP actually p flexibility for the owner on may be developed in the fe- diminishing any of the exist If these sites were include zone with a maximum retained

	Proposed future action by Council
roved and remises e will retain their	
services)' has not hissible use in any coupation nature act of this use ss than a 'sex may be 4 and B5 zones.	
how rooms is luded.	
been undertaken	
point B above. /e.	
iled to at or justification og reports der Section 68. Inging zone for the retail and e site as required 3. However, this eet the retail or or the centre is strategy. The R regime for the provides greater on how the site future without xisting potential.	That Council consider including the properties at 1335, 1337 and 1343 Pacific Highway in the B2 zone with a maximum retail/business FSR of 1:1 and maximum site of 2.3:1.
ded in the B2 etail/business	

	ue raised in letter by Department July 07 horisations and delegations	Previously advised by the Dept	Our previous response	Comment	Proposed future action by Council
			<i>future. To ensure compliance with</i> <i>the existing zoning capacity</i> <i>requirements under the Direction,</i> <i>it is proposed to retain a maximum</i> <i>FSR of 1:1 on these sites for the</i> <i>additional permitted non</i> <i>residential uses under schedule 1.</i>	FSR of 1:1 there would effectively be no change to the expected outcome to the dLEP in terms of delivery of retail and business floor space on the site, how ever it would limit potential residential yield achievable unless the 1.3:1 residential; FSR was on top of the 1:1 retail /business FSR.	
•	Nos 47-49 Rohini St have also been moved from business 3(a)-(A2) to R4. The reasoning behind this is unclear.			This property was developed as 8 units and strata subdivided in 1995. There are currently no retail or commercial uses on the site and would be unlikely to redevelop for such purposes. The R4 zone reflects the current and future long term use of this site.	That Council reaffirm to the Department that the departure from Direction 3 on this site is justifiable.
E.	<i>The dLEP being consistent with any relevant Ministerial Direction issued pursuant to s. 117 of the EP&amp;A Act (Turramurra s.65 conditional Certificate)</i>				
	Directions No. 3 – Business Zones and No. 21 – Residential Zone do not appear to have been addressed adequately.		The planning report submitted to the Department as part of Council's section 68 submission on the Turramurra dLEP included	This is a repeat of the issue raised in point D above. The Department have failed to acknowledge the content or justification presented in the planning	That Council re- emphasise the position that they consider the dLEP
	The transfer of uses from the KPSO to the Town Centres LEP needs to be addressed and has been raised with Council on several occasions (Items B and C above). Direction No. 3 is also applicable to item D above as business growth is likely to be compromised at 1335 and 1337 Pacific Highway, Turramurra. Reduced FSRs (Item J) are also inconsistent with the Direction.		<ul> <li>justification of the dLEP against Direction 3. – Business zones. That included the following comments.</li> <li><i>"In relation to requirements a] and</i> b) (of the Direction), the Draft LEP does propose the rezoning of 3 small areas of land currently zoned Business 3(a) to a non business zone. However, this departure from the Direction is considered justifiable for the following reasons:</li> <li><i>ii)</i> Properties at 1335, 1337 and 1343 Pacific Highway:</li> <li>These sites are currently zoned</li> </ul>	reports submitted by Council under Section 68. Council has ensured that all existing business sites included in Council's final adopted DLEP retain their existing business FSR potential. The small number of business sites which are to be rezoned to R4 retain these uses and business FSR potential through schedule 1. Of note is the fact that The Department have actually recommended that a current business site in Roseville be included in the R4 zone with no retention of Business FSR potential on the site.	complies with S117 Directions No. 3 – Business Zones and No. 21 – Residential Zone.

Issue raised in letter by Department July 07 Authorisations and delegations	Previously advised by the Dept	Our previous response	Comment	Proposed future action by Council
		Business 3(a) and are proposed to be zoned to R4.Schedule 1 of the DLEP identifies the existing non residential uses on these sites as continuing to be permissible on these sites in the future. To ensure compliance with the existing zoning capacity 	Comment The site at 1335 and 1337 Pacific Highway, Turramurra retains the existing retail and business FSR potential required by Direction 3. The proposed zoning and FSR regime for the site in the dLEP actually provides greater flexibility for the owner on how the site may be developed in the future without diminishing any of the site's existing development potential. The only existing residential sites to be down zoned under the dLEP are at 2a and 4 Park Avenue Gordon, which are proposed to be zoned from 2(d3) to RE1. These sites are owned by Council and classified as community land under the LG Act. They are used for community facilities and a pre school. Council's long term view for this site is to relocate some of the community facilities from the site and cover it to open space. This zoning proposal has the potential for the loss of 52 dwellings from 2a and 4 Park Avenue. However, this has been offset by the inclusion of sites in Gordon Precinct L (Mt William & Pearson Streets) in the dLEP. These sites are currently zoned 2(c2) and their inclusion in the R4 zone will result in a net dwelling yield of 91 dwellings. As there will be a net dwelling increase of 40 dwellings across these two precincts, any inconsistency the dLEP may present against s117 Direction 21 is considered justifiable.	-
		existing 1:1 requirement on the site. It is acknowledged that the maximum retail FSR capped at below the existing 1:1 potential. The reasons for the capping of retail in these sites include: ensuring the overall future retail	There are no other existing residential sites to be included in the dLEP which have had their residential FSR potential decreased. If The Department are aware of any such sites, they should bring them to the attention of Council.	

Issue raised in letter by Department July 07 Authorisations and delegations	Previously advised by the Dept	Our previous response	Comment
		provision in Turramurra is consistent with Council's adopted retail strategy (which allows for an overall increase of net increase of approx. 8,000 sqm or 70% over existing retail provision) and to manage traffic and parking issues, 	
<ul> <li>In relation to residential zones, there are a number of sites in each of the centres that are unlikely to provide any return in the foreseeable future and on which the combined effect of the level of development existing on the site and proposed changes would effectively downzone or neutralise any opportunity for development. The effects are through the standards and DCP provisions proposed for the site, particularly FSR, amalgamation patterns and footprint (dependent on the amalgamation patterns for their realisation), and the limitations through rezoning (loss of existing uses, change of type of zone). These effects are contrary to the s117 Direction.</li> </ul>		The planning report submitted to the department as part of Council's section 68 submission on the dLEP included discussion on Direction 21 – Residential zones. The response was as follows.It is considered that the Draft LEP complies with Direction No 21 - Residential Zones, as it provides for either maintained or increased residential densities in all zones. A revised yield table for(the relevant centre) a to demonstrate this will be submitted to the Director General as part of the Section 68 report and provide	The Ministers Section 55 D <i>"Objective :To include prov</i> <i>allow for the redevelopme</i> <i>multi unit housing consiste</i> <i>development standards co</i> <i>194"</i> The draft town centres LEI existing 2(d3) Residential s under LEP 194 into "R4" R Density zone under the new Instrument LEP. The heig other development standa R4 zone are exactly the sat – and consistent with the N direction. Development co apply to the R4 zone are no

	Proposed future action by Council
n 55 Direction states; <i>e provisions which</i> <i>copment of land for</i> <i>onsistent with the</i> <i>rds contained in LEP</i>	That Council reiterate its position on this matter back to the Department.
es LEP translates the ntial sites zoned R4" Residential High he new Standard e heights, FSRs and tandards used in the he same as LEP 194 of the Minister's ent controls that are no more (and in	

Issue raised in letter by Department July 07 Authorisations and delegations	Previously advised by the Dept	Our previous response	Comment	Proposed future action by Council
		details on how increased dwelling yields in Turramurra will contribute to Ku-ring-gai's housing provision under the Metropolitan Strategy.	some cases less) onerous that those currently applying under DCP 55. Some development standards under LEP 194 will be DCP controls in the R4 zone – e.g. building footprint, deep soil areas, providing greater flexibility in their application.	
			Amalgamations contained in the DCP are only preferred, not compulsory- this has been previously raised by the Department and was fully addressed by Council. The DCP specifically acknowledges that alternative amalgamation patterns can be implemented and that FSR potentials contained in the dLEP are overriding standards.	
			The Department has not brought to Council's attention any specific site which will have more onerous development standards than those currently applying under LEP 194. Therefore there is no justified case to increase the FSRs in the R4/2(d3) zone as these are clearly viable, as demonstrated by the large number of developments approved and under construction in Ku-ring-gai within the LEP 194 areas. There is currently \$1.7 billion of approved development activity underway in Ku-ring-gai (source: Local Development Performance Monitoring Report 2005-06.	
			Areas currently zoned 2(d), 2(e), 2(f) or 2(h) have been included in new residential zones as required by the direction. Where these sites have been already developed and/or strata subdivided, they have not been included in yield table submitted by Council or consider for contribution towards Metropolitan Strategy dwelling targets.	

Issue raised in letter by Department July 07 Authorisations and delegations	Previously advised by the Dept	Our previous response	Comment	Proposed future action by Council
In relation to Direction No. 26, Council's resolution to consider land in St John's Ave and Bushlands Ave, Turramurra for rezoning to open space is likely to cause difficulties for the landowners whose land has been named for future consideration without resolution. As it is unlikely Council would purchase these lands, a clear refutation of the proposal for consideration should be made.	The DoP wrote to Council on 8 February expressing their concerns over this site.		Council did not consider rezoning land within Bushlands and St Johns Ave Gordon for open space in the dLEP. It was merely include as potential future open space in a strategy diagram in part 2 of the DCP. Therefore there is no inconsistency with Direction 26. Council has since resolved (on 19 June 2007) to remove the site from the strategy diagram in the DCP. Council has complied with the Departments request in the letter dated 8 February 2007.	Council advise the Department of their resolution in relation to this matter and that Council has complied with the departments request of 8 February 2007.
<ul> <li>F. Demonstrate that capacity provided by the R4 and B2 zones will deliver additional dwellings and commercial yields sufficient to meet Council's Metropolitan Strategy targets (accompanying letter)</li> <li>Yield tables for residential development were provided for all six centres. However, these yield tables were based on the premise that all amalgamations could be achieved and that FSRs in every case were not limited by other standards and provisions. This is unlikely to occur. Therefore, it is considered that the yield figures are unlikely to be met unless standards/ provisions are relaxed.</li> </ul>	The following matter was raised by the department of planning on 16 November 2006. <i>1. Relevance of matters in</i> <i>Attachment 1 for the St</i> <i>Ives &amp; Turramurra</i> <i>Centres</i> <i>These matters are relevant</i> <i>for the Gordon and Pymble</i> <i>and the other centres and</i> <i>need to be addressed</i> <i>accordingly; in particular,</i> <i>yield, downzoning and</i> <i>ensuring controls are</i> <i>consistent with the Standard</i> <i>Instrument and do not</i> <i>unnecessarily hinder</i> <i>development.</i> <i>Summary Requirement:</i> <i>Council is to ensure the</i> <i>matters identified in the</i> <i>Responses on draft Ku-ring-</i> <i>gai Local Environmental Plan</i> <i>– St Ives and Turramurra are</i> <i>addressed in the other</i> <i>centres.</i>	Council's response to these issues were as follows: <i>The matters raised in your</i> <i>previous correspondence on the</i> <i>Draft Ku-ring-gai Local</i> <i>Environmental Plan – St Ives and</i> <i>Turramurra are being addressed</i> <i>in the remaining centres. The</i> <i>proposed centre Gordon and</i> <i>Pymble plans zones and</i> <i>subsequent yields are consistent</i> <i>with the Section 55 Direction,</i> <i>Section 54(4) notification and Ku-</i> <i>ring-gai's contribution to the</i> <i>metropolitan strategy and the</i> <i>Sydney North Sub-regional plan</i> <i>(10,000 dwellings over the life of</i> <i>the plan). The plans provide for an</i> <i>appropriate level of development</i> <i>over the life of the plan and do not</i> <i>hinder development. Independent</i> <i>economic feasibility testing has</i> <i>been conducted by Sphere</i> <i>Property Corporation. In addition</i> <i>the plans have been drafted to be</i> <i>consistent with the Standard</i> <i>Instrument. No down zoning is</i> <i>occurring under the</i>	The approach to yields has been discussed and provided to the Department throughout 2006. As requested by the Department, Council has submitted yield tables which show the maximum potential residential yield for every site included in the dLEP. Also provided is a comparison of existing compared to potential future retail and commercial floor space for each centre under full development. Estimates of residential yields have been based on the potential for sites to amalgamate to achieve maximum residential FSR, i.e. residential sites which cannot amalgamate to over 2400sqm have lower yields. Not included in the yields are sites that are unlikely to develop prior to 2031, for example strata units or strata commercial buildings or sites recently developed. The yield tables submitted to the Department show an overall dwelling yield of 14,050, including LEP 194/200 and the town centres. Council acknowledge that under the	Council continue to monitor take up of development and yields to ensure Metro Strategy dwelling targets are achieved and inform the Comprehensive LEP and any future reviews.

Gordon/Pymble plans.Metropolitan Strategy they are to achieve 10,000 additional dwellings for the LGA by 2031. This target is to be achieved also by dwelling growth outside the town centres LEP and LEP 194/200. This will include dwellings developed outside the centres under SEPP Seniors Living and SEPP 53.Ses Economics for the Gordon Centre. The amounts of reatil and commercial floor space and the location of development has been consistent with the following planning principles for Gordon.The development of Council's Comprehensive LEP will be the ultimate vehicle through which Metro strategy dwelling yields will need to be delivered. Given the 25 year timeframe of the Metro	Issue raised in letter by Department July 07 Authorisations and delegations	Previously advised by the Dept	Our previous response	Comment	Proposed future action by Council
capitalizommerical precinctstrategy, there will need to be ongoing assessment and review of the assessment and review of the assessment and review of the assessment of the dwelling targets throughout the period.• Concentration of core retail uses around the station and 			<ul> <li>The retail planning for Ku-ring-gai is based on the Hill PDA 2005 Ku-ring-gai retail Strategy and the subsequent independent review by SGS Economics for the Gordon Centre. The amounts of retail and commercial floor space and the location of development has been consistent with the following planning principles for Gordon.</li> <li>Place based planning capitalising on the existing retail/commercial precinct and providing shop top housing.</li> <li>Concentration of core retail uses around the station and within a 600 metre focus of the Gordon station.</li> <li>Overview of redundant zones and allocation of new land zones and uses and accompanying development standards consistent with the Standard Instrument.</li> <li>Zoning and planning for land at the fringe of the Gordon Centre for peripheral non core retail and commercial activities that support the centres role and do not detract for the viability of the</li> </ul>	<ul> <li>10,000 additional dwellings for the LGA by 2031. This target is to be achieved also by dwelling growth outside the town centres LEP and LEP 194/200. This will include dwellings developed outside the centres under SEPP Seniors Living and SEPP 53.</li> <li>The development of Council's Comprehensive LEP will be the ultimate vehicle through which Metro strategy dwelling yields will need to be delivered. Given the 25 year timeframe of the Metro strategy, there will need to be ongoing assessment and review of the achievement of the dwelling targets throughout the period.</li> <li>Council is currently undertaking work as part of the development of its section 94 Plans to identify likely take up rates of development of land rezoned by the Town Centre LEP and the potential impact of demographic changes on the nature of dwelling delivery. This will include the establishment of a development of yields. If the Department have a position on achievable take up rates that would aid Council's forecasting, than Council would welcome that advice.</li> <li>All building envelopes contained in the development of sites are achievable. It is also noted that to date under LEP 194 Council has approved approximately 3000</li> </ul>	

Issue raised in letter by Department July 07 Authorisations and delegations		Previously advised by the Dept	Our previous response	Comment	Proposed future action by Council
G.	There are sites within 800m radius of Gordon centre which are zoned either residential 2(d), 2(e), 2(f) or 2(g) that have not been rezoned in the dLEP as per the Minister's directions. These sites are to be included in the dLEP and zoned appropriately (Gordon, Pymble, Lindfield, Roseville conditional Authorisations).			The Minister's Direction required Council to consider the 2(h) zone – not the 2(g) zone.	
•	There are sites to the south of Gordon rail line within this radius which were not included			Council is aware of only one site - at 702 Pacific Highway, Killara which is approximately 700m from Gordon station. This site is zoned 2(e) and has been developed for strata units. Appropriate zonings for this site will be considered as part of Council's	That Council consider an appropriate zoning for this site as part the comprehensive LEP.
•	In relation to the other centres, there are sites in St Ives zoned 2(h), 2(e) and 2(d) which are not included in the Town Centres plan.			comprehensive LEP.Council submitted a proposed draft LEPto the Department under S64 which didnot include these sites. The conditionalS65 certificate issued by the DirectorGeneral did not require these sites to be	That Council consider appropriate zonings for these sites as part the
				included in the exhibited dLEP. Appropriate zonings for these sites will be considered as part of Council's comprehensive LEP.	comprehensive LEP.
				It should be noted that these sites are all existing strata units or town houses and would not be redeveloped to provide additional dwellings towards Metropolitan Strategy targets if zoned R4.	
	There are significantly sized sites in Turramurra on the southeast of the town centre within 500m of the station zoned 2(e) that have not been included in the plan.			Council submitted a proposed draft LEP to the Department under S64 which did not include these sites. The conditional S65 certificate issued by the Director General did not require these site to be included in the exhibited dLEP.	That Council consider appropriate zonings for these sites as part the comprehensive LEP.
				Appropriate zonings for these sites will be considered as part of Council's comprehensive LEP. It should be noted that these sites are all existing nursing home, strata units or	

Issue raised in letter by Dep Authorisations and delegation	•	Previously advised by the Dept	Our previous response	Comment
				town houses and would n redeveloped to provide a dwellings towards Metro targets if zoned R4.
	imately 600-700m northwest of at have not been included in the			Councils Authorisation to Delegation ' required Co existing medium density 600m of the centre. Council is aware of no m sites in Lindfield within 6 station that were left out 460 and 464 Pacific High existing strata unit block be redeveloped to provid dwellings towards Metro targets if zoned R4 Appropriate zonings for be considered as part of comprehensive LEP.
<i>down zoning is to occu</i> <i>Authorisation). There a</i> <i>have been downzoned.</i> <i>an improved yield. No</i>	o provide an improved yield and no r (Gordon conditional are sites within the dLEP which All sites included are to provide downzoning to occur (Pymble, conditional Authorisations).			
• Examples of downzoni	ng from Gordon are provided in ver, the same issue occurs in			Council has provided a report submitted under S Department on this issue report submitted under S Department have failed to the content or justification these reports submitted no comments have been the Department since out comment on this issue. Additional response by C raised a specific sites in centres are included in to tables.
However, as there are	sis of FSR alone is likely to occur. additional constraints on these also need to be removed.		This issue was addressed in the planning reports for each centre submitted under section 68.	Any inconsistencies with have been addressed in report for each town cen

	Proposed future action by Council
not be additional opolitan Strategy	
to Exercise buncil to include y sites within nore than 2 x 2(d) 600m of the it of the dLEP i.e hway. Both are ks and unlikely to de additional opolitan Strategy	That Council consider appropriate zonings for these sites as part the comprehensive LEP.
f Council's	
response to the ue in the planning Section 68. The to acknowledge ion presented in d by Council and n received from ur previous	Council requests the Department review their concerns in light of the information provided by Council.
Council to issues Gordon and other the attached	
h s117 directions the Section 68 ntre. The	Council requests the Department review their

Issue raised in letter by Department July 07 Authorisations and delegations	Previously advised by the Dept	Our previous response	Comment	Proposed future action by Council
<ul> <li>A reduced business FSR on land previously zoned for business and now either zoned for business uses or mixed business and residential uses is not consistent with s.117</li> <li>Direction No. 3 — Business Zones nor with the authorisations given to Council. There is no point providing the same or less FSR than previously and FSRs should provide opportunities for redevelopment.</li> </ul>		<ul> <li>Specific comments on the Turramurra centre are outlined in point E above.</li> <li>The justification for the Gordon centre were as follows:</li> <li>Gordon - report from 30/11/07 Section 117 Direction No 3 - Business Zones includes the requirements that a Draft LEP shall not: <ul> <li>(a) alter the location of existing zonings, or</li> <li>(b) alter the area of existing zonings, or</li> <li>(c) create remove or alter provisions applying to land zoned for Business that will result in a reduction of potential floor space area.</li> </ul> </li> <li>In relation to requirements a) and b) above, the Draft LEP, as it applies to Gordon, maintains all existing business zone dand within a new business zone and provides for an expansion of the land zoned for business purposes between Moree Street and St Johns Avenue.</li> <li>In relation to part c) of the direction, it is considered that the Draft LEP is compliant.</li> <li>All sites in the existing Business (3(a)-(A1)) zone have had the maximum permissible FSR increased from the current 2:1 to maximums ranging from 2.3:1 to 3.4:1. All sites can be developed for business uses up to the maximum FSR.</li> <li>It is acknowledged that the maximum FSR.</li> </ul>	comments in the previous column are an example for one of the centres. The Department have failed to acknowledge the content or justification presented in the s68 planning reports submitted by Council and no comments have been received from the Department since our previous comment on this issue.	concerns in light of the information provided by Council.

Issue raised in letter by Department July 07 Authorisations and delegations	Previously advised by the Dept	Our previous response	Comment
		<ul> <li>capped at below the existing 2:1 potential. The reason for the capping of retail on these sites is to ensure that the overall future retail provision in Gordon is consistent with</li> <li>Council's adopted retail strategy and Gordon's role as a Town</li> <li>Centre under the Metropolitan</li> <li>Strategy. The Draft LEP provides for a retail yield of about</li> <li>47,000sqm (NLFA) which is an increase of just over 29,000sqm of retail from the existing</li> <li>17,760sqm.</li> <li>All sites in the existing Business</li> <li>(3(b) – (B1)) zone have had the maximum FSR increased from the existing 1:1 to maximums ranging from 1.3:1 to 3.0:1. All sites can develop for business uses up to the maximum FSR.</li> </ul>	
I. In relation to residential development, land zoned for a residential component is provided in Gordon at the expense of existing business FSR rather than additional to it. This approach is not supported.			
<ul> <li>In relation to residential development, land zoned for a residential component is provided in Gordon at the expense of existing business FSR rather than additional to it. This approach is not supported.</li> </ul>		All sites in Gordon the existing Business (3(a)-(A1)) zone have had the maximum permissible FSR increased from the current 2:1 to maximums ranging from 2.3:1 to 3.4:1. All sites can be developed for business uses up to the maximum FSR.It is acknowledged that the maximum retail FSR on sites currently zoned (3(a)-(A1)) are capped at below the existing 2:1 potential. The reason for the capping of retail on these sites is to ensure that the overall future retail provision in Gordon is consistent with Council's adopted	Council has provided a res Department on this issue report submitted under Se Department have failed to the content or justification these reports submitted b no comments have been r the Department since our comment on this issue.

	Proposed future
	action by Council
	Courseil reservente
a response to the sue in the planning	Council requests the Department
er Section 68. The	review their
d to acknowledge	concerns in light of
ition presented in ed by Council and	the information provided by
en received from	Council.
our previous	
2.	

Issue raised in letter by Department July 07 Authorisations and delegations	Previously advised by the Dept	Our previous response	Comment
		<ul> <li>retail strategy and Gordon's role as a Town Centre under the Metropolitan Strategy. The Draft LEP provides for a retail yield of about 47,000sqm (NLFA) which is an increase of just over 29,000sqm of retail from the existing 17,760sqm.</li> <li>All sites in Gordon in the existing Business (3(b) – (B1)) zone have had the maximum FSR increased from the existing 1:1 to maximums ranging from 1.3:1 to 3.0:1. All sites can develop for business</li> </ul>	
<ul> <li>Similar effects can be seen in other town centres. Again this approach is not supported in any of the town centres.</li> </ul>	n,	uses up to the maximum FSR.	Council has provided a res Department on this issue report submitted under Se Department have failed to the content or justification these reports submitted b no comments have been r the Department since our comment on this issue. Additional responses by C raised a specific sites in of included in the attached ta
<i>I. Sites designated for further investigation are to be resolved and nominated with a specific zoning. They should not be downzoned (Gordon conditional Authorisation).</i>			All sites identified for furth investigation included in C 54 notification were resolv included in or removed fro prior to the section 66 exh Department has not recog

	Proposed future action by Council
a response to the sue in the planning er Section 68. The d to acknowledge ation presented in ed by Council and en received from our previous e.	Council requests the Department review their concerns in light of the information provided by Council.
by Council to issues in other centres are ed tables.	
further in Councils section solved and either d from the plans exhibitions. The ecognised this fact.	Council inform the Department that there are no unresolved sites in the dLEP other than Precinct C in Turramurra which was formally deferred under s68(5).

Issue raised in letter by Department July 07 Authorisations and delegations	Previously advised by the Dept	Our previous response	Comment	Proposed future action by Council
<ul> <li>No. 22 St John's Ave, Gordon to which this applied has been removed from the plan_ This does not then conform with the authorisation requirement to supply a specific zoning.</li> <li>Other sites that were in the original plan but which have also been removed are: 3-7A Bushlands Ave, Gordon.</li> </ul>			No.22 St Johns and 3-7A bushlands Ave were never included in the dLEP placed on exhibition under s66. They are zoned 2(c2) under LEP 194 and are not subject to the Minster's Direction.	
<ul> <li>Other sites in other Centres include:         <ol> <li>J Duff Street, 1426 - 1444, 1444A, 1444B, 1446, 1446A, 1448 - 1456, 1456A, 1458, 2, 4, 4A, 1, 1A, 3-17 Lamond Drive, 2,4 &amp; 8 Lamond Drive Turramurra;4A, 6-10 Station Street, 15 &amp; 17 Livingstone Ave, 1,3, 16 and 18 Bloomsbury Ave, Pymble; and 345 Pacific Highway, , 1-7 Balfour St, 376-406 Pacific Highway, 358-374 Pacific Highway, 302-356 Pacific Highway, 19 Drover's Way, 280-296 Pacific Highway, 2 Beaconsfield Parade, 2,4, 6 Nelson Rd and 65 Russell Lane, Lindfield.</li> </ol></li></ul>			<ul> <li>The nominated properties in Duff St, Lamond Dr, Finlay Rd and Pacific Highway Turramurra (Precinct I) were removed from the dLEP by resolution of Council following exhibition. These were the only sites removed from the dLEP follow the exhibitions. These sites are currently zoned 2d3 or are heritage items zoned 2(c) under the KPSO and are not subject to the Minister's direction.</li> <li>Properties at 4A, 6-10 Station Street, 15 &amp; 17 Livingstone Ave, 1,3, 16 and 18 Bloomsbury Ave, Pymble are zoned 2(c2) under LEP 194 and are not subject to the Minster's Direction. These sites were not included in the exhibited dLEP.</li> <li>2-4 Highfield Rd Lindfield is currently used as a school and church and zoned special uses - Church and 2(b) As a result they are not subject to the Minster's Direction. These sites were not included in the exhibited dLEP.</li> <li>2,4, 6 Nelson Rd and 65 Russell Lane, Lindfield are currently zoned 2(a) and therefore not subject to the Minister's direction. These sites were not included in the exhibited dLEP.</li> <li>All other listed sites in Lindfield; 345 Pacific Highway, 1-7 Balfour St, 376- 406 Pacific Highway, 358-374 Pacific Highway, 302-356 Pacific Highway, 19 Drover's Way, 280-296 Pacific Highway, 2 Beaconsfield Parade are included in the dLEP.</li> </ul>	358-374 Pacific Highway, 302-356 Pacific Highway, 19 Drover's Way, 280- 296 Pacific Highway, 2 Beaconsfield Parade, Lindfield

Issue raised in letter by Department July 07 Authorisations and delegations				Comment	Proposed future action by Council	
<i>J.</i> (a)	Council is to consider the capacity currently provided in the centre in relation to R4 zone and demonstrate that capacity provided by the R4 zone will deliver additional dwellings sufficient to meet Council's Metropolitan Strategy targets. Yield tables for all rezoned areas are to be provided to indicate the expected increases being achieved [Gordon, Pymble, Lindfield and Roseville conditional Authorisations]. Alternatively, Council could consider other, if not all, of the areas within an 800m radius of the train station in which residential uses are proposed to ensure maximum yields are achieved in line with the Metropolitan strategy and supportive of the Minister's s.55 Directions [Gordon, Pymble, Lindfield and Roseville conditional Authorisations]. Yield tables for residential development were provided for all six centres. However, these yield tables were based on the premise that all amalgamations could be achieved and that FSRs in every case were not limited by other standards and provisions. In the Department's opinion, this is unlikely to occur. It is considered that the yield figures are unlikely to be met unless standards/ provisions are relaxed. Consequently this part of the alternative options is not successfully fulfilled. In terms of the alternative option of considering other areas within an 800m radius to ensure maximum yields, it is understood that no further sites have been added and that in fact a number of sites were removed after exhibition. As well, a number of sites that lie well within the 800m radius were not included in the Town Centres LEP. Consequently, neither option has been adequately addressed.			<ul> <li>Estimates of residential yields have been based on the potential for sites to amalgamate to achieve maximum residential FSR, i.e. residential sites which cannot amalgamate to over 2400sqm have lower yields.</li> <li>The yield tables submitted to the Department showed an overall dwelling yield of 14,050, including LEP 194/200 and the town centres. Council has submitted yield tables which show the maximum potential residential yield for every site included in the dLEP, as requested by the Department. However, not included in the yields are sites that are unlikely to develop prior to 2031, for example strata units or strata commercial buildings or sites recently developed</li> <li>Council acknowledges that not all sites will be developed; however, it is satisfied there is sufficient yield potential for the required additional 10,000 dwellings under the Metropolitan Strategy. This target is to be achieved also by dwelling growth outside the contres under SEPP Seniors Living and SEPP 53.</li> <li>The draft town centres LEP translates the existing 2[d3] Residential sites zoned under LEP 194 into "R4" Residential High Density zone under the new Standard Instrument LEP. The heights, FSRs and other development standards used in the R4 zone are exactly the same as LEP 194 – and consistent with the Minister's direction. Development controls that apply to the R4 zone are no more (and in some cases less) onerous that those currently applying under DCP 55. Some development standards under LEP 194</li> </ul>	Council continue to monitor take up of development and yields to ensure Metro Strategy dwelling targets are achieved and inform the Comprehensive LEP and any future reviews.	

	e raised in letter by Department July 07 norisations and delegations	Prev Dept	riously advised by the t	Our previous response	Comment	Proposed future action by Council
					will be DCP controls in the R4 zone – e.g. building footprint, deep soil areas, providing greater flexibility in there application. It is also noted that to date under LEP 194 Council has approved approximately 3000 dwellings towards the target.	
					Amalgamations contained in the DCP are only preferred, not compulsory- this has been previously raised by The Department and was fully addressed by Council. The DCP specifically acknowledges that alternative amalgamation patterns can be implemented and that FSR potentials contained in the dLEP are overriding standards. Nevertheless, there are basic amalgamations required to achieve economically viable development of the nature and scale proposed in the town centres.	
					mixed use sites, all building envelopes have been tested from both an urban design and economic feasibility perspective to ensure the redevelopment of sites are achievable.	
K.	Under the current proposal, which converts existing commercial and retail space to mixed commercial, retail and residential) unless significant additional FSR is provided on the remaining sites. Council needs to demonstrate that its proposed approach will facilitate business development and provide for including additional commercial space (Gordon conditional Authorisation). The Gordon figures are provided in Attachment 1.	2. (a)	Avoidance of reducing commercial and retail space through changes to zones Table 1 outlines a number of sites which have changed from business to mixed use. With mixed use there is potential that total business space will be reduced. Also a number	Issue addressed by Council in planning reports (of 29 & 30 Nov 06) attached to the Section 68 report. <i>In relation to loss of other uses</i> The following uses have been brought into the B4 zone under the new standard LEP land use classifications (listed in brackets): bus stations, (passenger transport	This matter is repeated from the Departments point J above. Council has provided a response to the Department on this issue in the planning report submitted under Section 68. The Department have failed to acknowledge the content or justification presented in these reports submitted by Council and no comments have been received from the Department since our previous comment on this issue.	Council requests the Department review their concerns in light of the information provided by Council.
			<i>of B2 sites exist where the proposed maximum retail or commercial</i>	facilities), clubs (registered clubs), commercial premises (business premises), open space (recreation	Additional response by Council to issues raised a specific sites in Gordon are included in the attached tables	

Issue raised in letter by Department July 07 Authorisations and delegations	Previously advised by the Dept	Our previous response	Comment
	space is less than the existing space available through the KPSO. Summary Requirement: Council should ensure all zones provide sufficient space for <u>expansion</u> to support commercial and retail uses.	<ul> <li>areas), public buildings (public administration buildings).</li> <li>Council has adopted sex services premises, vehicle showrooms, warehouse and distribution centres and light industries be added to the permissible uses in the B4 zone consistent with the Standard Instrument.</li> <li><i>In relation to loss of commercial floor space</i></li> <li>It is inevitable there will be a loss when changing to a mixed use zone as this allows residential. The commercial office market is no longer viable in Gordon and the new zone provides flexibility for land owners. The requirement for a minimum business equivalent to the existing maximum FSR would make development unfeasible.</li> <li>It should be noted that there are a number of substantial office buildings in Gordon which are unlikely to change.</li> </ul>	

Proposed future action by Council

# LEP PROVISIONS – SUMMARY OF KEY ISSUES AND RESPONSES

#### Provisions reducing achievement of desired principles

The DoP expresses concerns at standards which are stated as reducing achievement of development principles.

The local provisions proposed are in accordance with the Section 55 Direction requiring the DLEP to be consistent with LEP194 provisions. These provisions are consistent with the advices of the DoP at its workshop held on 16 May 2007. It is considered inappropriate that proposed local provisions be changed.

#### Concerns expressed regarding FSR provisions

It is not made clear why FSR provisions or changes are considered unsatisfactory. It is presumably considered that this is seen as reducing development potential.

Best practice urban design principles have been applied, increasing development potential on particular business area sites, rather than the development potential on constrained sites. This helps to achieve larger overall FSR increases within centres. It is not seen to be of benefit to revise these provisions.

#### Savings provisions

The DoP is concerned that savings provisions do not conform to the general form required.

Current format is on the basis of advices received. Council will accept guidance on the form of required amendments.

#### Inappropriate objectives and uses in the R3 and R4 zones

The DoP is unclear on the nature of what is inappropriate.

In the absence of any clarity concerning what is inappropriate no action to make amendment is proposed.

#### Lack of inclusion of uses currently in KPSO business zones

The DoP has not expressly identified omissions. As far as Council can identify the matters relate to "sex services" and "motor showroom" uses.

The matter of "motor showroom" omission would appear to be an oversight and should be included with consent in B2, B4 and B5 zones. "Home occupation (sex services)" can also be included as a permissible use in the B2 zone.

#### Exempt and complying issues

DoP has previously raised issues in regard to Exempt and Complying Development, which were addressed in the Draft LEP. Council has also resolved (19 December 2006) to make further changes. Further informal comments provided in April 2006 raise concerns in relation to provisions that are considered to be too limiting, internally inconsistent, inconsistent with DCP46, SEPP4 or the Draft Infrastructure SEPP.

It is noted that the Exempt and Complying provisions in the draft LEP are a result of a review by Council of the previous controls under DCP46 – Exempt and Complying Development. In this process Council has sought to:

- 1. Significantly reduce the number of development applications, reducing both the demand on Council resources and the "red tape" for owners/developers;
- 2. Update controls to match modern standards;
- 3. Make the controls compatible with SEPP4.

A number of amendments are proposed to address the issues raised by DoP, eq in relation to riparian corridors, BASIX, drainage, internal consistency of sizes and heights, setbacks consistent with the proposed amendments to R3 controls. It is also recommended that bushfire prone land be excluded from Complying Development and that conditions of consent for Complying Development are incorporated within the DLEP.

Clarification should be sought regarding the extent to which the Draft Infrastructure SEPP should be considered. It is also recommended that Council request further advice on the process to further the proposed amendments.

#### Conversion of business use land to residential in the town centres

It is assumed DoP concerns relate to potential inconsistencies with S117 directions. These have been addressed by Council in S68 reports which have not been acknowledged. (The circumstances applying to 1335 Pacific Highway Turramurra is acknowledged and is separately discussed).

Council requests the DoP review their concerns in the light of the information provided by Council.

#### Inclusion of low FSRs in Schedule 1

The DoP concern in this matter is not made clear. (FSRs are supported on feasibility and urban design basis as discussed elsewhere). In the absence of any clarity on the matter no amendments are proposed.

#### Inclusion in Schedule I of business uses for land previously zoned thus and now zoned for residential

Business uses listed in Schedule 1 to ensure compliance with S117 direction and not diminish commercial potential of the land. Many of these sites have existing use status for the commercial activity.

It is seen to be appropriate to retain these LEP provisions.

Issue Raised by Department July 07	Previously raised by the Dept	Our previous response	Comment	Proposed futu
<ul> <li>Provisions which will reduce the possibility of achieving or giving effect to the above principles are:</li> <li>additional principal standards in the draft LEP including an additional allotment area/ frontage constraint</li> <li>the inclusion of additional constraints (including site area and maximum height of buildings subclause 21(3));</li> <li>the inclusion of inappropriate clauses after exhibition (including cl 19[8));</li> </ul>	Yes, 6 October 2006. Discussed 1 August 06 & 13 June 07 DOP meetings.	Addressed by Council in planning report (8 Nov 06) attached to Section 68 Report: The local provisions for allotment area, frontage widths and height are in accordance with the Section 55 direction requiring the DLEP to be consistent with LEP 194 provisions. At a meeting with the Department, August 06, the departmental staff stated that they could see the merit in restricting heights of smaller sites, ie under 2,400 sqm. From the planning report: DoP issue: R4 developments are likely to be constrained through the minimum lot size of 1,800 sqm. The minimum lot size in LEP 194 is 1,200 sqm. Summary Requirement: Council is to provide minimum lot sizes no greater than those provided in LEP 194 (c1 25E(1)), the s55 direction and other advice to Council.	At the workshop run by the Department of Planning of 16 May 2007, The Department provided examples of the format for local provisions such as combined minimum lot size/development type. The local provisions in the DLEP are consistent with this format and the advice received at the workshop. Without these provisions, and provisions in the DCP to encourage amalgamations, development of small lots may be more common, rather than the exception. Due to practical considerations, such as the ability to provide adequate basement car parking, developments on such sites will not be able to achieve yields or good urban design outcomes commensurate with development on amalgamated sites. These standards provide for economically feasible methods of achieving the increased retail/commercial sought to attain the desired town centre hierarchy and economic reinvigoration, and of achieving the residential targets set under the Metropolitan Strategy. They give clear increase the overall yields within the centres. The fact that a number of developers are currently in discussion with Council about the fine tuning of potential development proposals across sites owned by multiple owners, and are keen to go ahead, demonstrates that these provisions do not prevent the economic feasibility of redevelopment in the centres under the DLEP and DCP.	These provisi overall yield a direction to b be retained. No further ac

sions provide incentives to increase I and are consistent with the Section 65 be consistent with LEP 194 and should

action is proposed.

Issue Raised by Department July 07	Previously raised by the Dept	Our previous response	Comment	Proposed fut
		<u>Council Response:</u>		
		To ensure compliance		
		with Departmental		
		requirements it is		
		proposed that all		
		applicable subdivision		
		provisions of LEP 194 be		
		included within the town		
		centre LEP. The		
		applicable provisions of		
		clauses 25E (1), 25H(4),		
		251(3), 251 (4) and 251(5) would need to be		
		included as local		
		provisions under clause		
		19 of the LEP.		
		This would also involve		
		reducing the minimum		
		lot size standard in the		
		R4 zone from 1,800sqm		
		to 1,200sqm.		
		It should be noted that		
		provisions consistent		
		with cl 25I(5) of LEP 194		
		(ie. relationship between		
		site area and building		
		height have been included in the Draft LEP		
		amendment applying to		
		the Turramurra centre.		
		It is proposed to bring		
		those amendments		
		forward to ensure that		
		the principal LEP is		
		consistent with LEP 194		
		from the outset. They		
		have been included in		
		the amended draft LEP.		
4. division of existing business areas	No		This is a result of careful development of	The division of
which were covered by one FSR in to			building envelopes according to best practice	FSRs should

# uture action by Council

n of the business zones into sub areas for ild be retained.

Issue Raised by Department July 07	Previously raised by the Dept	Our previous response	Comment	Proposed fut
several sub areas each with a different FSR;			urban design. It allows for increased development potential on some sites, rather than development potential based on the most constrained sites, or where particular urban design objectives are met by increasing the development potential of part of a sub area.	
			The division of existing business areas therefore helps to achieve larger increases in overall FSRs within the centres, commensurate with the adopted Centres hierarchy.	
			The division of the business zones allows for an increase in the overall GFA across the town centres of 18.5% for commercial and 70% for retail (over and above existing development), a very significant increase across the LGA.	
			Whether or not this is satisfactory to meet Metro Strategy employment targets is not known at this stage as breakdown of targets across the North region is yet to be determined.	
<ul> <li>either only small or no changes in FSR's on a number of sites;</li> </ul>			It is unclear which sites have unsatisfactory FSR changes. Council has responded to all specific examples raised as outlined in other tables.	No action pro
<ul> <li>the proposed savings provisions that does not conform to the general for (sic) of such provisions;</li> </ul>			Current savings provisions are on the basis of existing advices. Council will accept guidance on the form of required amendments.	Seek advice fi amendments
<ul> <li>inappropriate objectives and uses in the R3 and R4 zones;</li> </ul>			It is unclear which objectives and uses are considered inappropriate.	In the absenc
5. the lack of inclusion of uses currently in the KPSO's business zones			Sex services premises are included in the B4 and B5 zones. While they were permissible in business zones under the KPSO, these zones did not include residential uses. They have not been included in the B2 zone, as this is	That Council occupation (s consent in the showroom' be B2 zone.

roposed

e from Department on required Its and undertake changes.

nce of any clarity no action is proposed.

il consider the inclusion of 'home (sex services)' as permissible use with the B2, B4 and B5 zones and 'vehicle be included as a permissible use in the

Issue Raised by Department July 07	Previously raised by the Dept	Our previous response	Comment	Proposed future action by Council
			the main mixed use zone, and includes significant residential uses. Such premises are not appropriate in these areas.	
			Sex services premises, are to be permitted in the B4 and B5 zones where the objectives of the zone have a greater emphasis on uses other than residential. Also existing legally approved and operating sex services premises currently in the 3(a) zone will retain their existing use rights.	
			'Home occupation (sex services)' has not been included as a permissible use in any zone. Given the home occupation nature of the definition the impact of this use would be significantly less than a 'sex services premises' and may be appropriate in the B2, B4 and B5 zones	
			Motor showroom has been omitted and should be included. Council is not aware of other excluded uses.	
<ol> <li>conversion of business use land to residential in the town centres;</li> </ol>			Any inconsistencies with s117 directions have been addressed in the Section 68 report for each town centre.	Council requests the Department re concerns in light of the information p Council.
			The Department have failed to acknowledge the content or justification presented in the s68 planning reports submitted by Council and no comments have been received from the Department since Council's previous comment on this issue	
7. inclusion of low FSRs in Schedule 1;			It is not understood in what context FSRs are considered to be low nor the nature of the issue. Many Schedule 1 sites relate to existing single residential zones which have no business FSR provisions. FSRs are being generally proposed at 1.3:1 consistent with R4 zone provisions or greater (including allowance for a commercial component for the continuation of any existing non	In the absence of any clarification no are proposed.

# quests the Department review their light of the information provided by nce of any clarification no amendments ed.

lss	ue Raised by Department July 07	Previously raised by the Dept	Our previous response	Comment	Proposed fut
				commercial zones have no downgrading of business FSR.	
8.	Inclusion in Schedule 1 of business uses for land previously zoned thus and now zoned for residential;			Business uses listed in schedule 1 are to ensure compliance with S117 Direction 3 and not diminishing existing commercial potential of land.	Retain these
				Proposed R4 zones at Pymble (which are now 3(a)-(A2)) largely reflect the residential nature of recent site redevelopment and local context. Business zoning potential is retained.	
				Roseville sites (124-132 Pacific Hwy & 65 Hill St) are proposed R4 to provide a more consolidated zoning pattern in the centre whilst retaining the business potential of the existing zone.	
				1335-1337 Pacific Highway Turramurra are discussed elsewhere.	
				In addition, provisions are made in some instances (St Ives) to allow for existing professional suites in existing residential locations to continue and meet existing needs in the new residential zone.	
9.	Extensive buffer widths, landscaping (50%) ties to DCP, additional bushfire controls, references to Council policies, site coverage and landscaped area requirements without an unambiguous definition of either of these terms consistent with the Standard Instrument, unnecessary requirements already addressed in SEPPs, extensive buffers for		Some of these issues were addressed by Council in the planning report (8/11/06) attached to the Section 68 Report. Re buffers to corridors:	These controls are not part of the LEP. They are listed in the DCP only. Some of these are standards in LEP 194, such as deep soil requirements. Despite the requirement of the Section 65 certificate to be consistent with LEP 194, the Department advised Council to move the landscaping provisions to the DCP. The amended DCP is in line with this requirement. Given the extensive level	Retain these (For more inf specifically d
	corridors, habitat and riparian zones in Exempt and Complying Development.		Recommend maintaining this provision based on in the inclusion of several riparian zones within the identified Town Centre	of construction currently being undertaken on LEP 194 sites, it is obvious that the landscaping provisions (even where located in the LEP) do not prevent redevelopment under these standards and controls. Bushfire matters where addressed are in a	

se LEP provisions.

se DCP provisions. information see DCP provisions / dealt with elsewhere).

Issue Raised by Department July 07	Previously raised by the Dept	Our previous response	Comment	Proposed futu
		areas (Gordon, Pymble, Lindfield, Roseville). St Ives report: No environmental corridors will apply to development within the town centres. In a limited number of cases a category 3 riparian zone has been identified in the fringe residential areas and a 10m buffer zone will apply. In these cases development has not been constrained as additional height has been apportioned to offset the requirements of the setbacks.	<ul> <li>strategy context only. They do not operate as controls and acknowledge the need to address the requirements of Planning for Bushfire Protection 2006</li> <li>Landscaped area and site coverage are defined in the LEP, and to avoid repetition of the LEP no definition has been included in the DCP.</li> <li>The requirement for a 25m minimum buffer for endangered flora and fauna species was deleted in the amendment of 8 May 07. The main town centre area of concern in this regard is Precinct C Turramurra.</li> <li>Amendments to site specific controls for Turramurra Precinct C should ensure adequate protection of the adjacent Blue Gum High Forest community.</li> <li>The requirements to provide for landscaping buffers and riparian zones have been considered in the development of the building envelopes, FSRs etc to ensure that development on these sites is viable and a substantial increase in the development potential in the Town Centres can be achieved.</li> <li>It is entirely appropriate that such buffers are required for exempt and complying development, where no merit assessment is undertaken. However references to Category 1 Environmental Corridors in Exempt and Complying Development could be deleted.</li> </ul>	Delete refere Corridor) in E (see below)
10. issues with Exempt and Complying Development already highlighted on a number of occasions;	Yes, by letter 6 October 2006 <i>and</i>	Letter of 6 October 2006 was addressed by Council in planning report (8 Nov 06) attached to Section 68	The changes recommended at the 8 November 2006 Council meeting were included in the Draft LEP. In addition a number of other issues with the	Council seek a Planning as to proposed ame Ensure this is with the Depa

uture action by Council rence to Category 1 (Environmental Exempt and Complying development ek advice from the Department of s to the process for furthering the mendments. is on the agenda for the next meeting partment.

Issue Raised by Department July 07	Previously raised by the Dept	Our previous response	Comment	Proposed futu
	20 April 2007 by email and generally at the DoP workshop 16 May 2007	Report.Matters previously raised include consistency with SEPPs 4 and 64 in relation to water tanks and satellite dishes.Previous response:Recommended changes to the DLEP include changes to the satellite dish and water tank requirements, deleting repetition of SEPP 4 requirements.References to SEPP 4 are retained for the layperson as per the attached DLEP.The references to trade waste requirements are 	<ul> <li>Exempt and Complying controls in the LEP were brought to the attention of Council in December 2006, and at the meeting of 19 December 2006, Council resolved to prepare a draft LEP and notify the Department as per s54 of the EP&amp;A Act.</li> <li>However, meanwhile, Council also received informal comments from Department staff in April 2007 and further comments were included generally in relation to Conditions of Consent at the Department of Planning Workshop in May 2006. Comments and proposed amendments are included below.</li> <li>These changes could all be made at the same time, however, advice is sought from the Department on the process for making these amendments. This is expected to be discussed at the quarterly meeting with the Department.</li> <li>The amendments proposed at the meeting of 19 December 2007 are as follows:</li> <li>EXEMPT DEVELOPMENT- SCHEDULE 2 <ul> <li>Alterations- external alteration to dwelling houses Replace:</li> <li>do not alter the amount of natural light or natural ventilation capable of entering the dwelling;</li> <li>with</li> <li>do not alter the amount of natural light or reduce the amount of natural light or reduce the amount of natural light or instruct the dwelling;</li> </ul> </li> </ul>	It is recomme accordance w December 20

# uture action by Council

nended that the LEP be amended in with the Council resolution of 19 2006 as listed in the adjacent column.

Issue Raised by Department July 07	Previously raised by the Dept	Our previous response	Comment	Proposed fut
Issue Raised by Department July 07	-	the standards in regard to trade waste, which are included in the proposed Schedules 2 and 3. It is recommended that these be retained.Clause 6 (2) of SEPP 64 states that: This Policy does not apply to signage that, or the display of which, is exempt development under an environmental planning instrument that applies to it. It is therefore important that standards be included for signage within the exempt development schedule. The standards proposed are not inconsistent with the SEPP.Issue: Matters that are dealt with under an Australian Standard or under the Building Code of Australia do not need to be repeated. It should be noted that light spill, vehicle turning circles, access are	<ul> <li>This will allow the fitting of a roof ventilation fitting (eg.Whirligig) as exempt development.</li> <li>Business identification signs-suspended under awning. <ol> <li>are suspended with a clearance of at least 2.6 metres to the underside of the sign as measured</li> </ol> </li> <li>This clarifies the control.</li> <li>Add to the controls for illumination of such signs at 1): <ol> <li>iiiiiiiiiiiiiiiiiiiiiiiiiiiiiiiii</li></ol></li></ul>	Proposed fut
		<i>included in these categories.</i>	<ul> <li>Home occupation- identification signs         <ul> <li>are not fixed to front fence</li> <li>Change to: affixed to front</li> <li>fence where existing</li> </ul> </li> </ul>	
		It is recommended that the schedules for Exempt and Complying Development be	e) do not exceed .9sqm in area Change to: <b>do not exceed</b> <b>0.24sqm in area.</b>	

Issue Raised by Department July 07	Previously raised by the Dept	Our previous response	Comment	Proposed fu
		amended to delete references to the Building Code of Australia and to specific Australian standards. It is recommended that a general reference to relevant Australian standards be retained for the information of the layperson, as per the attached Draft LEP. The recommended changes to the schedule delete any reference to turning circles. Access is addressed generally by reference to the relevant standards. Additional information, where provided, is included for the information of the layperson as they are significant at the concept design stage. Similarly, standards in relation to light spill are also important at the concept design stage, and it is therefore recommended that these be retained.	dwelling housing development, residential flat building or <i>mixed use building</i> , in which event they measure not more than 5.5sqm.	

Issue Raised by Department July 07	Previously raised by the Dept	Our previous response	Comment	Proposed fut
			boundary or <i>common wall of</i> <i>dual occupancy.</i>	
			To clarify the control.	
			Delete- <i>"and any existing trees and bushland"</i>	
			It is desirable to retain trees which may assist in screening the air conditioning unit. Further, the retention of this phrase may lead to the unnecessary loss of trees within 3 metres of a dwelling, in order to comply with the requirements for the location of air conditioners.	
			Add: <i>jl</i> Not be mounted so as to <i>introduce vibration to an</i> <i>adjoining occupancy</i>	
			To protect neighbouring amenity.	
			<ul> <li>Air Conditioning- Commercial premises Insert after c) and renumber accordingly:</li> </ul>	
			d) Is not a ducted system e) Does not cause transmission of vibration to other occupancies	
			Lodgement of a development application is required for a ducted system due to fire regulation and air quality issues.	
			• Alterations External dwelling houses.	
			d) do not increase the number or size of windows <i>or doors</i>	
			To protect privacy	

Issue Raised by Department July 07	Previously raised by the Dept	Our previous response	Comment	Proposed fut
Issue Raised by Department July 07		Our previous response	<ul> <li>Basketball hoops         <ul> <li>are freestanding on posts <i>OR</i> concreted into the ground <i>Delete b</i> which requires location in the rear yard.</li> <li><i>Such facilities are not intrusive in the streetscape, and their use activates the street.</i></li> <li>Clothes lines or Clothes Hoists Add:</li></ul></li></ul>	
			Note 1. The erection of clothing bins requires approval under Section 68 of the Local Government Act 1993.	
			For the information of the layperson.	
			<ul> <li>Effluent discharge into sewer Delete <i>Note 1</i></li> </ul>	

Issue Raised by Department July 07	Previously raised by the Dept	Our previous response	Comment	Proposed fut
			<i>This is not required as this function is regulated by the Sydney Water Corporations Act.</i>	
			<ul> <li>Fences- hoardings and other temporary fencing Delete from note: <i>If located on Council land</i></li> </ul>	
			<i>As an approval is required under Section 68 whether or not the hoarding is located on Council land.</i>	
			<ul> <li>Landscape works on residential land Add:         <ul> <li>(vii) Does not involve the redirection/concentration of surface stormwater flows onto adjoining properties and causing a nuisance.</li> </ul> </li> </ul>	
			<ul> <li>Letter boxes         Add:         <i>el must be erected wholly within the property boundary.</i> </li> </ul>	
			This is a safety issue.	
			<ul> <li>Power poles Add as follows:         <ul> <li>evidence is provided by Energy Australia that underground connection is not available or trenching under existing trees is inappropriate to install cables;</li> <li>where poles are replacing existing poles with metal poles, the poles have a black painted finish.</li> </ul> </li> </ul>	
			This will encourage undergrounding of	

Issue Raised by Department July 07	Previously raised by the Dept	Our previous response	Comment	Proposed fut
Issue Raised by Department Suty 07	-		<ul> <li>power line and minimisation of intrusion of poles into the streetscape.</li> <li>However, see response below to concerns raised by the Department in April 2007, in which it is recommended to make power poles Complying Development.</li> <li>Replacement of structures and materials- Carports/garages/decks/driveways Add a Note: Note 1. Documentary evidence by way of photos or approved plans of the structures shall be retained by the owner to confirm the design and size of the pre-existing structure.</li> <li>To discourage such new or enlarged structures without adequate prior merit consideration.</li> </ul>	
			<ul> <li>Satellite TV Dishes- Roof mounted Correct formatting: Dot point missing</li> <li><i>To clarify the control.</i></li> <li>Shade structures Insert after c) and renumber</li> </ul>	
			accordingly: d) the total site landscaped area at the completion of the development is at least 50%, except where the property falls away from the street and a drainage easement is unavailable, in which case the landscaped area following development is at least 70%;	
			<i>As the structure is permitted to be up to 20sqm, it is appropriate to limit the built footprint on the site. As residential flat</i>	

Issue Raised by Department July 07	Previously raised by the Dept	Our previous response	Comment	Proposed fut
			<i>buildings and town houses will require drainage easements, the increased landscaped area provision will only apply where existing low density development seeks to add a shade structure.</i>	
			<ul> <li>Telephones- See "Public telephones" Delete this reference</li> </ul>	
			There are no exempt controls for public telephones. Any consideration of such controls would require re-exhibition.	
			• Change references which refer to the tree preservation order as Clause 33 in the following sections to <b>Clause 34</b> , in accordance with the amended standard template:	
			Boardwalks, boundary adjustments, bridges, cat exercise enclosures, cubby houses, decks, demolition, boundary fencing on residential land, front fences, gazebos, landscape works on residential land, maintenance works-tree surgery, paving, stormwater drainage works, water heaters.	
			COMPLYING DEVELOPMENT- SCHEDULE 3	
			• Change references in Alterations and additions, decks and verandas, sheds and greenhouses, pools and spas, to <b>Clause 33</b> , which refer to the tree preservation order to <b>Clause 34</b> , in accordance with the amended standard template.	
			<ul> <li>Alterations and additions to commercial premises Internal         <ul> <li>and do not include changes to</li> </ul> </li> </ul>	

Issue Raised by Department July 07	Previously raised by the Dept	Our previous response	Comment	Proposed fut
			food preparation <b>or storage</b> facilities.	
			This is a health issue.	
			External c) no alteration works are undertaken beyond the boundaries of the property at which the premises are located <i>with the exception of awnings</i> ; and	
			To be consistent with a).	
			<ul> <li>Awnings and sail cloth Add:</li> <li><i>f</i>) the total site landscaped area at the completion of the development is at least 50%, except where the property falls away from the street and a drainage easement is unavailable, in which cause the landscaped area following development is at least 70%;</li> </ul>	
			<i>As the structure is permitted to be up to 30sqm, it is appropriate to limit the built footprint on the site.</i>	
			<ul> <li>Swimming Pools and Spas Design Replace: n)</li> </ul>	
			ii) 1.5 metres, where the pool is an above-ground construction;	
			With	
			<i>ii) 1.5 metres where the pool is an above ground demountable type pool or moveable spa</i>	

Issue Raised by Department July 07	Previously raised by the Dept	Our previous response	Comment	Proposed futu	
			construction.		
			To improve clarity.		
			Insert after q) and renumber subsequent controls accordingly: <i>r) does not include an elevated</i> <i>deck construction around</i> <i>above ground demountable</i> <i>type pools or moveable spas.</i>		
			To protect neighbouring privacy.		
<i>Exempt and complying development (continued)</i>	By email 20 April 2007 and generally at the DoP workshop 16 May 2007	2007		Below are a number of amendments to the Draft Ku-ring-gai LEP 2006 (Town Centres) proposed as a result of the following:	See below for
			<ol> <li>Comments received from the Department of Planning on 20 April 2007 in relation to Exempt and Complying Development. Further consultation with Council's engineering, building, landscape officers and bushfire has been undertaken. The attached documentation provides comments in response to the concerns of the Department and amendments resulting from this.</li> </ol>		
			2. The Department of Planning advice at the workshop of 16 May 2007 that Conditions of Consent for Complying Development must be included in the LEP. Proposed conditions are attached.		
			The proposed amendments to the draft LEP are a result of a review by Council of the previous controls under DCP 46 – Exempt and Complying Development. In this process Council has sought to:		
			<ol> <li>Significantly reduce the number of development applications, reducing both the demand on Council resources and the</li> </ol>	Council seek Draft SEPP In the drafting o Complying De	

for detailed changes

ek clarification of the extent to which Infrastructure should be considered in g of the provisions for Exempt and Development.

Issue Raised by Department July 07	Previously raised by the Dept	Our previous response	Comment	Proposed fut
			"red tape" for owners/developers;	
			<ol> <li>Update controls to match modern standards;</li> </ol>	Council reque
			6. Make the controls compatible with SEPP 4, and where feasible, with the Draft Infrastructure SEPP. However, as the progress of the Draft SEPP is unclear, Council seeks clarification of the extent to which it should be considered. Council recommends that the Department of Planning incorporate the provisions of SEPP 4, and the Draft SEPP if gazetted, as a combination of optional and mandatory provisions into the standard template to simplify and standardise the process.	requirement f policies in the Council.
			Council strongly objects to the requirement stated at the workshop of 16 May 2007, to reference individual DCPs and policies within the LEP. This will hinder the updating or correcting of DCPs and policies, as any minor change would require a new LEP. This would result in increased "red tape" rather than simplification of the planning and development process. The alternative suggested of listing all the relevant provisions of the policy/DCP has the potential to result in significant additional detail, that is not suitable for an LEP.	
a. General items from both Exempt and Complying sections Clause numbers are in several places are incorrect. The sections need to be reviewed and the correct clause references inserted to other parts of the dLEP e.g. references to cl.33 in the complying section should be cl.34 (tree protection); p62 External Alterations to Commercial Premises (d); p63 Decks and Verandahs (f); p64, 65 Sheds and Greenhouses (e), (i); p66 Pools and Spas (e), (k).			Agreed. This was noted in the report to the Council meeting of 19 December 2006 last year. Clause numbers are to be corrected.	Correct claus

quests the Department to review the nt to reference individual DCPs and the LEP in light of the comments from

use numbers as noted above.

Issue Raised by Department July 07	Previously raised by the Dept	Our previous response	Comment	Proposed fut
<b>b.</b> Awnings In Exempt Development (p36), the Awnings section end note states 'See also Complying Development for awnings up to 20 m <sup>2</sup> '. However, the Complying section for Awnings etc does not refer to awnings of this size.			It is recommended that the references be corrected. It is recommended that the reference be changed to "See also Complying Development for awnings up to 25 m <sup>2</sup> ", and that the standards for complying development be amended accordingly, as discussed under Complying Development Issue 8.	Awnings Amend note t See also Com 25 m <sup>2</sup>
<i>c.</i> Inconsistency between exempt and complying – decks and verandahs DCP 46 (p29) stated that development is not complying development if it is carried out on land with a slope of more than 15% on Council's slope map. There appears to be an inconsistency between the Exempt and Complying sections of the dLEP as Exempt development for Decks and Verandahs ((j), p41) specifies a maximum height of finished floor surface of 500mm above ground level unless slope is above 15% and then the maximum is 800mm. However, in the Complying section, Decks and Verandahs ((d), p63) no specification of slopes is given and the maximum height is 500mm.			It is recommended that the same provision allowing for 800mm finished floor levels for steeper sites be included in the standards for complying development.	To d) in Deck Development Add: except when locate has a s the finished s
<i>d. Notes</i> <i>The note in Exempt development for</i> <i>'Alterations to Dwellings' states: "See also</i> <i>'Alterations to dwelling houses' and 'Alterations</i> <i>to commercial premises' in Schedule 3 –</i> <i>Complying Development" (p33). However, there</i> <i>is no 'Alterations to Dwelling houses' section</i> <i>under Complying Development.</i> <i>There is also a section in DCP 46. There is</i> <i>no such section in the dLEP.</i>			It is recommended that the reference in the note to "alterations to dwelling houses" be deleted. Under Cl. 17 (3)(a) of the EP&A Act, complying development must be permissible, with consent, in the zone. Dwelling houses are not permissible in the zones in the dLEP. Similarly, there is a note in the Exempt schedule which refers to "See also "Driveways" in Complying Development". Given the scale of development provided for the in the Town Centres driveways will need to be considered as part of the overall development, subject to DA. Accordingly driveways are not listed as complying development, and the note should be deleted.	Delete the se Alterations, w additions to d Delete the no refers to Driv

e to: omplying Development for awnings up to
cks and verandahs in Complying nt:
here the area of land on which they are a slope of more than 15%, in which event I surface may be not more than 800.
section of the note at the beginning of , which refers to "Alterations and dwelling houses"
note at the beginning of Paving, which riveways in Complying Development.

Issue Raised by Department July 07	Previously raised by the Dept	Our previous response	Comment	Proposed futu
Exempt Development				
<ul> <li>e. Telecommunications</li> <li>Satellite dishes: Under the draft Infrastructure SEPP there is no limitation on development of telecommunications networks including satellite dishes. While there may be a case for some size constraint, the requirement that there be no more than one per allotment will have an effect on dual occupancies.</li> <li>For ground mounted satellite dishes, the dLEP indicates not more than 1.8m high at any point above ground level. This is inconsistent with SEPP 4 which limits it to 1.2m above a flat roof for residential premises and 1.8m above the building roof for business premises.</li> <li>Aerials have a number of size limitations which appear to be reasonable but the constraint of at least 10 m from bushland is excessive for exempt development.</li> </ul>			The draft Infrastructure SEPP contains standards reducing or eliminating consent requirements for infrastructure within the area of operation of the Ports Corporation, for specific projects and for development by or on behalf of a public authority. The specific projects are not relevant to Ku-ring- gai's town centre planning. The Draft SEPP is not relevant to satellite dishes on private land in the LGA. Should the SEPP be gazetted, and the general provisions on telecommunications on behalf of a public authority be found to include satellite dishes, the SEPP would override the provisions of the LEP for public works. It is agreed that one dish per allotment would have implications for dual occupancies. It is recommended that an additional provision be added to allow for a maximum of one dish per multi-unit building. The exempt provisions for satellite dishes are divided into Satellite TV dishes and Satellite Dishes (other). Only Satellite TV dishes are addressed under SEPP 4. The provisions for other satellite dishes are therefore not inconsistent with the SEPP.	Satellite TV di ground mount Amend a) to: a) not mo establis building roof mounted Amend e) to: a) not more per allotr whicheve Satellite dishe ground mount Amend a) to: a) not more per allotr whicheve roof mounted Amend e) to: e) not more per allotr whicheve Aerials/antenn Amend f) to e) are can

dishes nted nore than one satellite dish is lished per allotment or per multi-unit ing, whichever is the greater. ed re than one satellite dish is established tment or per multi-unit building, ver is the greater. nes (other) nted re than one satellite dish is established otment or per multi-unit building, ver is the greater. ed re than one satellite dish is established otment or per multi-unit building, ver is the greater. ennae re not located within or beneath the anopy of an existing tree

Issue Raised by Department July 07	Previously raised by the Dept	Our previous response	Comment	Proposed fut
<b>f. Amusement devices</b> The requirement that they be structurally sound is loose. If any standards or requirements apply to such devices they should be identified and Council is to ensure that the device is safe.			Given the variety of potential non-automated amusement devices it is difficult to be any more detailed in the requirements for structural adequacy. It is recommended that the subclause be amended to read:	Amusement I non-automat Amend c) to b) are struc supporte
			c) are structurally sound and adequately supported.	Include a not
			It is also recommended that a note be included at the end of the section, as follows: <i>Note: Approval for the temporary</i>	Note: Approv required und even where the development.
			structure may be required under the Local Government Act 1993, even where the development is exempt development.	
<b>g.</b> Awnings & Pergolas (a) The draft Infrastructure SEPP (p.33) has Awnings and Pergolas as exempt development with the proviso that the maximum area is 20m <sup>2</sup> whereas the dLEP counts as exempt development up to 10m <sup>2</sup> (p36).			As explained above, the draft Infrastructure SEPP is not relevant to private land in the LGA. The Draft SEPP if gazetted, would provide an additional exception for public authorities.	Awnings Add j) have a m existing
(b) The maximum exempt height is 2.4m in the draft infrastructure SEPP. In the dLEP there is no stipulation for height for awnings in Exempt Development.			A maximum height of 2.4 metres is included for pergolas. It is recommended that this also be included for awnings.	
<ul> <li>h. Banners</li> <li>Exempt area reduced. It would seem prescriptive to require that anything over</li> <li>2.8X1m requires a complying development certificate or more when previously 4m<sup>2</sup> was exempt.</li> </ul>			The requirement is consistent with Council's new banner policy, which was adopted in September 2002 after DCP 46 and reviewed in 2005.	No change re
i. Barbecues In residential or business zones, there is no constraint on visibility from the street if behind the front building line.			The constraint on visibility from the street relates to the front setback, in line with Council's policies which discourage private open space in the front setback. Side and rear setbacks, even where there may be visibility from the street, are appropriate locations for barbecues.	No change re

ture action by Council
: Devices Ited
ucturally sound and adequately ted
te at the end of the section, as follows:
oval for the temporary structure may be der the Local Government Act 1993, the development is exempt ot.
maximum height of 2.4 metres above g ground level
recommended.
recommended.

Issue Raised by Department July 07	Previously raised by the Dept	Our previous response	Comment	Proposed futu
j. Boundary adjustments Mandatory cl.15 Subdivision – consent requirements addresses this. There is no need to provide an exemption.			It is agreed that cl.15 provides criteria for subdivision that does not require consent. However, this clause does not relate to exempt development under cl. 16 and 18 and therefore fails to consider the constraints listed in that clause (eg. the BCA, heritage significance, environmentally sensitive lands). If Council cannot include additional provisions for subdivision/boundary alignment in Exempt Development, then additional local provisions to Clause 15 are recommended.	To clause 15 of follows: (3) Notwithsta this clause midevelopment and: a) is not und b) is not und b) is not und b) is not und cland; c) the size of 10%; d) no new p metres of e) the bound of any tree applies; f) there is r rights for adjoining g) a written subdivisi lodgement h) any notic with the of Note: A Section
<b>k. Cubby houses and kennels</b> The area for either is $10m^2$ (in the case of cubby houses, the area has increased from $5m^2$ to $10m^2$ . While the intention is to ensure that everything is captured, $10m^2$ appears excessive.			Agreed. It is recommended that these developments be limited to 5 m <sup>2</sup> as exempt development, as was previously the case.	<i>Council with t</i> Cubby houses Amend c) to <i>c) have a m</i>
I. Decks In terms of materials, it would be more appropriate to use the wording of the Complying Development Controls "where located on bushfire prone land, complies with relevant Australian Standards in relation to construction on such lands" rather than "if located on bushfire prone land, comply with the			The wording is also used for sheds and greenhouses, and shade structures. It is recommended that the phrasing <i>"where</i> <i>located on bushfire prone land, complies</i> <i>with relevant Australian Standards in</i> <i>relation to construction on such lands"</i> be used, as the BCA requires consideration of	Decks Amend i) to: <i>i) if located</i> <i>relevant i</i> <i>construct</i> <i>construct</i> <i>other tha</i>

of the LEP add a local provision as

standing clause 15 (2), subdivision under must meet the requirements for exempt nt listed in Clauses 16 and 18 of this Plan

Indertaken on bushfire prone land; mplemented for the purpose of leasing

e of any lot is not altered by more than

property boundary is located within 0.9 of any building;

*Indary adjustment is not within 3 metres* tree to which Clause 34 of this LEP

, s no impact on the drainage or access for any of the subject allotments or any ng premises;

en notice and copy of the plan of ision is lodged with Council prior to nent with the Land Titles Office; tice of transfer is forwarded to Council e appropriate lodgement fee.

tion 73 compliance certificate must be om Sydney Water and submitted to h the plan of subdivision.

es

maximum floor area of 5m<sup>2</sup>

ed on bushfire prone land, complies with nt Australian Standards in relation to fuction on such lands and are fucted of non-combustible materials han aluminium.

Issue Raised by Department July 07	Previously raised by the Dept	Our previous response	Comment	Proposed fut
relevant Australian Standard in relation to such land <u>and Planning for Bushfire Protection and</u> <u>are constructed of non-combustible materials</u> <u>other than aluminium</u> ". This wording is also used for pergolas, deck replacement.			<ul> <li>Planning for Bushfire Protection. However, it is recommended that the <i>phrase "and are constructed of non-combustible materials other than aluminium</i>" be retained, to reduce confusion for the layperson.</li> <li>Numbering also needs to be corrected for Sheds and greenhouses.</li> </ul>	Sheds and gro Amend as foll <i>h)if located of</i> <i>relevant Aust</i> <i>construction</i> i) are cons other tha ii) are locat building i) are finish reflectivi j) if erected than one per allot
<ul> <li>m. Fencing - boundary fencing on residential land</li> <li>This requires the fence to be located at least</li> <li>10m from any other building or tree. As it is required to be of non-combustible material, this would appear unnecessary.</li> </ul>			The requirements for exempt development give the option of <u>either</u> the use of non- combustible material, or a 10 metre separation from another building or tree. This is appropriate.	No change re
n. Gazebos This includes a requirement that the total site landscaped area at the completion of development be at least 50%. This is the insertion of a maximum building footprint/landscaping requirement in the dLEP.			Exempt development, by its very nature, requires a variety of standards that may not be appropriate for development that requires a DA. Exempt (and complying) development must necessarily include provisions which are normally included in a DCP, such as setbacks, size, materials etc. The Draft Infrastructure SEPP and SEPP 4 provide examples of this. Provisions limiting building area are similarly appropriate.	No change re
			These provisions do not prohibit development on sites that have a landscaped area of less than 50%, merely require the lodgement of a DA to allow merit assessment in accordance with the DCP.	
o. General Council has tied the dLEP to a number of other documents including Council's "Banner Policy" and Council's "Outdoor Dining and Footpath Trading Policy". These were not provided with			While it is understood that the Department is encouraging the avoidance of such references, the inclusion of the details from these policies would make the LEP unnecessarily long.	Council reque review its req policies in the comments.

greenhouses including shade structures

ollows:

on bushfire prone land, complies with ustralian Standards in relation to

on on such lands and nstructed of non-combustible materials

han aluminium

cated at least 10 metres from any other ng or tree;

ished in a manner that ensures nonivity; and

ted on residential premises, not more ne shed and/or greenhouse is erected otment.

recommended.

recommended.

quest that the Department of Planning requirements to reference DCPs and the LEP in the light of Council's

Issue Raised by Department July 07	Previously raised by the Dept	Our previous response	Comment	Proposed fut
the dLEP and referencing is incomplete e.g. version number and date of the policy.			The inclusion of the date of the policies is impractical, as it would result in the requirement to change the LEP every time there is a policy change, no matter how minor.	If this is not a footpath dinir development
			Council will supply the relevant policies. However, should this not be acceptable, banners and footpath dining should be deleted from exempt development and therefore require a DA.	
<b>p. Tree Preservation</b> Constraints that refer to Council's Tree Preservation Order are more onerous than they were prior to December 2006. On 12 December 2006, Council resolved to adopt a new Tree Preservation Order that identifies trees under the order as having a trunk diameter of 150mm or more measured at ground level. The earlier Order relied on a height of 5 or more metres with a canopy spread of 4 or more metres.			Prior to December 2006, Council's Tree Preservation Order (TPO) protected trees with a minimum height of 5 metres or a canopy of 4 metres. The new TPO has substituted the 4 metre canopy width for a trunk diameter of 150mm at ground level. This is not considered more onerous. Importantly, it is also easier to assess whether there has been a breach of the TPO, when a tree has been removed. While the height and spread may be open to argument, the ability to measure the trunk provides increased certainty in Council's response, and therefore discourages breaches. The controls in relation to tree preservation are consistent with the adopted TPO.	No change re
<ul> <li>q. Paving         <ul> <li>a) The exemption on 35m<sup>2</sup> of paving may conflict with BASIX requirements. There should be a rider that ensures there is no</li> </ul> </li> </ul>			There are also a number of other potential structures that may compromise previous BASIX commitments.	Amend all no types by addi <i>Where a BAS</i>
<ul> <li>inconsistency with BASIX requirements.</li> <li>b) Paving also includes a requirement that "if located over a drainage easement, Council stormwater pipe or within a 100 year ARI</li> </ul>			However, the Department of Planning (BASIX section) has advised that the BASIX certificate does not carry over to later development that does not require a BASIX certificate, such as paving, sheds, decks etc.	issued for de Certificate ha
overland flow path (flood conveyance zone), there is no change to existing ground level.			The Department has also advised that there has, however, been confusion in some areas where complying development applications have been lodged prior to the occupation	Swimming po Add a note to
			certificate being issued for a previous development. The following criteria is	Note: A BASI, 40,000 litres.

ture action by Council	
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t acceptable, delete banners and ning from the provisions for exempt nt.

recommended.

non-commercial complying development ding the following provision:

ASIX certificate has previously been development on the site, the Occupation has been issued for the development.

pools and spas

to the end of these sections as follows:

*SIX certificate is required for pools over es.* 

Issue Raised by Department July 07	Previously raised by the Dept	Our previous response	Comment	Proposed fut
			therefore recommended for inclusion under all non-commercial complying development types:	
			Where a BASIX certificate has previously been issued for development on the site, the Occupation Certificate has been issued for the development.	
			A note should also be added to the section on pools and spas and alterations to pools and spas, that a BASIX certificate is required for pools over 40,000 litres.	
<b>r. Power poles</b> As well as being installed in accordance with Energy Australia requirements, poles need to			It is noted that should the Draft Infrastructure SEPP be gazetted, power poles would not require consent where the	Relocate the exempt devel
be located within 3m of a side property boundary and evidence provided by Energy Australia that underground connection is not available. No complying options. This addresses the issue raised previously with Council regarding its requirement that all cables be placed underground.			work is undertaken by or on behalf of a public authority. However, it is unclear to what extent the draft SEPP needs to be considered.	Delete the fol <i>Electricity Po</i> Include condi provided belo
			Council is seeking undergrounding of power lines where possible, for visual amenity, tree protection, public safety and increased certainty of power supply. Pending advice in regard to the draft SEPP, it is recommended that power poles become complying development rather than exempt, as evidence from Energy Australia is required. Conditions of consent need to be included.	provided beto
s. Carport and garage replacement and deck replacement These don't identify that the area should be the			It is recommended to add a provision requiring the new carport or garage to be similar to the structure it replaces in terms	Replacement 11. Carport a
same as previously although other replacement items in the same section do specify that the			of its footprint, height and design. This provision is already included for deck	Add the follow
area should be the same as previously.			replacement.	c) the new footprint replaces
t. Stormwater and drainage			The provisions for exempt development in	Stormwater d

uture action by Council
e provisions for Power Poles from
velopment to complying development.
following under Exempt Development <i>Poles – See "Power Poles".</i>
nditions of consent for power poles (draft elow).
nt of structures and materials rt and garage replacement
lowing provision:
w carport or garage is similar in terms of nt, height and design to the structure it es.
r drainage works (minor)

Issue Raised by Department July 07	Previously raised by the Dept	Our previous response	Comment	Proposed futu
<ul> <li>DCP 46 does not include drainage works as exempt development for others than Council.</li> <li>The new Exempt section provides for some non- Council works including works that do not traverse more than a single property benefited by the works and works are not to be undertaken within 7m of any tree.</li> <li>(a) "Works not within 7m of a tree" is restrictive, particularly as DCP permits complying works outside tree canopies. Rather, there should be consistency with the Tree Preservation DCP (which also should not be additionally restrictive).</li> <li>(b) As there is no clause for drainage works in the Complying Development section, this has ramifications for applicants endeavouring to connect to a drainage easement requiring crossing more than one allotment (J. Poole).</li> </ul>			<ul> <li>the Draft LEP include some drainage works as exempt development. The controls are different to those in DCP 46, as they have been extensively reviewed and the more generous provisions are considered acceptable. Further consultation with Council's landscaping department,</li> <li>a) It is recommended that the 7 metre provision be deleted, and the provision be reworded to allow works not under the canopy of a tree protected under Clause 34 to be exempt.</li> <li>b) It is appropriate, that where drainage works require the crossing of more than one allotment, that a merit assessment be undertaken and therefore that a DA be lodged.</li> </ul>	Delete the fol b) the work of any tro and replace w b) the work canopy of this
Complying Development				
<ul> <li><b>a.</b> BASIX and Riparian issues         A number of the following are issues that would             be addressed through BASIX.         </li> <li>Use of environmental corridors, terrestrial &amp;             aquatic habitat, bank stability and riparian             corridors in either the Exempt or the Complying             Development for carports, decks, verandahs,     </li> </ul>			Where appropriate, recommendations are included in relation to BASIX as discussed below. However development in riparian areas, stormwater and waste management are not addressed by BASIX and therefore it is appropriate to require merit assessment for such works.	Council reque concerns in li Council.
driveways, dwelling houses, sheds and greenhouses is questionable given that the sites included in the Town Centres dLEP are highly urbanised. This comment also applies to the Water and Waste sections of the DCP.			Riparian areas have been identified within some of the Town Centres under Council's Riparian Policy (and the existing DCP 47) as well as through the site analysis for the specific sites in the LEP/DCP. It is important that these be maintained and enhanced where the scale of the development allows, in keeping with the Policy. It is noted that the Riparian Policy was developed in close consultation with the Department of Natural Resources. Where site specific controls have been applied to sites with riparian zones, the zones have been protected. Testing has been	<i>Complying De</i> Decks and Ve Sheds and Gr Swimming Po Delete the rec metres buffer Corridor)

ollowing: *rks are not undertaken within 7 metres* tree subject to Clause 33 of this LEP

with:

*vorks are not undertaken within the oy of any tree protected under Clause 34 is LEP.* 

uests that the Department review its light of the information provided by

*Development* /erandahs Greenhouses Pools and Spas

equirement under "Location" for a 50 er to a Category 1 (Environmental

Issue Raised by Department July 07	Previously raised by the Dept	Our previous response	Comment	Proposed fut
			undertaken to ensure that development is feasible on these sites.	
			Nevertheless, it is recommended that Category 1 (Environmental Corridor) references be deleted from the Town Centres LEP.	
b. Bush fire prone lands In relation to Bush Fire Prone lands, the performance indicators from Rural Fire Service are applicable. It is not clear that a buffer distance would be appropriate.			<ul> <li>A number of issues in relation to both exempt and complying development on bush fire prone land have arisen:</li> <li>a) RFS has previously indicated that both buffers and performance criteria may be acceptable:</li> <li>Council has based the current town centre provisions for exempt and complying development on the provisions included in the proposed LEP 195 and Draft DCP 46. This work has been postponed due to the introduction of the standard LEP template. However, Section 62 consultation for these plans was carried out, and the comments</li> </ul>	
			<ul> <li>carried out, and the comments received from RFS dated 16 June 2003 include the following:</li> <li>Page 17 Cubby Houses</li> <li>As a non-habitable structure the provisions of Australian Standard</li> <li>AS3959 and Planning For Bush fire</li> <li>Protection —2001 do not apply to cubby houses. It is sufficient to require the structure to be placed at least 10 metres away from any dwelling or to require the use of non- combustible materials other than aluminium.</li> <li>Page 49 Dwellings — Single Storey Residential development should not</li> </ul>	

ture action by Council					

Issue Raised by Department July 07	Previously raised by the Dept	Our previous response	Comment	Proposed fut
			<i>be designated complying development</i> <i>within bush fire prone areas unless</i> <i>the development meets the</i> <i>performance criteria outlined within</i> <i>Planning For Bush fire Protection —</i> <i>2001 and conforms to Australian</i> <i>Standard AS 3959.</i>	
			It is noted that dwellings are not permissible within the Town Centre and therefore are not included in the complying development provisions of the LEP. However, the RFS comments show that both the use of buffers and the use of performance criteria can be acceptable solutions.	
			While measures such as setbacks and material use may be suitable for small scale developments as included under Exempt development, RFS has raised issues (verbally) in relation to complying development. Prescriptive measures across types of development are not seen as addressing the requirements of Planning for Bushfire Protection for the scale of complying development. Relying on performance criteria would require a merit assessment and therefore lodgement of a DA.	
			<ul> <li>b) There is, however, a more basic concern about the assessment of the requirements under Planning for Bushfire Protection. PBP 2006 states:</li> </ul>	
			However, residential buildings (such as Classes 1, 2 and 3 under the BCA), if classified as complying development under the relevant planning instruments and located on bush fire prone land, must also comply with the BCA. This requirement is satisfied by following the site assessment	Decks and ve Pergolas Sheds and gr Awnings and Alterations an • external

verandahs

greenhouses nd sailcloths and additions to commercial premises

Issue Raised by Department July 07	Previously raised by the Dept	Our previous response	Comment	Proposed fut
			<i>methodology in Appendix 3 of PBP (and the construction requirements in section 3 of AS 3959-1999) which is adopted as the New South Wales Variation to the BCA.</i>	Replace the p where locate with relevant construction
			Therefore, complying development, such as decks, verandahs, pergolas, awnings and sailcloths, sheds, greenhouses and shadehouses would require assessment under PBP 2006. How will such assessment be undertaken? By the applicant, the PCA or the RFS?	with: <i>is not located</i>
			The following was also received from RFS: <i>Referrals to the RFS would be</i> <i>needed for level 3 and Flame Zone.</i>	
			This response does not address two significant issues:	
			<ul> <li>i) The response leaves open how the assessment (which level of construction? location in a flame zone?) will be undertaken and who will undertake it? If it is the applicant, a report from a suitably qualified and experienced consultant would be required to be submitted to justify the measures proposed to address the risk. In such circumstances lodgement of a DA, with referral to RFS is likely to be cheaper.</li> </ul>	
			Further, in such circumstances, the report would still need assessment by the PCA (if adequately trained) or the RFS and relevant conditions would need to be applied (which may not be able to be adequately addressed as standard conditions in the LEP). The assessment issue is even more significant where the	

e provision which states: ated on bushfire prone land, complies ont Australian Standards in relation to on on such lands

ted on bushfire prone land.

Issue Raised by Department July 07	Previously raised by the Dept	Our previous response	Comment	Proposed futu
			application is lodged with a Private Certifying Authority (the majority of complying development applications) which has not had the benefit of any training.	
			<ul> <li>ii) The time required for an application to be referred to and assessed by RFS. Complying Development is required under the Act to be determined within 7 days. This timetable cannot be met, if referral to an outside agency is required.</li> </ul>	
			Accordingly, it is recommended that complying development be excluded from bush fire prone land. An additional criterion to this effect should be added to all complying developments except where the work is exclusively internal or for a pool.	
<ul> <li><b>c.</b> Decks, Verandahs, Awnings and Pergolas</li> <li>(a) DCP 46 (p44) provides for a maximum height of 2.7 above finished floor level. The dLEP stipulates a maximum height of</li> </ul>			a) It is recommended that the height be changed to 2.7 metres above finished floor level, as the height is also capped by the requirement for a maximum finished	Decks and ve Awnings and s Pergolas
<ul> <li>2.7m above ground level (p62).</li> <li>(b) The drainage section of DCP 46 states that as an alternative to gravity drainage to the street gutter or an existing drainage</li> </ul>			floor level of 500mm above ground.	Replace the p has a maximu (existing) grou
easement, the built upon area is not to exceed 35% and there is an on-site stormwater detention system provided. The dLEP (Decks and Verandahs (n), p63)			<ul> <li>b) As complying development is only possible where the development is permissible with consent, sites containing a dwelling house will not be able to apply</li> </ul>	With: has a maximu floor level.
states that if stormwater drainage is not possible via legal inter-allotment drainage easement, then it will require an on site	Ż		for deck as complying development. For such development, a DA will need to be lodged and existing use rights proven.	Decks and ver Sheds and gre
dispersal system designed "for the whole site coverage area and the landscaped area is at least 70% if the pre-			New development of the scale provided for in the town centres will require	Delete the pro <i>) is not possib</i> easement, in
development landscaped area is at least 70%." Maximum site coverage would therefore be 30%. As "site coverage" does	5		drainage easements. Accordingly, it is recommended that references to on site dispersal and 70% landscaped area are	to an on-site of consulting hy coverage and
not include "unenclosed decks and the like" using the term site coverage when discussing drainage in Complying			replaced with the requirement to connect by gravity to a street system or legal inter-allotment drainage easement.	the pre-devel 70%.

verandahs d sailcloths

e provision which states: mum height of 2.7 metres above round level

num height of 2.7 metres above finished

verandahs greenhouses

provision which states: sible via an interallotment drainage in which event the stormwater is drained the dispersal system designed, by a hydraulic engineer, for the whole site and the landscaped area is a least 70% if velopment landscaped area is at least

Issue Raised by Department July 07		Previously raised by the Dept	Our previous response	Comment	Proposed futu	
(c) (d)	<ul> <li>Raised by Department July 07</li> <li>Development in the dLEP is potentially confusing.</li> <li>"Site coverage" is defined in the dLEP dictionary as "the proportion of a site area covered by buildings" and "landscaped area" is defined as "a part of a residential site used for growing plants, grasses and trees, but does not include any building, structure or hard paved area." It is not clear how Council would consider paving. (BASIX issue).</li> <li>DCP 46 (p43) requires a minimum setback of 2m for complying decks, verandahs, awning and pergolas from any other side property boundary. In the dLEP, awnings (e) specifies compliance "for residential sites [awnings are] set back at least 6m from any property boundary" whereas decks and verandahs (j) specifies a set back at least 6m from all side and rear property boundaries".</li> <li>In DCP 46, under Decks etc Building Design (p43), "the structure may be roofed or unroofed". In the dLEP, (Pergolas (c)), specifies that structure cannot be covered with anything that may serve as a roof (p.64). Is this necessary?</li> </ul>	-	Our previous response	<ul> <li>Pools and spas will still be permitted on low density sites, therefore this provision should be retained for these types of development.</li> <li>c) Paving is neither "landscaped area", nor "site coverage" under the definitions in the standard template and the Draft LEP. The term "landscaped area" references paving in the negative sense. As previously noted, BASIX does not apply to paving (as exempt or complying development) that is not part of a BASIX applicable development.</li> <li>d) The scale of development permitted under the Town Centres LEP requires greater landscaped setbacks. The DCP requires 6 metre setbacks for R4 zones and 3 metres is proposed for R3 zones. It</li> </ul>	Proposed fut No change re Decks and Ve Awnings and Pergolas Amend provis side and rear <i>For residenti</i> <i>rear property</i> <i>i) in R4 zon</i> <i>ii) in R3 zon</i> <i>dwelling</i> <i>boundar</i> <i>minimur</i>	
				is appropriate to require setbacks for complying development that are consistent with the DCP requirements. It is recommended that a 3-5 metre setback provision for R3 zones be included in line with the proposed amendments to the R3 controls in the DCP.		

recommended.

Verandahs nd sailcloths

vision relating to the 6 metre setback to ar property boundaries to:

ntial sites is set back from all side and rty boundaries by at least the following: zones, 6 metres zones, 3 metres, except where the ings primarily address the relevant lary, where the structure is set back a num of 5 metres.

recommended

ไรรเ	ue Raised by Department July 07	Previously raised by the Dept	Our previous response	Comment	Proposed fut
				e) Pergolas that are roofed are considered as verandahs, as they are hard surface areas. They are therefore covered under Decks and verandahs.	
<b>d.</b> (a)	Pools & Spas Surrounding paving is not mentioned in DCP 46. Under Swimming pools & spas- (o), the dLEP stipulates that coping, paving around pool or spa cannot exceed 25m <sup>2</sup> (p. 66). (BASIX issue).			<ul> <li>a) Under DCP 46 paving is not considered as part of a complying pool and this was seen as a shortcoming in the review of the DCP. It is reasonable to allow for some paving around a complying pool and it has therefore been added to the Town Centres LEP. It is agreed however, that such works may fall under BASIX (where pool has 40,000 litre capacity).</li> <li>Accordingly, it is recommended that compliance with the requirements of BASIX (where applicable) be included in the provisions of Clause 17 of the standard instrument. Meanwhile, a note should be added to the</li> </ul>	Council reque include a note relating to BA development. Amend provis side and rear
(b)	In DCP 46, the minimum setback from outside coping edge to any side or rear property is 2m (p.46). In the dLEP (Swimming pools & spas, (i)) the minimum is 6m (p.66).			section on pools and spas and alterations to pools and spas, to the effect that a BASIX certificate is required for pools over 40,000 litres.	For residenti coping is set boundaries b i) in R4 zoi ii) in R3 zoi dwelling boundar
(c)	Drainage from pools and spas in DCP 46 (p47) requirements tend to be less specific than in the dLEP e.g. in the DCP, "The			b) The scale of development permitted under the Town Centres LEP requires greater landscaped setbacks. The DCP	minimur

pools and spas

to the end of these sections as follows:

*SIX certificate is required for pools over es.* 

uests that the Department of Planning ote in the standard LEP template BASIX for exempt and complying nt.

vision relating to the 6 metre setback to ar property boundaries to:

ntial sites the outer edge of the nearest et back from all side and rear property s by at least the following: zones, 6 metres zones, 3 metres, except where the ings primarily address the relevant lary, where the structure is set back a bum of 5 metres.

Issue Raised by Department July 07	Previously raised by the Dept	Our previous response	Con	nment	Proposed fut
areas surrounding the structure shall be graded to divert surface water to a surface water collection point and clear of the proposed structures and adjoining premises" and "All pool or spa wastewater shall be disposed of, to an approved sewerage system. A Section 73 Compliance Certificate will need to be obtained from Sydney Water in order to dispose of non-residential pool wastes in this way" and "The pool or spa structure shall not divert stormwater onto adjacent properties." In the dLEP, is not clear and appears to be far more onerous than previously.			c)	requires 6 metre setbacks for R4 zones and 3 metres is proposed for R3 zones. It is appropriate to require setbacks for complying development that are consistent with the DCP requirements. It is recommended that a 3 -5 metre setback provision for R3 zones be included. The drainage requirements are consistent with those for other complying development types. It is important that appropriate provision is made to prevent adverse impacts on neighbouring properties or downstream ecosystems, however DCP 46 was inadequate in this regard. The review of the DCP identified the need to meet modern standards in relation to stormwater management.	
<ul> <li>e. Sheds &amp; Greenhouses (minor out buildings)</li> <li>(a) Roof specifications (dLEP, (l), p64) provide a ridge height for pitched and flat roofs (p. 65). This is probably to address the increase in area from 15m<sup>2</sup> in DCP 46 (p.48) to a maximum of 25m<sup>2</sup> in the dLEP (p.64).</li> <li>(b) The minimum setback from wall of building to boundary has increased from</li> </ul>				It is appropriate to provide height constraints for minor outbuildings to prevent unacceptable visual impacts on neighbouring sites. The scale of development permitted under the Town Centres LEP requires greater landscaped setbacks. The DCP	No change re Sheds and gra Is set back fra boundaries b i) in R4 zor ii) in R3 zor dwelling
<ul> <li>2m in DCP (p. 48) to 6m in the dLEP (p.65).</li> <li>(c) In DCP 46 (p49), the drainage for minor outbuildings for compliance requires stormwater either drained to the street gutter etc or alternatively, the built upon area is not to exceed 35%.</li> <li>In the dLEP under Sheds and Greenhouses ((p),</li> </ul>			c)	requires 6 metre setbacks for R4 zones and 3-5 metres is proposed for R3 zones. It is appropriate to require setbacks for complying development that are consistent with the DCP requirements.	boundar, minimur, Swimming po Amend s) ii) a s)ii) Not po drainag stormv system

recommended.

greenhouses including shadehouses from all side and rear property by at least the following: cones, 6 metres cones, 3 metres, except where the ings primarily address the relevant lary, where the structure is set back a pum of 5 metres. pools and spas

as follows:

*possible via a legal interallotment nage easement, in which event the mwater is drained to an on-site dispersal em designed by a consulting hydraulic* 

Issue Raised by Department July 07	Previously raised by the Dept	Our previous response	Comment	Proposed futu
p63) states that if stormwater drainage is not possible via legal inter-allotment drainage easement then will require an on site dispersal system designed "for the whole site coverage area and the landscaped area is at least 70% if the pre-development landscaped area is at least 70%." So the maximum site coverage (built upon area) would be 30% - a reduction from the DCP.			<ul> <li>scale developments, it was         recommended above that complying         development ancillary to such         development will not require the         provision regarding reduced built upon         area.</li> <li>However, swimming pools and spas are         permissible under the LEP and therefore this         should be considered for this development         type. It is recommended that the minimum         landscaped area be reduced to 65% on such         sites, which would be consistent with the         35% built upon area in DCP 46 and current         practice. This will only apply to development         on sites that are not yet re-developed to the         larger scale allowed for under the LEP.         Where the land slopes away from the street,         the larger scale developments will have         easements.</li> </ul>	engined and the At least 65 area is at a No less th pre-develo 65%.
f. External Alterations to Commercial Premises DCP 46 (p.51) states that changes must not result in a reduction to existing car parking levels or landscaping. In the dLEP, under "Alterations & additions to commercial premises" (external (e)) changes should not involve or result in <u>any alteration</u> to the car parking or landscaping at the site (p. 62). This is considerably more restrictive.			It is recommended that the original wording in relation to landscaping be re-instated.However, alterations to car parking may result in inadequate provision for vehicle manoeuvring (eg. inadequate turning circles). It is therefore recommended that no change to the car parking requirements should be made.In addition, increases in seating capacity from internal changes may result in the need for more car parking. It is recommended that an additional criterion be added to "Internal alterations and additions to commercial premises", to the effect that the development not result in additional seating capacity. Note that footpath dining is covered under Exempt development.	e) does not
<b>g. Miscellaneous</b> In the DCP there are a number of things that are included as complying development that are			These changes are as a result of the review of DCP 46.	No change is development

neer, for the whole site coverage area *he landscaped area is either:* 

*65% if the pre-development landscaped* nt least 65%, or

than the existing landscaped area if the elopment landscaped area is less than

and additions to commercial premises

erations do not involve or result in a ion in landscaping or alterations to the king at the site.

and additions to commercial premises

tional criterion: ot result in additional seating capacity.

is recommended to complying nt in relation to advertising, bus shelters,

Issue Raised by Department July 07	Previously raised by the Dept	Our previous response	Comment	Proposed fut
<ul> <li>not in dLEP. Some are now in ED of LEP:</li> <li>a) Advertising – now in Exempt development</li> <li>b) Bus shelters – not in either Complying or Exempt development in the dLEP</li> </ul>			a) The inclusion of advertising in Exempt Development ensures that some signage is permissible in residential zones, in accordance with SEPP 64.	demolition, s
<ul> <li>c) Demolition – now in Exempt development. However, demolition is also in the zone table for development with consent.</li> <li>d) Special events – now in Exempt development</li> </ul>			<ul> <li>b) In the Town Centre, most roads are unzoned and therefore bus shelters on such roads do not require Council consent. They still require consent under the Roads Act. Bus shelters/stops will need to be considered at the comprehensive LEP stage, when roads are required to be zoned.</li> </ul>	
development e) Front fences- now in Exempt development			Note that the Draft Infrastructure SEPP refers only to bus stops in the STA area, and bus interchanges connected with railway facilities, conducted by or on behalf of a public authority.	
			c) Demolition up to 40 sqm is exempt, while larger demolitions require consent.	
			d) and e) The provisions for special events and front fences are adequate to allow these to be exempt development.	
<b>h.</b> Awnings In the dLEP awnings up to 30m <sup>2</sup> are complying (queried see above 2). If answer to query results in specification of 20m <sup>2</sup> as the maximum area in complying development, then there is also a conflict with Draft SEPP. (For pergolas			It is recommended that the maximum size of complying awnings and sail cloths be reduced to 25 sqm. This would be consistent with the maximum permissible size of complying pergolas in the Draft LEP.	Awnings and Amend a) to .
max 25m <sup>2</sup> - although this does not conflict with Draft SEPP).			The provisions for awnings under the Draft Infrastructure SEPP relate only to works by or on behalf of public authorities. No provisions specific only to public works have been included for awnings and sailcloths in the draft LEP.	
<b>i. Decks</b> Under the draft infrastructure SEPP (p.33)			The provisions for decks under the Draft Infrastructure SEPP relate only to works by	No change is

, special events for front fences.

nd sailcloths: o ...is not more than 25 m²

is recommended.

Issue Raised by Department July 07	Previously raised by the Dept	Our previous response	Comment	Proposed futu
decks are exempt development up to 1m above ground level. In the dLEP complying Decks- (d) the maximum level above ground level is 500mm (p.63).			or on behalf of public authorities and is not relevant to decks on private land.	
<b>j. SEPP No.4</b> SEPP 4 covers filming, satellite dishes etc. Council needs to consider the relevance of including filming etc in Zone B2.			The inclusion of these uses in B2 zones provides for merit assessment for these development types, where the requirements for exempt development are not met. It is therefore appropriate that they be included as both exempt and with consent.	No change is
Conditions of consent for complying development must be included in Schedule 3.	DoP workshop 16 May on Standard LEP template		Proposed conditions of consent are included at Attachment 11. These should be included as Part 2 of Schedule 3. To avoid confusion, Part 1 <i>Complying</i> <i>Development Conditions</i> should be rephrased to <i>Complying Development</i> <i>Standards</i> .	Add a subtitle of the dLEP Include a Part consent as per Delete the not Schedule 3. Delete the hea Development Complying De Add a note to Note: All com be issued with conditions for work comment appoint a Prin Council 2 days work.

# uture action by Council is recommended. tle *Part 1 above the table in Schedule 3* art 2 to Schedule 3 with the conditions of per Attachment 11. note at the beginning of Part 1 of neading in Part 1 *Complying* ent Conditions and replace with Development Standards. to Part 2 as follows: omplying Development certificates must *with a copy of the all the relevant* for a particular development. Before nences, the applicant is required to rincipal Certifying Authority and give ays notice prior to the commencement of

## Schedule 1 Zones and FSR changes – from KPSO to DLEP

Sites	Existing zoning (note some have existing non- residential uses)	Proposed zoning	Existing FSR	Proposed maximum non- residential FSR	Proposed site FSR	Change in maximum permissibl e non-res FSR	Change in overall site FSR
167, 169, 169A, 171 Mona Vale Rd, St Ives	2(d3)	R4	1.3:1	1:1	2.4:1	+1:1	+1.1:1
173, 177 Mona Vale Rd, St Ives	2(d3)	R4	1.3:1	0.5:1	1.7:1	+0.5:1	+0.4:1
179 Mona Vale Rd, St Ives	2(d3)	R4	1.3:1	0.5:1	1.7:1	+0.5:1	+0.4:1
183, 183A, 185, 187-189 Mona Vale Rd, St Ives	2(d3)	R4	1.3:1	0.5:1	1.7:1	+0.5:1	+0.4:1
1-20, 22, 24 Stanley Close, St Ives	2(h)	R4	0.4:1	1.06:1	1.6:1	+1.06:1	+1.2:1
208, 210, 212, 214 Mona Vale Rd, St Ives	2(d3)	R4	1.3:1	0.3:1	1.3:1	+0.3:1	No change
3, 5, 5a, 7, 9 Memorial Ave, St Ives	2(d3)	R4	1.3:1	0.3:1	1.3:1	+0.3:1	No change
199 Mona Vale Rd, St Ives	2(d3)	R4	0.8:1	0.3:1	1.3:1	+0.3:1	+0.5:1
126, 128 Rosedale Rd, St Ives	2(d3)	R4	1.3:1	0.3:1	1.3:1	+0.3:1	No change
169, 171, 173 Rosedale Rd, 3 Porters Lane St Ives	2(d3)	R4	1.3:1	1:1	1.3:1	+1:1	No change
1334 Pacific Highway Turramurra	2(d) Hillview (& part proposed County Rd)	R4	0.85:1	1.3:1 (res or non/res)	1.3:1	+0.45 (res or non/res)	+0.45
1340 Pacific Highway Turramurra	Reservation Proposed County Rd	R4	N/A	0.12:1	0.7:1	+.12:1	+0.7:1

Sites	Existing zoning (note some have existing non- residential uses)	Proposed zoning	Existing FSR	Proposed maximum non- residential FSR	Proposed site FSR	Change in maximum permissibl e non-res FSR	Change in overall site FSR
1335 Pacific Highway Turramurra	3(a)-(A2)	R4	1:1	1:1	1.3:1	No change	+0.3:1
1337 Pacific Highway Turramurra	3(a)-(A2)	R4	1:1	1:1	1.3:1	No change	+0.3:1
30, 32, 34, 36 Henry St Gordon	2(d) (includes heritage)	R4	0.85:1	0.15	1.5:1	+0.15	+0.65:1
1047 Pacific Highway Pymble	3(a)-(A2)	R4	1:1	1:1	1.3:1	No change	+0.3:1
1051 Pacific Highway Pymble	3(a)-(A2)	R4	1:1	1:1	1.3:1	No change	+0.3:1
1083 Pacific Highway Pymble	3(a)-(A2)	R4	1:1	1:1	1.3:1	No change	+0.3:1
1116 Pacific Highway Pymble	3(a)-(A2)	R4	1:1	1:1	1.3:1	No change	+0.3:1
1186 Pacific Highway Pymble	5(a) Special Uses (Municipal purposes)	R4	Heritage No FSR given	various	0.6:1	N/A	N/A
4 Station St Pymble	2(d)	R4	0.85:1	Not specified (car park)	1:1	N/A	+0.15
6, 8 Pymble Ave, 7, 9, 11, 11A Livingston Ave Pymble	2(c2)	R3	0.4:1 (dual occupanci es)	-	0.8:1	N/A	+0.4:1
132 Pacific Highway Roseville	3(b) – (B2)	R4	1:1	1:1	1.3:1	No change	+0.3:1
124-130 Pacific Highway Roseville	3(b) – (B2)	R4	1:1	1:1	1.3:1	No change	+0.3:1
65 Hill St Roseville	3(b) – (B2)	R4	1:1	1:1	1.3:1	No change	+0.3:1

GORDON CENTR				
	Issue Raised by Department July 07	Previously advised by Department	Council's Previous response	Comment
Block including 854-924 Pacific Highway, Gordon (previously site "B")				
1) - Sub-block in Currently: 3(b)- (61) Business (Commercial Services) <u>Proposed:</u> B4 Mixed Uses	ncluding 3-25 Merriwa St, Gordon Total proposed 1.8:1 Currently zoned 3(b)-(B1) with business FSR 1:1. A number of uses will be lost with this change including brothels, bulk stores, bus stations, clubs, commercial centres, light industries, motor showrooms, open space, public buildings and so on. Also as there is no specified commercial floor space there is potential for the loss of this from this area.	Same issue raised by the Department of Planning on 16 November 2006	Issue addressed by Council in planning reports (of 29 & 30 Nov 06) attached to the Section 68 report <i>In relation to loss of other</i> <i>uses</i> The following uses have been brought into the B4 zone under the new standard LEP land use classifications (listed in brackets): bus stations, (passenger transport facilities), clubs (registered clubs), commercial premises (business premises), open space (recreation areas), public buildings (public administration buildings). Council has adopted sex services premises, vehicle showrooms, warehouse and distribution centres and light industries be added to the permissible uses in the B4 zone consistent with the Standard Instrument. <i>In relation to loss of</i> <i>commercial floor space</i> It is inevitable there will be a loss when changing to a mixed use zone as this allows residential. The commercial office market is no longer viable in Gordon and the new zone provides flexibility for land owners.	The Department is not relying the adopted Draft LEP and accordingly its information in inaccurate. The Draft LEP submitted to th Department last year address this issue by adding sex service premises, vehicle showrooms warehouse and distribution centres and light industries to permissible uses in the B4 zo No comments have been rece from the Department since ou previous comment on this iss

	Proposed future action by Council
ing on in	Council maintains that a Mixed Use B4 zone provides the greatest flexibility for land owners.
the essed rvices ms, to the zone. eceived our ssue.	flexibility for land owners. Council requests the DOP review their concerns in light of the information provided by Council.

		The requirement for a minimum business equivalent to the existing maximum FSR would make development unfeasible. It should be noted that there are a number of substantial office buildings in this area which are unlikely to change.		
2) - 71 Ridge Street, GordonCurrently: 3(b)- (61)Total proposedCurrently zoned 3(b)-(B1) with business FSR 1:1. See comments above which also apply here.Business (Commercial Services)1.8:1comments above which also apply here.Proposed: UsesB4 UsesH	Same issue raised by the Department of Planning on 16 November 2006	Issue addressed by Council in planning reports (of 29 & 30 Nov 06) attached to the Section 68 reportAs per above commentsAllows for ground floor commercial or retail uses as a minimum.	No response has been received from the Department since our previous comment on this issue.	Council maintains that a Mixed Use B4 zone provides the greatest flexibility for land owners. Council requests the DOP review their concerns in light of the information provided by Council.
3) - 2-8 Ryde Road, Gordon         Currently: 3(b)-         [B1]         Business         2.5:1         [Commercial         Services)         Proposed: B4         Mixed         Uses         Proposed         0.8:1         This is a reduction from the 1:1         currently available for         commercial         /retail	Same issue raised by the Department of Planning on 16 November 2006	<ul> <li>Potential business FSR has been increased to 1.8:1</li> <li>Issue addressed by Council in planning reports (of 29 &amp; 30 Nov 06) attached to the Section 68 report</li> <li>This building is a recently constructed strata title office building and is unlikely to change.</li> <li>Potential business FSR has been increased to 2.5:1.</li> <li>Maximum reduction (should full residential take up occur) is 0.2:1, which is negligible.</li> <li>Allows for ground floor business or retail uses as a minimum.</li> </ul>	No comments have been received from the Department since our previous comment on this issue.	Council maintains that a Mixed Use B4 zone provides the greatest flexibility for land owners. Council requests the DOP review their concerns in light of the information provided by Council.
4) - 900-916 Pacific	Same issue raised by the Department of Planning on 16 November 2006	Issue addressed by Council in planning reports (of 29 & 30 Nov 06) attached to the Section 68 report	No comments have been received from the Department since our previous comment on this issue.	Council maintains that a Mixed Use B4 zone provides the greatest flexibility for land owners.

Currently: 3(b)-(B1) Business (Commercial Services) <u>Proposed:</u> B4 Mixed Uses	Total proposed 3.0:1	Currently zoned 3(b)-(B1) with business FSR 1:1.		Substantial existing office buildings which are unlikely to change. Smaller buildings have retail uses.	
Proposed minimum Commercial /retail	0.6:1	This is a reduction from the 1:1 currently available for commercial purposes.		Potential business FSR has been increased to 3.0:1. Maximum reduction (should full residential take up occur) is 0.4:1 Allows for ground floor	
				commercial or retail uses as a minimum.	
5) 870-898 Pac Currently: 3(b) (61) Business (Commercial Services)		Currently zoned 3(b)-(B1) with business FSR 1:1.	Same issue raised by the Department of Planning on 16 November 2006	in planning reports (of 29 & 30 Nov 06) attached to the Section 68 report	No comments have been receiv from the Department since our previous comment on this issu
Proposed: B4 Mixed Uses				Currently there are no business uses in the area,	
Proposed minimum Commercial /retail	1.2:1	This is a likely reduction from the 1:1 currently available for commercial purposes as it now includes a commercial/retail mix.		there is a large car yard and small retail uses occupying this area	
//etait				The LEP template has a mandatory requirement for retail in the B2 zone.	
				Potential business FSR has been increased to 3.0:1.	
				Allows for ground floor commercial or retail uses as a minimum.	

	Council requests the DOP review their concerns in light of the information provided by Council.
eceived e our issue.	Council maintains that a Mixed Use B4 zone provides the greatest flexibility for land owners. Council requests the DOP review their concerns in light of the information provided by Council.

6) - 854-860 Pacific Highway, Gordon	Same issue raised by	Issue addressed by Council	No comments have been received	Council maintains that a Mixed Use
6) - 854-860 Pacific Highway, Gordon         Currently:       Total         3(b)-(61)       Proposed         Business       2.5:1         (Commercial         Services)       Proposed:         Proposed:       B4         Mixed       Uses         Proposed       0.9:1         This is a reduction from the 1:1         currently available for         commercial         /retail	Same issue raised by the Department of Planning on 16 November 2006	Issue addressed by Council in planning reports (of 29 & 30 Nov 06) attached to the Section 68 report The area is currently fully occupied by retail uses The LEP template has a mandatory requirement for retail in the B4 zone Allows for ground floor commercial or retail uses as a minimum of 0.9:1 Potential business FSR has been increased to 2.5:1. Maximum reduction (should full residential take up occur) is 0.1:1, which is negligible.	No comments have been received from the Department since our previous comment on this issue.	Council maintains that a Mixed Use B4 zone provides the greatest flexibility for land owners. Council requests the DOP review their concerns in light of the information provided by Council.
7) 850 Pacific Highway, GordonCurrently: 3(b)-(B1)Total proposedCurrently zoned 3(b)-(B1)3(b)-(B1) Businessproposedwith business FSR 1:1.Business (Commercial Services)2.1:1Proposed: B2 Local Centre	Same issue raised by the Department of Planning on 16 November 2006	Issue addressed by Council in planning reports (of 29 & 30 Nov 06) attached to the Section 68 report Minimal commercial uses currently within this zone. Currently occupied by a funeral parlour	No comments have been received from the Department since our previous comment on this issue. In light of the potential reduction Council may consider increasing retail FSR minimum on this site Potential business FSR has been	Council requests the DOP review their concerns in light of the information provided by Council
Proposed minimum Commercial /retail       0.34:1       This is a reduction from the 1:1 currently available for commercial purposes. Also, it now includes a commercial/retail mix.		The LEP template has a mandatory requirement for retail in the B4 zone Allows for ground floor commercial or retail uses as a <u>minimum</u> of 0.34:1 Potential business FSR has been increased to 2.1:1. Maximum reduction (should full residential take up occur) is 0.66:1 which equates to about 490sqm of floor space.	increased to 2.0:1. Maximum reduction (should full residential take up occur) is 0.2:1, which is negligible. This reduction is seen as negligible given that Council's yield tables show there is a potential increase in commercial floor space across the whole centre	

8) - 842-846 Pacific Highway, GordonCurrently: 3(b)-(B1) Business (Commercial Services) Proposed: B2 Local CentreTotal proposed 2.0:1Currently zoned 3(b)-(61) with business FSR 1:1.Proposed: Minimum Commercial /retail0.8:1This is a reduction from the 1:1 currently available for commercial purposes. Also, it now includes a commercial/retail mix.	Same issue raisted down messue haddedeeded by Noo and tion the Department exferred implating reports pool 20 sed Planning on 16 Departmative doe battached to the November 200 for evious Sectione 68 one phist issue. The LEP template has a mandatory requirement for retail in the B4 zone Allows for ground floor commercial or retail uses as a <i>minimum</i> of 0.8:1. Potential business/retail FSF has been increased to 2.0:1.	from the Department since our previous comment on this issue. As noted on the summary page this is not a reduction in commercial floor space.	Council requests the DOP review their concerns in light of the information provided by Council
The LEP template has a mandatory requirement for retail in the B4 zone. Allows for ground floor commercial or retail uses as a minimum. Potential business FSR has been increased to 2.0:1. Maximum reduction (should full residential take up occur) is 0.2:1, which is negligible. No change is recommended.			
9) - 836 Pacific Highway & 1 McIntyre Street, Gordon         Currently:         3(b)-(61)         Business         (Commercial         Services)         Proposed: B2         Local Centre         2.0:1         Proposed         Proposed         0.45:1         This is a reduction from the 1:1         currently available for commercial         purposes. Also, it now includes a         commercial	Same issue raised by the Department of Planning on 16 November 2006Issue addressed by Council in planning reports (of 29 & 30 Nov 06) attached to the Section 68 reportCurrently occupied by car yards with limited or no commercial usesCurrently occupied by car yards with limited or no commercial usesThe LEP template has a mandatory requirement for retail in the B4 zoneAllows for ground floor commercial or retail uses as a minimum of 0.45:1	No comments have been received from the Department since our previous comment on this issue. Potential business FSR has been increased to 2.0:1. Maximum reduction (should full residential take up occur) is 0.55:1 which equates to about 400sqm of floor space. This reduction is seen as negligible given that Council's yield tables show there is a potential increase in commercial floor space across the whole centre	Council requests the DOP review their concerns in light of the information provided by Council

10) - 828 &	810 Pacific Hi	ghway , Gordon	Same issue raised by	Issue addressed by Council	No comments have been received	Council requests the DOP review
<u>Current:</u> 3(a)-(A1) Business (Retail Services) <u>Proposed:</u> B2 Local Centre	Total proposed <b>2.3:1</b>	Currently zoned 3(a)-(A1) with KPSO retail FSR 2.0:1. Retail and / or business FSR under the proposed Town Centres LEP is unspecified. And there is potential for the existing business FSR to be reduced in favour of take up of residential uses.	the Department of Planning on 16 November 2006	in planning reports (of 29 & 30 Nov 06) attached to the Section 68 report It is acknowledged that there is no minimum retail FSR in the DLEP. However, there is an increase in the commercial (including retail) permissible FSR under the	from the Department since our previous comment on this issue.	their concerns in light of the information provided by Council
Retail	unspecified	There is potential for down zoning as no minimum retail is specified equal to or greater than 2.0:1. Also, most uses are permitted except those listed in the KPSO (eg. car repair stations, dwelling houses, industries other than light industries, panel beating, warehouses).		<ul> <li>Jermissible FSR under the DLEP:</li> <li>3(a)-(A1) has a maximum commercial FSR of 2:1, (Clauses 30B (2) of the KPSO) which may consist of retail, community or business uses in accordance with the objectives of Clause 29.</li> <li>A minimum of 50% of the total floor space in the development is required for retail uses unless the site is developed purely for residential purposes. (Clause 30B (3).</li> <li>The 2.3:1 permissible in the B2 zone under the DLEP allows up to 2.3:1 of a variety of uses, including retail premises.</li> <li>This will increase the maximum retail FSR permissible.</li> <li>Both sites currently support only commercial existing uses with no retail component.</li> <li>Both the KPSO and the DLEP prohibit these uses (e.g. car repair stations, dwelling</li> </ul>		

## Attachment 4

11. 818 Pacific HighyCurrently:Total3(a)-(A1)proposedBusiness2.3:1(Retail2.3:1Services)Proposed:Proposed:B2 LocalCentreCentreCommunityMin 1.5Retailunspec	ed Currently zoned 3(a)-(A1) with KPSO retail FSR 2.0:1.	Same issue raised by the Department of Planning on 16 November 2006	<ul> <li>houses, industries other than light industries, panel beating, warehouses) consistent with the objectives of the zone.</li> <li>There is currently no retail uses in the area: <ul> <li>828 Pacific Highway is a substantial commercial building unlikely to redevelop</li> <li>810 Pacific Highway 828 Pacific Highway 828 Pacific Highway 828 Pacific Highway is a 5 storey commercial building</li> </ul> </li> <li>Issue addressed by Council in planning reports (of 29 &amp; 30 Nov 06) attached to the Section 68 report</li> <li>The retail floor space in Gordon is proposed to be increased from 17,000sqm to 47,000sqm (NLFA), which is a three fold increase. During the planning process some areas were identified as not suitable for retail uses, this site is one of those not suitable. 818, 828 and 810 Pacific Highway were identified as unsuitable because they are currently occupied by large commercial office buildings which are unlikely to change.</li> <li>It is acknowledged that the retail FSR available under the DLEP will be a maximum of 0.8:1.</li> </ul>	No comments have been recei from the Department since ou previous comment on this issu
			3(a)-(A1) has a maximum commercial FSR of 2:1 (Clause30B (2) of the KPSO), which may consist of retail, community or business uses in accordance with the	

eceived	Council requests the DOP review
e our	their concerns in light of the
issue.	information provided by Council

					objectives of cl 29.	
					A minimum of 50% of the total floor space in the development is required for retail uses unless the site is developed purely for residential purposes. (cl. 30B (3) of the KPSO). Therefore, were the site fully developed and including some commercial uses, the minimum retail under the KPSO would be 1:1.	
					The site is Council owned land and currently supports the Council Chambers and associated parking. A major portion of the building is heritage listed. The site does not include any existing retail uses.	
					The minimum requirement for 1.5:1 for community uses is required to allow for the provision of community facilities within the new town centre. It is more appropriate that	
					the main retail uses be provided closer to the station and on privately owned land.	
					The uses listed are prohibited under both the KPSO and the DLEP. This is consistent with the objectives of the zone.	
12 Block inc	luding 784-8	802 Pacific Highway, Gordon (prev	iously site F			
<u>Currently:</u> 3(a)-(A1) Business	Total proposed 3.4:1	Currently zoned 3(a)-(A1) with KPS0 retail FSR 2.0:1.		Same issue raised by the Department of Planning on 16 November 2006	Issue addressed by Council in planning reports (of 29 & 30 Nov 06) attached to the Section 68 report	No comments have been receiv from the Department since our previous comment on this issu
(Retail Services)					Retail FSR of 2.0:1 is not achievable in Gordon as this	

received	Council maintains that there is no
ce our s issue.	loss of retail FSR in Gordon centre Council understands that the inclusion of a maximum retail FSR may be confusing. It is therefore
	recommended that the LEP FSR

<u>Proposed</u> : B2 Local Centre Retail		This is a reduction from the existing.			will require up to 3 levels of retail which based on economic and retail advice is not viable. In real terms the FSR in Draft LEP at a minimum maintains the current retail allowance. Potential business FSR has been increased to 3.4:1. Maximum reduction (should full residential take up occur) is	
Block includi	ng 756-780 P	acific Highway, Gordon (previou	ly site "H")		0.3:1, which is negligible	
13) - 756-780 <u>Currently:</u> 3(a)-(A1) Business (Retail Services) <u>Proposed:</u> B2 Local Centre	-		Same the Do Plann	issue raised by epartment of ing on 16 mber 2006	Issue addressed by Council in planning reports (of 29 & 30 Nov 06) attached to the Section 68 report The Department is not correct in its assumption as it is using the KPSO as reference point to compare the Draft LEP. The KPSO zoning controls are blanket FSR controls which do not stand up to testing on a site by site basis. Retail FSR of 2.0:1 is not achievable in Gordon as this	No comments have been recei from the Department since ou previous comment on this issu
Retail	Max retail 1.5:1 - Min retail 1.3:1	This is a reduction from the existing.			will require up to 3 levels of retail which based on economic and retail advice is not viable. This area has two storey strip shops with ground floor retail and second floor commercial a retail FSR of 2.0:1 does not provide sufficient economic incentive to redevelop.	

received our ssue. Council maintains that there is no loss of retail FSR in Gordon centre Council understands that the inclusion of a maximum retail FSR may be confusing. It is therefore recommended that the LEP FSR map be amended to provide a site FSR with a minimum retail FSR only (maximum retail FSR deleted).		
our ssue. Council understands that the inclusion of a maximum retail FSR may be confusing. It is therefore recommended that the LEP FSR map be amended to provide a site FSR with a minimum retail FSR only (maximum retail FSR		FSR with a minimum retail FSR only (maximum retail FSR
our ssue. Council understands that the inclusion of a maximum retail FSR may be confusing. It is therefore recommended that the LEP FSR map be amended to provide a site FSR with a minimum retail FSR only (maximum retail FSR		
	our	loss of retail FSR in Gordon centre Council understands that the inclusion of a maximum retail FSR may be confusing. It is therefore recommended that the LEP FSR map be amended to provide a site FSR with a minimum retail FSR only (maximum retail FSR

				FSR represents an increase in retail and commercial uses	
Hinhway Gordo Currently: Part p residential 2 2(c2), part 3(a)-(A1) retail. Proposed: B2 Local Centre Retail	Min 1.45:1	21-27 St Johns Avenue, Pacific The area zoned 3(a)-(A1) has a retail FSR 2.0:1. The other part is residential. It is unlikely that this area would support retail down the block away from the Pacific Highway. This is a reduction from that available under the current 3(a)-(A1) zone.	Same issue raised by the Department of Planning on 16 November 2006	<ul> <li>Issue addressed by Council in planning reports (of 29 &amp; 30 Nov 06) attached to the Section 68 report</li> <li>There is no evidence to support the suggestion that retail in Gordon must have the Pacific Highway as the primary frontage.</li> <li>The proposed FSR represents a potential increase of over <u>10,000sqm</u> of retail uses.</li> </ul>	Also applied to 2-12 Moree & 29 St Johns The proposed total FSR is 2.3 2.5:1 as stated by the Departr No comments have been rece from the Department since ou previous comment on this iss No further evidence has been provided to support the claim retail on Moree Street is not w
previously north	-		named. ?		
(B1)Business (Commercial Services) <u>Proposed:</u> B2 Local Centre Commercial	Total proposed FSR 1:1 Not given	Currently part zoned 3(b)-(B1) with commercial FSR 1:1. There is the potential for down zoning commercial uses.	Same issue raised by the Department of Planning on 16 November 2006	<ul> <li>in planning reports (of 29 &amp; 30 Nov 06) attached to the Section 68 report</li> <li>This area is mainly on Rail Corp land and is currently occupied by car sales yards. The area is a narrow wedge of land between the highway and the rail way as has very few potential uses.</li> <li>It is unlikely that Rail Corp would approve any building elements on their land.</li> <li>The existing development standards for this site have been retained. There is no potential for down zoning in real terms.</li> </ul>	No comments have been rece from the Department since or previous comment on this iss Residential would not be a su use in this area due to the siz shape of the block and the constraints related to the high and railway
16) - 803-805 Pa	acific Highv	vay, Gordon	Same issue raised by the Department of Planning on 16 November 2006	Issue addressed by Council in planning reports (of 29 & 30 Nov 06) attached to the Section 68 report	No comments have been rece from the Department since ou previous comment on this iss

21- 3:1 not ment. eived our sue. n n that viable.	Council requests the DOP review their concerns in light of the information provided by Council
eived our sue. uitable ze and ghway	Council requests the DOP review their concerns in light of the information provided by Council
eived our sue.	Council requests the DOP review their concerns in light of the information provided by Council

3(b)-(B1) Business (Commercia Services) <u>Proposed:</u> E Local Centr Commercia	32 e		/n	The only commercial use in this area is a portion of a car yard. The remainder of the area is built out with 3 storey strata title apartment buildings about 10 years old. There is no potential for down zoning in real terms	
17) - 799 Pac Currently: 3 (131) Business (Commercia Services) <u>Proposed:</u> E Local Centr Commercia	B(b)- Total Propose FSR 2.0 al B2 e	:1	Planning on 16 November 2006	t of in planning reports (of 29 & 30 Nov 06) attached to the	No comments have been receiv from the Department since our previous comment on this issu
	k including 7	25 795 Pacific Highway, Gordor	, (previously site		
"G") 10) 7/7 70	Decific Lieb	way Gorden			Prior to 20 November 2004 FC
	5 Pacific High Total Proposed FSR 3.0:1	way , Gordon Currently zoned 3(a)-(A1) with retail FSR 2.0:1	Same issue rais the Departmen Planning on 16 November 2006	t of in planning reports (of 29 & 30 Nov 06) attached to the	Prior to 30 November 2006, FS proposed for 755-795 Pacific Highway were: Total FSR: 2.8:1 Min retail: 0.8:1 Max retail: 1:1 and for 747-751 Pacific Highwa Total FSR: 2.5:1 Min retail: 0.5:1 Max retail: 0.7:1 The Draft LEP increased the FS

eceived e our issue.	Council requests the DOP review their concerns in light of the information provided by Council
5, FSRs fic	Council maintains that there is no loss of retail FSR in Gordon centre Council understands that the inclusion of a maximum retail FSR may be confusing. It is therefore recommended that the LEP FSR
ghway:	map be amended to provide a site FSR with a minimum retail FSR only (maximum retail FSR deleted).
ne FSR	
eceived e our issue.	

				the DLEP will allow a range from 0.8:1 to 1.1 for the retail FSR.	
				3(a)-(A1) has a maximum commercial FSR of 2:1, (Clauses	
				30B (2) of the KPSO) which may consist of retail, community or business uses in accordance with the objectives of Clause 29.	
				A minimum of 50% of the total floor space in the development is required for retail uses unless the site is developed purely for residential purposes. (Clause 30B (3) of the KPSO). Therefore, were the site fully developed and including some commercial uses, the minimum retail under the KPSO would be 1:1. This is the same as the maximum allowed under the DLEP. Given that the overall FSR on the site is proposed at 2.8:1, increasing the overall yield on the site, and that the total retail FSR proposed within Gordon is increased, this minor difference in the minimum retail FSR requirement is acceptable.	
19. 725-741	Pacific Hig	hway Gordon			
Currently: 3(a)-(A1) Business (Retail	Total Proposed FSR 2.5:1	Currently zoned 3(a)-(A1) with retail FSR 2.0:1	Same issue raised by the Department of Planning on 16 November 2006	Issue addressed by Council in planning reports (of 29 & 30 Nov 06) attached to the Section 68 report	No comments have been receir from the Department since our previous comment on this issu
Services) <u>Proposed:</u> B2 Local				The redevelopment of the Gordon Post Office site now	

eived our sue.	Council maintains that there is no loss of retail FSR in Gordon centre Council understands that the inclusion of a maximum retail FSR may be confusing. It is therefore recommended that the LEP FSR

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Centre				under construction has	
				achieved an FSR of 2.09:1	
				over 3 levels the first two	
l				levels are retail and the 2 <sup>nd</sup>	
				level is commercial. The	
Retail	Min 0.8:1	This is a reduction in retail		retail FSR achieved is	
l	Max 1.2:1	uses.		approximately 1.25:1 under	
		l	1	the KPSO, This translates to	
				approximately 1.6:1 under	
				the standard LEP definition.	
				A retail FSR of 2.0:1 is not	
				achievable in Gordon as this	
				will require up to 3 levels of	
				retail which, based on	
				economic and retail advice,	
				is not viable.	
				3(a)-(A1) has a maximum	
				commercial FSR of 2:1,	
				(Clauses 30B (2) of the KPSO)	
				which may consist of retail,	
				community or business uses	
				in accordance with the	
				objectives of Clause 29.	
				A minimum of 50% of the	
				total floor space in the	
				development is required for	
				retail uses unless the site is	
				developed purely for	
				residential purposes.	
				(Clause 30B (3) of the KPSO).	
				Therefore, were the site fully	
				developed and including	
				some commercial uses, the	
				minimum retail under the	
				KPSO would be 1:1.	
				The minimum retail FSR on	
				these sites under the DLEP	
				is 0.8:1 and the maximum is	
				2.5:1.	
				2.3:1.	
				The minimum note: Under	
				The minimum retail under	
				the DLEP is therefore	
				slightly less than required if	
				the site is fully developed	
				under the KPSO, but the	

map be amended to provide a site FSR with a minimum retail FSR only (maximum retail FSR deleted).

20. Dant black in skuling 20. 27 blanger (angeisenske site "I")		maximum retail FSR under the DLEP is increased. Overall yields are increased from 2:1 to 2.5:1.	
20. Part block including 30-36 Henry St, Gordon (previously site "J")          Currently:       Total         residential       proposed         2(d)       FSR 1.5:1         (residential       FSR 1.5:1         Interview       Proposed:         R4       Proposed:         Commercial       Minimum         0.25:1       Unlikely to be realised as         residential       provides greater returns	Same issue raised by the Department of Planning on 16 November 2006	Issue addressed by Council in planning reports (of 29 & 30 Nov 06) attached to in the Section 68 report The commercial requirement is linked with the requirement to adaptively re- use a heritage item as part of the site redevelopment. The minimum commercial requirement is recommended to be decreased to 0.15:1 in response to a submission from the landowners.	Council requests the DOP review their concerns in light of the information provided by Council

ST IVES CENTRE Issue Raised in Letter	Previously advised by Dept	Our Previous response	Comment
"Eden Brae" 1-24 Stanley Close (2(h)) will not be redeveloped because of multiple titles,	Raised by the Department of Planning on 6 October 2006	Addressed by Council in response to public submissions in planning report (8/11/06) attached to Section 68 report <i>Key points raised:</i> Acknowledging that redevelopment is not likely to occur in the short term because of ownership issues the economic analysis has shown that the Eden Brae development is economically feasible to redevelop. Given the changing context within which Eden Brae is likely to find itself over the next twenty or so years rezoning of the site is considered to be an appropriate planning response to the issues.	No comment has been received from the Department since Council's previous comments on this matter. <i>Other points to note:</i> The site is zoned 2(h) and falls under the Ministers direction. The options are: a) Retain current zone – this would be inconsistent with the Ministers Direction and other instructions from the Department b) Rezone to lower zone such as R3 – this would not be viable c) Rezone as per draft LEP d) Increase FSR and height further to improve likelihood o redevelopment – this is unnecessary The only acceptable planning solution is option C. If the issue of concern to the Department is that Council is including the yield from Eden Brae in the overall figures and redevelopmen is unlikely then one option would be t remove the net increase of 131 dwellings from the St Ives centre yields
164, 164A Mona Vale Rd (3(a)-(A2)) - FSR for business no greater than existing	Raised by the Department of Planning on 6 <sup>th</sup> October 2006	No written response prepared by Council	The sites are currently zoned 3(a)-(A2 under the KPSO with an FSR of 1:1 The draft town centre LEP proposes a B2 zone with a site FSR of 1.5:1 with minimum Business of 0.3:1 and maximum of 1.0:1. The controls provide additional FSR o 0.5:1 for retail uses or residential uses therefore there is an <b>overall</b> <b>increase</b> in available commercial FSR

	Proposed future action by Council
<b>n</b> r	Council consider removing the net increase of 131 dwellings proposed for Eden Brae site from St Ives centre estimated residential yields (this would reduce to potential yield from the St Ives town centre LEP from 588 to 457 dwellings)
e	Council seek advice from the DOP as to whether this loss of dwellings should be made up elsewhere in St Ives
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A2) a	Council requests the DOP review their concerns in light of the information provided by Council
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176-200 Mona Vale Rd (3(a)-(A2)) - Part with FSR for retail less than existing retail FSR of 1:1.	Raised by the Department of Planning on 6 <sup>th</sup> October 2006	No previous written response prepared by Council	In relation to 176-188 Mona Vale Roa The Department is not relying on the adopted Draft LEP and accordingly its information in inaccurate. The proposed FSR for 176-188 Mona Vale Road is a maximum retail/business of 1.6:1 with additional FSR for residential and community uses. This is a significant increase in
			the maximum retail use permissible. <i>In relation to 190-200 Mona Vale Roa</i> The strip shops along Mona Vale Rd are currently zoned 3(a)-(A2), giving a maximum FSR for commercial/retail purposes of 1:1, and, under clause 30B(3) of the KPSO, a minimum retai of 0.5:1.
			190-200 Mona Vale Rd is proposed to have a minimum retail FSR of 0.5:1, the same as currently permissible. It is proposed to have a maximum retai FSR of 0.8:1 calculated from the envelopes. However it is noted that a retail FSR of 1:1 on these sites is not achievable as this would result in 2 levels of retail, which would not be viable for strip retail
			The total FSR (including residential and commercial) provides for a considerable overall increase on these sites, with an FSR of 2.4:1.
			Taken together, the entire strip still achieves an overall gain in the maximum retail FSR when calculated from the proposed envelopes.
213-237 Mona Vale Rd (3(a)-(A2)), 15-17 Stanley St (3(a)-(A2)) - Retail FSR less than existing retail FSR of 1:1.	Raised by the Department of Planning on 6 October	Addressed by Council in response to public submissions in planning report (8/11/06) attached to Section 68 report.	No comments have been received from the Department since Council's previous comment on this issue.
	2006	<i>In relation to 15-17 Stanley Street</i> 15-17 Stanley Street is currently zoned 3(a) – (A2), it falls within the Minister's Direction for	<i>Generally:</i> 3(a)-(A2) has a maximum commercia

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s	Setback requirements and site coverage controls are considered an
	appropriate planning response to the site conditions.
al	Council requests the DOP review their concerns in light of the information

chap tap bouging and was therefore	ESD of $1.1$ (Clause 20D (2) of the
shop top housing and was therefore	FSR of 1:1 (Clause 30B (2) of the
recommended for rezoning to mixed use within	KPSO), which may consist of retail, community or business uses in
the recommended land use option. In July 2005	-
Council resolved along with Eden Brae and the shops at 213-237 Mona Vale Road to create a	accordance with the objectives of cl 29.
mixed use zone.	27.
	A minimum of 50% of the total floor
Since that time the site has been through a	space in the development is required
number of revisions in discussion with the	for retail uses unless the site is
owner.	developed purely for residential
	purposes. (cl. 30B (3) of the KPSO).
Council staff and external consultants have	Therefore, were the site fully
undertaken a comprehensive analysis in terms	developed and including some
of traffic impacts, community/public interest,	commercial uses, the minimum reta
economic issues and urban design among	under the KPSO would be 0.5:1.
others.	However, development potential is
	increased well beyond the original 1
In planning for the subject site Council have	total FSR with a total DLEP FSR of 2
been mindful of the potential impacts on the	
"Eden Brae" development to the south. The	To achieve desirable urban design
reasons for this are as follows:	outcomes, and ensure that the
• The property directly adjoins lots 1, 3, 5, 7,	Centres hierarchy is not
9 and 11 of Eden Brae. These homes are	compromised, the retail and total
single storey and have small rear	FSRs are considered appropriate.
courtyards. The homes are no more than a	
few metres from the rear boundary.	
Redevelopment of 15-17 Stanley Road	In relation to 213-237 Mona Vale Rd
above 5 storeys would have significant	These properties have a rateil FCD
impacts on parts of Eden Brae including	These properties have a retail FSR between 0.6:1 and 0.75:1 calculated
overshadowing and over-looking as well as bulk and scale related issues.	from the envelopes in the DCP this
<ul> <li>A preferred outcome is for Eden Brae and</li> </ul>	provides for a full ground floor leve
15-17 Stanley Street to develop together.	of retail taking into account service
The building envelopes have been prepared	requirements.
with this in mind.	
	These properties are required to be
In relation to setbacks and retail FSR the	setback from existing boundaries a
building envelope for this site reflects the need	follows:
to provide setbacks of:	• 2 metres from Mona Vale Roa
	to provide for a wider footpath
• • 3m from the Eden Brae boundary, to	and street trees
reduce impact on the existing and future	• 3 metres from Stanley Street
houses, and to avoid a blank wall in future	provide for a wider footpath a
development;	outdoor dining opportunities
• • 3m from Stanley Street, to align with the	6 metres from Stanley Lane to
existing shops and widen the footpath at	allow for widening of the lane
this point;	provide footpaths and on-stre
• • 3.5m from Stanley Lane, to allow for	parking
trees and kerbside parking in the lane with	<ul> <li>3 metres from the western</li> </ul>

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		<ul> <li>a footpath;</li> <li>3m from the rear boundary to avoid a blank wall in future development.</li> <li>With the setbacks noted the proposed building envelope at ground floor covers 65% of the site which allows for retail FSR of 0.6:1 (allowing for servicing, such as a possible car ramp).</li> </ul>	boundary for pedestrian access With the setbacks the proposed buildings will have a site coverage of between 70-85% and the overall result is that the properties achieve less than a 1.0:1 FSR on the ground floor. However as noted elsewhere in this report a 1.0:1 FSR is not possible on any site where retail is restricted to the ground floor as service requirements, fire stairs etc, are excluded from the FSR calculations
Maximum FSR 2.5:1	Not previously raised by the Department		It is unclear to what this refers.
There is likely to be a lack of interest in taking up business uses in the R4 zone while residential development is more economically feasible; the exception being 167-171 Mona Vale Road to which a potential business FSR of 1:1 may be applied.	Not previously raised by the Department	<ul> <li>No previous response from Council however the issue has been addressed in the planning report of the 15<sup>th</sup> December 2005</li> <li>In Summary:</li> <li><i>Planning for adaptable floor space</i> <ul> <li>The current R4 controls are seen to be overly as restrictive given the proximity to the town centre and inappropriate particularly given the noise from Mona Vale Road. For this reason a ground floor of commercial is seen as the preferred use.</li> <li>Council has found in discussion with business owners within St Ives centre that there is a currently a high demand for small office space and a significant undersupply.</li> <li>The requirement for business uses many cases are not mandatory but require the design of the ground floor to allow for future conversion from residential to business if an when the demand is there.</li> </ul> </li> </ul>	The Department is relying not relying on the adopted Draft LEP and accordingly its information in inaccurate The draft LEP provides an FSR of 1:1 for 167-171 Mona Vale Road No evidence has been provided by the Department to support the comment that commercial uses are unlikely to be feasible It is not clear why such uses are supported on 176-200 Mona Vale Road but not other sites

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g	The current LEP controls have been developed in consultation with the
	landowners, business owners and developers and commercial uses are
	a viable use in this location
	Council requests the DOP review their concerns in light of the information
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		and a number of other requirements allow for adaptability (refer DCP 5.11)	
The FSRs for business/office premises on other R4 sites are of the order of 0.5:1 [173-189 Mona Vale Road] and 0.3:1 [199 Mona Vale Rd, 126-128 Rosedale Rd, 208-214 Mona Vale Rd, and 3-9 Memorial Ave]. If built, residential units would be unlikely to be redeveloped for business uses.	Not previously raised by the Department	No previous response prepared by Council however issue has been addressed in previous Council Planning reports notable 15 December 2005	<ul> <li>In relation to 173-189 Mona Vale Road:</li> <li>The Town Centres LEP requires a minimum of 0.3:1 business uses within this zone</li> <li>It is not clear from the Departments comments why such uses are supported/considered viable on 176- 200 Mona Vale Road but not other adjoining sites.</li> <li>In relation to 199 Mona Vale Rd, 126- 128 Rosedale Rd, 208-214 Mona Vale Rd, and 3-9 Memorial Ave:</li> <li>The Town Centres LEP sets a maximum FSR for business uses within these zones. As no minimum is identified the developments could be wholly residential if this is more viable.</li> <li>The Town Centres DCP (part 5.11) requires development in this zone to provide an adaptable ground floor (floor to ceiling height of 3.6 metres) which will allow small scale professional offices (such as doctors, dentists and the like) on the ground floor if there is demand in the future.</li> <li>Council does not anticipate any impac- on economic viability</li> </ul>

	Council requests the DOP review their concerns in light of the information provided by Council
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TURRAMURRA	4						
Issue Raised by Department July 07		Previously advised by Dept	Our Previous response	Comment	Proposed future action by Council		
Commercial - a/g Retail C Residential 1	 D.1:1 - 1:1 -	7:1 Comm at min FSR 1: (A2) ur REDU( COMM clear a comm	unity facilities proposed 0.8:1. commercial/retail 1 Currently zoned 3(a)- nder the KPSO A CTION of RETAIL / ERCIAL but amount not s all uses other than unity uses would be set at SR of 0.9:1.	Yes	<ul> <li>No written response prepared by Council to DOP issues. Response provided in meeting with DOP staff.</li> <li>Background and rationale has been provided in previous Council planning reports and S68 submission: <ul> <li>Turramurra Town Centre – Preferred Land Use Options 6<sup>th</sup> December 05</li> <li>Turramurra Town Centre – Draft Local Environment Plan and Draft DCP 27<sup>th</sup> March 2006</li> <li>Turramurra Town Centre – Draft Local Environment Plan and Draft DCP and Reclassification of Council Land – Final Report 13<sup>th</sup> November 2006</li> </ul> </li> </ul>	A total site FSR of 1.7:1 has been adopted which allows for up to 43 new dwellings. The retail FSRs have been calculated from the envelope controls and provide for a full ground floor of retail The minimum community facilities FSR of 0.8:1 together with a B2 zoning and site FSR of 1.7:1 provide potential for a retail/commercial FSR of 0.9:1 ratio which is less than the existing KPSO control There has been a small reduction in retail/commercial FSR of 0.1:1 which is negligible	
Site A2 Coles Commercial (a/g)	-	Not given		Yes	No written response prepared by Council to DOP issues. Response provided in meeting with DOP staff.	Retail FSR on this site has been capped at 0.55:1 to restrict the growth of the	Retail FSR has been capped on the site for specific reasons
	0.6:1	Max 0.55:1			Issue addressed by Council in planning reports (16/11/07) attached to in the Section 68 report	existing supermarket. The view of Council, based on advice provided by traffic consultants and retail	There has been no reduction in the retail/commercial FSR on the site Council requests the DOP review their concerns in light of the information
Residential	1:1	No			Relevant comments include:	consultants, is that Ray Street is not the best location for a supermarket	provided by Council
Total FSR		1.7:1 (Overall increase 1.7:1)	<i>Currently zoned 3(a)-(A2)</i> <i>with commercial/retail FSR</i> <i>1:1 under the KPSO</i> <b>A</b> <b>REDUCTION of</b> <b>RETAIL/COMMERCIAL FSR</b>		All sites in the existing Business 3(a)-(A2) zone have had the maximum permissible FSR increased from the current 1:1 to maximums ranging from 1.65:1 to 2.8:1. All sites can potentially develop for commercial/business type uses up to the maximum FSR, however in most cases retail FSR is capped at below	in the long term given the traffic constraints and access difficulties; and it is the preferred location for specialty retail, commercial office and residential uses	

		<ul> <li>the capping of retail sites include:</li> <li>ensuring the overall future retail provision in Turramurra is consistent with Council's adopted retail strategy (which allows for an overall increase of net floor area of approx. 8,000sqm in Turramurra);</li> <li>to manage traffic and parking issues, particularly in the Ray Street precinct;</li> <li>Retail FSR is calculated from the building envelope. It is not possible to achieve retail FSR of 1.0:1 on any site (taking into account service requirements etc.) unless the retail was to be located over two levels (the current DA submitted by Coles Myer achieves an FSR of 0.695:1 utilising 100% of the site);</li> <li>It is considered that a development with a 1:1 retail FSR is unlikely in the Turramurra retail context as this would require first floor retail, which is commercially unattractive except for within an internalised mall type development;</li> <li>It is possible under the Draft Town Centre LEP to have a second floor allowing business uses which would provide an overall retail/business FSR of 1:1 or greater</li> </ul>	new and larger supermarket has been provided on Turramurra Avenue. A total site FSR of 1.7:1 has been adopted which allows for up to 39 new dwellings Alternatively the zoning (B2) allows commercial uses (for which no cap is considered necessary) and the effective commercial FSR is greater than 1.0:1 Therefore there is an increase in the commercial/retail FSR on the site from 1:1 to at least1.5:1.	
Site B1+B2 (1307-1333 Pacific Highway)           Commercial         0.5:1         Not given           [a/a]         1.4:1         Min 0.3:1           Retail         1.4:1         Max 0.5:1             Residential         0.5:1         No	Yes	<ul> <li>No written response prepared by Council to DOP issues. Response provided in meeting with DOP staff.</li> <li>Background and rationale has been provided in previous Council planning reports: <ul> <li>Turramurra Town Centre – Preferred Land Use Options 6<sup>th</sup> December 05</li> <li>Turramurra Town Centre – Draft Local Environment Plan and Draft DCP 27<sup>th</sup> March 2006</li> <li>Turramurra Town Centre – Draft Local Environment Plan and Draft DCP and Reclassification of Council Land – Final Report 13<sup>th</sup> November 2006</li> </ul> </li> </ul>	Council amended the minimum retail FSR from 0.3:1 to 0.5:1 and the maximum retail FSR from 0.5:1 to 0.8:1 in response to submissions from landowners The revised retail FSRs have been calculated from the envelope controls and provide for a full ground floor of retail The retail FSR of 0.8:1 together with a B2 zoning and site FSR of 2.3:1 provide potential for a combined retail/commercial FSR well in excess of the current	It is noted that DOP comments no longer relevant and do not take into account recent amendments to the plans There has been no reduction in the retail/commercial FSR. Council requests the DOP review their concerns in light of the information provided by Council.

Total FSR	(0 in	overall com crease KPS 1.2:1) RET to a	rently zoned 3(a)-(A2) with mercial/retail FSR 1:1 under the 50 A REDUCTION of AIL/COMMERCIAL FSR from 1:1 minimum of 0.3:1 providing other trols do not constrain further.			1.0:1 ratio.	
Site B3 (1293 Commercial Action Retail Residential (incl g/f commercial)	-1305) 1.1:1 0.7:1 0.7:1 2.5:1	Not given Min 0.3:1 Max 0.5:1 No	Currently zoned 3[a]-[A2] with commercial/retail FSR 1:1 under the KPSO A REDUCTION of RETAIL/COMMERCIAL FSR from 1:1 to a minimum of 0.3:1.	Yes	<ul> <li>No written response prepared by Council to DOP issues. Response provided in meeting with DOP staff.</li> <li>Issue addressed by Council in planning reports (16/11/07) attached to in the Section 68 report</li> <li><i>Relevant comments include:</i></li> <li>There is no restriction on the commercial use within these sites under the B2 zone however building height requirements in the LEP will tend to restrict usage in the upper floors to either residential or commercial</li> <li>The Ministers direction to Council was to provide for shop top housing. The DCP has been designed to maximise residential uses on the upper floors</li> <li>It Is understood that the economics of these sites do not encourage short term redevelopment</li> <li>The Department of Planning has noted the requirement to allow housing to be implemented over time.</li> </ul>	Council has made the following amendments to this precinct since the DOP comments were prepared: • building heights increased to allow second floor commercial uses • building heights increased to 5 storeys • the minimum retail FSR has been increased from 0.3:1 to 0.5:1 • the maximum retail FSR has been increased from 0.5:1 to 0.8:1 the site total FSR has been increased from 2.5:1 to 2.6:1 The revised retail FSRs have been calculated from the envelope controls and provide for a full ground floor of retail. The retail FSR of 0.8:1 together with a B2 zoning and site FSR of 2.6:1 provide potential for a combined retail/commercial FSR well in excess of the current 1.0:1 ratio.	There has been no reduction in the retail/commercial FSR. Council requests the DOP review their concerns in light of the information provided by Council
		Southern side o	of highway of highway)	Yes	No written response prepared by Council to DOP issues. Response provided in meeting with DOP staff. Background and rationale has been provided	Council has amended the LEP controls as follows since exhibition in September 2006: • minimum retail FSR	It is noted that DOP comments no longer relevant and do not take into account recent amendments to the plans

(Overall increasewith c FSR1: 1.0:1)1.0:1)allotn spaceEITHE AN IN on wh or a h applie	rently zoned 3[a]-[A2] commercial/retail 1:1 [minus an tment taken for green tee] under the KPSO. HER A REDUCTION OR NCREASE depending thether the minimum higher retail FSR is ied. Commercial FSR d be reduced from 1:1 8:1.	On the set of <i>Relev</i> Draft Septer numb landow the dr	vious Council planning reports: Turramurra Town Centre – Preferred Land Use Options 6 <sup>th</sup> December 05 Turramurra Town Centre – Draft Local Environment Plan and Draft DCP 27 <sup>th</sup> March 2006 Turramurra Town Centre – Draft Local Environment Plan and Draft DCP and Reclassification of Council Land – Final Report 13 <sup>th</sup> November 2006 e 8 <sup>th</sup> May Council adopted an amended controls for exhibition. <i>ant excerpts include:</i> plans were exhibited for this precinct in mber 2006. Following the exhibition a er of submissions were received from wners within this precinct arguing that raft FSR for the site (2.0:1) was icient to encourage redevelopment.	<ul> <li>increased from 0.5:1 to 0.9:1</li> <li>maximum retail FSR increased from 0.8:1 to 1.0:1</li> <li>building heights increased from 5 to 6 storeys</li> <li>total site FSR increased from 2.0:1 to 2.8:1</li> </ul> The revised retail FSR allows a maximum retail FSR of 1.0:1 (or 7,900sqm of retail) which is in excess of what is currently achievable under the KPSO. The allowable commercial floor space is not capped however the DCP recommends a full level of commercial office space over the retail levels which would equate to between 0.6:1 and 0.8:1 Giving a total potential	Council has revised the retail FSR and site FSR since the Department prepared their comments. There is an increased commercial/retail FSR proposed for the site. Council requests the DOP review their concerns in light of the information provided by Council
Overall commincrease under 1.8:1) REDU RETAI	ini St) rently zoned 3(a)-(A2) with mercial/retail FSR 1:1 er the KPSO. LIKELY UCTION of AIL/COMMERCIAL from 1:1 to a minimum of	DOP is	itten response prepared by Council to ssues. Response provided in meeting OOP staff.	retail/commercial FSR of 1.8:1 The revised retail FSRs have been calculated from the envelope controls and provide for a full ground floor of retail fronting Rohini Street and Gilroy Road. There is no restriction on the commercial use within these sites under the B2 zone however building height requirements in the LEP will tend to restrict usage in the upper floors to residential or commercial The retail FSR of 0.5:1 together with a B2 zoning	There has been no reduction in the retail/commercial FSR. Council requests the DOP review their concerns in light of the information provided by Council

0.3:1 (or a maxi	mum of 0.5:1)	and site FSR of 2.8:1 provide	
		potential for a combined	
		retail/commercial FSR in	
		excess of the current 1.0:1	
		ratio.	

## Attachment 6

PYMBLE CENTRE			
Issue Raised by Department July 07	Previously advised by Department	Our Previous response	Comment
1. 1134 Pacific Hwy (3(a)-(A2))	Not previously		1137 Pacific Highway is the Pymble Hotel which is located on a narrow
FSR has not increased. Unlikely to be redeveloped	raised by the Department		piece of land between the highway and the rail way
			It is acknowledged that this site is unlikely to redevelop as it is a quality building with a good business operation
			Some examination was given to the potential of the Hotel car park for redevelopment however the site is too narrow for residential uses and not suitable for additional commercial uses given the isolated location and access difficulties.
			The intent of the plan is also to retain the Pymble Hotel which is heritage listed under the KPSO, and the listing is proposed to continue under the DLEP.
2. 991-1051 Pacific Hwy (3(a)-(A2)) Retail FSR is currently 1:1. The proposal is for some of this area to be converted to residential flats and	Section 117 direction no. 3	The question is not clear however it is assumed the Department is referring to a loss of retail FSR	In relation to 987-1017 Pacific Highway the following comments are provided:
for a maximum retail FSR of 1.1:1 on the remaining.		Council has previously responded to part of this issue in relation to 1035 to 1083 Pacific Highway	In relation to 987 -997 Pacific Highway:
		Addressed in planning report (28/11/07) attached to Section 68 Report.	These properties are proposed to be zoned B2 with a minimum retail FSR
		Direction No 3 – Business Zones includes the requirements that a Draft LEP shall not: (a) alter the location of existing zonings, or (b) alter the area of existing zonings, or (c) create, remove or alter provisions applying to land zoned for Business that will result in a reduction of notantial floor space area	of 0.8:1, a maximum of 1.1:1, and a total FSR of 2.6:1. Under the KPSO, these sites have a total FSR of 1:1, of which the minimum retail is 0.5:1. The draft LEP is a doubling of the minimum retail component and an overall increase in FSR by an order of
		<i>reduction of potential floor space area.</i> In relation to requirements a) and b) above, the Draft LEP does propose the rezoning of a	2.5.
		number of sites currently zoned Business 3(a) to residential R4 zone. These sites included:	In relation to 999-1017 Pacific Highway:

	Proposed future action by Council
ole ow ay	Council requests the DOP review their concerns in light of the information provided by Council.
is ality	
the r is too not al and	
etain ge sting e	
s are	The draft LEP proposes an overall increase in retail and commercial FSR.
o be FSR 1 a 50, 1, of 1. The an ler of	Council requests the DOP review their concerns in light of the information provided by Council.

• 1035 to 1083 Pacific Highway	
• 1116 Pacific Highway	These properties are proposed to be
• 9 and 11 Everton Street	zoned B2 with a minimum retail FSR
	of 0.5:1 and a maximum retail FSR of
The majority of these sites have been developed	1:1, and an overall FSR of 2.5:1. Unde
for medium density housing over the last 3 to 10	the KPSO these sites have a total
years. The proposed R4 zone in the DLEP is	retail/commercial FSR of 1:1, with a
intended to reflect these existing uses. The sites	minimum retail of 0.5:1. The minimum
being rezoned to R4 which still retain business	and maximum proposed retail FSR in
or retail uses included 1047, 1051, 1083 and 1116	the draft LEP is therefore unchanged
Pacific Highway. Schedule 1 of the Draft LEP	from the KPSO, however the overall
identifies the existing non residential uses as	FSR is increased by an order of 2.5.
continuing to be permissible on these sites in the future.	In total these sites will result in an
	increase in both residential and
To ensure compliance with the existing zoning	retail/business yields.
capacity requirements under the Direction, it is	
proposed to retain a maximum FSR of 1:1 on	Updated yield figures show retail floo
these sites for the additional permitted non	space increased from 6,800sqm to
residential uses under Schedule 1.	10,800sqm and business floor space
	increased from 18,300sqm to
The contraction of the area zoned for business	34,321sqm
and retail purposes in Pymble is intended to	
concentrate their uses closer to the station to	
reinforce the centre function as a small village	
consistent with the Metropolitan Strategy.	
In relation to part c) of the direction, it is	
considered that the Draft LEP is compliant.	
<ul> <li>Sites retaining a business zoning in the</li> </ul>	
existing Business (3(a)-(A2)) zone have	
had the maximum permissible FSR	
increased from the current 1:1 to	
maximums ranging from 2.1:1 to 2.5:1. All	
sites can be developed for business uses	
up to the maximum FSR, while Retail FSR	
is capped at the existing 1:1 maximum.	
<ul> <li>All sites in the existing Business (3(b) –</li> <li>(D1)) zero have either retained the</li> </ul>	
(B1)) zone have either retained the	
existing maximum FSR of 1:1 or have an	
increased maximum ranging from 2.5:1 to 2.6:1.	
<ul> <li>All sites can develop for business uses up</li> </ul>	
to the maximum FSR.	
While it is acknowledged that there is an overall	
reduction in area zoned for business uses, the	
future capacity of retail and business floor space	
is increased and considered appropriate for the	

## Attachment 7

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				identified future role of the Pymble centre within Ku-ring-gai consistent with Council's adopted retail strategy and its role as a small village under the Metropolitan Strategy. This will included an increase of retail floor space of 4,000sqm (NLA) to; and increase in business floor space of 16,000sqm The identified non compliances with the 117 Directions in the Draft LEP as it applies to the Pymble Centre are considered justifiable subject to the following amendments to Draft LEP. • Sites at 1047, 1051, 1083 and 1116 Pacific Highway included a maximum 1:1 FSR for business and retail uses.	
		Park Crescent and			
-	n Post Office St, P				
<u>Currently:</u> various residential zones <u>Proposed:</u> B2	Min 0.8:1 Proposed 2.5:1 min retail 0.8:1 Max retail 1:1	Heritage Proposed to have an FSR 0.5:1, The other sites have an FSR for minimum retail/ commercial of 0.9:1 and a maximum retail/ commercial 0.9:1 and 1.1:1 (depending on the site). It is unlikely that these minimal FSR's will encourage any provision of retail or commercial on these sites.	Raised by the Department of Planning on 16 November 2006	Issue addressed by Council in Planning Report (of 28/11/2006) referred to in the Section 68 report. The comments do not acknowledge that the retail zone has been expanded in this area. There is a planned for increase in retail in this area of about 2,000sqm. The retail FSRs are calculated from building footprints and require active ground floor uses throughout the precinct. Council disagrees with the statement is unlikely that these minimal FSR's will encourage any provision of retail or commercial on these sites. It is not possible nor desirable to provide residential on the ground floor of Grandview Street with nil setback.	No comments have been received from the Department since our previous comment on this issue.
3. Remaining in	Pymble currently	3(a)-(A2)		L	1
<u>Currently</u> 3(a)-(A2) Business (Retail Services)	Existing FSR 2:1	Now proposed 2.5:1 Min retail 0.8:1 Max retail 1.1:1	Raised by the Department of Planning on 16 November	Issue addressed by Council in Planning Report (of 28/11/2006) referred to in the Section 68 report. The existing FSR for this zone is 1.0:1	Contrary to the comments from the Department the existing FSR on these sites is 1:1 not 2:1 Under the KPSO a minimum of 50% is
Proposed: Either 62 or B5			2006	The calculations are based on building envelopes which allow for ground floor retail. An	to be for retail/restaurant use. The minimum retail is therefore increased under the DLEP, the maximum retail

1	
	Council requests the DOP review their concerns in light of the information provided by Council
e	Retain adopted FSRs to
e iese % is	ensure ground floor retail uses with provision for parking and service.
e ased :ail	Council requests the DOP review their concerns in light of the information provided by

Retail 4. Remaining		reduction in		FSR of 1.0:1 is not achievable in the strip shop context as there is a requirement for parking and service, therefore typically it may be possible to achieve 0.8:1. If however the building is two storeys with commercial on the first floor then an FSR of 0.5:1 is typical. No change recommended.	is approximately the same at 1.1:1 a the maximum total FSR is increased from 1:1 to 2.5:1.
Currently	(B1) Existing FSR	Currently zoned		Issue addressed by Council in Planning Report	No comments have been received
3(b)-(B1)	5	3(b)-(B1) with		(of 28/11/2006) referred to in the Section 68	from the Department since our
(131)		business FSR 1:1		report.	previous comment on this issue.
Business					
(Commercial				No part of the land has been removed.	
Services)					
Proposed:				The portion on the opposite side of the Pacific	
Either B2 or				Highway is part of a large business area which	
B5 Total FSR	D = == + 2 0 1	Da at a fith a tilla a d	Deinedhuithe	will be examined as pert of the Comprehensive	
Total FSR		<u>Part of that land</u> has been removed.	Raised by the		
		The commercial	Department of Planning		
		component is	on 16		
		unspecified so it is	November		
		unclear to what	2006		
		degree commercial		The zone is B5 which is specifically for business	
		uses would be		uses. The FSR has been more than doubled.	
		retained.			
				No change recommended.	

and d	Council
	Council requests the DOP review their concerns in light of the information provided by Council

## LINDFIELD CENTRE - SUMMARY OF KEY ISSUES AND RESPONSES

#### Key Issues with DoP Comments

#### Currency of plans

For a number of sites in Lindfield, the issues raised by the DoP fail to take into account the changes made between exhibition and adoption of the plans with its comments based on the draft exhibited plans. It appears that the DoP has not considered the final adopted Draft LEP and DCP submitted as part of the Section 68 report.

#### Residential yield figures

The DoP has provided estimates of residential yields for Lindfield on block by block basis, which are sometimes quite different to Council's estimates. However, it is unclear on what basis these are calculated. A considered response is therefore difficult.

The yield tables outlining estimated residential unit figures for each precinct within Lindfield have been provided to the DoP as part of the Section 68 submission but it appears that the yield tables have not been taken into consideration. It should be noted that the number of existing dwellings has been excluded from the yield calculations provided.

Council has estimated its yields on the basis of an average dwelling of 110sqm, and on the assumption that development under the proposed amalgamations or similar amalgamations would take place.

#### **DoP Issues and Responses**

#### Site amalgamations

The DoP has noted concern relating to the practicality of the proposed amalgamations for some of the mixed use sites in Lindfield.

The DCP provides preferred amalgamations to facilitate orderly development. Some amalgamation patterns are resulted from extensive consultations with relevant key stakeholders to provide more realistic redevelopment opportunities. In particular, the DCP proposes smaller site amalgamations in the core area recognising the difficulty in achieving a single large amalgamation due to the existing fragmented ownerships. However it is highly desirable to have fewer amalgamated sites where possible. Council will add a clause to the DCP stating that alternative amalgamations can be considered where it can be demonstrated it meets the design objectives of the plan.

#### Economic viability

The DoP has raised concern that a number of sites particularly the strip shops within Lindfield are not economically viable to redevelop due to the small sites and cost of amalgamations. Council has noted that a number of the retail strip shops are of marginal viability and economic advice has suggested that Council's parking rates are the major contributing factor. Council may consider a reduction in commercial and residential parking rates for some of the strip shop sites along the Pacific Highway and Lindfield Avenue given the existing site constraints in providing sufficient parking for proposed increased density (eg. fragmented ownerships, small and narrow site configuration) and the proximity to services and infrastructure. The reduction of parking requirements would significantly decrease the overall development cost and hence improving the viability of these sites. Further studies are to be undertaken in consultation with an economic consultant and in view of current and future public transport infrastructure.

The DoP is also concerned that the proposals on Council lands are not considered economically feasible, such as relocating public parking to the basements. It should be noted that redevelopment of Council land is subject to reclassification process as well as funding made available through Section 94 contributions and other sources. Council is undertaking further investigation on the financing and funding strategies for providing the public domain improvements and facilities (eg. new open space, new underground parking, new community facilities and the like) as part of the Section 94 strategy for the Lindfield.

Furthermore, the DoP has raised specific concern regarding the feasibility of 12-18 Tryon Rd proposal under the Town Centre Plans (detailed discussion is provided in the later section).

#### Potential loss and lack of residential yields

The DoP is concerned that on a number of existing medium density 2(e) and 2(d) sites and high density 2(d3) sites within Lindfield the Draft LEP does not provide appropriate zoning which would provide sufficient incentive for redevelopment. But in fact Council has provided incentives through Clause 19 of the Draft LEP, as well as the DCP provisions to encourage development to achieve the targeted residential yields.

Council has noted that most of the existing 2(e) and 2(d) medium density sites in close proximity to the core have been developed for residential flat building purposes. They are unlikely to redevelop in the foreseeable future due to the existing intensity of developments and the strata titling, hence there remains little or no development potential. Nevertheless the Draft LEP proposes new appropriate zoning reflecting the existing predominant use and scale of development of these existing medium density sites so that they are in line with the new LEP template. Note that no or minimal increase of residential yields is anticipated within these sites.

The Draft LEP also proposes to rezone some of the 2(d3) sites to R4 with controls generally consistent with the existing LEP 194 / DCP 55 controls to avoid any potential loss of development yields. This rezoning process provides an opportunity for the formulation of site specific controls for these high density R4 residential sites responding to existing lot sizes and shapes, vegetation, topography, street width and pattern etc. The site specific building envelopes demonstrate how future development can occur, taking into consideration impacts on the amenity of the surrounding properties in terms of privacy and overshadowing, thus providing a high degree of certainty of outcome for Council, community and site owners.

More importantly, it is considered that the Draft LEP complies with the Section 117 Directions (in particular Direction No 21 – Residential Zones) as it provides for either maintained or increased residential densities in all zones. In addition, Council has up-zoned some of the existing 2(a), 2(b), 2(c2) and IDO 78/79 sites in Lindfield which are not required by the Minister for increased density for consistency purposes. A yield table for Lindfield to demonstrate this has been submitted to the Director General as part of the Section 68 report and provide details on how increased dwelling

yields in Lindfield will contribute to Ku-ring-gai's housing provision under the Metropolitan Strategy.

The DoP is also concerned the viability of redeveloping the proposed R4 sites which are traversed by the riparian corridor or required to provide new through site links. It is important to note that the provision of riparian zone and new streets should not result in any reduction in development yields for the sites.

#### Key site specific issues and responses

## 12-18 Tryon Rd (existing commercial development site)

The DoP is concerned that the 12-18 Tryon Rd will not redevelop based on the DCP proposals. Council has noted that there appears to be a fundamental misunderstanding when interpreting the economic feasibility studies undertaken for this key site.

It is important to note that the proposed FSR of 2.6:1 for 12-18 Tryon Road is on the higher end of the range of FSR proposed for mixed use sites within Lindfield Centre. The development will also have a maximum height of 7 storeys (the highest height proposed for Lindfield) fronting the public space.

12-18 Tryon Rd can be developed separately or could be extended to include a portion of Council owned land as part of a joint venture. The DCP proposal is for a joint venture to house a new library on 12-18 Tryon Rd on an extended site to include part of Council's land in Kochia Lane. Council's economic feasibility testing of the LEP and DCP controls indicates that the scheme is feasible, with the Council owned land being used to offset the provision of the library space within the redevelopment of the site.

To achieve an optimal outcome for both the Council (community) and site owners, Council will be in position to negotiate the provision of required car parking spaces for development of 12-18 Tryon Road on Council's land in return for the owners of 12-18 Tryon Road providing for new community facilities including a library. Accordingly, the DCP presents the option to provide future parking within adjoining Council's new basement parking. This is considered a realistic redevelopment opportunities for the land owners given the existing physical limitations to meet future parking requirements for the proposed increased density as concerned by the owners. However, redevelopment is dependent on reclassification of the adjoining Council land (Tryon car park) as well as funding being made available through Section 94 contributions and other sources.

Council also notes that feasibility studies would need to be completed to determine the value of these items to the respective parties and further negotiation to proceed.

#### Further up-zoning in residential precincts (requested by DoP)

The DoP has requested further up-zoning in 4 of the residential precincts in Lindfield (see table below for locations and Council's responses).

Council is not supportive of further up-zoning on any proposed R3 sites in Lindfield, especially the ones identified as interface sites. Some of proposed R3 sites are currently zoned 2(c2) and IDO

78/79 and do not fall under the Minister's directive for increased density. The Draft LEP proposes a "transition" or "buffer" zoning of a medium density R3 zoning to allow for a gradual phasing in of high density housing. The proposed new R3 zoning permitting townhouse development will also provide housing choice within the locality. Therefore R4 zoning cannot be supported in these locations to prevent any flow-on effects resulted from future development to the adjoining single houses. It should be noted that the R4 rezoning for these precincts identified by the DoP is unlikely to achieve any significant increase of residential yields given the intensity of the existing developments.

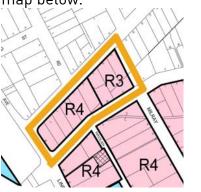
#### Precinct D 9-21 Bent St (proposed R3 sites under Town Centre LEP)

The DoP requests R4 zoning for the proposed R3 sites between Bent and Balfour Sts



Precinct G 11-17 Woodside Ave & 2-2A Havilah Rd (proposed R3 sites under Town Centre LEP)

The DoP requests R4 zoning for the proposed R3 sites between Woodside Ave and Havilah Rd as identified in the map below.



The existing 2(e) site at the western end is occupied by relatively new townhouse development and is unlikely to redevelop in the foreseeable future. Note that no increase of residential yields is anticipated (does not contribute to the overall yield figures for the centre).

The Draft LEP proposes new R3 zoning for this site to be in line as identified in the map below. with the new LEP template. More importantly, this rezoning is consistent with the Minister's directions (in particular the Direction No. 21-Residential Zones) as it provides increased or maintained residential density. It is important to note that R4 rezoning as requested by DoP is unlikely to be sufficient incentive to redevelop from the existing medium density development.

> Existing 2(c2) sites are not subject to the Minister's directive for increased density. However the Draft LEP proposes to rezone the 2(c2) sites to R3 to create a transition zone between 5storey apartments and single houses with 3-storey development. The proposed new R3 zoning permitting townhouse development will also provide housing choice within the locality.

It should be noted that the R4 zoning proposal for the 2(c2) sites was adopted by Council on 16 August 2006 but it was changed to R3 acknowledging the interface issues which were raised through extensive consultations with various land owners in and around the precinct.

#### Precinct N 8-26 Russell Ave (proposed R3 sites under Town Centre LEP)

The DoP requests R4 zoning for the proposed R3 sites along Russell Ave as identified in the map below.



#### Precinct P (triangular block including Masada College site) & its immediate surrounds

The DoP requests R4 zoning for this precinct and its immediate surrounding areas along Wolseley Rd and Pacific Hwy as identified in the map below.



Majority of the proposed R3 sites along Russell Ave are occupied by relatively new medium density residential developments under strata plan and hence unlikely to redevelop. Also 22 Russell Ave which is a heritage item has minimal redevelopment potential. The only likely development parcel is on existing 2(c2) sites at the eastern end.

The Draft LEP proposes to rezone existing 2(e) and 2(c2) sites along Russell Ave to R3 to reflect the existing predominant use and scale of development as well as to create as a transition zone to the adjoining low density areas. More importantly, the rezoning proposal complies with the Minister's direction as it provides for either maintained or increased density within this precinct.

The proposed new R3 zoning permitting townhouse development will also provide housing choice within the locality. Note that 2(c2) sites are not subject to the Minister's directive for increased density. Also noting that R4 rezoning is unlikely to be sufficient incentive to redevelop from some of the existing medium density developments as raised by the DoP.

Precinct P has current zoning of IDO 78/79 and Special Uses (Church) which is not subject to the Minister's directive for increased density. The Draft LEP proposes R4 and R3 rezoning within the triangular block for consistency purposes as majority of the sites are located within 600m radius from the Lindfield Station. This rezoning proposal would help facilitating the sale of Masada's land which is soon to become redundant and this is considered a good planning practice. It is intended to consolidate with the collage site at St Ives due to the decline in number of students at the current school in recent years with changing population trends.

Further up-zoning of this residential precinct cannot be supported due to its existing unique neighbourhood character and its potential interface impacts to the surrounding low density residential in terms of privacy and overshadowing. Any further increase in density in this area may cause traffic problems given that the Wolseley Rd is a cul-de-sac.

Council's adopted zoning proposal would achieve the most balanced outcome for this precinct as it provides increased density and housing choice while protecting the interface zone and providing the maximum public domain benefits. The mix of R3 and R4 zoning which allows townhouse development along the street frontages to Wolseley and Treatts Rds and higher density apartment building against the raised rail corridor. The DCP also proposes retention and enhancement of existing

vegetation within the front setback zone to Wolseley Rd and extension to the existing park to assist in preserving the existing streetscape. A considerable increase in residential yield with approximately 133 new units will be provided within the block.

It is important to note that significant amount of resources have been given to provide an appropriate zoning for this precinct. Substantial work has been undertaken by various professionals to formulate the plans in regard to the built form proposals, traffic and access strategies and public domain and landscape improvements. Economic feasibility studies have also been prepared for this precinct as part of the planning process. In addition, Council has conducted extensive consultations with residents in the area, and with the representatives for Masada and the synagogue to achieve best possible outcome for all parties. Several forums including a mediation session were held between these parties and Council to assist in formulation of zoning for this precinct.

the following:

- medium density developments.

It is not recommended to change the zoning for the properties around Precinct P along Wolseley Rd and Pacific Hwy based on

• Properties no. 12-42 Wolseley Rd currently zoned IDO 78 has not been included in the plans as they do not fall under the Minister's directive for increased density. However they are subject to rezoning under the comprehensive LEP process. An appropriate zoning will be determined within the next few years. Note that they are occupied by substantial housing in excellent condition, hence unlikely to redevelop.

• Majority of the existing 2(e) sites fronting the Pacific Highway (within the middle stretch no.377-429 Pacific Highway) are occupied by strata-titled medium density developments and are unlikely to change in the foreseeable future. The Draft LEP proposes to rezone these sites to R3 to be in line with the new LEP template and this is consistent with the Minister's directive. Note that R4 rezoning is unlikely to be sufficient incentive to redevelop from some of the existing

Issue raised by DoP July 2007	Previously advised by DoP	Our previous response	Comments	Proposed future action by Council		
		N/A	<ul> <li>Existing heritage building site (1-21 Lindfield Ave) A maximum 2-storey height is proposed to the rear of the heritage building as it is important to maintain views to the rear wings, the pitched roof form and the end bays of the building, and to ensure that the new additions will not be apparent when viewed from the Lindfield Ave (based on the findings of Council's heritage assessment report). It is therefore recommended that any change to the heritage building should not impact in the ability to appreciate the significant aesthetic values of the place or its landmark qualities.</li> <li>It is not recommended to provide a large amount of additional floor space within 1-21 Lindfield Ave due to the existing site constraints (eg. fragmented ownerships, small and narrow site configuration, difficulty in providing sufficient parking for proposed increased density). Therefore the DCP seeks to encourage sensitive and incremental redevelopment at the rear of the shops to assist in providing an active façade to the future open space.</li> <li>It is also important to note that there will be a major increase in the number of residential dwellings in this vicinity which is targeted for significant growth. A total of approximately 790 units are proposed on the large tract of R4 and R3 sites around Tryon Rd / Milray St / Havilah Rd). The mixed use sites including 12-18 Tryon Rd and Minister's site on Lindfield Ave will also provide significant amount of residential yield around 300 units in the form of shop top housing.</li> </ul>	Council reconfirms its position as outlined in the comments section. Council to review and reduce parking requirements for 1-21 Lindfield Ave in consultation with economic consultant, to achieve economic viability.		
			<ul> <li>Existing commercial development (12-18 Tryon Rd) &amp; Tryon Rd car park</li> <li>It is important to note that the proposed FSR of 2.6:1 for 12-18 Tryon Road is on the higher end of the range of FSR proposed for mixed use sites within Lindfield Centre. The development will also have a maximum height of 7 storeys (the highest height proposed for Lindfield) fronting the public space.</li> <li>During the exhibition period and preliminary discussion with Body Corporate representatives and strata owners of 12-18</li> </ul>	Council to continue discussion with the owners. To achieve a positive outcome for both parties, Council will be in position to negotiate the provision of required car parking spaces for development of 12-18 Tryon Road on Council's land in return for the owners of 12-18 Try Road providing for new community		

Issue raised by DoP July 2007	Previously advised by DoP	Our previous response	Comments
			Tryon Rd, the owners have expressed interest in extending ove the existing commercial building, which was initially designed to allow for future expansion. The owners have also raised the concern that the provision of future parking under the existing building may not be a feasible option.
			12-18 Tryon Rd can be developed separately or could be extended to include a portion of Council owned land as part of a joint venture. The DCP proposal is for a joint venture to house a new library on 12-18 Tryon Rd on an extended site to include part of Council's land in Kochia Lane. Council's economic feasibility testing of the LEP and DCP controls indicates that th scheme is feasible, with the Council owned land being used to offset the provision of the library space within the redevelopment of the site.
			The DCP presents the option to provide future parking within adjoining Council's new basement parking. This is considered a realistic redevelopment opportunities for the land owners given the existing physical limitations to meet future parking requirements for the proposed increased density. However, redevelopment is dependent on reclassification of the adjoining Council land (Tryon car park) as well as funding made available through Section 94 contributions and other sources.
			Additional 50 units are estimated over the existing commercial development (this figure has been included in the yield table submitted to the DoP).
<ul> <li>Block B:</li> <li>This block runs between the railway line and the Highway to the south of the station. The proposal is to rezone about half from Municipal Purposes and 2(d) top B2. At the northern end significant height increases are proposed.</li> <li>The northernmost section where the greatest height increases are proposed are very small and the proposed FSRs are not commensurate with practicalities without amalgamations with the larger adjoining sites to the south, which are currently zoned 3(b) and thus do not permit residential flats. Nevertheless, the DCP block studies show a development pattern which is</li> </ul>	N/A	N/A	Northern part 1 (305-329 Pacific Hwy & 1-5 Tryon Place) The Draft LEP proposes FSR of 3.1:1 and 2.6:1 which is the higher end of the range of FSR proposed for mixed use sites within Lindfield Centre for the existing strip shop sites at the northern end. The LEP also proposes greater heights ranging from 5 to 7 storeys on these sites. This is to provide greater incentives for redevelopment which involves multiple narrow long sites and ownerships. Note that the DCP requires the dedication of a roadway within this vicinity to replace the existing vehicle access point via Tryon Place. It is acknowledge that there are some scopes for further increase of height and density within this precinct to improve the viability of redeveloping the sites.
unlikely to be practicable without amalgamations due to generally low building separation			It is also recommended to consider a reduction in both commercial and residential parking rates for the strip shop

	Proposed future action by Council
over ned the ing	facilities including a library. This is an optimal outcome as both the Council (community) and site owners would benefit. Feasibility studies would need to be completed to determine the value of these items to the respective parties and
: of a ise a le at the I to	further negotiation to proceed. Council to continue the reclassification process for 8-10 Tryon Rd and 3 Kochia Lane (Council car park) to enable redevelopment.
in ed a given	Council to investigate the financing and funding strategies for new town square, underground car parking (public) and community component within 12-18 Tryon Rd as part of the Section 94 strategy for the centre.
, ning able	
cial e	
s ne ng - ww	<ul> <li>Council could consider an increase of height and density for the following sites:</li> <li>305-319 Pacific Hwy- with increased FSR of 3.1:1 (from FSR 2.6:1) and maximum height of 7 storeys (from 5 and 6).</li> </ul>
dged nd	
)	Council to review and reduce parking requirements for 305-329 Pacific Hwy and 1-5 Tryon Place in

Issue raised by DoP July 2007	Previously advised by DoP	Our previous response	Comments
<ul> <li>distances.</li> <li>The central section of the block is owned by the Council and occupied by a range of community facilities. The larger portion is occupied by tennis courts, and the remainder is occupied by the Lindfield Library, its car park, a two storey retirement development, and Lindfield Seniors Resource Centre.</li> <li> However, no other specific site has been nominated for these uses, and it would be unfortunate if at least the retirement housing were to be demolished. In addition, any development potential would have to be reduced if the existing surface car parking were to be replaced in a stratum of a redevelopment scheme, as is canvassed in Council's July 2006 report on its property portfolio.</li> <li>The southern section is already occupied by RFBs and thus redevelopment is unlikely to be desirable or practicable. In fact the DCP controls do not extend to cover this area.</li> <li>The sites in the DCP, which does not include all of the block in the draft LEP, are numbered south to north in the draft DCP. The block may contain some shop-top housing, and could contain up to 16 aged units (need to check) on site 1. Note there is no requirement to set back the top floor in this block.</li> <li>Site 1 – southern section 16 units; northern section 32 units</li> <li>Site 2 – 24 units</li> <li>Site 3 – 20 units</li> <li>Site 4 – 16 units</li> <li>Site 5 – 16 units</li> <li>Site 6 – 20 units</li> </ul>			<ul> <li>sites given the existing site constraints in providing sufficient parking for proposed increased density (eg. fragmented ownerships, small and narrow site configuration) and the proximity to services and infrastructure.</li> <li>The DCP proposes smaller site amalgamations in this part recognising the difficulty in achieving a single large amalgamation with the existing fragmented ownerships. However it is highly desirable to have fewer amalgamated sit where possible to provide for orderly developments. Note that the amalgamation patterns shown in the DCP are preferred only- variations are permitted provided the objectives are me</li> <li>The proposed building envelopes generally comply with the building separation requirements contained in Part 5 (Genera Development Control) of the DCP which are consistent with SEPP 65 principles. In addition, the shop-top housing fronting the highway/railway has been configured to achieve high residential amenity based on noise barrier planning principle as outlined in the Section 2.2.17 Of the DCP. Modification to the building configuration of the corner landmark development (adjacent to Tryon Place) is recommended to achieve better urban form and amenity.</li> <li>An increase of approximately 48 units in the form of shop top housing is estimated for this part (this figure has been include in the yield table submitted to DoP).</li> <li>Northern part 2 (283-303 Pacific Hwy)</li> <li>The Draft LEP proposes to rezone the existing 3(b)-B2 Commercial Services lands (283-303 Pacific Highway) to B2. However these sites are unlikely to redevelop in the short to medium term with relatively recent commercial development for offices and showrooms.</li> <li>An increase of approximately 55 units in the form of shop top housing is estimated for this part (this figure has been include in the yield table submitted to DoP).</li> <li>Middle part (259-271 Pacific Hwy)- Council owned land The Draft LEP proposes B2 zoning with a maximum FSR of 1.</li> </ul>

	Proposed future action by Council
t	consultation with economic consultant, to improve economic viability.
tes at et.	Council to add the following clause in Section 4.3 <i>Site Amalgamations</i> of the DCP regarding alternative amalgamations: <i>"These suggested amalgamations to facilitate orderly development.</i> <i>Alternative amalgamations can be considered where it can be demonstrated it meets the design objectives of the plan."</i>
al	Council to revise DCP controls in Section 4.8.3 for the northernmost site (321-329 Pacific Hwy & 1-5 Tryon Place) to achieve better urban form and residential amenity.
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LINDFIELD CENTRE Issue raised by DoP July 2007	Previously advised by DoP	Our previous response	Comments
			resource centre, tennis courts and affordable housing (Arung Units). Note that this Council land currently zoned 5(a) Specia Uses (Municipal Purposes) is not subject to the Minister's directive for increased density.
			The DCP proposes to redevelop the Council land with mixed undevelopment and to relocate most of the existing on-site services and facilities to more central locations within the contarea (in Precincts A and C). It is also proposed to redevelop the affordable housing for aged residents on site with increased number of units and better facilities. However the DCP propose is subject to the reclassification process and Council has resolved not to reclassify this land in August 2006. An increase of approximately 70 units is estimated for this middle section.
			Southern part (239-257 Pacific Hwy) No site specific DCP controls have been prepared for the southern part of the precinct as it is considered unlikely to redevelop in the medium to long term with all the sites being occupied by strata-titled apartment buildings. The Draft LEP proposes B2 zoning for this part which would provide a greate flexibility of use on the sites should redevelopment occurred.
			No increase of residential yields is anticipated within the southern section (does not contribute to the overall yield figur for the centre).
<ul> <li>Block C:</li> <li>Block C lies on the eastern side of the highway opposite the station.</li> <li></li> <li>The proposed B2 zoning over the remainder of the block is illusory as the DCP proposes that it be used to replace the municipal purposes, presumably some or all of those lost in Block B were it to be redeveloped, and also to provide open space. The plan shows a new read along the space of the plan shows a new read along the plan shows a new read plan shows</li></ul>	N/A	N/A	Highway strip shops (302-356 Pacific Hwy) In order to achieve the viability it is recommended to consider reduction in both commercial and residential parking rates for the highway strip shop sites given the existing site constraints in providing sufficient parking for proposed increased density (eg. fragmented ownerships, small and narrow site configuration) and the proximity to services and infrastructure The reduction of parking requirements would significantly decrease the overall development cost.
open space. The plan shows a new road along the western side of the block, and the section through the park does not indicate underground car parking. There will need to be a means of economically replacing the lost surface parking on the block and paying for the new road. The small lot fronting onto Beaconsfield, also			A total of approximately 100 new units in the form of shop top housing are estimated within the strip shop area on the assumptions that development under the proposed amalgamations or similar amalgamations would take place (this figure has been included in the yield table submitted to DoP).

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er a for ts y re.	Council to review and reduce parking requirements for 302-356 Pacific Hwy (strip shop sites) in consultation with economic consultant, to achieve economic viability.
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Issue raised by DoP July 2007	Previously advised by DoP	Our previous response	Comments
indicated as being developed for community facilities, appears not to be owned by the Council. Along the Pacific Highway frontage - 48 units In the return on Bent Street - 8 units In the return along Beaconsfield Pde - 12 units Along the Woodford Lane frontage - 33 units This block is occupied by shops. It is unknown how many shop top housing units exist. Rear of shops - the triangular site has a capacity of about 10 units			<ul> <li>Woodford Lane car park- Council owned land         The Draft LEP has provided additional commercial and         residential floor space up to FSR of 0.9:1 within the Council ca         park site. Note that this site is currently zoned 5(a) Special Us         (Parking) which prohibits commercial and residential uses an         it is not subject to the Minister's directive for increased densir         The DCP proposes to redevelop the Council land to provide         mainly a multi-purpose community development and a town         park, and to relocate existing public parking to the basements         Opportunity exists to incorporate aged care housing in this         location due to its central location in close proximity to the         public transport and services.         It should be noted that redevelopment of Council land is         dependant on the reclassification process as well as funding         made available through Section 94 contributions and other         sources.     </li> </ul>
<ul> <li>Block D:</li> <li>This block is on the highway to the north of Block C and extending to a point to the west.</li> <li></li> <li>The area to the west of the misnamed Bent Lane is currently zoned 2(b) which does not permit residential flat buildings. However, the site appears from the aerial photo (need to check on site) to contain a significant development complex, militating against redevelopment potential, as does the proposal to insert a new street across the western side of the site.</li> <li>The western portion of the block is currently zoned 2(e) which permits 2 storey RFBs. The proposal is to rezone it to R3 which precludes RFBs, with the DCP indicating what looks to be the existing houses, and so the effect is at best `status quo'. The panel indicated that this block should go to R4.</li> <li>Block between Pacific Highway and Bent Street - 21 units, but the current total of shop top housing is unknown.</li> <li>Between Bent lane and proposed access lane - 40 units, but see above, as this block seems already</li> </ul>	N/A	N/A	<ul> <li>Highway strip shops (358-374 Pacific Hwy)         <ul> <li>In order to ensure viable redevelopment it is recommended to consider a reduction in both commercial and residential parking rates for the highway strip shop sites given the existin site constraints in providing sufficient parking for proposed increased density (eg. fragmented ownerships, small and narrow site configuration) and the proximity to services and infrastructure. The reduction of parking requirements would significantly decrease the overall development cost.</li> </ul> </li> <li>Approximately 27 units in the form of shop top housing are estimated on the assumptions that development under the proposed amalgamations or similar amalgamations would tal place (this figure has been included in the yield table submitte to DoP).</li> <li>1-7 Bent St (to the west of Bent Lane)</li> <li>The existing 2(b) residential site adjoining Bent Lane is occupied by a 2-storey retirement village. The Draft LEP proposes R4 zoning given its strategic location in close proximity to the core area. Proposed R4 rezoning for this site likely give incentives for redevelopment to 5-storey apartmen Note that 2(b) sites are not subject to the Minister's directive increased density.</li> </ul>

	Proposed future action by Council
car Ises nd sity. ts.	Council to continue the reclassification process for 1 Beaconsfield Pde and 19 Drovers Way (Council car park) to enable redevelopment.
	Council to investigate the financing and funding strategies for new town park, community building and underground car parking (public) as part of the Section 94 strategy for the centre.
to ing	Council to review and reduce parking requirements for 358-374 Pacific Hwy (strip shop sites) in consultation with economic consultant, to achieve economic viability.
e is nts. e for	Council reconfirms its position as outlined in the comments section.

LINDFIELD CENTRE					
Issue raised by DoP July 2007	Previously advised by DoP	Our previous response	Comments	Proposed future action by Council	
<ul> <li>to have been redeveloped with an unknown number of units.</li> <li>To the west of the planned access lane no redevelopment is proposed</li></ul>			Additional 46 units are estimated (this figure has been included in the yield table submitted to DoP).		
redevelopment is proposed – existing number of dwellings is 10. The block could be developed for maybe 30 `multi dwelling houses' (Council's controls do not cover this form of housing, so there is little upon which to base an estimate.)			<b>9-21 Bent St</b> The existing 2(e) site at the western end is occupied by relatively new townhouse development and is unlikely to redevelop in the foreseeable future. Note that no increase of residential yields is anticipated (does not contribute to the overall yield figures for the centre).	Council reconfirms its position as outlined in the comments section.	
			The Draft LEP proposes new R3 zoning for this site to be in line with the new LEP template. More importantly, this rezoning is consistent with the Minister's directions (in particular the Direction No. 21-Residential Zones) as it provides for increased or maintained residential density. It is important to note that R4 rezoning as requested by DoP is unlikely to be sufficient incentive to redevelop from the existing medium density development.		
			No site specific controls have been prepared for this site but generic R3 controls will apply if redevelopment occurs.		
<ul> <li>Block E:</li> <li>This block, mainly consisting of the `Coles Supermarket Site', lies on the west of the highway to the north of Block B Due to the existing low- scale building and the extent of the surface car park to the rear, this is one area where Council's controls may just provide for redevelopment.</li> <li>On the site on the corner of Pacific Highway and Balfour Street – 32 units, but less if only 2 floors of residential as suggested by section b-b.</li> <li>On the site to the west of the realigned Balfour Lane 8 units.</li> </ul>	N/A	N/A	It is noted that DoP comments no longer relevant and do not take into account recent amendments as shown in the adopted plans. The adopted DCP shows a single amalgamated building footprint (instead of 2 blocks divided by realigned Balfour Lane) to facilitate the provision of a large supermarket. The Balfour Lane will be realigned along the western boundary of the site. As outlined in the DoP comments, the corner site (involving Coles site and its adjoining heritage building and car park) within Precinct E is likely to redevelop in short term to provide a mix of uses, including residential, commercial and retail (eg. full line supermarket and boutique shops). Up to 54 new units are estimated (this figure has been included in the yield table submitted to DoP).	Council reconfirms its position as outlined in the comments section.	
<ul> <li>Block F:</li> <li>Block F to the west of Drovers lane, appears to have some potential. However it is already zoned 2(d), and the R4 zoning is unlikely to give additional potential, particularly given the riparian corridor indicated in the DCP, unless it has been removed by the Council, and the need to moderate</li> </ul>		N/A	On 28 May 2004 Precinct F was rezoned to 2(d3) under the LEP 194 to permit 5-storey residential flat buildings. The Town Centre LEP proposes to rezone the precinct to R4 to be in line with the new LEP template with controls generally consistent with the existing LEP 194 / DCP 55 controls. This is consistent with the Section 117 Directions as it provides maintained residential density within this precinct.	Council reconfirms its position as outlined in the comments section.	

Issue raised by DoP July 2007	Previously advised by DoP	Our previous	Comments
the height plane of any redevelopment to the dwelling houses further to the west down the relatively steep slope. • Site 1 – 31 units • Site 2 – 27 units • Site 3 – 60 units • These would replace about 14 existing dwelling houses.		response	The main variation is the proposed 6 storey building height which is restricted to part of the area along Drovers Way (with no change proposed to the density). In order to achieve the current allowable FSR of 1.3:1 on all sites, 6 storeys height is proposed on the sites which are traversed by riparian zone (n buildings are permitted with this zone) to compensate for the loss of development site. None of the existing sites has been redeveloped and hence a high rate of unrealised development potential remains within this precinct. Additional 224 units are estimated which are currently allowable under LEP 194 (this figure has been included in the yield table submitted to DoP). It is important to note the provision of riparian zone should not result in any reduction in development yields for the sites.
<ul> <li>Block H:</li> <li>As with Block F above, the appearance of additional development potential is an illusion. Most of the block is already zoned 2(d3). The eastern portion along Nelson Road has been added since the Panel saw the draft LEP, and the proposal to rezone it to R3 may add some additional capacity beyond that currently available, but the economics are unlikely to support any intensification to multi dwelling housing.</li> <li>Site on corner of Havilah and Milray – 27 units, for the loss of about 9 dwelling houses</li> <li>Site mid-block on Havilah to the east of Milray – 13 units, for the loss of about 3 dwelling houses</li> <li>Site on Milray to south of riparian zone – 32 units, for the loss of about 4 dwelling houses</li> <li>Site on north eastern corner of Milray and Kochia Lane – 55 units, for the loss of about 3 dwelling houses</li> <li>South on north eastern corner of Tyron and Milray – 36 units, for the loss of about 3 dwelling houses</li> <li>Site on south western corner of Havilah and Milray – 18units, for the loss of about 2 dwelling houses</li> <li>Site to the south of the above – 22 units, for the loss of about 3 dwelling houses</li> </ul>	Council has received advice from the Department of Planning on 5 July 2006 in relation to the Section 54(4) notifications for Lindfield. Authorisation has been issued subject to the conditions within the specific schedules for Lindfield.	The Minister's site fronting Lindfield Avenue has been rezoned to part B2 Local Centre and part R4 zone in accordance with Section 54(4) notification from DoP.	<ul> <li>On 28 May 2004 majority of the residential sites within Precine H was rezoned to 2(d3) under the LEP 194 to permit 5-storey residential flat buildings. The Town Centre LEP proposes to rezone the existing 2(d3) sites to R4 to be in line with the new LEP template. This is consistent with the Section 117 Directio as it provides for maintained residential density within this precinct. A few 2(d) sites have been rezoned to R4 as well for consistency purposes. It is important to note the provision of riparian zone should not result in any reduction in developme yields for the sites.</li> <li>A significant increase of residential yield with a total of approximately 567 units is anticipated for the proposed R4 site (this figure has been included in the yield table submitted to DoP).</li> <li><b>12-24 Nelson Rd (proposed R3 sites)</b></li> <li>The Draft LEP proposes to rezone the existing 2(c2) sites alon Nelson Rd to R3 acting as a transition zone between 5-storey apartments and single houses with proposed 3-storey townhouse development. The new R3 zoning permitting townhouse development will also provide housing choice with the locality.</li> <li>Currently 1-2 storey single dwellings on large sites suggestin a strong potential for development. A total of 54 townhouses are estimated for these proposed R3 sites. Note that 2(c2) site are not subjected to the Minister's directive for increased</li> </ul>

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LINDFIELD CENTRE Issue raised by DoP July 2007	Previously advised	Our previous	Comments
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<ul> <li>Site currently under redevelopment to the south again – no envelopes are indicated for this site, and the capacity is unknown – about 40 units based on 2(d3) controls.</li> <li>Site bounded by Lindfield and Havilah – 14 units, for the loss of a residential flat development of 2 storeys – maybe 8 units, and 1 dwelling house.</li> <li>Site to the south of the above – part of the Minister's site – 40 units, for the loss of a residential flat development of 2 storeys – maybe 8 units, for the loss of a residential flat development of 2 storeys – maybe 8 units.</li> <li>Main section of Minister's site – 108 units, replacing a complex pattern of business and possible shop top development</li> <li>On that part of the site facing Nelson Road, proposed for R3, Council does not propose any redevelopment to replace the existing 7 dwelling houses. Maybe up to 25-30 townhouses could be accommodated.</li> </ul>			density. Site specific building envelopes have been prepared for these R3 sites. Other general R3 controls in Part 5 of the DCP will apply too.
<ul> <li>Block I:</li> <li>Block I is an `L' shaped area to the west of Block C.</li> <li>It is proposed to be rezoned R4, but this represents no effective change from the current 2(d3) zoning over all but one site fronting Beaconsfield Parade which is zoned 2(a).</li> <li>Site in Bent Street to the east of the new access lane - 34 units</li> <li>Site in Bent Street to the west of the new access lane - 27 units, replacing about 2 dwelling houses</li> <li>Site fronting onto Beaconsfield Pde - 16 units, replacing what could be a small multi-unit development</li> <li>Site fronting onto new access lane - 18 units, replacing approx one dwelling houses</li> </ul>	N/A	N/A	<ul> <li>On 28 May 2004 majority of the sites within Precinct I was rezoned to 2(d3) under the LEP 194 to permit 5-storey residential flat buildings. The Town Centre LEP proposes to rezone the existing 2(d3) sites to R4 to be in line with the new LEP template with controls generally consistent with the existing LEP 194/DCP 55 controls. This is consistent with the Section 117 Directions as it provides for maintained residential density within this precinct.</li> <li>The only 2(a) site at 3 Beaconsfield Pde has been rezoned to R4 under the Town Centre LEP for consistency purposes. Note that 2(a) sites are not subject to the Minister's directive for increased density.</li> <li>None of the existing sites has been redeveloped and hence there remains a high rate of development potential. Additional 96 units are estimated for the proposed R4 sites (this figure has been included in the yield table submitted to DoP).</li> <li><b>5, 5A, 7 Beaconsfield Pde &amp;18-24 Bent St (proposed R3 sites)</b> The existing 2(c2) sites fronting Beaconsfield Pde and Bent St have been rezoned to R3 acting as a transition zone between 5-storey apartment and single houses with proposed 3-storey townhouse development will also provide housing choice within</li> </ul>

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Issue raised by DoP July 2007	Previously advised by DoP	Our previous response	Comments
	59.501		the locality.
			A total of 56 townhouses are estimated for these proposed R3 sites. Note that 2(c2) sites are not subject to the Minister's directive for increased density.
			Site specific building envelopes have been prepared for these R3 sites. Other general R3 controls in Part 5 of the DCP will apply too.
Block P (and the adjoining land between Wolsely	Council has	In response Council	Precinct P (triangular block)
Road and the highway):	received advice	has revisited the	Precinct P has current zoning of IDO 78/79 and Special Uses
• This block is largely covered by IDO 78 and IDO 79,	from the DoP on 5	planning for this	(Church) which is not subject to the Minister's directive for
with the main part of Masada College zoned SU	July 2006 in	precinct. The	increased density. The Draft LEP proposes R4 and R3 rezoning
Church. The proposal is to zone the majority of the site to R3, with the back section of the school	relation to the Section 54(4)	following land use options were	within the triangular block for consistency purposes as majority of the sites are located within 600m radius from the Lindfield
fronting onto the railway zoned R4. Given that IDO	notifications for	developed based on	Station. This rezoning proposal would help facilitating the sale
78 only permits dwelling houses, and IDO 79	Lindfield.	the outcomes of the	of Masada's land which is soon to become redundant and this is
provides for schools, the draft LEP must be seen	Authorisation has	mediation session:	considered a good planning practice. It is intended to
as providing additional capacity. However, <b>the</b>	been issued		consolidate with the collage site at St Ives due to the decline in
Panel wants the whole of the block to be rezoned	subject to the	Option 1A:	number of students at the current school in recent years with
to R4, and that this zone extend to the highway,	conditions within	Rezoning of the	changing population trends.
over land on the south western side of Wolseley	the specific	entire precinct to	
Road currently zoned under IDO 78, and land on	schedules for	R3.	Further up-zoning of this residential precinct cannot be
the highway zoned 2(e) and proposed by Council to go to R3.	Lindfield.	<i>Option 1B:</i> <i>Rezoning the</i>	supported due to its existing unique neighbourhood character and its potential interface impacts to the surrounding low
<ul> <li>It is difficult to accurately assess what council</li> </ul>	In particular, DoP	precinct to R3, with	density residential in terms of privacy and overshadowing. Any
envisages in the R3 zone, as it has no detailed	has requested the	the exception of	further increase in density in this area may cause traffic
control provisions for townhouses. The following	removal of all	Nos. 1-11 Treatts	problems given that the Wolseley Rd is a cul-de-sac.
assumes about 150 square meters per new	lands proposed to	Road which would	
dwelling.	be zoned R2 (on	be excluded from	Council's adopted zoning proposal would achieve the most
<ul> <li>Site 1 -14 dwellings, with no loss of existing</li> </ul>	Precinct P) from	the Draft LEP.	balanced outcome for this precinct as it provides increased
dwellings	the Draft LEP and	Option 2: Rezoning	density and housing choice while protecting the interface zone
• Site 2 - 40 dwellings (note no top level set back	an improved yield	the precinct	and providing the maximum public domain benefits. The mix of
requirement), with no loss of dwellings (note	from all sites to be	generally to R3,	R3 and R4 zoning which allows townhouse development along
Lindsay Hunt submission on behalf of Masada	rezoned.	with the exception of 6 lots owned by	the street frontages to Wolseley and Treatts Rds and higher density apartment building against the raised rail corridor. The
College indicates 42 dwellings)		Masada close to the	DCP also proposes retention and enhancement of existing
<ul> <li>Site 3 – 30 units theoretical capacity, but unrealistic envelope shape – maybe 20 more</li> </ul>		railway line and	vegetation within the front setback zone to Wolseley Rd and
realistically, with the loss of about 2 dwelling		part of Eleham	extension to the existing park to assist in preserving the
houses		Road, which would	existing streetscape. A considerable increase in residential
<ul> <li>Site 4 – 4 dwellings, with the loss of about 2</li> </ul>		be rezoned to R4.	yield with approximately 133 new units will be provided within
dwelling houses			the block.
<ul> <li>Site 5 – 25 dwellings, with the loss of about 5</li> </ul>		Land use Option 2	
dwelling houses (Note that the remaining		with the maximum	It is important to note that significant amount of resources have

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LINDFIELD CENTRE Issue raised by DoP July 2007	Previously advised	Our previous	Comments
calculations concur closely with the Lindsay Hunt estimates.)	by DoP	response proposed density was adopted by Council.	<ul> <li>been given to provide an appropriate zoning for this precinct. Substantial work has been undertaken by various professional to formulate the plans in regard to the built form proposals, traffic and access strategies and public domain and landscape improvements. Economic feasibility studies have also been prepared for this precinct as part of the planning process. In addition, Council has conducted extensive consultations with residents in the area, and with the representatives for Masada and the synagogue to achieve best possible outcome for all parties. Several forums including a mediation session were held between these parties and Council to assist in formulatic of zoning for this precinct.</li> <li>The adopted DCP shows site specific building envelopes for both R4 and R3 sites within Precinct P.</li> <li>Properties adjoining Precinct P</li> <li>It is not recommended to change the zoning for the properties around Precinct P along Wolseley Rd and Pacific Hwy based of the following:</li> <li>Properties no. 12-42 Wolseley Rd currently zoned IDO 78 has not been included in the plans as they do not fall under the Minister's directive for increased density. However they are subject to rezoning will be determined within the next fe years. Note that they are occupied by substantial housing in excellent condition, hence unlikely to redevelop.</li> <li>Majority of the existing 2(e) sites fronting the Pacific Highway are occupied by strata-titled medium density developments and are unlikely to change in the foreseeable future. The Draft</li> </ul>
			LEP proposes to rezone these sites to R3 to be in line with the new LEP template and this is consistent with the Minister's directive. Note that R4 rezoning is unlikely to be sufficient incentive to redevelop from some of the existing medium density developments.
<ul> <li>Bound by Woodside, Lindfield and Havilah</li> <li>The western end of this block is zoned 2(d3) and proposed to go to R4, and the eastern end is zoned 2(c2) and proposed to go to R3. Although the latter change may represent a small increase in potential, that for the remainder does not. The</li> </ul>	N/A	N/A	<b>59 Lindfield Ave &amp; 1-9 Woodside Ave (proposed R4 sites)</b> The proposed R4 sites currently occupied by single dwelling houses have a high rate of development potential. There is a recent DA approval for 5 storey residential apartments with a total of 27 units at 5-9 Woodside Ave as pointed out by the DoF

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LINDFIELD CENTRE Issue raised by DoP July 2007	Previously advised	Our previous	Comments
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under the current controls. <b>The Panel wanted the</b> whole area to be rezoned R4. • In 2006, on-site signs indicated DA for 27 units replacing 3 dwelling houses – therefore estimate of about 40 dwelling units in area proposed for R4 zone, replacing 6 dwelling houses. • On section proposed for R3 zone, maybe 16 dwellings replacing 4 dwelling houses.			line with the new LEP template. More importantly, this rezoni is consistent with the Minister's direction (in particular the Direction No. 21-Residential Zones) as it provides for maintained residential density. <b>11-17 Woodside Ave &amp; 2-2A Havilah Rd (proposed R3 sites)</b> Existing 2(c2) sites are not subjected to the Minister's directiv for increased density. However the Draft LEP proposes to rezone the 2(c2) sites to R3 to create a transition zone betwee 5-storey apartments and single houses with 3-storey development. The proposed new R3 zoning permitting townhouse development will also provide housing choice with the locality. Site specific building envelopes have been prepared for the proposed R3 sites to demonstrate how future development ca occur, taking into consideration impacts on the amenity of the surrounding properties in terms of privacy and overshadowing It should be noted that the R4 zoning proposal for the 2(c2) sit was adopted by Council on 16 August 2006 but it was changed R3 acknowledging the interface issues which were raised through extensive consultations with various land owners in and around the precinct.
<ul> <li>Bound by Tryon, Lindfield, Russell and Nelson</li> <li>This block is in a variety of zonings including 2(c2), 2(d) and 2(d3), but the majority, including the now redeveloped `Minister's site' being zoned 2(3). The Council's proposal is for mainly R4, with the section along Russell avenue zoned R3.</li> <li>Given that the land accommodates 2 church complexes with heritage constraints, and an aged care or similar facility, significant redevelopment and intensive development on most sites assisted by the additional frontage to the access lane down the centre of the block, on balance there is no net opportunity.</li> <li>The Panel wanted the R3 area to be R4, but given the intensity of development already in that area, it would be unlikely to achieve anything.</li> <li>In the whole block only 3 non-contiguous sites in Russell Ave contain residential buildings which have any chance of redevelopment, and Council</li> </ul>	Council has received advice from DoP on 5 July 2006 in relation to the Section 54(4) notifications for Lindfield. Authorisation has been issued subject to the conditions within the specific schedules for Lindfield.	There are a number of proposed changes to the zoning scheme resolved by Council on 23 May 2006 in response to the Section 54(4) notification. These include: • The Minister's site (9-25 Tryon Road) currently zoned 2(e) to be changed to R4 zone; • Proposed SP2 Infrastructure zone (33 Tryon	As outlined in the DoP comments, most of the existing sites have been developed for residential flat building purposes and hence there remains a low rate of development potential with the precinct. An increase of residential yield with approximate 89 units is anticipated for this large block. <b>Minister's site (9-25 Tryon Rd)</b> It should be noted that the Minister's site at Tryon Rd has recently been developed for strata units. Refer to SEPP No. 53 for relevant provisions. <b>8-26 Russell Ave (proposed R3 sites)</b> Majority of the proposed R3 sites along Russell Ave are occupied by relatively new medium density residential developments under strata plan and hence unlikely to redevelop. Also 22 Russell Ave which is a heritage item has minimal redevelopment potential. The only likely development parcel is on existing 2(c2) sites at the eastern end.

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LINDFIELD CENTRE	<u> </u>		
Issue raised by DoP July 2007	Previously advised by DoP	Our previous response	Comments
units are theoretically possible.  • The capacity of the Minister's site is unknown		<ul> <li>changed to R4</li> <li>zone so that it is</li> <li>consistent with</li> <li>adjoining</li> <li>proposed land</li> <li>use zoning as</li> <li>SP2 zone is not to</li> <li>be used for car</li> <li>park area,</li> <li>community</li> <li>facilities,</li> <li>churches or</li> <li>schools;</li> <li>Proposed zoning</li> <li>to R4 Zone as no</li> <li>down-zoning is</li> <li>permitted;</li> <li>Proposed zoning</li> <li>to properties 20-26 Russell</li> <li>Avenue to be</li> <li>changed from R2</li> <li>to R3 Zone to</li> <li>avoid down-zoning.</li> </ul>	along Russell Ave to R3 to reflect the existing predominant use and scale of development as well as to create a transition zone to the adjoining low density areas. More importantly, the rezoning proposal complies with the Minister's direction as it provides for either maintained or increased density within this precinct. The proposed new R3 zoning permitting townhouse development will also provide housing choice within the locality Note that 2(c2) sites are not subject to the Minister's directive for increased density. Also noting that R4 rezoning is unlikely to be sufficient incentive to redevelop from some of the existing medium density developments as raised by the DoP. Approximately 23 units will be provided within the proposed R3 sites.
<ul> <li>Bound by Railway, Strickland, Highway and Llewellyn</li> <li>This block is zoned 2(d) and proposed to go to R4.</li> <li>Given the RFBs already on the land, the rezoning is unlikely to have any impact.</li> <li>No realistic additional capacity</li> </ul>	N/A	N/A	As outlined in the DoP comments, the existing 2(d) sites have been developed for residential flat building purposes and hence there remains no development potential within the precinct. The Draft LEP proposes new R4 zoning for this precinct to be in line with the new LEP template. More importantly, this rezonin is consistent with the Minister's direction (in particular the Direction No. 21-Residential Zones) as it provides for maintained or increased residential density within this precinct Note that no increase of residential yields is anticipated within this block (does not contribute to the overall yield figures for the centre).

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LINDFIELD CENTRE Issue raised by DoP July 2007	Previously advised	Our previous	Comments
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<ul> <li>Bound by Gladstone and Highway (south west corner)</li> <li>This block is zoned 2(d), apart from one site which is zoned 2(d3), and is proposed to go to R4. Given the RFBs already on the land, the rezoning is unlikely to have any impact.</li> <li>No realistic capacity</li> </ul>	N/A	N/A	As outlined in the DoP comments, most of the existing 2(d) and 2(d3) sites have been developed for residential flat building purposes and hence there remains a low rate of development potential within the precinct. The Draft LEP proposes new R4 zoning for this precinct to be in line with the new LEP template. More importantly, this rezonin is consistent with the Minister's direction (in particular the Direction No. 21-Residential Zones) as it provides for maintained or increased residential density within this precinct The proposed rezoning will provide approximately 38 units within the precinct.
<ul> <li>Bound by Highway, Gladstone, Drovers Lane and Beaconsfield</li> <li>The larger, southern portion of this block is zoned 2(d) and proposed to go to R4. Given the intensity of residential development particularly along the Drovers Lane frontage, redevelopment is unlikely. The smaller northern section is zoned 3(b)-(B2). Although the FSR of 2.3:1 under the proposed B2 zone may generate some redevelopment, that land is already intensively developed.</li> <li>No realistic capacity</li> </ul>	N/A	N/A	<ul> <li>As outlined in the DoP comments, a large proportion of the precinct especially the southern portion is unlikely to redevelop as most sites are occupied by existing strata unit developments. However there are some scopes for increased density in both commercial and residential within the proposed B2 sites at the northern end with an increase of FSR from 1:1 to 2.3:1 and height from 2 to 5 storeys.</li> <li>The Draft LEP proposes new B2 and R4 zoning for this precinct to reflect existing predominant use. More importantly, the rezoning proposal complies with the Minister's direction as it provides for either maintained or increased density within this precinct.</li> <li>A minor increase of residential yield with approximately 65 units is anticipated for this large block.</li> </ul>
<ul> <li>Bound by Highway, Highfield and Highfield Lane</li> <li>This small block is zoned half 2(d) and half 2(d3). Again, the block is intensively developed, and the proposed R4 is unlikely to have any impact.</li> <li>No realistic capacity</li> </ul>	N/A	N/A	As outlined in the DoP comments, the existing 2(d) and 2(d3) sites have been developed for residential flat building purposes and hence there remains no development potential within the precinct. The Draft LEP proposes new R4 zoning for this precinct to be in line with the new LEP template. More importantly, this rezonin is consistent with the Minister's direction (in particular the Direction No. 21-Residential Zones) as it provides for maintained or increased residential density within this precinct Note that no increase of residential yields is anticipated within this block (does not contribute to the overall yield figures for the centre).

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LINDFIELD CENTRE				
Issue raised by DoP July 2007	Previously advised by DoP	Our previous response	Comments	Proposed future action by Council
<ul> <li>Bound by the Highway, the railway and Wolseley Road</li> <li>This small isolated business site currently zoned 3(b)-(B2) and proposed for B5 is already intensively developed and any change is unlikely.</li> <li>No realistic capacity</li> </ul>	N/A	N/A	<ul> <li>The new B5 zoning to replace current 3(b)-B2 complies with Minister's direction (in particular the Direction No 3-Business Zones) as it provides for increased commercial density for this site.</li> <li>Note that the Draft LEP proposes FSR increase from 1:1 to 2:1 and height increase from 2 to 3 storeys, hence there is a potential for additional commercial floor space within this site.</li> </ul>	Council reconfirms its position as outlined in the comments section.

# **ROSEVILLE CENTRE- SUMMARY OF KEY ISSUES AND RESPONSES**

# Key Issues with DoP Comments

# Residential yield figures

The DoP has provided estimates of residential yields for Roseville on block by block basis, which are sometimes quite different to Council's estimates. However, it is unclear on what basis these are calculated. A considered response is therefore difficult.

The yield tables outlining estimated residential unit figures for each precinct within Roseville have been provided to the DoP as part of the Section 68 submission but it appears that the yield tables have not been taken into consideration. It should be noted that the number of existing dwellings has been excluded from the yield calculations provided.

Council has estimated its yields on the basis of an average dwelling of 110sqm, and on the assumption that development under the proposed amalgamations or similar amalgamations would take place.

# **DoP Issues and Responses**

# Economic viability

The DoP has raised concern that a number of sites particularly the strip shops within Roseville are not economically viable to redevelop due to the small sites and cost of amalgamations. Council has noted that a number of the retail strip shops are of marginal viability and economic advice has suggested that Council's parking rates are the major contributing factor. Council may consider a reduction in commercial and residential parking rates for some of the strip shop sites along the Pacific Highway and Hill Street given the existing site constraints in providing sufficient parking for proposed increased density (eg. fragmented ownerships, small and narrow site configuration) and the proximity to services and infrastructure. The reduction of parking requirements would significantly decrease the overall development cost and hence improving the viability of these sites. Further studies are to be undertaken in consultation with an economic consultant and in view of current and future public transport infrastructure.

The DoP is also concerned that the proposals on Council lands are not considered economically feasible, such as relocating public parking to the basements. It should be noted that redevelopment of Council land is subject to reclassification process as well as funding made available through Section 94 contributions and other sources. Council is undertaking further investigation on the financing and funding strategies for providing the public domain improvements and facilities (eg. new open space, new underground parking, new community facilities and the like) as part of the Section 94 strategy for the Roseville.

# Potential loss and lack of residential yields

The DoP is concerned that on a number of existing medium density 2(e) and 2(d) sites within Roseville the Draft LEP does not provide appropriate zoning which would provide sufficient incentive for redevelopment. But in fact Council has provided incentives through Clause 19 of the Draft LEP, as well as the DCP provisions to encourage development to achieve the targeted residential yields.

Council has noted that most of the existing 2(e) and 2(d) medium density sites in close proximity to the core have been developed for residential flat building purposes. They are unlikely to redevelop in the foreseeable future due to the existing intensity of developments and the strata titling, hence there remains little or no development potential. Nevertheless the Draft LEP has proposed new appropriate zoning reflecting the existing predominant use and scale of development of these existing medium density sites so that they are in line with the new LEP template. Note that no or minimal increase of residential yields is anticipated within these sites.

More importantly, it is considered that the Draft LEP complies with Direction No 21 – Residential Zones, as it provides for either maintained or increased residential densities in all zones. A yield table for Lindfield to demonstrate this has been submitted to the Director General as part of the Section 68 report and provide details on how increased dwelling yields in Roseville will contribute to Ku-ring-gai's housing provision under the Metropolitan Strategy.

# Zoning changes requested by DoP

DoP has requested zoning changes in 2 locations in Roseville (see table below for locations and Council's responses).

Council is not supportive of further up-zoning on any proposed R3 sites in Roseville, especially the ones identified as interface sites. The Draft LEP proposes a "transition" or "buffer" zoning of a medium density R3 zoning to allow for a gradual phasing in of high density development. The proposed new R3 zoning permitting townhouse development will also provide housing choice within the locality.

Precinct D 3-7 Roseville Ave & 4 Lord St (proposed R3 sites under Town Centre LEP)

The DoP requests R4 zoning for the proposed R3 sites behind Hill St shops as identified in the map below.



The Draft LEP proposes to rezone existing 2(e) sites to R3. The proposed R3 sites will act as a transition zone between the retail/commercial area and the 2(c1) low density residential area. Therefore R4 zoning cannot be supported in this location to prevent any flow-on effects resulted from future development to the adjoining single houses.

The new R3 zoning permitting townhouse development will also provide housing choice within the locality. More importantly, this rezoning proposal complies with the Minister's direction (in particular the Direction No. 21-Residential Zones) as it provides for increased residential density within this precinct.

Some redevelopment is likely to occur within this precinct, except for 4 Lord St which is occupied by a block of strata units. Note that the redevelopment of these proposed R3 sites is not dependent on the proposal on adjoining Council's Lord St car park site. Precinct I 161 Pacific Hwy (proposed B2 sites under Town Centre LEP)

The DoP requests R4 zoning for the proposed B2 site at the intersection of Pacific Hwy and Clanville Rd as identified in the map below.



The Draft LEP proposes to rezone 161 Pacific Hwy currently occupied by a car showroom to B5 in accordance with the Minister's directive. Also noting that high residential amenity is unlikely to be achieved in this busy intersection location.

Panel's request to rezone 161 Pacific Hwy currently zoned 3(b)-B2 to R4 is in contradiction with the Section 117 Directions (particularly Direction No.3). Note: Direction No 3 – Business Zones includes the requirements that a Draft LEP shall not: (*a) alter the location of existing zonings, or* (*b) alter the area of existing zonings, or* (*c) create, remove or alter provisions applying to land zoned for Business that will result in a reduction of potential floor space area.* 

# Attachment 9

ROSEVILLE CENTRE				
Issue raised by DoP July 2007	Previously advised by DoP	Our previous response	Comments	Proposed future action by Council
Blocks A and E:			Precinct A- Highway strip shops (64-116 Pacific Hwy)	
• This is the largest and most significant block			In order to improve the viability it is recommended to	Council to review and
covered in detail by the draft DCP. The boundary			consider a reduction in both commercial and	reduce parking
between the 2 blocks is unclear from the detailed			residential parking rates for the highway strip shop	requirements for 64-116
DCP provisions and so they are dealt with here			sites given the existing site constraints in providing	Pacific Hwy in
together.			sufficient parking for proposed increased density (eg.	consultation with
<ul> <li>The most northern current Business zone fronting</li> </ul>			fragmented ownerships, small and narrow site	economic consultant, to
the highway is zoned 3(b)-(B2), and the remainder			configuration) and the proximity to services and	improve economic
3(a)-(A2) However, the separation distances			infrastructure.	viability.
between the sections of the residential				viability.
development along the highway frontage look to			The proposed building envelopes within the strip	
be far too tight. Particularly also given that the			shop sites generally comply with the building	
replacement of the surface car parking, not			separation requirements contained in Part 5 (General	
adequately dealt with in the draft DCP, will be			Development Control) of the DCP which are	
			consistent with SEPP 65 principles. In addition, the	
expensive, the results of the Economic Feasibility			shop-top housing fronting the highway has been	
Study are questioned.			configured to achieve high residential amenity based	
• The proposal is to expand the business area			on noise barrier planning principles.	
significantly to the west with a B2 zoning, and			on noise barrier planning principles.	
slightly to the north to include the Cinema and one			Dresingt A Larkin Lang car park site (Council owned	
additional property beyond that, but the			Precinct A-Larkin Lane car park site (Council owned	
northernmost small 3(b)-(B2) area is proposed to			land)	Council to investigate the
have an R4 zoning with an additional use clause to			It should be noted that Council owns the existing	Council to investigate the
permit the retention of the existing business uses.			surface parking on Larkin Lane. The DCP proposes a	financing and funding
• The proposed expansion of the Business area is to			double-decked parking to cater for future parking	strategies for new double-
encompass council's surface car park to the rear			requirements. Also noting that Council has resolved	decked parking as part of
of the shops on the Highway, and to extend to			not to reclassify this land in August 2006.	the Section 94 strategy for
Larkin Street to the west. It includes a significant				the centre.
area containing dwellings and zoned mainly 2(e),				
with a small section at the northern end 2(d) The			Precinct E	
replacement of surface parking is an issue for			The existing 2(d) sites have been developed for	Council reconfirms its
redevelopment of this area as it is for the			residential flat building purposes and hence there	position as outlined in the
properties fronting onto the highway.			remains no development potential within these sites.	comments section.
• The northern section of Block A is proposed to go			The Draft LEP proposes new R4 zoning for the 2(d)	
from 2(d) (and the abovementioned 3(b)-(B2) area)			sites to be in line with the new LEP template. This is	
to R4. The section along the highway is intensively			consistent with the Section 117 Directions as it	
developed, and that to the west is occupied by 3			provides for maintained or increased residential	
substantial RFBs. The detailed envelopes indicate			density within this precinct.	
a very intensive residential redevelopment of the				
strip fronting onto the highway with minimal			124-130 & 132 Pacific Hwy	
separation distances between blocks. It is	The Section 117 Directions	In relation to requirements a) of	The Draft LEP also proposes to rezone the existing	
questionable as to whether there is any	require Council to make a	the direction, the Draft LEP	3(b)-B2 sites (124-130 & 132 Pacific Hwy) to R4 to	
practicable redevelopment potential.	request to the Director	does propose the rezoning of a	provide a more consolidated zoning pattern in the	
• Sites on Pacific Highway to the south of 'The	General justifying any	small number of sites currently	centre as previously outlined. Schedule 1 of the LEP	
Rifleway'– 60 units, replacing an unknown number	inconsistencies with	zoned Business to R4, including	identifies the existing non residential uses as	
of existing shop top housing units	Direction No 3 - Business	124-130 & 132 Pacific Highway	continuing to be permissible on these sites in the	

ROSEVILLE CENTRE				
Issue raised by DoP July 2007	Previously advised by DoP	Our previous response	Comments	Proposed future action by Council
<ul> <li>Sites on pacific Highway between 'The Rifleway' and Sixth Mile Lane - 27 units, replacing an unknown number of shop top housing units</li> <li>Sites on Larkin Street to the south of 'The Rifleway' - 61 units, replacing approx 10 dwelling houses</li> <li>Site to the north west of Sixth Mile Lane north and 'The Rifleway' - 20 units, replacing approx 3 dwelling houses</li> <li>Most or all of the sites to the north along Pacific Highway to Shirley Road all appear to contain substantial RFB development. Although the sites have a theoretical capacity of about 130 units, redevelopment is thought to be unrealistic.</li> <li>The remainder of the block which is not included in the 'block studies' is already intensively developed and there is no additional practicable capacity.</li> </ul>	Zones Residential Zones which includes the requirements that a Draft LEP shall not: ( <i>a</i> ) alter the location of existing zonings, or ( <i>b</i> ) alter the area of existing zonings, or ( <i>c</i> ) create, remove or alter provisions applying to land zoned for Business that will result in a reduction of potential floor space area.	These sites are currently used for business or retail purpose however are being rezoned to R4 to provide a more consolidated zoning pattern in the centre. Schedule 1 of the Draft LEP identifies the existing non residential uses as continuing to be permissible on these sites in the future. To ensure retain a maximum FSR of 1:1 on these sites for the additional permitted non residential uses under Schedule 1. In relation to requirement b) of the Direction, this proposes an actual net increase in the amount of land to be zoned for business and retail uses. This has involved the inclusion of sites between Larkin Street and Larkin Lane in the B2 zone (currently zoned 2(e)) to facilitate an active business retail frontage on Larkin Lane. The redistribution of the area zoned for business and retail purposes in Roseville is intend to concentrate there uses closer to the station to reinforce the centre function as a small village under the Metropolitan Strategy. In relation to requirement c) of the Direction, there has been an overall increase in the floor space ratio available for business and retail uses. The future capacity of retail and business floor space is considered appropriate for the identified future role of the Roseville centre within Ku-ring-		

ROSEVILLE CENTRE Issue raised by DoP July 2007	Previously advised by DoP	Our previous response	Comments
		gai consistent with Council's adopted retail strategy and its role as a small village under the Metropolitan Strategy. This will included an increase of retail floor space from the existing 9750sqm (NLA) to approximately 12,650sqm, and an increase in business floor space from the existing 9405sqm GFA to an estimated future 10379sqm GFA.	
<ul> <li>Block B:</li> <li>Block B is the narrow strip of land south of the station and between the railway and the highway, zoned 2(d), with a very small area to the north of the station zoned 2(h).</li> <li>The proposal is for the northern third of the area to be zoned B2. As the proposed overall FSR is only 1.8:1 and the area is already developed with substantial, newish buildings, redevelopment is unlikely.</li> <li>The southern section, to be rezoned from 2(d) to R4 is show as having a comprehensive redevelopment, but here too there is already substantial RFBs and the area has minimal practicable consolidation potential.</li> <li>The information provided for the proposals for block is incomplete, and only presented at minute scale for the southern half</li> <li>Northern mixed use site 14 units, which may replace some shop top housing</li> <li>Southern mixed use site - 26 units, but this would only be achieved by demolition of what are thought to be substantial residential buildings - therefore no realistic capacity likely.</li> <li>The remainder of the block south to Boundary Road - also contains substantial residential buildings - no realistic capacity.</li> </ul>	N/A	N/A	Southern section (5-47 Pacific Hwy) As outlined in the DoP comments, all exis sites within this section have been develor residential flat building purposes and her remains no development potential. The D proposes new R4 zoning for this section to with the new LEP template. This is consist the Section 117 Directions as it provides of maintained or increased residential dense this precinct. Northern section (49-89 Pacific Hwy, incl Station Masters Cottage site) The northern section has been rezoned to provide incentives for redevelopment give existing low level of development, including potential adaptive re-use of a few existing buildings within this section. In order to improve the viability it is record consider a reduction in both commercial residential parking rates for these sites of existing site constraints in providing suffit parking for proposed increased density (a fragmented ownerships, small and narroo configuration) and the proximity to service infrastructure.
<ul> <li>Block C:</li> <li>This block is currently zoned 3(a)-(A2), except for the site on the corner of Hill and Bancroft which is zoned 2(e). The draft DCP shows a potentially attractive courtyard redevelopment behind some</li> </ul>	Council has received advice from the Department of Planning on 5 July 2006 in relation to the Section 54(4) notifications for Roseville.	The proposed Special Purposes (SP2 Infrastructure) zone on Uniting Church site has been removed as this zoning is not to be used for car parking,	Hill St strip shops (5-35 Hill St and 1-5 Lo In order to improve the viability it is recor consider a reduction in both commercial residential parking rates for the Hill St st sites given the existing site constraints in

	Proposed future action by Council
xisting 2(d) cloped for ence there Draft LEP n to be in line sistent with s for nsity within	Council to review and reduce parking requirements for 69-89 Pacific Hwy in consultation with economic consultant, to achieve economic viability.
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to B2 to iven the ding the ng heritage	Council reconfirms its position as outlined in the comments section.
ommended to al and s given the fficient (eg. row site rices and	
Lord St) ommended to al and strip shop in providing	Council to review and reduce parking requirements for 5-35 Hill St and 1-5 Lord St in

ROSEVILLE CENTRE				
Issue raised by DoP July 2007	Previously advised by DoP	Our previous response	Comments	Proposed future action by Council
retained shops • New dwellings – 37 units. The potential losses in shop-top housing are unknown	Authorisation has been issued subject to the conditions within the specific schedules for Roseville.	community facilities, churches or schools as requested by the Department of Planning under the Section 54(4) notification.	<ul> <li>sufficient parking for proposed increased density (eg. fragmented ownerships, small and narrow site configuration) and the proximity to services and infrastructure.</li> <li>Additional 47 units in the form of shop top housing are estimated- this figure excludes number of existing dwellings.</li> </ul>	consultation with economic consultant, to improve economic viability.
			Uniting Church site (7 & 7A Lord St) The Draft LEP proposes to rezone the Uniting Church site currently zoned Special Uses (Church) to B2. Note that Special Uses sites are not subjected to the Minister's directive for increased density.	
<ul> <li>Block D (and adjoining land to the east):</li> <li>To the north of Block C, this area is zoned 3(b)-(B2) and proposed for a B2 zoning. A similar, but smaller scale redevelopment is indicated in the DCP, with a lower proposed FSR of 1.6:1</li> <li>Significantly, the specific block study does not extend to the adjoining land to the east, zoned 3(b)-(82), on which surface parking is located, and to other adjoining land currently zoned 2(e) and</li> </ul>	N/A	N/A	Hill St strip shops (37-63A Hill St & 1 Roseville Ave) In order to improve the viability it is recommended to consider a reduction in both commercial and residential parking rates for the Hill St strip shop sites given the existing site constraints in providing sufficient parking for proposed increased density (eg. fragmented ownerships, small and narrow site configuration) and the proximity to services and infrastructure.	Council to review and reduce parking requirements for 37-63A Hill St and 1 Roseville Ave in consultation with economic consultant, to achieve economic viability.
<ul> <li>proposed to go to R3. However, the section drawing does indicate a new park on the 3(b)-(B2) land with parking below. The cost of under grounding the car parking is likely to make the redevelopment of this area less economic. The Panel wanted an R4 zoning for the area currently zoned 2(e).</li> <li>New dwellings – 10 units, but this needs to be discounted for an unknown loss of residential development in Roseville Street</li> </ul>			Lord St car park site (Council owned land) It should be noted that Council owns the existing surface parking on Lord St. The DCP proposes a new Town Square with public parking below it as resolved by Council. This proposal is subject to funding made available through Section 94 contributions and other sources. Also noting that Council has resolved not to reclassify this land in August 2006.	Council to investigate the financing and funding strategies for new town square and underground parking as part of the Section 94 strategy for the centre.
			<b>3-7 Roseville Ave &amp; 4 Lord St (proposed R3 sites)</b> The Draft LEP proposes to rezone existing 2(e) sites to R3. The proposed R3 sites will act as a transition zone between the retail/commercial area and the 2(c1) low density residential area. Therefore R4 zoning cannot be supported in this location to prevent any flow-on effects resulted from future development to the adjoining single houses.	Council reconfirms its position as outlined in the comments section.
			The new R3 zoning permitting townhouse development will also provide housing choice within the locality. More importantly, this rezoning proposal	

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Issue raised by DoP July 2007	Previously advised by DoP	Our previous response	Comments	Proposed future action by Council
			complies with the Minister's direction (in particular the Direction No. 21-Residential Zones) as it provides for increased residential density within this precinct.	
			Some redevelopment is likely to occur within this precinct, except for 4 Lord St which is occupied by a block of strata units. Note that the redevelopment of these proposed R3 sites is not dependent on the proposal on adjoining Council's Lord St car park site.	
<ul> <li>Blocks to the north of Shirley Road on the western side of the highway</li> <li>These four blocks are all currently zoned 2(d) and proposed for R4. However, they are all substantially developed and practicable redevelopment potential is unlikely.</li> <li>No realistic capacity</li> </ul>	N/A	N/A	As outlined in the DoP comments, majority of the 2(d) sites have been developed for residential flat building purposes. Overall there is a low rate of development potential remains within the precinct. Only approximately 19 units are estimated for the whole block.	Council reconfirms its position as outlined in the comments section.
			The Draft LEP proposes new R4 zoning for the existing 2(d) sites to be consistent with the Minister's direction (in particular the Direction No. 21- Residential Zones) as it provides for maintained or increased residential density within this precinct.	
<ul> <li>Block between the railway and highway to the north of Glanville</li> <li>This block is also zoned 2(d) except for the southernmost site which is zoned 3(b)-(B2) and occupied by a commercial premises. Although the block is proposed to be rezoned to R4, the current substantial RFBs are unlikely to be redeveloped.</li> </ul>	N/A	N/A	As outlined in the DoP comments, most of the current 2(d) sites fronting the Highway have been developed for residential flat building purposes and hence there remains little unrealised development potential within this precinct. Only approximately 26 units are estimated for this large block.	Council reconfirms its position as outlined in the comments section.
<ul> <li>The Panel wants the commercial block to be included in the R4 zone.</li> <li>No realistic capacity</li> </ul>			The Draft LEP proposes new R4 zoning for the existing 2(d) sites to be consistent with the Minister's direction (in particular the Direction No. 21- Residential Zones) as it provides for maintained or increased residential density within this precinct.	
			<b>161 Pacific Hwy (existing commercial development)</b> The Draft LEP proposes to rezone 161 Pacific Hwy currently occupied by a car showroom to B5 in accordance with the Minister's directive. Also noting that high residential amenity is unlikely to be achieved in this busy intersection location.	Council to consider the option to rezone proposed B5 site currently zoned 3(b)-(B2) (161 Pacific Hwy) to R4 as requested by the DoP. The potential
			Panel's request to rezone 161 Pacific Hwy currently zoned 3(b)-B2 to R4 is in contradiction with the Section 117 Directions (particularly Direction No.3).	contradiction with the Section 117 Directions is noted.

ROSEVILLE CENTRE	-	_	-	-
Issue raised by DoP July 2007	Previously advised by DoP	Our previous response	Comments	Proposed future action by Council
			Note: Direction No 3 – Business Zones includes the requirements that a Draft LEP shall not: (a) alter the location of existing zonings, or (b) alter the area of existing zonings, or (c) create, remove or alter provisions applying to land zoned for Business that will result in a reduction of potential floor space area.	
<ul> <li>Block bound by Oliver, Hill and Roseville</li> <li>This block is currently zoned 2(d), except for one property zoned 3(b)-(B2), and is proposed for R4. The Hill Street frontage contains RFBs. There may be some minor redevelopment potential in this block.</li> <li>As a very rough estimate it may have a theoretical capacity of 50 units, but against this may 20 or so units may be lost.</li> </ul>	N/A The Section 117 Directions require Council to make a	N/A In relation to requirements a) of the direction, the Draft LEP	As outlined in the DoP comments, majority of the 2(d) sites have been developed for residential flat building purposes. Overall there is a low rate of development potential remains within the precinct. Only approximately 24 units are estimated for the whole block- this figure does not include the number of existing dwellings. The Draft LEP proposes new R4 zoning for the existing 2(d) sites to be consistent with the Minister's direction (in particular the Direction No. 21- Residential Zones) as it provides for increased residential density within this precinct. <b>65 Hill St (heritage item)</b> The Draft LEP also proposes to rezone the existing 3(b)-B2 site (65 Hill St) to R4 to provide a more	Council reconfirms its position as outlined in the comments section.
	request to the Director General justifying any inconsistencies with Direction No 3 - Business Zones which includes the requirements that a Draft LEP shall not: ( <i>a</i> ) alter the location of existing zonings, or ( <i>b</i> ) alter the area of existing zonings, or ( <i>c</i> ) create, remove or alter provisions applying to land zoned for Business that will result in a reduction of potential floor space area.	does propose the rezoning of a small number of sites currently zoned Business to R4, including 65 Hill St. These sites are currently used for business or retail purpose however are being rezoned to R4 to provide a more consolidated zoning pattern in the centre. Schedule 1 of the Draft LEP identifies the existing non residential uses as continuing to be permissible on these sites in the future. To ensure retain a maximum FSR of 1:1 on these sites for the additional permitted non residential uses under Schedule 1.	consolidated zoning pattern in the centre as previously outlined. Schedule 1 of the LEP identifies the existing non residential uses as continuing to be permissible on these sites in the future. Note that this site has minimal redevelopment potential as it is a heritage item on a small site.	

ROSEVILLE CENTRE				
Issue raised by DoP July 2007	Previously advised by DoP	Our previous response	Comments	Proposed future action by Council
		In relation to requirement b) of		
		the Direction, this proposes an		
		actual net increase in the		
		amount of land to be zoned for		
		business and retail uses. This		
		has involved the inclusion of		
		sites between Larkin Street and		
		Larkin Lane in the B2 zone		
		(currently zoned 2(e)) to		
		facilitate an active business		
		retail frontage on Larkin Lane.		
		The redistribution of the area		
		zoned for business and retail		
		purposes in Roseville is intend		
		to concentrate there uses		
		closer to the station to reinforce		
		the centre function as a small		
		village under the Metropolitan		
		Strategy.		
		57		
		In relation to requirement c) of		
		the Direction, there has been an		
		overall increase in the floor		
		space ratio available for		
		business and retail uses. The		
		future capacity of retail and		
		business floor space is		
		considered appropriate for the		
		identified future role of the		
		Roseville centre within Ku-ring-		
		gai consistent with Council's		
		adopted retail strategy and its		
		role as a small village under the		
		Metropolitan Strategy. This will		
		included an increase of retail		
		floor space from the existing		
		9750sqm (NLA) to		
		approximately 12,650sqm, and		
		an increase in business floor		
		space from the existing		
		9405sqm GFA to an estimated		
		future 10379sqm GFA.		
Block to the north east of Victoria and Hill	N/A	N/A	As outlined in the DoP comments, most of the	Council reconfirms its
<ul> <li>This area is currently zoned 2(d) and is propose</li> </ul>			existing 2(d) sites have been developed for residential	position as outlined in the
for R4. There are currently substantial RFBs or			flat building purposes. Overall there is a low rate of	comments section.
Tor N4. There are currently substantiat NI DS 01				commento section.

ROSEVILLE CENTRE				
Issue raised by DoP July 2007	Previously advised by DoP	Our previous response	Comments	Proposed future action by Council
<ul><li>most of the sites, and any redevelopment potential appears to be very minor.</li><li>No realistic capacity</li></ul>			development potential remains within the precinct. Approximately 31 units are estimated.	
			The Draft LEP proposes new R4 zoning for this precinct to be in line with the new LEP template. More importantly, this rezoning is consistent with the Minister's direction (in particular the Direction No. 21-Residential Zones) as it provides for increased residential density within this precinct.	

# Schedule 3 Part 2 Conditions for Complying Development

Note: the standard conditions for each type of development are listed below. The relevant conditions from the list for the development type will be imposed by the Principal Certifying Authority.

# 1. Conditions common to all complying development types

# Approved architectural plans and documentation

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

Plan no.	Drawn by	Dated
#	#	#
#	#	#
Document(s)		Dated
#		#
#		#

Alterations, modification or variations to the plans or specifications requires the Principal Certifying Authority to issue a new Complying Development Certificate prior to any changes being erected.

**Reason:** To ensure that the development is in accordance with the determination of Council.

# Inconsistency between documents

In the event of any inconsistency between conditions of this consent and the drawings/documents referred to above, the conditions of this consent prevail.

**Reason:** To ensure that the development is in accordance with the determination of Council.

# Approved plans to be on site

A copy of all approved and certified plans, specifications and documents incorporating conditions of consent and certification shall be kept on site at all times during the demolition, excavation and construction phases and must be readily available to any officer of Council or the Principal Certifying Authority.

**Reason:** To ensure that the development is in accordance with the determination of Council.

#### Infrastructure restoration fee

To ensure that damage to Council Property as a result of construction activity is rectified in a timely matter:

All work or activity taken in furtherance of the development the subject of this approval must be undertaken in a manner to avoid damage to Council Property and must not jeopardise the safety of any person using or occupying the adjacent public areas.

- a) The applicant, builder, developer or any person acting in reliance on this approval shall be responsible for making good any damage to Council Property, and for the removal from Council Property of any waste bin, building materials, sediment, silt, or any other material or article.
- b) The Infrastructure Restoration Fee must be paid to the Council by the applicant prior to both the issue of the Complying Development Certificate and the commencement of any earthworks, demolition or construction.
- c) In consideration of payment of the Infrastructure Restorations Fee, Council will undertake such inspections of Council Property as Council considers necessary and also undertake, on behalf of the applicant, such restoration work to Council Property, if any, that Council considers necessary as a consequence of the development. The provision of such restoration work by the Council does not absolve any person of the responsibilities contained in (a) to (b) above. Restoration work to be undertaken by the Council referred to in this condition is limited to work that can be undertaken by Council at a cost of not more than the Infrastructure Restorations Fee payable pursuant to this condition.
- d) In this condition:

"Council Property" includes any road, footway, footpath paving, kerbing, guttering, crossings, street furniture, seats, letter bins, trees, shrubs, lawns, mounds, bushland, and similar structures or features on any road or public road within the meaning of the Local Government Act 1993 (NSW) or any public place; and

"Infrastructure Restoration Fee" means the Infrastructure Restorations Fee calculated in accordance with the Schedule of Fees & Charges adopted by Council as at the date of payment and the cost of any inspections required by the Council of Council Property associated with this condition.

Reason: To maintain public infrastructure

# **Building Code of Australia**

The work must be carried out in accordance with the requirements of the Building Code of Australia.

**Reason:** Statutory requirement.

# Site notice

A site notice shall be erected on the site prior to any work commencing and shall be displayed throughout the works period.

The site notice must:

- be prominently displayed at the boundaries of the site and inform the public that unauthorised entry to the site is not permitted
- display project details including, but not limited to the details of the builder, project manager, Principal Certifying Authority, including name, address and 24 hour contact number
- display the approved hours of work
- be durable and weatherproof
- be mounted at eye level on the perimeter hoardings/fencing.

**Reason:** To ensure public safety and public information.

# Construction signage

All construction signs must comply with the following requirements:

- are not to cover any mechanical ventilation inlet or outlet vent
- are not illuminated, self-illuminated or flashing at any time
- are located wholly within a property where construction is being undertaken
- refer only to the business(es) undertaking the construction and/or the site at which the construction is being undertaken
- are restricted to one such sign per property
- do not exceed 2.5m<sup>2</sup>
- are removed within 14 days of the completion of all construction works

**Reason:** To ensure compliance with Council's controls regarding signage.

# Notice of commencement

At least 48 hours prior to the commencement of any development or excavation works, a notice of commencement of building or subdivision work form and appointment of the Principal Certifying Authority form shall be submitted to Council.

**Reason:** Statutory requirement.

# Notification of builder's details

Prior to the commencement of any development or excavation works, the Principal Certifying Authority shall be notified in writing of the name and contractor licence number of the owner/builder intending to carry out the approved works.

**Reason:** Statutory requirement.

# Demolition and construction work hours

Demolition, construction work and deliveries of building material and equipment must not take place outside the hours of 7.00am to 5.00pm Monday to Friday and 8.00am to 12.00pm Saturday. No work and no deliveries are to take place on Sundays and public holidays.

Excavation or removal of any materials using machinery of any kind, including compressors and jack hammers, must be limited to between 9.00am and 4.00pm Monday to Friday, with regular breaks of 15 minutes each hour.

**Reason:** To ensure reasonable standards of amenity to neighbouring properties.

# Works in the road reserve

The opening of any footway, roadway, road shoulder or any part of the road reserve shall not be carried out without a Road Opening Permit being obtained from the Council (upon payment of the required fee) beforehand.

**Reason:** Safety and convenience of pedestrians and vehicles.

# Use of road or footpath

During excavation, demolition and construction phases, no building materials, plant or the like are to be stored on the road or footpath without written approval being obtained from 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.

**Reason:** To ensure safety and amenity of the area.

# Protection of public places

If the work involved in the erection, demolition or construction of the development is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or building involves the enclosure of a public place, a hoarding or fence must be erected between the work site and the public place.

If necessary, a hoarding is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place. Should it be necessary to erect a hoarding on public land, Council consent must first be obtained and the required fee paid.

The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.

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

**Reason:** To protect public places.

# Nuisance

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.

**Reason:** To protect health and amenity.

# Compliance with Australian Standards for Demolition

If the work involves any demolition work, the work shall comply with the provisions of Australian Standard AS2601: 2001 The Demolition of Structures.

**Reason:** To ensure compliance with the Australian Standards.

# No demolition of extra fabric

Alterations to, and demolition of the existing building shall be limited to that documented on the approved plans (by way of notation). No approval is given or implied for removal and/or rebuilding of any portion of the existing building which is shown to be retained.

**Reason:** To ensure compliance with the development consent.

# Asbestos

Should it be suspected the structure(s) being demolished contain(s) asbestos, a Hazardous Substances Audit shall be carried out on the building(s) or parts of the building proposed to be demolished, in accordance with Australian Standard AS2601: 2001 - The Demolition of Structures. A copy of the Audit Report and any associated Hazardous Substances Management Plan shall be provided to the Principal Certifying Authority and the licensed demolition contractor and/or principal contractor prior to commencement of work.

The removal, handling and disposal of any asbestos material is to be undertaken only by an asbestos removal contractor who holds the appropriate class of Asbestos Licence, issued by WorkCover NSW, and in accordance with the requirements of WorkCover NSW and the National Occupational Health and Safety Commission's Code of Practice for the Safe Removal of Asbestos, 2nd Edition [NOHSC: 2002 (2005)] and Code of Practice for the Management and Control of Asbestos in Workplaces [NOHSC: 2018 (2005)]

# Toilet facilities

During excavation, demolition and construction phases, toilet facilities are to be provided, on the work site, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.

**Reason:** Statutory requirement.

# Recycling of building material (general)

During demolition and construction, the Principal Certifying Authority shall be satisfied that building materials suitable for recycling have been forwarded to an appropriate registered business dealing in recycling of materials. Materials to be recycled must be kept in good order.

**Reason:** To facilitate recycling of materials.

# **Compliance certificates**

A copy of all Compliance Certificates shall be forwarded to Council with the Occupation Certificate.

**Reason:** To maintain Council's database for developments.

# **Occupation Certificate**

The building shall not be used or occupied unless the development has been completed in accordance with the conditions of consent and the approved plans and until an Occupation Certificate has been issued by the Principal Certifying Authority.

Reason: Statutory

# Infrastructure repair

Prior to issue of the Occupation Certificate, the Principal Certifying Authority must be satisfied that any damaged public infrastructure caused as a result of construction works (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 Development Engineer and at no cost to Council.

**Reason:** To protect public infrastructure.

# 2. Additional Conditions relating to:

#### a. Internal alterations and additions to commercial premises

#### **Mechanical ventilation**

Prior to the issue of the Occupation Certificate, the Principal Certifying Authority shall be satisfied that all mechanical ventilation systems are installed in accordance with Part F4.5 of the Building Code of Australia and comply with Australian Standards AS1668.2 and AS3666 Microbial Control of Air Handling and Water Systems of Building.

**Reason:** To ensure adequate levels of health and amenity to the occupants of the building.

#### Final fire safety certificate

Prior to the issue of the Final Occupation Certificate, the Principal Certifying Authority shall be satisfied that a Final Fire Safety Certificate for all the essential fire or other safety measures forming part of this consent has been completed and provided to Council.

**Reason:** To ensure suitable fire safety measures are in place.

# Sydney Water Section 73 Compliance Certificate

For development for the purposes of a commercial laundry, photographic processing, veterinary surgeon, or dry cleaner, a notice of requirements under Section 73 of the Sydney Water Act 1994 must be obtained prior to the commencement of any works. Application must be made through an authorised Water Servicing Co-ordinator. For details see the Sydney Water web site www.sydneywater.com.au, or telephone 13 20 92.

Following application, a notice of requirements will be forwarded, detailing water and sewer extensions to be built and charges to be paid. Early contact with the coordinator is advisable since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

**Reason:** Statutory requirement.

# b. External alterations and additions to commercial premises

# Access through public reserve not permitted

Access for construction purposes shall not be gained through the adjoining public reserve. Should no alternative access exist, an application for access to the construction site via the public reserve shall be submitted to Council for consideration and approval prior to the commencement of works.

**Reason:** To protect public reserves.

#### Guarding excavations

All excavation, demolition and construction works shall be properly guarded and protected with hoardings or fencing to prevent them from being dangerous to life and property.

**Reason:** To ensure public safety.

#### No storage of materials beneath trees

No activities, storage, disposal of materials, or vehicular access, with the exception of existing driveways, shall take place beneath the canopy of any tree protected under Clause 34 of Ku-ring-gai LEP 2006 (Town Centres) at any time.

**Reason:** To protect existing trees.

# Sydney Water Section 73 Compliance Certificate

For development for the purposes of a commercial laundry, photographic processing, veterinary surgeon, or dry cleaner, a notice of requirements under Section 73 of the Sydney Water Act 1994 must be obtained prior to the commencement of any works. Application must be made through an authorised Water Servicing Co-ordinator. For details see the Sydney Water web site www.sydneywater.com.au, or telephone 13 20 92.

Following application, a notice of requirements will be forwarded, detailing water and sewer extensions to be built and charges to be paid. Early contact with the coordinator is advisable since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

**Reason:** Statutory requirement.

pergolas, sheds, green/shadehouses

# c. Decks, Verandahs, Awnings, Sail Cloths, Pergolas, Sheds, Greenhouses and Shadehouses

# Sydney Water

The approved plans must be submitted to a Sydney Water Quick Check Agent for approval prior to the commencement of any work. Works are to proceed in accordance with any requirements of Sydney Water or its agent.

Reason: Statutory requirement.

# Builder's indemnity insurance

The applicant, builder, developer or person who does the work on this development, must arrange builder's indemnity insurance and submit the certificate of insurance in accordance with the requirements of Part 6 of the Home Building Act 1989 to the Principal Certifying Authority for endorsement of the plans accompanying the Complying Development 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 set by the Home Building Regulation 2004. The builder's indemnity insurance does not apply to commercial or industrial building work, 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).

**Reason:** Statutory requirement.

# No storage of materials beneath trees

No activities, storage, disposal of materials, or vehicular access, with the exception of existing driveways, shall take place beneath the canopy of any tree protected under Clause 34 of Ku-ring-gai LEP 2006 (Town Centres) at any time.

**Reason:** To protect existing trees.

# Screen planting

If the development is a deck, verandah, shadehouse, greenhouse or shed, screen planting is required along boundaries adjacent to the structure. The screen planting is to incorporate species suitable for the site conditions and location on site. Screen planting capable of attaining a height of 2-3 metres shall be provided and can include existing planting. The proposed planting shall be approved by a suitably qualified professional and be completed prior to the issue of the Final Certificate of Compliance and be maintained in good condition.

**Reason:** To protect the amenity of neighbouring properties.

#### External finishes

Prior to works commencing, the Principal Certifying Authority shall be satisfied that the external finishes of the building are consistent with the character of the existing building and the streetscape.

**Reason:** To protect local character.

# Structures to be clear of drainage easements

During all phases of demolition, excavation and construction, it is the full responsibility of the applicant and their contractors to:

- ascertain the exact location of any Council drainage pipe traversing the site in the vicinity of the works
- take full measures to protect the in-ground Council drainage system
- ensure dedicated overland flow paths are satisfactorily maintained through the site

If a Council drainage pipeline is uncovered during construction, all work is to cease and the Principal Certifying Authority and Council must be contacted immediately for advice. Any damage caused to a Council drainage system must be immediately repaired in full as directed and at no cost to Council.

**Reason:** To protect existing Council infrastructure and maintain over land flow paths.

# Footings and excavation near easements

Footings to be located adjacent to easements and/or Council drainage pipes shall be sited and constructed so that all footings are located outside of easement boundaries.

The applicant shall refer to Council Plan 80-011 concerning such works. Footings must extend to at least the depth of the invert of the adjacent pipe within the easement unless the footings are to be placed on competent bedrock. If there is no pipe within the easement, a future depth of pipe of 1.6 metres is to be assumed for future pipe placement. If there is a Council pipe without an easement a future easement width of 1.8 metres centred on the pipeline is to be adopted.

If permanent excavation is proposed beneath the obvert of the pipe within the easement, suitable means to protect the excavation from seepage or other

Decks, verandahs, awnings, sailcloths, pergolas, sheds, green/shadehouses

water flow from the pipe and trench and means to retain the easement and associated pipe cover are to be provided at no cost to Council. Council accepts no liability for such seepage or water flows now or at any time in the future resulting from such excavation.

**Reason:** To ensure structural stability.

# Certification of footings & excavation adjacent to easements

During demolition and construction, the Principal Certifying Authority shall be satisfied that:

- footings, and any required permanent excavation or drainage easement support, are constructed in accordance with the conditions of this consent relating to footings and excavation adjacent to drainage easements and/or drainage pipes
- footings allow for complete future excavation over the full width of any easement to a depth of the invert of the pipe, without the need to support or underpin the subject structure

Reason: Safety.

# Sediment controls

Prior to any work commencing on site, sediment and erosion control measures shall be installed along the contour immediately downslope of any future disturbed areas.

The form of the sediment controls to be installed on the site shall be determined by reference to the Landcom Manual '*Managing Urban Stormwater: Soils and Construction*'. The erosion controls shall be maintained in an operational condition until the development activities have been completed and the site fully stabilised. Sediment shall be removed from the sediment controls following each heavy or prolonged rainfall period.

**Reason:** To preserve and enhance the natural environment.

# **Termite protection**

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

Council has a non chemical policy for termite control and only physical barriers will be approved by the Principal Certifying Authority. Handspraying is prohibited.

Complying development conditions

Decks, verandahs, awnings, sailcloths, pergolas, sheds, green/shadehouses

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

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

**Reason:** To protect the environment and public health.

# Access through public reserve not permitted

Access for construction purposes shall not be gained through the adjoining public reserve. Should no alternative access exist, an application for access to the construction site via the public reserve shall be submitted to Council for consideration and approval prior to the commencement of works.

**Reason:** To protect public reserves.

# **Guarding excavations**

All excavation, demolition and construction works shall be properly guarded and protected with hoardings or fencing to prevent them from being dangerous to life and property.

**Reason:** To ensure public safety.

# Removal of refuse

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.

**Reason:** To protect the environment.

# Completion of drainage works

If drainage works are included in the development, prior to issue of the Occupation Certificate, the Principal Certifying Authority is to be satisfied that:

 the components of the new drainage system have been installed by a licensed contractor in accordance with the National Plumbing and Drainage Code AS3500.3 (2003) and the Building Code of Australia; Complying development conditions

Decks, verandahs, awnings, sailcloths, pergolas, sheds, green/shadehouses

 the stormwater drainage works have been completed in accordance with the approved Complying Development Certificate drainage plans and any conditions of this consent.

**Reason:** To protect the environment.

# Tree protection

The applicant shall ensure that all underground services (ie water, electricity, sewerage, drainage and gas) shall not be laid beneath the canopy of any tree located on the allotment, in the adjoining allotments or on Council's nature strip and protected under Clause 34 of this LEP. Where no alternative route can be used to avoid trees, a qualified Arborist shall be consulted regarding the appropriate methods of carrying out this work and shall be present while the work is being carried out. The Principal Certifying Authority shall be satisfied that this condition has been satisfied, prior to issuing the Final Compliance Certificate.

**Reason:** To protect existing trees.

# Completion of landscape works

If landscape works are part of this development or required by the conditions of this consent, prior to the release of the Occupation Certificate, the Principal Certifying Authority is to be satisfied that all landscape works, have been undertaken in accordance with the approved plan(s) and conditions of consent.

**Reason:** To ensure that the landscape works are consistent with the development consent.

#### d. Pools and spas, alterations to pools and spas

#### Sydney Water

The approved plans must be submitted to a Sydney Water Quick Check Agent for approval prior to the commencement of any work. Works are to proceed in accordance with any requirements of Sydney Water or its agent.

#### Builder's indemnity insurance

The applicant, builder, developer or person who does the work on this development, must arrange builder's indemnity insurance and submit the certificate of insurance in accordance with the requirements of Part 6 of the Home Building Act 1989 to the Principal Certifying Authority for endorsement of the plans accompanying the Complying Development 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 set by the Home Building Regulation 2004. The builder's indemnity insurance does not apply to commercial or industrial building work, 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).

Reason: Statutory requirement.

#### No storage of materials beneath trees

No activities, storage, disposal of materials, or vehicular access, with the exception of existing driveways, shall take place beneath the canopy of any tree protected under Clause 34 of Ku-ring-gai LEP 2006 (Town Centres) at any time.

**Reason:** To protect existing trees.

#### Screen planting

Screen planting is required along boundaries adjacent to the pool or spa. The screen planting is to incorporate species suitable for the site conditions and location on site. Screen planting capable of attaining a height of 2-3 metres shall be provided and can include existing planting. The proposed planting shall be approved by a suitably qualified professional and be completed prior to the issue of the Final Certificate of Compliance and be maintained in good condition.

**Reason:** To protect the amenity of neighbouring properties.

#### **Compliance with BASIX Certificate**

Prior to the issue of an Occupation Certificate, where a BASIX certificate has been issued for the development, the Principal Certifying Authority shall be satisfied that all commitments listed in BASIX Certificate No. ## have been complied with.

**Reason:** Statutory requirement.

Complying development conditions

#### Footings and excavation near easements

Footings to be located adjacent to easements and/or Council drainage pipes shall be sited and constructed so that all footings are located outside of easement boundaries.

The applicant shall refer to Council Plan 80-011 concerning such works. Footings must extend to at least the depth of the invert of the adjacent pipe within the easement unless the footings are to be placed on competent bedrock. If there is no pipe within the easement, a future depth of pipe of 1.6 metres is to be assumed for future pipe placement. If there is a Council pipe without an easement a future easement width of 1.8 metres centred on the pipeline is to be adopted.

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

**Reason:** To ensure structural stability.

#### Structures to be clear of drainage easements

During all phases of demolition, excavation and construction, it is the full responsibility of the applicant and their contractors to:

- ascertain the exact location of any Council drainage pipe traversing the site in the vicinity of the works
- take full measures to protect the in-ground Council drainage system
- ensure dedicated overland flow paths are satisfactorily maintained through the site

If a Council drainage pipeline is uncovered during construction, all work is to cease and the Principal Certifying Authority and Council must be contacted immediately for advice. Any damage caused to a Council drainage system must be immediately repaired in full as directed and at no cost to Council.

**Reason:** To protect existing Council infrastructure and maintain over land flow paths.

#### Certification of footings & excavation adjacent to easements

During demolition and construction, the Principal Certifying Authority shall be satisfied that:

 footings, and any required permanent excavation or drainage easement support, are constructed in accordance with the conditions of this consent relating to footings and excavation adjacent to drainage easements and/or drainage pipes Complying development conditions

 footings allow for complete future excavation over the full width of the easement to a depth of the invert of the pipe, without the need to support or underpin the subject structure

**Reason:** For public safety and access to services.

#### Sediment controls

Prior to any work commencing on site, sediment and erosion control measures shall be installed along the contour immediately downslope of any future disturbed areas.

The form of the sediment controls to be installed on the site shall be determined by reference to the Landcom Manual '*Managing Urban Stormwater: Soils and Construction*'. The erosion controls shall be maintained in an operational condition until the development activities have been completed and the site fully stabilised. Sediment shall be removed from the sediment controls following each heavy or prolonged rainfall period.

**Reason:** To preserve and enhance the natural environment.

#### Access through public reserve not permitted

Access for construction purposes shall not be gained through the adjoining public reserve. Should no alternative access exist, an application for access to the construction site via the public reserve shall be submitted to Council for consideration and approval prior to the commencement of works.

**Reason:** To protect public reserves.

#### **Guarding excavations**

All excavation, demolition and construction works shall be properly guarded and protected with hoardings or fencing to prevent them from being dangerous to life and property.

**Reason:** To ensure public safety.

#### Removal of refuse

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.

**Reason:** To protect the environment.

#### Completion of drainage works

If drainage works are included in the development, prior to issue of the Occupation Certificate, the Principal Certifying Authority is to be satisfied that: Complying development conditions

- the components of the new drainage system have been installed by a licensed contractor in accordance with the National Plumbing and Drainage Code AS3500.3 (2003) and the Building Code of Australia;
- the stormwater drainage works have been completed in accordance with the approved Complying Development Certificate drainage plans, any nominated BASIX commitments and any conditions of this consent.

**Reason:** To protect the environment.

#### Completion of landscape works

If landscape works are part of this development or required by the conditions of this consent, prior to the release of the Occupation Certificate, the Principal Certifying Authority is to be satisfied that all landscape works, have been undertaken in accordance with the approved plan(s) and conditions of consent.

**Reason:** To ensure that the landscape works are consistent with the development consent.

#### Noise and vibration

No rock breaking or other machinery for the excavation, drilling or removal of rock shall be used on the site without the prior approval of the Principal Certifying Authority. Should rock breaking or associated machinery be required, the following details are to be submitted to the Principal Certifying Authority for consideration:

- a. The type and size of machinery proposed.
- b. The routes of all trucks to convey material to and from the site.
- c. A report by a Geotechnical Engineer detailing the measures recommended in undertaking the work so as to prevent any damage to any adjoining or nearby buildings.

**Reason:** To protect neighbouring amenity and structures.

#### Swimming pool /spa

- 1. Access to the pool/spa shall be restricted by a child resistant barrier in accordance with the regulations prescribed in the Swimming Pools Act, 1992:
  - (a) The pool shall not be filled with water or be allowed to collect stormwater until the child resistant barrier is installed; and
  - (b) The barrier is to conform to the requirements of AS 1926 Swimming Pool Safety/Fencing for Swimming Pools.

**Reason:** To ensure the safety of children.

2. Any mechanical equipment associated with the swimming pool and spa shall be located in a sound-proof container and positioned so that the noise levels associated with spa/pool pumping units do not increase more than 5dB(A)

above the background, at any point at the boundary with another property, including a public place. Prior to operation of the pool pump, the Principal Certifying Authority shall be satisfied that this requirement has been met.

- **Reason:** To protect the amenity of surrounding properties.
- 3. Depth markers shall be provided at both ends of the pool.

**Reason:** To ensure safety.

4. 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.

Reason: To ensure safety of children.

5. Devices or structures used for heating swimming pool water must not be placed where they are visible from a public place.

**Reason:** To protect amenity.

- 6. The disposal of backwash and/or the emptying of a swimming pool into a reserve, watercourse, easement or storm water drainage system is prohibited. These waters are to discharge via a permanent drainage line into Sydney Water's sewer in accordance with Australian Standard AS3500.2 section 10.9. Permission is to be obtained from Sydney Water prior to the emptying of any pool to the sewer.
- **Reason:** To protect health and the environment.
- 7. Lighting from the swimming pool and other communal facilities shall not detrimentally impact the amenity of other premises and adjacent dwellings.
- **Reason:** To protect health and amenity.

#### **Tree protection**

The applicant shall ensure that all underground services (ie water, sewerage, drainage and gas) shall not be laid beneath the canopy of any tree located on the allotment, in the adjoining allotments or on Council's nature strip and protected under Clause 34 of this LEP. Where no alternative route can be used to avoid trees, a qualified Arborist shall be consulted regarding the appropriate methods of carrying out this work and shall be present while the work is being carried out. The Principal Certifying Authority shall be satisfied that this condition has been satisfied, prior to issuing the Final Compliance Certificate.

**Reason:** To protect existing trees.

#### e. Power poles

#### No storage of materials beneath trees

No activities, storage, disposal of materials, or vehicular access, with the exception of existing driveways, shall take place beneath the canopy of any tree protected under Clause 34 of Ku-ring-gai LEP 2006 (Town Centres) at any time.

**Reason:** To protect existing trees.

# DCP PROVISIONS - SUMMARY OF KEY ISSUES AND RESPONSE

# Controls which constrain development response or the achievement of targets under the Metropolitan Strategy.

The Department of Planning has advised that performance standards rather than codified provisions would provide flexibility and achieve higher quality design and built form outcomes.

However, as explained in Part 1, of the DCP, the design controls demonstrate ways in which the objectives can be achieved. Objectives have been provided for all sections, to ensure that applicants understand the purpose of the controls. If alternatives are proposed, applicants will need to demonstrate that the objectives can still be achieved. The combination of objectives and specific controls gives both flexibility and direction for applicants.

It is also proposed to clarify that there is potential for variations to Part 4 of the DCP provided that the objectives of the plan are met. This will allow for innovative responses and alternatives, for example, where particular amalgamation patterns cannot be achieved.

The Department raises concerns in regard to limiting requirements in Part 2. Part 2 is intended to provide a framework and context for development controls provided later in the DCP. It is recommended that this be clarified at the beginning of each section in this Part, to avoid confusion. Further, access routes shown in the strategy are to be amended to be consistent with Part 4 and detailed strategies , such as references to specific numerical setbacks are to be reworked to be consistent with the broad framework intended in this Part. To further avoid confusion, a comment will also be added that the development controls are found in Parts 3-9.

The Department raises particular concerns in regard to the flexibility of amalgamation patterns, setbacks, buffers, external and internal building design, landscaping, access, water management, measures in Part 2 (re vision and strategy), parking and access.

The general controls in the DCP are based on DCP 55, which provides controls to supplement LEP 194 and is updated where required to suit the Town Centre land uses and locations. The Minister's direction and Section 65 requirements have been met in this regard. Council has undertaken extensive consultation throughout the development of the LEP and DCP, both with the community in general and with site owners and potential developers. A number of standards in LEP 194 were relocated to the DCP for the Town Centres, to increase flexibility, as required by the Department. Site specific controls have been developed for a significant number of precincts. Building envelopes were tested to ensure that Floor Space Ratios listed in the DLEP are achievable and economically viable, as required by SEPP 65. The site specific work undertaken in the development of the LEP and DCP has resulted in plans that provide for robust, and achievable development outcomes, to support the revitalisation of the centres and increased residential density to meet the targets of the Metropolitan Strategy, while retaining a sense of the place that is Ku-ring-gai, and protecting biodiversity and ecosystem integrity.

The particular controls listed above were developed to achieve the vision and objectives stated within the DCP and DLEP. The retention of the current appropriate controls is justified individually within this attachment. However, where appropriate, recommendations are included to address concerns raised by the Department.

Amendments are recommended in relation to a number of sections of the DCP, including Use of the DCP, Vision and Strategies, and Parts 4 and 5. Recommended amendments for controls include: rate of parking provision and associated gross floor area, riparian corridors, illuminated signage and blinds in commercial areas.

#### Duplication of BASIX and consistency with other legislation

Council has reviewed the DCP to ensure that the provisions of BASIX are not duplicated. Every effort has been made to ensure consistency with SEPPs and relevant legislation. However, in the event of any inconsistency, such higher order instruments will prevail to the extent of the inconsistency and this will be made clear in the documentation.

#### Plans used in the comments from the Department of Planning

Council is concerned that most of the specific comments on the DCP are the same as those previously raised by the Department at the exhibition of the draft DCP. The Department does not appear to have noted many of the amendments that have been made in the adopted DCP at the end of last year, in May this year, or the amendments recently exhibited. Further, the Department has not responded to the justifications for Council's position where this has been explained in the Planning Reports attached to the Section 68 Reports. Council requests that the Department review its concerns, based on the adopted DCP, dated 8 May 2007, and on the information provided by Council, as attached.

A detailed discussion of the issues raised is attached.

Previously raised by the Dept	Our previous response	Comment	Proposed future actio
The need for amalgamation maps was questioned by letter, 6 October 2006.	The Planning Report of 8 November, attached to the Section 68 report addresses this issue for St Ives: In relation to the section 4.2 Site amalgamations under the First design Control the additional words "these are suggested amalgamations to facilitate orderly development. Alternative amalgamations can be considered where it can be demonstrated it meets the design objectives of the plan". See also comments on Subdivision below.	Council has reviewed the text for Section 4.3 Site Amalgamations for each of the town centres except for Roseville and Lindfield. It is recommended that the amended text also be inserted for these centres. It is acknowledged that the footprints are based on the preferred amalgamation patterns. However, as these are DCP controls, the footprints can be varied, provided that the objectives are met. This could be made explicit in Part 1.9. Where this results in crossing boundaries between different FSR's or building heights, the appropriate controls will apply to the relevant part of the site. This will result in stepping, similar to other stepped building envelopes. The footprints and building envelopes, do however, demonstrate economically feasible developments that meet the objectives of the DCP and the standards of the DLEP, providing reasonable certainty for developers and community alike. To clarify that variations to Section 4 are possible provided that the objectives are met, it is recommended that an additional comment be included in Part 1.9.	To dot point one, Sec Lindfield and Rosevill <i>These suggested ama</i> <i>development. Alterna</i> <i>with it can be demons</i> <i>of the plan.</i> The amalgamation ma of the DCP should be certainty for the comm Add the following para Part 4 after paragraph 2: <i>Where an applicant w</i> <i>or building envelope of</i> <i>circumstances of then</i> <i>justification in the Sta</i> <i>accompanying the de</i> <i>justification must den</i> <i>control/s still achieve</i> <i>appropriately qualifie</i> <i>must prepare the wri</i> <i>variation to the control</i>
Yes, by letter, 6 October 2006.	The following was noted by Council in planning report (8 Nov 06) attached to Section 68 Report. Section 2.2.6 contained within the vision section outlines broad strategies consistent with the protection and enhancement of the natural systems and high forest landscape character of the area.	The lands covered under the Town Centres plans incorporate a range of land uses along the spine of the LGA and includes National Parks either side with biolinkages between. Connectivity is important for the protection of biodiversity in these areas. Where biolinkages have been included in the town centre plans, they are matters of consideration, and the controls ensure	Retain bio-linkage cor areas of high biodivers Delete "bio-linkages" Ives) G2.2.5 (Gordon) F L2.2.8 (Lindfield) and I Replace with "indigen Amend the title of Sec
	by the Dept The need for amalgamation maps was questioned by letter, 6 October 2006.	by the DeptThe need for amalgamation maps was questioned by letter, 6 October 2006.The Planning Report of 8 November, attached to the Section 68 report addresses this issue for St Ives: In relation to the section 4.2 Site amalgamations under the First design Control the additional words "these are suggested amalgamations to facilitate orderly development. Alternative amalgamations can be considered where it can be demonstrated it meets the design objectives of the plan".Yes, by letter, 6 October 2006.The following was noted by Council in planning report (8 Nov 06) attached to Section 68 Report.Yes, by letter, 6 october 2006.The following was noted by Council in planning report (8 Nov 06) attached to Section 68 Report.	by the DeptThe need for amalgamation addresses this issue for St Ives: luster, 6 OctoberThe Planning Report of 8 November, addresses this issue for St Ives: In relation to the section 42 Site amalgamations under the First design Control the additional words "these are suggested amalgamations to facilitate orderly development. Atternative amalgamations can be considered where it can be demonstrated it meets the design objectives of the plan".Council has reviewed the text for Section 4 are suggested amalgamations to facilitate orderly development. Atternative amalgamations can be considered where it can be demonstrated it meets the design objectives of the plan".It is acknowledged that the footprints are based on the preferred amalgamation patterns. However, as these are DCP controls, the footprints can be varied, provided that the objectives are met. This could be made explicit in Part 1.9. Where this results in crossing boundaries between different FSR so the isite. This will result in stepping, similar to other stepped building envelopes.Yes, by letter, 6 October 2006.The following was noted by Council in planning report (8 Nov 0.6) attached to section outlines broad section 2.2.6 contained within the vision section outlines broad section and enhancement of the protection and enhancement of the planning report (8 Nov 0.6) attached to strategies consistent with the protection and enhancement of the 

ection 4.3 Site Amalgamations for Ille, add the following:

nalgamations to facilitate orderly native amalgamations can be considered nstrated it meets the design objectives

maps and footprint controls in Section 4 e retained to provide reasonable nmunity and the developer.

aragraph to Part 1.9 in the section on

wishes to vary a written design control control to respond to the particular eir site, they must provide written tatement of Environmental Effects levelopment application. The written emonstrate that the departure from the ves the design objectives of the plan. An ied and experienced design professional ritten justification for the proposed frol.

oncept to ensure connectivity between ersity.

s" and "bio-links" in Section S2.2.6 (St ) P2.2.7 (Pymble) T2.2.7 (Turramurra) d R2.2.8 (Roseville). enous canopy linkages".

ections S2.2.6, P2.2.7, T2.2.7, L2.2.8 and bing and Biodiversity"

Issue DCP Provisions	Previously raised by the Dept	Our previous response	Comment	Proposed future action
		implementation of strategies related to biodiversity are outlined within Parts 3 and 5.5 of the DCP.	<ul> <li>yield. These connections also include street tree planting, which will be further addressed through the public domain manual.</li> <li>However, it is accepted that the term "bio-linkage" may be misleading. It is recommended that the relevant sections refer instead to "indigenous canopy linkages".</li> <li>It is also recommended that the title of Section 2.2.6 be amended to "Landscaping and Biodiversity"</li> </ul>	
large setbacks: in some places 10-12m for front setbacks (residential and commercial) and 6-18m side setbacks	No		<ul> <li>10-12m front setbacks and 6m side setbacks occur in many R4 zones which are at the fringes of the town centres. This is consistent with the controls for 2(d3) sites, and is consistent with the S65 directions.</li> <li>In commercial zones such setbacks occur in only a limited number of cases, where consideration of adjoining uses is required, such as residential or heritage sites, or where new streets or pedestrian linkages are to be provided. The setbacks do not compromise the achievement of residential targets, or economically feasible redevelopment of the commercial areas.</li> <li>In addition, Council has exhibited proposed amendments for the R3 zones: <i>Front (Street) setback</i></li> <li>The minimum front setback to the primary street boundary is 10m.</li> <li>Ground floor private terraces/courtyards must be set back 8m from the primary street boundary to allow for deep soil planting and retention of existing significant vegetation within the common area.</li> <li><i>For development on corner sites:</i> the minimum setback to the secondary street boundary is 8m; the minimum courtyard wall setback to the secondary street boundary is 6m. Side and rear setbacks</li> </ul>	Council to consider t R3 controls in Augus

tion by Council

r the submissions on amendments to the ust. 2007.

Issue DCP Provisions	Previously raised by the Dept	Our previous response	Comment	Proposed future actio
			<ul> <li>A minimum setback of 3m shall be provided from any side and rear boundary.</li> <li>Where the dwellings primarily address side and rear boundaries, the setback must be at least 5m.</li> <li>Basement car parking areas must be a minimum of 3m from any side or rear boundary.</li> </ul>	
<ul> <li>buffer of 50m for Category 1 Environmental Corridor, 30m for Category 2 Terrestrial and Aquatic Habitat, 10m for Category 3 Bank Stability and Water and riparian corridors</li> </ul>	Yes, by letter, 6 October 2006.	Addressed by Council in Planning Report (8 /11/07) attached to Section 68 Report. Recommend maintaining this provision based on in the inclusion of several riparian zones within the identified Town Centre areas (Gordon, Pymble, Lindfield & Roseville).	Site specific building envelopes and FSRs have been developed and tested for key sites which contain riparian zones to ensure that the development is feasible. Ku-ring-gai LGA is fringed by a number of National Parks and sensitive river catchments. The creeks at the top of these catchments sometimes arise in the lands covered by the town centre plans. It is therefore critical for downstream ecosystem health that these riparian areas are protected. State agencies in the Section 62	Delete 3(i) in Section 6 Category 1 riparian co
			consultation have also supported riparian protection. However, it is recommended that Category 1 controls be deleted from the Town centre plans.	
<ul> <li>deep soil requirements including up to 50% of the site area</li> </ul>	Yes, by letter, 6 October 2006.	See below for more detailed description of the issue and Council's previous response.	The level of development under LEP 194 demonstrates that deep soil requirements of 50% are economically feasible. The deep soil requirements are consistent with LEP 194 and therefore with the Minister's directions. The requirement applies only to R4 zones at the fringes of the town centre areas, that is, residential areas, rather than business areas, and is designed to ensure that Ku-ring-gai maintains its sense of place.	Retain the control to e living spaces within th Add a note to Section that these controls ap
			Nevertheless, the deep soil definition was amended in the 8 May 2007 revisions, to clarify that some stormwater management devices can be counted in the deep soil calculations. This will encourage the uptake of more innovative	

n 6.2.1 regarding 50m buffers to corridors.

o ensure a sense of place, and quality these residential areas.

on 5.5.1 Deep Soil Landscaping to clarify apply only to residential zones.

Issue DCP Provisions	Previously raised by the Dept	Our previous response	Comment	Proposed future actio
			systems, such as bio-retention systems.	
vehicle access not to be included in the side setback	No		<ul> <li>For residential flat buildings, location of the vehicle access in the side setback would compromise the ability to provide landscaping for amenity and privacy. This control is also included in DCP 55, and has not prevented development under LEP 194. As it is a DCP control, a merit assessment can be made, and indeed, has on rare occasions, been permitted for developments under LEP 194.</li> <li>For the lower scale R3 zones, Council has exhibited amendments to the DCP, which include the following: <i>Driveways must be located at least 2m from any side boundary fence and be separated from boundary fence by a continuous landscaped verge and screen planting.</i></li> </ul>	Council advise that th facilitate the provision Council to consider ad controls in August 200
• extensive drainage requirements.	Yes, as part of the comments in relation to the water management controls – see below.	See response re water management controls	Ku-ring-gai LGA is fringed by a number of National Parks and sensitive river catchments. Stormwater from the Town Centres runs off into these catchments and sensitive environmental areas. The town centres are generally at the top of the catchment for these areas. It is entirely appropriate that controls be developed to manage the stormwater	Council requests the light of the amendme adopted 8 May 2007 a Council.

tion by Council

the inclusion of these controls will ion of amenity and privacy.

adoption of amendments to the R3 2007.

ne Department to review their concerns in nents to the management controls as 7 and the information provided by

Issue DCP Provisions	Previously raised by the Dept	Our previous response	Comment	Proposed future action
			from the Town Centres, utilising the rare opportunity presented to provide for improved catchment outcomes. State agencies have also supported protection of downstream catchments. Council has adopted extensively reworked controls on 8 May 2007, consistent with catchment planning by these agencies.	
<ul> <li>A. <u>BASIX like criteria</u> are distributed through the document. The Minister requested Council to remove BASIX-like criteria from DCP 55 – Ku-ring-gai Multi-unit housing Railway/ Pacific Highway Corridor and St Ives Centre (Minister's letter dated 8 February 2006). Similarly, consistent with the Minister's approach, the following and similar are to be reviewed with an eye for removal from this DCP for residential development:</li> <li>B.</li> <li>requirements for on-site water detention/retention for private developments and re-use of water for irrigation, toilet flushing; and implementation of sustainable storm water management programs that are integrated into all new developments including detention, treatment and re-use) (Section [6.4.3, Part 6] Water Management);</li> </ul>	Yes, by letter, 6 October 2006. DCP amended 8/5/07	Addressed by Council in planning report (8 Nov 06) attached to Section 68 Report. WATER DETENTION / RETENTION <u>Council response:</u> Some Objectives and Strategies could be improved by clarification, as per below. Recommended change to the DCP: • Recommend deleting the following Objectives and Strategies in Section 2.2.7: as these are objectives of BASIX: • To provide sustainable stormwater management programmes integrated into all developments. • Require water detention tanks to minimise stormwater discharge. • Require on-site water detention/ retention for private developments and re-use of water for irrigation, toilet flushing etc. • Ensure implementation of sustainable stormwater management programs are integrated into all new developments including detention, treatment and re-use. • Recommended change to the DCP: • Preface section with "For mixed use development, the below requirements apply only to the non-residential portion of mixed use developments:"	In accordance with the resolution of 8/11/06, Council further reviewed the Water Management Controls in the DCP. The following further response to the Department's issues was included in the report to the Council meeting of 8 May 07. The proposed amendments, with minor changes were adopted. The report includes the following: 1. <i>Outstanding issues raised by the Department of Planning</i> <i>A. Section 6.3 controls: too "extensive"</i> <i>with "unnecessary" controls included.</i> <u>Council response</u> Part 6 contains many controls that are repeated elsewhere in the document, are related to development application requirements, explanatory in nature, or more suitable as conditions of consent. Section 6.3 is one area where this applies. Changes are recommended to a number of sections in Part 6 to reduce the complexity and wordiness of the document making it more reader friendly (see Attachment 1). For instance, it is proposed to: a) Delete Section 6.2.1 relating to maximum <b>site coverage</b> , as site coverage controls are addressed on a site by site basis in section 4.1 of the DCP (a reference to these sections is included in section 6.2.4). It is also proposed to include generic controls for site coverage	Council requests the E light of the amendmen adopted 8 May 2007 ar Council.

he Department to review their concerns in ments to the management controls as 17 and the information provided by

Issue DCP Provisions	Previously raised by the Dept	Our previous response	Comment	Proposed future act
• general controls for on-		STORMWATER MANAGEMENT	in Part 5 to ensure that sites that don't	
site stormwater			have site specific controls in place are	
management (e.g. design		<u>Council response:</u>	covered by Part 4 (see Attachment 2).	
controls [4] & [6] in		Recommend a disclaimer at	These controls are consistent with those	
Section 6.4.3). There are		beginning of section, as not all	adopted in LEP 194 and DCP 55.	
further (extensive)		references will be applicable to the	In addition, it is proposed to include	
mandatory controls for		BASIX: "All references in the section	stormwater objectives into the sections	
Stormwater management		to follow do not apply to residential	relating to site coverage.	
for Locational properties		multi unit development or the		
including repetitions		residential component of mixed use	b) Amalgamate some sections:	
(sections [6.1.2] and		buildings."	i) The sections relating to (Additional)	
[6.4]);			Stormwater Management for Location A, B	
		Recommended change to the DCP:	and D properties have been amalgamated	
		<ul> <li>Disclaimer applies to:</li> </ul>	at Section 6.4.4;	
		Section 6.4.2 –	ii) Section 6.4.3 General Controls for On-	
		Note 1 – The mandatory rainwater	Site Stormwater Management includes a	
		tank volume requirement may be met	number of controls that are repetitive.	
		using one or more tanks, as	The remaining controls are now	
		appropriate to the site and the	incorporated within Section 6.4.1;	
		required use of stormwater.	iii) Section 6.2.3 Design of Buildings for	
			Water Management is mostly covered in	
		Section 6.4.3 –	other sections of the DCP, however, the	
		(d) for aesthetic purposes and to	single remaining control, requiring	
		ensure the entire roof area is able to	adequate space on the site for the water	
		drain practicably via the rainwater	management system, is now incorporated	
		tank system, no more than 10,000	within Section 6.2.1.	
		litres rainwater tank storage shall be	Controls that related to earthworks are	
		located above ground	now located within a new Earthworks	
		g) the design of the stormwater	section, discussed below;	
		management system is to be based	iv) Sections 6.5.4 Development Where a	
		on either:	Drainage Easement is established, and	
		(i) the maximum permissible built-	Section 6.5.5, Development where an	
		upon area for the development	Underground Drainage System Exists	
		specified in Section 6.6.3 (not	without a Corresponding Easement have	
		including the provision of other	also been amalgamated. The new section	
		Council documents refereed to in the	is titled Development Over or Adjacent to	
		table), or	an Underground Pipe;	
		ii) the existing built-upon area, if this	v) Sections 6.5.2 and 6.5.3 have been	
		is to be retained.	amalgamated into a section now titled,	
			Development Over or Adjacent to a	
		Section 6.4.4 – (additional, not	Natural Waterbody, Open Channel or	
		specified by DoP)	Drainage Depression. This section is	
		b) The mandatory rainwater tank as	further discussed at B below;	
		detailed at Section 6.4.2 must be		
		included as part of the stormwater	c) Delete the requirement for a 25 metre	
		management system and shall	<b>buffer</b> to threatened species or	
		comply with the installation	endangered communities. The	

# ction by Council

Issue DCP Provisions	Previously raised by the Dept	Our previous response	Comment	Proposed future act
		specifications in A6.4 (in the	requirements for such species and	
		Appendices).	communities must be considered in	
			accordance with relevant state and	
<ul> <li>limitations on amount</li> </ul>		LIMITATIONS ON BUILT UPON AREA	federal legislation. Within this LEP, the	
of built upon area		<u>Council response:</u>	only area likely to be affected by the	
dependent on drainage		Recommend that Council reviews this	presence of such species or communities	
configuration (either		to ensure consistency with other	is Precinct C in Turramurra, which is	
60% or 35%) (Section 6		sections of the DCP and other State	adjacent to Blue Gum High Forest. It is	
including 6.2.1);		Environmental Planning policies.	therefore more appropriate to address	
		Recommended change to the DCP:	any potential impacts within the site	
		To be reviewed.	specific controls. It is proposed to add	
<ul> <li>limitations on locating the</li> </ul>			controls to prevent disturbance to the	
development or		RIPARIAN	endangered ecological community and to	
associated services on the		<u>Council response:</u>	provide for a road or landscaped buffer	
site relative to a Category		Recommend maintaining this	area. The buffer would reduce weed	
3 Bank Stability and Water		provision based on in the inclusion of	infestation and provide for permanent	
Quality (Section 6.2.2). It is		several riparian zones within the	access and recreation without	
unlikely that this level of		identified Town Centre areas (Gordon,	disturbance to the community;	
protection is appropriate		Pymble, Lindfield, Roseville).		
within the Town Centres;			d) Delete controls in relation to the	
		Recommended change to the DCP:	retention of vegetation, which are already	
		No change.	covered under section 5.5.1, Deep Soil	
			Landscaping;	
•Extensive requirements for		LOCATIONAL REQUIREMENTS		
Locations A, B, C and D			e) Locate the reference to relevant	
(Section 6.3.2 to 6.3.5); and		Council response:	standards once only, at section 6.3.1;	
requirements that are not		Section 6.3.2 – to be reviewed by		
necessary [categorising		Council's officers to ensure	f) Delete the flow charts at section 6.3.2	
development on the basis of		consistency with other sections of the	and 6.5 as they duplicate the controls.	
proximity to a water body or		DCP and other State Environmental		
easement (6 pages) in		Planning policies	The rearrangement of the controls has	
unnecessary];		Section 6.3.3 - Sandstone rocks as a	also resulted in an expanded landscape	
		means of securing natural	section, now section 6.2.2 (refer	
		watercourses are mentioned as a	Attachment 1), which also covers	
		suggested course of action only.	character controls previously located	
		Section 6.3.4 – to be reviewed by	elsewhere within the document.	
		Council's officers to ensure		
		consistency with other sections of the	In addition, section 6.2.2 now includes	
		DCP and other State Environmental	controls to ensure that stormwater	
		Planning policies	devices are located within existing	
		Section 6.3.5 – to be reviewed by	impermeable common areas where	
		Council's officers to ensure	appropriate, to maximise landscaped	
		consistency with other sections of the	areas and maintain access.	
		DCP and other State Environmental		
		Planning policies	To encourage the uptake of more	
			innovative systems, such as bio-retention	
		Recommended change to the DCP:	systems the deep soil landscaping	

# ction by Council

Previously raised by the Dept	Our previous response	Comment	Proposed future act
	Recommend maintaining the wording as stated, with other sections to be reviewed in due course.	definition is changed to clarify that some stormwater management devices can be counted in the deep soil calculations (refer Attachment 2). The definition will also specify that deep soil landscaping is soft landscaping, consistent with the objectives.	
		A number of controls that are more appropriate as conditions of consent, such as the requirements for further approvals under the Roads Act (section 6.3.1), erosion and sediment controls (Section 6.6.1.1) and stormwater disposal to watercourses (Section 6.3.3) have been deleted and/or incorporated by reference to relevant documents, namely the Landcom document Soils and Construction 2004 and the Department of Natural Resources document Stormwater Outlet Structures to Streams (refer Attachment 1).	
		The explanations at the beginning of each section have been replaced with general design controls, and in some cases, additional objectives (eg. in relation to riparian zones), which both reduces the wordiness, and strengthens these sections.	
	FLOOD STUDIES <u>Council response:</u> Reference to the above need to be reviewed by Council's officers to ensure consistency with other sections of the DCP and other State Environmental Planning policies. Recommended change to the DCP: Recommend examining Draft DCP in more detail, with a view to producing a detailed analysis of the requirements for flood studies and their impacts.	<ul> <li>B. Issue in regard to detail and requirements of flood studies: Requirements for flood studies; development over or adjacent to a natural waterbody (6 pages); requirement for capture and treatment of stormwater without distinguishing when this would be necessary (Section 6.5.2).</li> <li><u>Council response</u> Development over or Adjacent to an Open Channel or Drainage Depression, has been amalgamated with section 6.5.2 Development Over or Adjacent to a Natural Waterbody, reducing the number</li> </ul>	
		by the Dept       Recommend maintaining the wording as stated, with other sections to be reviewed in due course.         FLOOD STUDIES       FLOOD STUDIES         Council response:       Reference to the above need to be reviewed by Council's officers to ensure consistency with other sections of the DCP and other State Environmental Planning policies.         Recommend change to the DCP:       Recommend change to the DCP: Recommend examining Draft DCP in more detail, with a view to producing a detailed analysis of the requirements for flood studies and	by the DeptRecommend maintaining the wording as stated, with other sections to be reviewed in due course.definition is changed to clarify that some stormwater management devices can be counted in the deep soil calculations (refer Attachment 2). The definition will also specify that deep soil calculations of controls that are more appropriate as conditions of consent, such as the requirements for further approvals under the Roads Act (section 6.3.1), erosion and sediment controls (Section 6.4.1) and stormwater disposal to watercourses (Section 6.3.3) have been deleted and/or incorporate by reference to relevant documents, namely the Landcom document Soils and Construction 2004 and the Department of Natural Resources documents for most additional objectives (eg. in relation to or sparsa 2004, which both reduces the wordiness, and strengthens these sections.FLOOD STUDIES Council response: Reference to the above need to be reviewed by Council's officers to ensure consistency with other sections of the DCP and other State Environmental Planning policies.Recommende change to the DCP: Recommend examining Draft DCP in more detail, with a view to producing a detailed analysis of the requirements for flood studies; of the requirements for flood studies; requirements of the DCP and other State Environmental Planning policies.Recommende change to the DCP: Recommend examining Draft DCP in more detail, with a view to producing a detailed analysis of the requirements for flood studies; of the requirements for flood studies; of the requirements for flood studies; Development over or Adjacent to an anatural Waterbody, reducing the number

# action by Council

Issue DCP Provisions	Previously raised by the Dept	Our previous response	Comment	Proposed future action
		Disclaimer applies to: Section 6.4.2 – Note 1 – The mandatory rainwater tank volume requirement may be met	1). The new Section 6.5.2 now also includes a requirement to reinstate piped channels to the natural form where feasible and where identified by the	
		using one or more tanks, as appropriate to the site and the required use of stormwater.	Riparian Map, consistent with the objectives of this section and Council's Riparian Policy. The Riparian Map will be updated with the review of the Riparian Policy currently being undertaken.	
		b) The mandatory rainwater tank as detailed at Section 6.4.2 must be included as part of the stormwater management system and shall comply with the installation specifications in A6.4 (in the Appendices).	Specific requirements for walkways and cycleways in riparian zones have been deleted, as they are identified in the site specific controls for appropriate sites within the Centres.	
		<i>Council resolved to further review</i> <i>the water management controls.</i>	Control No. 2 of Section 6.5.2 previously provided controls for works adjacent to the flood standard conveyance zone associated with a watercourse. This is inconsistent with Council's adopted Riparian Policy, which was developed in close conjunction with the Department of Natural Resources. A new control has been added to clarify that, with the exception of bridges, such works are not permitted. The requirements for bridges are included.	
			Section 6.4.2 provides the requirements for capture of stormwater for retention, while sections 6.4.3 and 6.4.4 provide the permitted site discharge for properties in the various locations. Permanent water quality controls are provided for Development Types 5, 6 and 9 in the Town Centres at Section 6.6.2.	
			<i>C. Other changes:</i> <u><i>Council</i> comments include:</u> Previously, to address the inconsistency with <b>BASIX</b> , general statements were made at the beginning of a number of	Council requests the light of the amendme adopted 8 May 2007 a Council.
			sections. Now, specific controls that are inconsistent with BASIX, such as the proportion of roof draining to a water tank (Section 6.4.3) have been deleted.	

# tion by Council

he Department to review their concerns in ments to the management controls as 7 and the information provided by

Issue DCP Provisions	Previously raised by the Dept	Our previous response	Comment	Proposed future action
			The general statements have been deleted where they are no longer required.	
			It appears that the comments from the Department do not take into account either Councils response in the section 68 Report, or the above amendments.	
• BASIX like requirements in Section 5.9 (Energy Efficiency);	Yes, by letter, 6 October 2006.	<ul> <li>ENERGY EFFICIENCY <u>Council response:</u> This applies to the non-residential portion of mixed use development only (otherwise BASIX applies). Additionally, it is important to note that it is for the purpose of achieving optimal user amenity, rather than the reduction of energy usage.</li> <li>Recommended change to the DCP: Section 5.9 – For all points listed below, clarify that the requirement applies only to the non-residential portion of mixed use development, by adding preface stating "For mixed use development, the below requirements apply only to the non-residential portion of mixed use developments:"</li> <li>M2 Where mechanical heating or cooling is required, consideration shall be given to new generation cooling systems (eg chilled ceiling beams).</li> <li>M4 Continuous heating electric water heaters are prohibited.</li> <li>M5 Centralised hot water heaters must be either partially or wholly powered by solar or co-generation.</li> <li>M7 All pipework shall be insulated.</li> </ul>	The relevant amendments were adopted by Council in 2006.	No further action pro
•requirements for Mixed Use in Section 5.16.4 (Illumination of signs) including in M3 Illuminated signs for the required use of LED		ILLUMINATION OF SIGNS <u>Council response:</u> Remove reference to this technology	This amendment was overlooked in 2006. It is recommended that it be incorporated into the DCP.	Delete M3 in Section S replace with the follow • M3 Illuminated sig

# tion by Council roposed. n 5.16.4 Illumination of signs, and lowing: signs must be designed to minimise

Issue DCP Provisions	Previously raised by the Dept	Our previous response	Comment	Proposed future actio
diode technology or a lighting source of equivalent or higher efficiency;		to avoid obsolescence. For signs generally, it should be stated that the reference only applies to the non- residential component of a mixed use development.		energy consumpt
• Recycling for residential development is addressed through BASIX and references to this type of recycling should be removed from the draft DCP.		RECYCLING <u>Council response:</u> To be reviewed by Council's officers to ensure consistency with other sections of the DCP and other State Environmental Planning policies. Recommended change to the DCP: Recommend clarifying references in the Draft DCP.	Only water re-use for residential development is addressed through BASIX. Council has ensured that the DCP does not duplicate these controls (as described above). Recycling of other materials is not addressed through BASIX. The waste controls in the DCP are consistent with best practice and are designed to ensure compatibility with Council's waste management services. Relevant SEPPs and the POEO Act will prevail to the extent of any inconsistency.	Council requests the regard to recycling co provided by Council.
Summary Requirements: These requirements would unnecessarily constrain development in the Town Centres, are not consistent with previous requirements from the Minister. The requirements for drainage, stormwater and recycling for <u>residential</u> development are not necessary as stormwater reuse and drainage are addressed through BASIX, [the Water Act and the POEO Act].	As above	Addressed by Council in planning report (8 Nov 06) attached to Section 68 Report. Also discussed in Council report of 8/5/07 Noted and Council will review the numerous matters raised above and amend the Draft DCP to not refer or repeat the BASIX requirements or development types covered under this SEPP.	Council has reviewed the numerous matters raised by the Department, and amended the DCP in response to the matters raised.	Council requests the regarding stormwater amendments made 8 Council and the amen
<ul> <li>D. <u>Growth of St_lves village</u></li> <li><u>centre</u> <ul> <li>Under the DCP, apartment</li> <li>buildings and townhouses</li> <li>are to be located no more</li> <li>than one block back from</li> </ul> </li> <li>Mona Vale Road or Link</li> <li>Road/Killeaton Street</li> <li>(Section 2.2.1 Housing).</li> <li>This, coupled with the</li> <li>strategy in the DCP to</li> <li>protect existing low density</li> </ul>	Yes, by letter, 6 October 2006.	Addressed by Council in planning report (8 Nov 06) attached to Section 68 Report. The St Ives plans being the first to be prepared under the new LEP have been prepared in accordance with the Section 55 direction and matters raised in the Section 65 (2) conditions, and does not include rezoning of all low density residential lands within 600 metres of the centre. The	It is noted that the Department's section 65 requirements generally for the centres are that Council demonstrate that the residential capacity allows the targets of the Metropolitan Strategy to be met. An alternative provided was to consider all lands within 600m. Council has chosen the first-mentioned strategy, while considering the lands within 600m of the Centre, and has demonstrated that the total 10,000	Reword dot point 4 in apartments and town block from" and repla Vale Rd or Link Rd/Ki Council to review the • Delete the subtit following: <i>The following provi</i> <i>redevelopment of t</i> <i>controls are found</i>

tion by Council
ption.
e Department to review their concerns in controls in light of the information 
e Department to review their concerns ter and recycling in light of the 8 May 2007, information provided by endments proposed above.
in Section 2.2.1 relating to the location of vnhouses, to delete the reference to "one place with "in close proximity to" Mona Killeaton St.
ne Strategy section (Part 2) to: otitle "Strategies" and replace with the
ovides a framework and context for the of the centre. Specific development nd in Parts 4 to 9.

DCP Provisions	Previously raised by the Dept	Our previous response	Comment	Proposed future actio
residential detached dwellings on the fringes of the town centre (Section 2.2.1 Housing) lacks consistency with Metropolitan Strategy 600m village radius and opportunities for housing consolidation in the town centre. Summary Requirement: Remove these limiting requirements.		Strategy reflects the proposed zoning and provides a rationale. The Ku-ring-gai Comprehensive planning process will be prepared to provide a new zoning for all remaining areas outside of the town centres under the Standard LEP template.	dwellings can be provided across the LGA, through LEP 194/200 and the Town Centre plans, by rezoning to allow 14,050 dwellings by 2031. This is demonstrated by the inclusion of yield tables for St Ives and the other five centres based on testing of the building envelopes and the standards in the town centre plans. Nevertheless all surrounding lands will be considered as part of the Comprehensive planning process. Part 1.9 contains a clearly explains that Part 2 does not provide development controls, rather a framework and context for the development controls provided in other parts of the document. These requirements are therefore not limiting. However, to avoid confusion, it is recommended that the subtitle "strategies" be deleted and replaced with wording similar to Part 1.9 to ensure that these strategies are read in the intended manner. To further minimise confusing the strategies with controls, it is also recommended that numerical references and references to standards be deleted and that other detailed strategies within the framework are reworked to ensure consistency with the broader focus of the framework.	<ul> <li>Amend the diagressive consister</li> <li>Delete numerical standards and restrategies within with the broader</li> </ul>
			The strategy to limit the rezonings to one block from the main thoroughfares could be specifically amended.	
E. <u>Subdivision</u> The preferred site amalgamation map (DCP, section 4.[3], [s4-4]) will significantly limit the capacity to redevelop sites. Summary requirement: The	Yes, by letter, 6 October 2006.	Addressed by Council in planning report (8 Nov 06) attached to Section 68 Report. Noted and Council will review the text in relation to this strategy plan- to ensure this is only a preferred amalgamation pattern and that other	Council has reviewed the text for Section 4.3 Site Amalgamations for each of the town centres except for Roseville and Lindfield. It is recommended that the amended text also be inserted for these centres.	To dot point one, Sect Lindfield and Roseville "These are suggested development. Alterna where it can be demon of the plan."

- igrams showing new access routes to tency with Part 4
- cal references and references to
- rework and re-order other detailed
- in the framework to ensure consistency
- er focus of the framework.

ection 4.3 Site Amalgamations for ville, add the following:

ed amalgamations to facilitate orderly native amalgamations can be considered nonstrated it meets the design objectives

Issue DCP Provisions	Previously raised by the Dept	Our previous response	Comment	Proposed future actic
site amalgamation map is unnecessary.		alternatives can be put forward for consideration and satisfy the general controls of the DCP.		
<ul> <li>D. <u>General Landscaping</u> <u>Constraints</u> These include: -</li> <li>References to the "green, spacious, "high forest" character of the area" being protected and enhanced through well-designed and appropriately scaled development. There is no "high forest" in the St Ives centre to which scale and design may be compared (Section 2.1 Vision Statement (dot point 1)).</li> </ul>	Yes, by letter, 6 October 2006.	Addressed by Council in planning report (8 Nov 06) attached to Section 68 Report. Council's initial analysis undertaken by consultants highlighted the strong forest like character, both in the public and private domain. Remnant areas of STIF are located at Rotary Park within the centre core and supported by high canopy within Ivor Wyatt Reserve, the Village Green and local streets. Exotic plantings including non locally occurring natives are prevalent in other public	The Vision statement is a result of consultation with the community, and reflects the community's vision. However, given that the canopy layer sets "high forest" character of this locality, the phrase could be amended.	Amend the Vision Sta reference to "high for reference to large tre
<ul> <li>Council's Street Tree Master Plan does not appear to have been provided;</li> <li>new street tree planting as per Council's Street Tree</li> </ul>		spaces and private lands. Street tree planting as outlined in Section 3 provides for a mix of large "high forest" type plantings, medium and smaller scale plantings in accordance with the desired future	Council is developing a Public Domain Plan which will include further detail on street planting. This should be referenced instead of the Street Tree Master Plan.	Delete the reference S2.2.3 (St Ives). Subst Domain Plan.
Master Plan including deciduous trees even though these are not consistent with the "high forest" concept (Section 2.2.3 Street Character).		character and opportunities provided in each location. The wording within the DCP "street tree planting" within each street location can be amended to identify the use of locally occurring species wherever possible.	The wording regarding locally occurring species was changed in the adopted DCP.	Retain controls and o "high forest characte
		The Tree Preservation Provisions provide a process that allows necessary tree works to occur on private land outside development	The lends serve as doubles the Tours	
• the required bio-linkages and bio-corridors into the commercial Town Centres and augmentation of remnant vegetation in the		application thereby preventing unauthorised removal of trees. Section 2.2.6 contained within the vision section outlines broad strategies consistent with the	The lands covered under the Town Centres plans incorporate a range of land uses along the spine of the LGA and includes National Parks either side with biolinkages between. Where biolinkages are included, they are matters of	Amend the wording o Biodiversity (St Ives) & character" and replac area. Include an additional provide for new stree
area on both public and private land (already addressed through tree preservation orders) (Section 2.2.6 Biodiversity).		protection and enhancement of the natural systems and high forest landscape character of the area. Provisions relating to landscape and implementation of strategies related	consideration, and the controls ensure that there will be no resulting loss of yield. The biolinkages also include street tree planting, which will be further addressed through the public domain	Amend the title of Sec <i>Biodiversity</i>

tatement for St Ives to delete the forest" character, and replace with creed character.

ce to Street Tree Masterplan in Section bstitute instead reference to the Public

d objectives regarding biodiversity and ter".

of the second objective in S2.2.6 b) by deleting the phrase "high forest lace with "the treed character" of the

al strategy in Section S2.2.6 (St Ives) to eet tree planting to all streets.

Section 2.2.6 to *Landscaping and* 

Issue DCP Provisions	Previously raised by the Dept	Our previous response	Comment	Proposed future actio
The section appears to confuse biodiversity with landscaping.		to biodiversity are outlined within Parts 3 and 5.5 of the DCP. Within 5.5.1 it should be noted that design controls in relation to deep soil landscaping outline provisions to use locally occurring and native species as much as possible (R5) and ii).	manual. To provide for clarity, the wording could be amended to delete the phrase "high forest character" and replace with .the treed character of the area. An additional strategy could also be provided to provide for new street tree planting to all streets. The title of Section 2.2.6 could be amended to <i>Landscaping and Biodiversity</i>	
<ul> <li>the use of species in landscaping from the Council Schedule [originally the list showed over 50% exotic species . Council has reduced this to 35% but should consider the list] with regard to its relationship to BASIX, water consumption and the potential impacts on development including with respect to Sydney Water's species guidelines for residential development.</li> <li>Summary Requirement: Council's requirements need to be reviewed in the light of potential constraints on development in the light of the Minister's s55 direction, BASIX and other advice from the Department.</li> </ul>		At least 50% of all tree plantings chosen are to be locally occurring trees and spread around the site (R10). Council's preference is the planting of natives and locally occurring natives especially due to their genetic provenance and adaptation to the local environment. Focussing predominantly at locally occurring natives will as a consequence highlight a lower proportion of natives to exotics particularly given the number of areas from which alternative plants can be sourced. It should also be noted that there are occasions where environmental factors (need for winter solar access for example) may result in an exotic tree being the correct plant selection. The provisions provided are consistent with BASIX controls.	The number of different species on the list does not change the requirement for 50% of tree plantings to be locally occurring. The list is not exhaustive, but rather indicates suitable trees, to aid the applicant in their selection. Further clarification of the issue is required. See also comments on water management controls	Council requests furth of Planning on what c
<ul> <li>E. Landscaping buffers and setbacks</li> <li>The following will reduce development potential in the Town Centres:</li> <li>large landscaped front setbacks that are required to all residential streets (Section [4.4 Building alignment 24m</li> </ul>	Yes, by letter, 6 October 2006.	Addressed by Council in planning report (8 Nov 06) attached to Section 68 Report. These are site specific controls and development is not constrained as building envelopes have been prepared to ensure development potential.	These setbacks respond to site specific issues and building envelopes have been developed to ensure development potential.	Council request the D light of the informatio

tion by Council Irther clarification from the Department t change is being sought. e Department review its concerns in the tion provided by Council.

Issue DCP Provisions	Previously raised by the Dept	Our previous response	Comment	Proposed future actio
in one case] and 10-24m [for other sites in Section 4.7.3]);				
<ul> <li>limitations with respect to Environmental Corridor (50 metres) (Section 6.2.2 Locating the Development on Site) (also set for Exempt and Complying development in the LEP);</li> <li>limitations on locating the development or associated services on the site relative to a Category 1 Environmental Corridor, or a Category 2 Terrestrial and Aquatic Habitat (Section 6.2.2). There does not appear to be any information about the verification process for the map A6.10. Any inaccuracies could be</li> </ul>		No environmental corridors will apply to development within the town centres. In a limited number of cases a category 3 riparian zone has been identified in the fringe residential areas and a 10m buffer zone will apply. In these cases development has not been constrained as additional height has been apportioned to offset the requirements of the setbacks.	Where there are riparian zones in the Town Centres LEP they have been considered, and site specific controls have been added. As discussed above, the riparian corridors should be retained. However, references to Category 1 corridors could be deleted.	Delete 3(i) in Section Category 1 riparian co
<ul> <li>challenged by developers;</li> <li>the additional requirement for a buffer zone between bushland and a development site (relies on accurate Council mapping) (Section 6.2.2) and the requirement for a buffer of a minimum of 25m for endangered flora/fauna species. Council needs to demonstrate the accuracy of such mapping and</li> </ul>		These issues must be based on a site assessment at the DA stage, rather than on Council mapping.	The requirement for a 25m minimum buffer for endangered flora and fauna species was deleted in the amendment of 8 May 07. The main town centre area of concern in this regard is Precinct C Turramurra. Amendments to site specific controls for Turramurra Precinct C should ensure adequate protection of the adjacent Blue Gum High Forest community.	Amendments to Turra considered by Counci
provide details of how these buffers were determined and the likely presence of these in the Town Centres. Summary Requirement:			The requirements to provide for landscaping buffers and riparian zones have been considered in the development of the building envelopes, FSRs etc to ensure that a substantial increase in the development potential in the Town	Council request the D regarding landscapin these controls have b the achievement of ta

on 6.2.1 regarding 50m buffers to corridors.

rramurra Precinct C plans will be ncil in August/ September 2007.

e Department review its concerns ing and riparian requirements, given that e been demonstrated to not compromise target yields in the Town Centres.

Issue DCP Provisions	Previously raised by the Dept	Our previous response	Comment	Proposed future action
These are not consistent with requirements to increase existing development potential in the St Ives or other Town Centres.			Centres can be achieved.	
F. Deep soil requirements Large deep soil zones have been provided to enable plantings of non-indigenous trees e.g. in Sections [4.7.2 to 4.7.8]. Similarly, percentages of soil areas up to 50% of the site area e.g. section 5.5.1 are in the DCP. These should be removed as they constrain site use unnecessarily and are not in keeping with Town Centre land uses. Summary Requirement: Extensive soil areas and deep soil planting are not consistent with requirements to increase existing development potential in the St lves or the other Town Centres.	Yes, by letter, 6 October 2006.	Addressed by Council in planning report (8 Nov 06) attached to Section 68 Report. These controls are based directly from LEP 194 and are now in the draft DCP and only apply to residential sites. In the case where building envelopes have been prepared eg Eden Brae demonstrate with a 35% site cover, 50% deep soil is available. This control does not apply to the core commercial areas.	The controls do not apply to the core areas or prevent the reinvigoration of the centres. They apply only to purely residential sites, and consistent with LEP 194 as required by the Section 65 directions. The requirements were LEP standards in LEP 194, but have been relocated to the DCP in the Town Centre plans.	Add a note to s. 5.5.1, Note: Minimum deep minimum numbers o only to residential zoi
<ul> <li><u>G. External building</u> <u>requirements</u> <ul> <li>Additional criteria which limit opportunities to fulfil the Minister's s.55 direction and to provide consolidation under the Metropolitan Strategy include the following DCP requirements:</li> <li>that side setback areas are not to be used for vehicle access (Sections G[8], 5.13.2);</li> </ul> </li> </ul>	Yes, by letter, 6 October 2006.	Addressed by Council in planning report (8 Nov 06) attached to Section 68 Report. This is a preferred approach only and applied to DAs under LEP 194 and has been demonstrated to be achievable in the majority of sites. In commercial/retail zones there are no side setbacks so this clause does not apply.	For residential flat buildings, location of the vehicle access in the side setback would compromise the ability to provide landscaping for amenity and privacy. This control is also included in DCP 55, and has not prevented development under LEP 194. As it is a DCP control, a merit assessment can be made, and indeed, has on rare occasions, been permitted for developments under LEP 194. For the lower scale R3 zones, Council has	Council retain contro where specified below
			exhibited amendments to the DCP, which include the following: Driveways must be located at least 2m from any side boundary fence and be	Council will consider controls in August 20

tion by Council .1, before the title *Residential* as follows: *ep soil provisions and requirements for of trees for tree replenishment apply* cones. rols to encourage good design, except ow. er adoption of amendments to the R3 2007.

Issue DCP Provisions	Previously raised by the Dept	Our previous response	Comment	Proposed future action
<ul> <li>the requirement that front set backs for awnings on the front facade limit buildings to only 40% of the facade within a minimum of 10m of the front boundary with the rest behind a 12m limit (Section 4.[4]);</li> <li>the requirement of 60% of the top floor for both commercial and residential development (Section 4.[7]);</li> <li>Setbacks of up to 10-12m for front setbacks (residential and commercial) and 6-18m side setbacks (Section 4.[7]). The 9m setback for only 2(d3) sites (equivalent to higher density R4) is not necessary in the Town Centres and shorter setbacks need to be provided for the R3 (medium density zone);</li> </ul>		This setback would normally only apply to a residential component and is based on urban design principles- it reduces appropriate height of buildings, provides articulated roof forms and design and is based on the Residential Flat Design Code. Building Form- Roof Design (page 91)- Objectives, and Better design practice. The controls shown in the master plan are a minium 6 metre setback for residential at ground level in all cases. The 9 metre applies only to the 3 and 4 <sup>th</sup> floors.	<ul> <li>separated from boundary fence by a continuous landscaped verge and screen planting.</li> <li>These controls are consistent with development under LEP 194 and consistent with the Minister's direction.</li> <li>They address issues of good design.</li> <li>10-12m front setbacks and 6m side setbacks occur in R4 zones which are at the fringes of the town centres. This is consistent with the controls for 2(d3) sites, and is consistent with the S65 directions.</li> <li>In commercial zones such setbacks occur in only a limited number of cases, where consideration of adjoining uses is required, such as residential or heritage sites, or where new streets or pedestrian linkages are to be provided. The setbacks do not compromise the achievement of residential targets, or economically feasible redevelopment of the commercial areas.</li> <li>In addition, Council has exhibited proposed amendments for the R3 zones:</li> <li><i>Front (Street) setback</i></li> <li>The minimum front setback to the primary street boundary is 10m.</li> <li>Ground floor private terraces/courtyards must be set back 8m from the primary street boundary to allow for deep soil planting and retention of existing significant vegetation within the common area.</li> <li><i>For development on corner sites:</i> the minimum setback to the secondary street boundary is 6m. Side and rear setbacks</li> <li>A minimum setback of 3m shall be provided from any side and rear boundary.</li> </ul>	Council to consider the R3 controls in August

# tion by Council

the submissions on amendments to the ust. 2007.

Issue DCP Provisions	Previously raised by the Dept	Our previous response	Comment	Proposed future actio
<ul> <li>that development occur within the footprints for each building on each allotment included in the St Ives Town Centre (in maps in Section 4.[7]). [While site amalgamations are identified in the final version of the DCP as "preferred", the floor plates for the buildings (which rely on the amalgamation pattern) are not optional];</li> </ul>		See Residential Design Flat Code- building envelopes based on the principles Page 23- where sufficient flexibility between the FSR and building envelope to allow for building articulation and architectural expression- these have also been economically tested.	<ul> <li>Where the dwellings primarily address side and rear boundaries, the setback must be at least 5m.</li> <li>Basement car parking areas must be a minimum of 3m from any side or rear boundary.</li> <li>It is recommended that add additional wording be added to Part 1.9 in the section on Part 4, to clarify that variations can be sought to the DCP controls in Part 4 provided they can demonstrate that they meet the objectives of the plan and the section.</li> </ul>	Add the following para Part 4 after paragraph 2: Where an applicant w or building envelope of circumstances of thei justification in the Sta accompanying the dev justification must dem control/s still achieves appropriately qualified must prepare the write variation to the control
<ul> <li>building separation of 18m minimum window separation between 2 habitable rooms/balconies for neighbouring buildings</li> </ul>	Yes, by letter, 6 October 2006.	Noted and clarified with a additional wording within the DCP to read in relation to 3-4 storey an additional note- under point (i) to read the effective wall height of 4 storeys separation is 12 metres. In relation to	These controls help to achieve the requirements of SEPP 65. The 60% control is consistent with development under LEP 194, as required by the Minister's direction.	Council request the Do building separation an encourage good desig Council to consider th

aragraph to Part 1.9 in the section on

wishes to vary a written design control e control to respond to the particular eir site, they must provide written tatement of Environmental Effects levelopment application. The written emonstrate that the departure from the ves the design objectives of the plan. An ied and experienced design professional ritten justification for the proposed frol.

Department review its concerns as and top floor setback controls ign and meet the Minister's direction.

the submissions on the R3 controls in

Issue DCP Provisions	Previously raised by the Dept	Our previous response	Comment	Proposed future actio
of 5 storeys and above (Section 5.1.2) since 5 storeys is already set in the L.EP and a further limitation of the footprint of the top floor being 60% of the floor beneath constrains this further;		the section 5 storeys and above insert note under (i) "where the effective wall height is 5 storeys and above."	For lower scale developments, (R3 zones) Council has exhibited proposed amendments as follows: • The minimum separation between windows and balconies of a townhouse and any neighbouring building either on site or adjoining sites: Storeys 2 to 3 i) 12m between two habitable rooms / balconies; ii) 7m between a habitable room / balcony and a non-habitable room; iii) 2m between two non-habitable rooms.	August 2007.
<ul> <li>building facades required to be modulated and articulated between 600mm and 2.5m (Section 5.2.1). This has the effect of reducing the top floor upper floor plate as the top floor is required to be 60% of the floor below;</li> <li>that a single wall cannot exceed 120 sqm in area (Section 5.2.1);</li> </ul>		These controls have been applied in the assessment of applications under LEP 194. As DCP controls they can be varied where appropriate.	These controls have not prevented the achievement of substantial yields under LEP 194, with 3,000 dwellings added to date. The single wall plane control has been relaxed from 81 sqm in DCP 55 to 120 sqm in the Town Centres DCP.	Council advises the D to facades, articulatio adopted by Council, fa compromising the ach Metropolitan Strategy
<ul> <li>for corner building articulation that requires both street addresses to be addressed (Section 5.2.2) [This is not necessarily a good</li> </ul>		This is corner development control based on good design not sure how this limits development.		
<ul> <li>option particularly in busy Town Centres];</li> <li>For clear glazing to min 3 stars for all street frontage windows in ground street frontages are unlikely to be ideal for businesses where</li> </ul>		This is a DCP control and can be varied on a case by case basis. Noted and will be reworded to insert	The DCP was amended accordingly.	

Department that the controls in relation tion, and materials with the amendments , facilitate good design, without achievement of targets under the egy.

Issue DCP Provisions	Previously raised by the Dept	Our previous response	Comment	Proposed future action
<ul> <li>privacy from the street is an issue (e.g. medical centres etc) (Section 5.2.3);</li> <li>the requirement that solid building materials such as brick, concrete and stone (rendered or not) are to be used for external walls of the lower part of the buildings up to 3rd storey (except for ground floor in mixed use developments) and light weight building materials such as timber, copper or stucco and glass to be considered for the 4th storey and above. These requirements are prescriptive and could lead to a lack of lack visual cohesion (Section 5.2.6);</li> </ul>		the words "are desirable".		
<ul> <li>that vertical canvas drop blinds are not permitted along the outer edge of awnings/ colonnades in mixed use zones (Section 5.3.1).</li> </ul>			This requirement is to promote good design outcomes, and does not limit development potential on a site. However Council is happy to delete the control if required by the Department.	Delete M7 in s.5.3.1 r
<ul> <li>that private open space requirements (Section 5.4.1) in residential units include:</li> <li>for ground and podium level apartments a terrace or private courtyard with a minimum area of 25m<sup>2</sup>;</li> <li>for other units a minimum area of: 10 m<sup>2</sup> for each one bedroom unit; 12 m<sup>2</sup></li> </ul>	Yes, by letter, 6 October 2006.	These controls provide a guide for private open space for the apartment dwellers and consistent with best practice design and amenity for future residents- as a DCP control variations can be made subject to appropriate justification by the proponent.	No change is recommended for apartment buildings. Private open space requirements for R3 zones will be considered by Council in August.	Council advises the D facilitate best practic residents. This does r targets under the Me

# tion by Council

regarding vertical canvas drop blinds.

Department that open space controls ice design and amenity for future s not prevent the achievement of the letropolitan Strategy.

Issue DCP Provisions	Previously raised by the Dept	Our previous response	Comment	Proposed future actic
<ul> <li>for each 2 bedroom unit; and 15 m<sup>2</sup> for reach unit with 3 or more bedrooms (Section 5.4.1). These are too restrictive [when other requirements are also applied such as those below:].</li> <li>that primary open space has a minimum dimension of 2.4m and shall be directly accessible from the main living areas and not be oriented to the south (constraining on certain sites);</li> <li>that common open space requirements in residential units include: <ul> <li>at least 30% of deep soil zone be for deep soil planting</li> <li>it is located in the front and rear of lots to optimize solar access to the open space and apartments [Section 5.4.2];</li> </ul> </li> </ul>		These controls provide a guide for open space for the apartment dwellers and consistent with best practice design and amenity for future residents for – both private and common open space as a DCP control variations can be made subject to appropriate justification by the proponent. In the case of LEP 194 applications the majority of applications have been able to provide or exceed these standards and do not constrain development.		
[maximum]site coverage as low as 30-35% in addition to setbacks and other requirements [section 4.1]	Yes, by letter, 6 October 2006.	Site coverage for residential development is consistent with the LEP 194 standards and have been transferred across as DCP controls.	The relocation of the site coverage controls from the LEP to the DCP increases flexibility.	Council advise the De for residential develo with LEP 194 and the
<ul> <li>Locate living areas to the north and service areas to the south and west (Section 5.8.2). This would constrain development on</li> </ul>	Yes, by letter, 6 October 2006.	This is recommended to read "it is desirable that developments be orientated to optimise northern aspect for living areas and service and circulation areas to the south and west. These controls promote good design and do not constrain development.	G5 of section 5.8.2 was amended in response to the Department's comments to reduce the requirement for a maximum of 10% of single aspect units to the south or west. Further reductions would discourage good design. These controls provide for the amenity of	Council request the D the previous amendm Council.

# tion by Council

Department that site coverage controls elopment under the DCP are consistent ne Minister's Direction.

e Department to review its concerns given dments and the information provided by

Issue DCP Provisions	Previously raised by the Dept	Our previous response	Comment	Proposed future actio
<ul> <li>certain allotments</li> <li>combined with the</li> <li>requirement that:</li> <li>not more than</li> <li>15% [now 10%] of</li> <li>total units to be</li> <li>single aspect and</li> <li>have western</li> <li>orientation</li> <li>(Section 5.8.2);</li> <li>that all</li> <li>developments</li> <li>must have</li> <li>appropriate</li> <li>shading and glare</li> <li>control by</li> <li>providing external</li> <li>horizontal shading</li> <li>to north-facing</li> <li>windows (eaves,</li> <li>overhangs,</li> <li>pergolas,</li> <li>awnings,</li> <li>colonnades, upper</li> <li>floor balconies,</li> <li>and/or deciduous</li> <li>vegetation);</li> <li>vertical shading to</li> <li>east and west</li> <li>windows, (sliding</li> <li>screens,</li> <li>adjustable</li> <li>louvres, blinds</li> <li>and/or shutters);</li> <li>and shading to</li> <li>glazed and</li> <li>transparent roofs</li> <li>(section 5.8.3).</li> </ul>			future residents and will be subject to detailed analysis at DA stage.	
Summary Requirement: Safer by Design is the NSW Government's guideline (similar to the USA's Crime Prevention Through Environment Design (CPTED)) The criteria of Safer By Design	Yes, by letter, 6 October 2006.	Noted All the above controls promote good design do not constrain development. As outlined above changes have been		Council request the D the previous amendm Council.

# tion by Council

e Department to review its concerns given dments and the information provided by

Issue DCP Provisions	Previously raised by the Dept	Our previous response	Comment	Proposed future action
<ul> <li>would be applied to specific development at development application stage, or prior to Council's decision to rezone land for public thoroughfares, where appropriate.</li> <li>Multiple requirements constrain development in the Town Centre to an unnecessary degree. Council needs to review these controls.</li> <li>H. Internal building requirements</li> <li>Of concern in unnecessarily limiting development are: <ul> <li>Building depth: for commercial premises: limitation to internal plan depth of office floors with openings on one side to be 10m from glass line to wall [Figure s. 5.1.1]; for residential width constraint of a maximum internal plan depth of 18m from glass line to wall. Single aspect apartments requiring a maximum internal plan depth of 10m from glass line to wall. Single aspect apartments requiring a maximum internal plan depth of 10m from glass line to wall. Single aspect apartments requiring a maximum internal plan depth of 10m from glass line to wall (Section 5.1.1);</li> <li>For residential developments wider than 18m, achievement of satisfactory daylight and natural ventilation have to be demonstrated (Section 5.1.1);</li> <li>The width of a single building on any elevation facing the street shall not exceed 36m (Section 5.2.1). This unnecessarily</li> </ul> </li> </ul>	Yes	made to the DCP to ensure flexibility. The controls are located within a DCP to promote good design consistent with SEPP 65 and NSW RFDC as a DCP control flexibility is provided where an applicant can vary the standard with an appropriate justification. In the case of residential apartment buildings the controls are consistent with LEP 194 controls. Addressed by Council in planning report (8 Nov 06) attached to Section 68 Report: Council Response: The controls are located within a DCP to promote good design consistent with SEPP 65 and NSW RFDC as a DCP control flexibility is provided where an applicant can vary the standard with an appropriate justification. In the case of residential apartment buildings the controls are consistent with LEP 194 controls.	In addition, Council has exhibited amendments for the R3 zones to reduce the maximum internal plan depth for townhouses to 14m from glass line to glass line. Other amendments are also proposed to building width for townhouses.	Council to consider s R3 controls in Augus

submissions on the amendments to the ust 2007.

Issue DCP Provisions	Previously raised by the Dept	Our previous response	Comment	Proposed future actio
constrains development flexibility on sites. Also it is apparently not consistent with Section 5. 1.1 (Building Depth); Internal commercial/retail in mixed use buildings ceiling height; 3.5m for ground floor [ now 3.3m in text but not changed on diagram in 5.6.1]; 3.3m for 2nd storey (or 3rd where relevant)[Section 5.6.1). Summary Requirement: Multiple requirements constrain development in the Town Centre to an unnecessary degree. Council needs to review these controls in the light of the existing controls under the BCA.				
<ul> <li><u>I. Parking and access</u> requirements Matters to be addressed include the following:</li> <li>Roads should be classified using the RTA classification. It is not necessary or appropriate to list roads in A5.</li> </ul>	Yes, by letter, 6 October 2006.	Addressed by Council in planning report (8 Nov 06) attached to Section 68 Report: These are listed to assist in the locational requirements for Childcare centres and is not based on RTA classifications.		Council request the D the light of the adopte by Council.
<ul> <li>In Section 2.2.5, the Community Activity Space 3 in zone B2 is not obviously linked to other active areas in the St Ives Town Centre such as the Town Square and it is not</li> </ul>		The existing buildings and facilities within the community space could be re-organised to provided updated facilities- the strategy diagram indicates this.		

# tion by Council

#### e Department to review its concerns in oted plans and the information provided

Issue DCP Provisions	Previously raised by the Dept	Our previous response	Comment	Proposed future actic
clear how linkages would be achieved. Council needs to ensure any areas set aside for such use address Safer By Design guidelines and that adequate provision for lost development potential is addressed through other provisions				
<ul> <li>Widened access for the service lane (Stanley Lane) including 6 m setbacks on either side of the laneway to provide parking and footpaths will reduce the viability of any development on land adjoining the land (effect on "Eden Brae" site and land with Mona Vale frontages) (section 3.2.7).</li> </ul>		The building setbacks have been reduced from 6m to 3.5m.	It appears that the Department is responding to the exhibited plans, rather than the adopted plans.	
<ul> <li>[Council's requirement that car parking be provided in basements for all residential development (section 5.14.1)]</li> </ul>		Basement carparking allows for improved amenity, landscaping, and pedestrian friendly spaces above ground, and is in line with best practice design.		
<ul> <li>Car parking requirements set as minimum and maximum for certain types of development (Section 5.14.1). (in the past, Council does not appear to have supported DAs which provide fewer parking spaces than those set down in the relevant DCP) Maximum</li> </ul>	Yes, by letter, 6 October 2006.	The DCP (Section 5.14.1), only sets minimum and maximum car parking rates for non residential uses within commercial centres. The use of minimum and maximum car parking rates is to provide balance between the desires of discouraging car usage and the need to manage traffic and parking issues within centres. The maximum car parking rates used in the DCP are consistent with Council's current requirements, while the	Reduced parking requirements in the town centres close to rail stations should be considered, in line with Action D3.2.1 of the Metropolitan Strategy. This will also improve the viability on some sites without impacting on the final built form.	Review and amend th retail (excluding supe commercial uses in m station including thos This work is to be unc economic consultant ensure consistency w Strategy, to ensure fe the utilisation of publi

# tion by Council

the parking controls for residential, permarkets and the like) and mixed use zones within 400m of a rail ose sites noted by the Department.

ndertaken in consultation with an nt and traffic and transport planner to with the objectives of the Metropolitan feasibility of redevelopment and improve blic transport.

Issue DCP Provisions	Previously raised by the Dept	Our previous response	Comment	Proposed future action
limits should be set as an interim until a Metropolitan Parking Policy is provided. The text should make it clear that developers will not be penalised for providing fewer parking spaces than the maximums set in the Town Centre. Summary Requirement: Council needs to address these issues to ensure conformance with existing or <u>lower</u> amounts of parking should be encouraged over <u>increased</u> parking and Council needs to ensure alignment with the Metropolitan Parking Policy when it is released.		minimum rates are significantly reduced and are in keeping with rates used elsewhere in the Sydney metropolitan area. In terms of car parking provision for residential purposes, only maximum car parking requirements are specified. It is noted that this is inconsistent with LEP 194, which includes minimum parking rates, a requirement inserted by the Department following Council's inclusion of only maximum rates within DLEP194.	Council will ensure the DCP is aligned to the Metropolitan Parking Policy if it is released in time prior to gazettal of the LEP. Amendments to the DCP can be made in the future, if the policy is not released in time.	The controls are also Metropolitan Parking
<ul> <li>J. <u>Specific issues</u></li> <li>The following are not supported:         <ul> <li>The majority of pedestrian access routes shown in Section 2.2.9 rely on land acquisition or dedication from private holdings. [The location of this access across private land is unrealistic even if easements were made]</li> </ul> </li> </ul>	Yes, by letter, 6 October 2006.	Addressed by Council in planning report (8 Nov 06) attached to Section 68 Report. Noted and will be reviewed.	The access routes will be reviewed to show only those routes that are included in Part 4. These will rely on dedication as part of site redevelopment, however, building envelopes have been designed to ensure the viability of these sites with the dedications.	Amend Part 2 strateg are those included in
<ul> <li>Provision of parking off Porter's Lane and Mona Vale Road east of the main shopping centre is likely to be an inappropriate land use</li> </ul>			RTA has advised that parking on Mona Vale Rd will be restricted via clearways, making additional parking important in this area. This parking is intended mostly for the use of patrons of the community facilities on the site.	Council advises the D required to ensure pa community facilities on-street parking.
given the likely floor space of shops in that block (section 2.2.[2]); The constraint that "car parking space is included			The requirement at s.5.14.4 that above ground car parking (ie more than 1 metre above ground) will be considered as gross floor area is not consistent with the	Delete the note at s.5 than one metre above floor area.

so to be made consistent with the ng Strategy if it is available in time.

tegies to ensure that access routes shown I in the Part 4 controls.

e Department that this parking area is e parking is provided for patrons of the es on the site and to offset losses from

5.5.14.4 that basement car parking more ove ground will be considered as gross

Issue DCP Provisions	Previously raised by the Dept	Our previous response	Comment	Proposed future actio
in floor space			amended standard template and should	
calculations where it is			be deleted.	
not located in the				
basement i.e. where the				
floor level of the storey				
immediately above is one				
metre or more above				
existing ground level"			This is consistent with developments	Council advise the De
constrains,			under LEP 194, and ensures that car	pollution control, and
unnecessarily, developers			washing will not pollute waterways, and	visitors with a disabili
utilising sloping sites			that reasonable access is provided for	
(Section 5.14.4, [M1,R1]);			service vehicles and visitors with a	
Visitor parking (Section			disability. This is in line with best practice	
5.14.3), includes that one			design.	
external visitor parking				
bay is to be provided with				
a tap to make provision				
for on-site (Section			The note referring to such car parking as	Delete the note at s.5.
5.14.3); service vehicle			gross floor area is not consistent with the	than one metre above
requirements including a			amended standard template and should	floor area.
space with a minimum			be deleted.	
dimension of 3.5m x 6m				
and a minimum				
manoeuvring area 7m				
wide (Section 5.14.3);				
Defining residential			Section 5.14.5 includes 2.7m for multi-	To s. 5.14.5 add the fo
basement car parking as			storey above ground car parking for	Multi-storey carp
that which can only			adaptability, ie to allow for future	for changes over
project up to 600mm			redevelopment of the building. This is	5
average and [1.0m (more			also a reference to flexible building	
restrictive)] maximum			design for car parking in Section 5.11.1	
above natural ground			Design of Flexible Building and Spaces. It	
level to the underside of			is recommended that a suitable objective,	
the floor above ([Diagram			similar to the relevant objective in	
in] Section 5.14.4) as car			s.5.11.1 be included in s.5.14.5 for clarity.	
parking above this is				
included in floor space				
calculations;				
Multi-storey mixed use				
parking that requires a				
minimum floor to ceiling				
height of 2.7m (Section				
5.14.5);				
Summary Requirement: Council				
is to remove unnecessary				
constraints to provide				

epartment that these controls facilitate
d access for service vehicles and
lity.

5.5.14.4 that basement car parking more ove ground will be considered as gross

following objective: arparking design that allows flexibility ver time.

Issue DCP Provisions	Previously raised by the Dept	Our previous response	Comment	Proposed future action
consistency with the Minister's requirements.				
<ul> <li>K. Drainage, Stormwater and Water Management requirements <u>General</u></li> <li>There are no creek lines in the vicinity of St lves or the other town centres that remain in a natural state. Section 2.2.7 implies there are such water courses. [Now defined as "existing drainage lines"]</li> </ul>	Yes, by letter, 6 October 2006.	Considered by Council in planning report (8 Nov 06) attached to Section 68 Report. Noted and will be reviewed	Council has reviewed the drainage lines shown. These lines are not listed as riparian areas and therefore will not require buffers. The diagram shows only existing drainage lines. Drainage considerations and the impacts on downstream ecosystems are integral to any development, and the diagram is not considered to constrain development potential. Controls for drainage are located in Part 6 of the DCP.	No change recomme
Summary Requirement: Council is to remove this unnecessary constraint.				
<ul> <li>L Interface between town centres and adjoining lower density residential/open space (cl 21(2)(b))</li> <li>In LEP 200 there are 9m set backs from any boundary (cl 25L) but only for the 2(d3) zone (equivalent to R4). This in itself is a generous setback in areas away from the town centres [in comparison with those now proposed] in the Town Centres.</li> <li>The proposed addition of such setbacks to any land in the town centres (including R3) shouldn't be necessary, has been translated as 6-9m setbacks in the DCP and</li> </ul>	Yes, by letter, 6 October 2006.	Addressed by Council in planning report (8 Nov 06) attached to Section 68 Report: These controls have only been applied to the former 2(d3) zoned residential land under the LEP 194 standards. In relation to the R3 zone generic controls will be prepared for setbacks.	Agreed. Council has exhibited proposed amendments for the R3 zones: Front (Street) setback • The minimum front setback to the primary street boundary is 10m. • Ground floor private terraces/courtyards must be set back 8m from the primary street boundary to allow for deep soil planting and retention of existing significant vegetation within the common area. For development on corner sites: the minimum setback to the secondary street boundary is 8m; the minimum courtyard wall setback to the secondary street boundary is 6m. Side and rear setbacks • A minimum setback of 3m shall be provided from any side and rear boundary. • Where the dwellings primarily address	Council to consider s R3 controls in August

# ction by Council nended. submissions on the amendments to the ust 2007.

	Previously raised by the Dept	Our previous response	Comment	Proposed future actio
is not supported. Summary Requirement: A 9m setback for R4 is generous and it is advisable to reduce it in the town centre. It is also not supported for the R3 zone, which would more appropriately have a maximum setback of the order of 4m or less.			side and rear boundaries, the setback must be at least 5m. • Basement car parking areas must be a minimum of 3m from any side or rear boundary.	
	Yes, by letter, 6 October 2006.	Considered by Council in planning report (8 Nov 06) attached to Section 68 Report: Noted and will be reviewed.	Council has reviewed the policy. The policy is designed to be consistent with the POEO Act and SEPP 55. It is noted that in the event of any inconsistency the Act and SEPP will prevail. It is recommended that this Section include references to SEPP 55 and the POEO Act.	To s.5.12.3 add a note All activities related to the requirements of t Operations Act and St -Remediation of Land Provide the Departme Contaminated Lands
	Yes, by letter, 6 October 2006.	Considered by Council in planning report (8 Nov 06) attached to Section 68 Report. Noted and will be reviewed.	Note that SEPP Seniors Living will only apply to specific Seniors Living proposals within the Centres, rather than for all residential accommodation under the Town Centre plans. The controls are consistent with the Controls in LEP 194 and DCP 55 and provide for increased housing choice in accordance with the Minister's directions.It is noted that the requirements for "visitable" dwellings are less than those for fully adaptable dwellings. Council refers to the relevant Australian Standards in its definitions. It is noted that SEPP seniors also uses the term "visitable" – eg for "visitable toilets" and also refers to the relevant Australian	Council advise the De for adaptable housing improved equity of act with a disability.

te as follows:

d to contaminated land must comply with of the Protection of Environment State Environmental Planning Policy 55 nd.

ment of Planning with a copy of Council's Is Policy.

Department that controls which provide ng should be retained to facilitate access and housing choice for people

Issue DCP Provisions	Previously raised by the Dept	Our previous response	Comment	Proposed future actio
gradients set requirements (100% for relatively flat land, proportion of land or 50% visitable whichever is greater) (Section 5.15.1). This is a repetition from the SEPP and is not necessary. Summary Requirement: Council is to remove new definitions that may conflict with State Policy and remove repetitions in the document.			standard. Again it is noted that SEPP Seniors Living does not apply to residential flat buildings. The controls are designed to improve access for people with a disability, both as residents and as visitors, to development within the town centres.	
			Council has also identified the need to improve Sections 10.2.4 and 10.2.7. References to potential heritage items, and proposed heritage conservation areas lead to uncertainty and potentially, additional unnecessary costs in the notification process. It is recommended that these references be deleted and substituted with references to draft heritage items and draft heritage conservation areas.	It is recommended th proposed heritage identified as a potentian and replace with: draft heritage cons identified as a draft h Planning Instrument: Delete last dot point i regarding separate lis

# tion by Council

that 8 in s.10.2.4, be deleted: *The conservation area or where the item is ntial heritage item:...* 

onservation area or where the item is t heritage item under an Environmental nt:...

t in 8 in s10.2.4 and delete12 in s.10.2.6, listing on Council's website.

### Department of Planning - Issue 6

It is noted that seventeen additional heritage items have been added to the Town Centres LEP. As these items have the potential to affect development on adjoining land, Council is advised to ensure additional opportunities to compensate for these are provided within land adjacent to the town centres.

### Council response

In preparing the Draft LEP and DCP controls that affect the new heritage items within the centres Council took into consideration the impact on the feasibility for each site, and generally the potential impacts on the adjoining sites. Council's approach demonstrates the benefits of the urban design approach- through preparing a locality analysis with building envelopes that can be tested in both urban design terms and for economic feasibility, whilst permitting retention of heritage buildings in an appropriate setting. There are existing heritage items that are being removed from the new plans ,while in other cases the existing streetscape character has been identified and retained in the DCP via adaptable use provisions for the key character items with the centres, rather than a traditional heritage item listing.

For each site the potential of the heritage listing to affect the redevelopment of the site itself and the potential of adjoining sites has been assessed in the following table. In the cases where there is a proposed B2 Mixed Use Zone there has been the opportunity for an appropriate level mixed uses at the rear of the sites. In the case of 741 Pacific Highway, Gordon (former Post Office) the site is currently being developed with a commercial building at rear. In other cases such as Hillview which is a larger site, the DCP controls will allow a reasonable level of development whist retaining an appropriate curtilage around the key buildings. Some items are located in groups and/or on isolated sites between the Highway and the Railway Line (eg. 79-89 Pacific Highway, Roseville and I Livingstone Ave, Pymble).

For some sites the heritage item is an existing substantial commercial building and the development outcome will only have a limited effect on the development of adjoining lands, as the bulk and scale of the proposed development can be matched and further increased away from the proposed item.

In addition, the potential loss of yield is also considered minimal when taking into account the hundreds of sites rezoned with the town centres LEP and therefore further compensation in other areas, adjacent to the town centres as an offset is considered to be very minimal.

Property	Comment
1334 Pacific Highway, Turramurra " <i>Hillview</i> " Turramurra DCP Precinct J	The site is bounded to the north by the Pacific Highway, to the east by the North shore railway Line, to the garages and the land to the south Boyd Street is already zoned 2(d3). This site is also currently listed on N register. This is a large site with a range of development new buildings with heights from 2, 3 and 5 storey. There is no impact of this listing on the future development potential of adjoining lands as a result of the p
1340 Pacific Highway, Turramurra <i>Hillview garages</i> Turramurra DCP Precinct J	This site is bounded by the Pacific Highway corridor to the north, to the east is the Hillview estate (See above) and to the south Boyd street, to the west is existing heritage items at 1356& 1358 Pacific High The DCP controls show redevelopment opportunities within the allotment of the proposed heritage item. T RFB development proposed in the DCP on the lands to the west. There little or no impact of this listing or adjoining lands as a result of the proposed heritage listing.
8 Ray Street, Turramurra <i>Georgian Revival</i> Turramurra DCP Precinct M	To the north is an existing strata subdivided RFB with 24 apartments and to the south is a RFB with 6 apar the west is 1345 Pacific Highway a 8 unit strata subdivided RFB. Whilst the sites in the vicinity are not like term the DCP controls show for redevelopment to the south and west with 2 new building footprints for the heritage item at 8 ray Street, Turramurra. To the north no redevelopment is expected. In summary the effect on surrounding development.
10 Turramurra Ave, Turramurra Turramurra DCP Precinct G	To the north of the site is existing 2(d3) land (proposed as R4 in the new plan) the location of the church be owned car park. In the new plans the DCP notes there is a proposed Church Square for the area to the sour focus for the eastern side of Turramurra Centre. It will be a mixed use precinct with a new supermarket a of specialty shops. Generous public spaces retain the setting of the Church. New development along the H Turramurra. The proposed heritage listing on the Church at 10 Turramurra Ave, will not adversely affect the development R4 zone. The land to the south will also not be affected as it has been considered and planned via a detailed provide new redevelopment of Council's car park, and new urban spaces.
17 A Eastern Road. Turramurra. <i>St Margaret Church</i> (DCP Precinct G Turramurra)	To land to the north is zoned residential 2 (c) under the KPSO as it recently constructed villa/town house ( east is Gilroy and the west is Eastern Ave. To the south the land is proposed as R4 high density Residentia envelopes to the south have not been restricted by the proposed heritage listing. To the north the strata vi develop over the medium to longer term. The high density residential sites can be redeveloped with minin listing will have little or no effect on surrounding development.
8 Kissing Pt Road, Turramurra Turramurra DCP Precinct L	This site is located on the corner of Kissing Point Road/Boyd Street and adjacent to 2- 4 Boyd Street, Turra assessment has been undertaken for the adjoining lands to allow for viable redevelopment of the adjoinin & DCP. These sites to the north have a proposed new L shaped building envelope at the rear of 5 storeys. The sett solar access and separation to the proposed heritage items. There is very little or no demonstrated impact redevelopment of the adjoining land.
2-4 Boyd Street, Turramurra Turramurra DCP Precinct L	This site is a relatively small site adjacent to 8 Kissing Point Road, Turramurra. An extensive urban design assessment has been undertaken for the adjoining lands to allow for viable red under the Town Centres LEP & DCP. These sites to the north have a proposed new L shaped building envelope at the rear of 5 storeys. The sett solar access and separation to the proposed heritage item which has its building footprint close to Boyd S demonstrated impact of the potential for redeveloping the adjoining land.
741 Pacific Highway, Gordon <i>Former Gordon Post office</i> DCP Precinct G	This site is adjacent to the existing heritage item at 747 Pacific Highway Bank Commonwealth Building. No 741 is currently being redeveloped with mix of retail/commercial including the retention of the former the south the adjoining development is 4 storeys at rear with FSR of 2:1 and a height of 17.4 m. The location

ne east the heritage item Hillview NSW State Section Heritage 170 reys- no objection from state agencies. e proposed heritage listing.

Jhway.

. There are new four and five storey on the future development potential of

partments. To the east is Ray Street and kely to be redevelopment in the medium or 5 storeys buildings whilst retaining the proposed listing will have little or no

building, to the south is a council south. This area will become a retail t as an anchor, as well as a wide range e Highway will improve the gateway to

ment of the land to the north proposed iled urban design approach that will

e (15 strata lot) development. To the tial (former 2d3). The DCP building villa/unit development is unlikely to nimal impact, therefore the proposed

rramurra. An extensive urban design ing sites under the Town Centres LEP

etbacks allow for adequate privacy and act on the potential for the

edevelopment of the adjoining sites

etbacks allow for adequate privacy and Street. There is very little or no

er post office site at front of the site, to tion of the former post office building

### Ku-ring-gai Town Centre Planning – Response to Department of Planning letter of July 2007 re outstanding issues

Property	Comment
	and the current new development to the rear the site, has resulted only in a very limited impact of the dev sites.
36 Henry Street, Gordon DCP Precinct J	This item is located on the corner of Henry Street and Churchill Lane, Gordon. To the west are 2 strata su north Churchill lane and the south no 34 Henry street this precinct is within a R4 High Density residential
	The Gordon precinct J controls provide for a new 6 storey development to the south of 30-34 Henry street proposed heritage item at no 26 Henry Street. To the north along St Johns Ave there is new 4 storey mixe is only a very limited impact of the development potential for adjoining sites as the sites to the west are un
2a Park Street, Gordon Council Childcare centre	This site is isolated on the edge of the Gordon Town Centre with the North Shore railway corridor to the versidential 2(d3) zoned lands proposed as R4. The heritage item is located on the far south western corone future public open space precinct. Development remainder R4 lands to the north could proceed with minin proposed heritage listing, therefore a very limited impact of the development potential for adjoining site h
1 Livingstone Ave, Pymble Church	The heritage item is bounded by the Pacific Highway, Livingstone Ave, Everton Street, Pymble. Adjoining the strata RFB with 32 units. The lands opposite Livingstone Ave and Everton Street are all zoned R4 Resider account the visual setting and topography of the R4 land zoned land within the locality of the proposed her of the surrounding land will not be adversely affected by the proposed heritage listing.
22 Russell Ave, Lindfield	The proposed heritage item is a grand 2 storey residence. There is land adjoining to either side is propose the Lindfield Town centre LEP. The site immediately to the west no 20 is a single dwelling and 12-18 are e impact for development potential of 20 is noted but considered minimal. To the east nos 24 and 26 are larg future villa/town house style development. The impact of the proposed listing is considered to be minimal location of the heritage items and the heights and scale of development for townhouses and villas.
1-5 Tyron Road, Lindfield	No 1-5 the existing church, associated uses and adjoining No 7 dwelling which is also owned by the church located at 9-25 Tyron, Road (Ministers SEPP 53 Site). No 7 is 1892 sqm could be redeveloped for multi unit requirements of the LEP & DCP, including taking into account the heritage significance of the Church. The listing for the church property is noted though considered relatively minor, as the church is of a scale that vicinity and the scale of the exiting RFB at 9-25 Tyron Road.
Group of 3 items Pacific Highway Roseville. 89 Pacific Highway, Roseville. Former Station Masters Cottage. 83 Pacific Highway, Roseville. Former Commonwealth bank. 79-81 Pacific Highway, Roseville. Commercial buildings (DCP Precinct B Roseville Centre)	These three items are located within a distinct group and isolated from other key sites within the Roseville narrow band of land between the pacific highway and the Railway Corridor. The controls provide and prov of the buildings with a retention of the commercial heritage buildings (existing 2 storey) and new 5 storey on southern side of the site at no 69-71 pacific highway. No 89 Pacific Highway (former station masters cottage) is also isolated between the Pacific highway, the r concourse and railway lands to the north. the DCP in conjunction with the heritage incentives clause of the and sympathetic extensions with a wide range of permissible uses. The effect of identifying these new her on the potential development of adjoining lands.

evelopment potential for adjoining

subdivided apartment blocks, to the ial zone.

et with a sufficient setbacks from the ked use development proposed. There unlikely to develop in the medium term.

e west, to the north there is exiting oner of the site and could form part of a nimal impact resulting from the has resulted.

g the site to the north west is an existing dential High Density . Taking into neritage item, the development potential

sed R3 (Villa/Townhouse zone) under existing 2 storey town houses. The arge enough to be considered for a al, taking into account the scale and

rch. There is a new RFB development nit housing subject to meeting the he potential impact of the heritage nat could accommodate MUH within the

lle centre which are located in a rove the effective reuse and adaptation by mixed use at the rear of the site and

e railway corridor to the east / he LEP, provides for an adaptive reuse peritage items has only a minimal effect



NSW GOVERNMENT Department of Planning

Clr Nick Ebbeck Mayor, Ku-ring-gai Council Locked Bag 1056 PYMBLE NSW 2073



Our ref: CS07/498 Your ref: 785851 File: SRE0000193

Dear Clr Ebbeck

I refer to your letter dated 14 June 2007 regarding issues the Minister for Planning, the Honourable Frank Sartor, raised at his meeting with you on 13 June 2007.

These issues relate to:

- Reclassification. The Department has previously requested the timeframes for these be reduced to assist in the finalisation of the Town Centres LEP. The current proposed timeframe of mid December 2007 is unacceptable.
- Key sites have been given FSRs which are the same as or potentially less than those currently available (Attachment 1). Requests to address these were made in response to exhibition of the plans in 2006. There is no point in providing FSRs the same as or less than current FSRs, particularly when economic analyses identify viability only under special conditions that are unlikely to be met.
- The combination of LEP Principal Standards such as FSRs with DCP provisions reduces development opportunities further. DCP provisions have already been identified to Council for revision yet onerous provisions are still in place. These need to be removed (including those outlined in Attachment 2).
- Yield tables provided by Council in 2006 are dependent on all amalgamation patterns and all building footprints being achievable. In reality, this is unlikely and Council's estimates of anticipated dwellings are likely to be substantially inflated. Council needs either to give effect to these yield tables by removing those provisions /standards that constrain them or demonstrate yield tables that provide realistic estimates of yield.
- There are a number of areas where compliance has not been achieved with the conditions of the Director-General's s65 certificates for St Ives and Turramurra and the authorisations for the other four centres. Areas of concern are identified in the attachment (Attachment 3).
- It is noted that seventeen additional heritage items have been added to the Town Centres LEP. As these items have the potential to affect development on adjoining land, Council is advised to ensure additional opportunities to compensate for these are provided within land adjacent to the town centres.

I trust this identifies the main issues that are outstanding and trust your Council will be able to address them to the Department's satisfaction without further delay.

Yours sincerely

Gail Connolly

Executive Director, Metropolitan Planning

107

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S02073 7 August 2007

# DRAFT AMENDMENTS TO KU-RING-GAI SECTION 94 CONTRIBUTIONS PLAN 2004-2009 -RESIDENTIAL DEVELOPMENT

### **EXECUTIVE SUMMARY**

PURPOSE OF REPORT:	To report to Council proposed draft amendments to Ku-ring-gai Section 94 Contributions Plan 2004-2009 - Residential Development.
BACKGROUND:	The Section 94 Plan has been reviewed in the light of changes to the provisions of the Environmental Planning and Assessment Act and Regulation (EP&A Act), and to address matters arising from the recent NSW Land and Environment Court decisions, review the works schedule and indexing the plan.
COMMENTS:	There are a number of amendments proposed to be made to the Section 94 Contributions Plan. Prior to finalising the amendments the draft plan must be placed on public exhibition and public comments sought.
RECOMMENDATION:	That the proposed draft amendments to the Ku- ring-gai Section 94 Contributions Plan 2004- 2009 - Residential Development contained within this report be adopted for formal public exhibition.

### **PURPOSE OF REPORT**

To report to Council proposed draft amendments to Ku-ring-gai Section 94 Contributions Plan 2004-2009 - Residential Development.

### BACKGROUND

The Ku-ring-gai Section 94 Contributions Plan 2004-2009 – Residential Development enables Council to require a contribution towards the provision, extension or augmentation of:

- community facilities;
- recreation facilities and open space ;
- traffic, pedestrian and cycleway facilities and public domain improvements; and
- administration.

that will, or are likely to be, required as a consequence of residential development in the area.

Council engaged BBC Consulting Planners to undertake a review of the current Section 94 Contributions Plan 2004-2009. This involved:

- 1. Reviewing the current plan in the light of changes to the provisions of the EP&A Act and Regulation relating to contributions plans including requirements for pooling funds and maps showing the location of works in the work schedule;
- 2. Updating costs of works on the works schedule;
- 3. Updating the work schedules with new items such as West Pymble Aquatic Centre;
- 4. Address matters outstanding from the L&E Court decisions;
- 5. Review the provision of open space in the light of recent decisions on the provision of open space;
- 6. General 'housekeeping' review of the wording of the plan's provisions and update where appropriate to reflect current legislation and *Development Contributions Practice Notes*.

A comprehensive review of the plan is scheduled for 2009. The review will commence in 2008, coinciding with the release of detailed 2006 census data.

### COMMENTS

The amended draft Contributions Plan is called the draft Ku-ring-gai Section 94 Contributions Plan 2004-2009 – Residential Development (Amendment 1). This has been included as Attachment 1 to this report

The key amendments that are proposed to the current plan are as follows.

### **Review of Rates - Work Schedule and Land Values**

There have been no reviews of the contribution rates since the plan was adopted in 2004.

As part of this review the works schedule have been updated to reflect current values for cost estimates of capital works and land acquisition and to include some new works. Construction costs have been reviewed and updated based on available construction cost indices and available information on construction costs of some projects such as open space embellishment.

#### **Process for reviewing rates**

The sections dealing with the review of contributions rates used in the plan have been revised and simplified in accordance with the practice directions and the outcomes of court cases. The proposed update the indexing and reviewing provisions of the plan will allow a more simplified indexing process based on CPI for capital costs and a land value index to be prepared and maintained by the Council for land acquisition cost increases.

The regulations allow the contribution rates to be reviewed at a regular interval as determined by the plan in accordance with changes to readily accessible index figures adopted by the plan or index figures prepared by or on behalf of the Council from time to time that are specifically adopted by the plan. It is proposed that the indexing will occur at quarterly intervals and will continue following consent until the contribution is paid.

Because of the requirement for land values to be reviewed on the basis of a readily identifiable index, such an index needs to be identified. The previous reference to the Rent and Sales Report of the Department of Housing is not considered to be a valid index. Consequently Council will need to prepare and maintain its own index. This could be based on the land values used in this plan prepared by Chesterton International as part of the open space acquisition study.

A suitably qualified land economist would need to be engaged to update the index on an agreed basis which could be used to update the land values rates in the plan. This process would need to be put in place at the time this plan is adopted and reviewed and updated every 6 months.

### Land Acquisition Values

The revised land acquisition values contained in the amended plan are based on advice prepared for Council as part of the Open Space Acquisition Strategy. The land values used were an average of the sales price adjusted in areas where there was evidence of sales prices for development sites. This results in a significant increase in the contribution rate for land acquisition per person of up to 40% in the case of Gordon. The table below outlines the revised acquisition costs on a suburb by suburb basis.

13/4	
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S02073 7 August 2007

	Open space	Open space
	acquisition	acquisition
	costs per	costs per
	person 2004	person 2007
Roseville	\$5,541.16	\$7,516.40
Lindfield	\$7,379.76	\$10,301.40
Killara	\$5,541.16	\$6,817.20
Gordon	\$7,379.76	\$10,476.00
St Ives	\$5,541.16	\$7,166.80
Pymble	\$5,541.16	\$6,118.00
Turramurra/Warrawee	\$3,689.88	\$4,481.40
Wahroonga	\$5,541.16	\$5,855.80
Acquisition costs	\$95.37	\$118.86
Acquisition planning		
investigations	\$6.00	\$6.00
	\$46,256.57	\$58,857.86

# 2007 Land Values in above table per sq m (S3 4 of OSAS)

per sq III (55.4 of OSAS	5)	Update	
	2004 Rate	Rate	
Roseville	\$1,180.00	\$1,580.00	34%
Lindfield	\$1,180.00	\$1,630.00	38%
Killara	\$1,180.00	\$1,420.00	20%
Gordon	\$1,180.00	\$1,660.00	41%
St Ives	\$1,180.00	\$1,500.00	27%
Pymble	\$1,180.00	\$1,260.00	7%
Turramurra/Warrawee	\$1,180.00	\$1,400.00	19%
Wahroonga	\$1,180.00	\$1,200.00	2%

#### Reviewing the plan in response to matters raised in various Court proceedings

The amended Plan has included a revision of the basis for calculating contribution rates per dwelling from the method based on the size of the dwelling to a more accurate method based on the number of bedrooms in the dwelling. Definitions are included in the Contributions Plan to provide certainty as to what will be counted as a bedroom. Other changes have been made to the contribution rates for:

- child care centre on the basis that allowance should be made for the private sector provision of child care;
- traffic studies not directly undertaken for the S94 plan are removed;

• contributions for public art are removed.

#### **Changes in Contribution Rates**

Following consideration of amendments to the works schedules, indexing of costs of works and review of land values on a suburb by suburb basis, the revised per capita contribution rates to be included in the plan are as follows:-

Suburb	Current per person	Revised per person	Change
	rate	rate	
Roseville	\$9,098.97	\$10,626.67	17%
Lindfield	\$10,937.57	\$13,411.67	23%
Killara	\$9,098.97	\$9,927.47	9%
Gordon	\$10,937.57	\$13,586.27	24%
St Ives	\$9,288.51	\$10,487.45	13%
Pymble	\$9,288.51	\$9,438.65	2%
Turramurra /	\$7,437.23	\$7,802.05	5%
Warrawee			
Wahroonga	\$9,288.51	\$9,176.45	-1%

#### **Pooling and Staging**

Provision has been made for pooling contributions as now permitted under the Act and Regulation. Clause 27(1)(i) requires that the plan must include particulars of *the priorities for the expenditure of the contributions, particularised by reference to the work schedule*. Authorising money paid for different purposes in accordance with conditions of development consents to be pooled and applied progressively for those purposes. The ability to pool funds for the progressive implementation of the works schedule in the Contribution Plan enables a more orderly and timely implementation of works.

Prioritisation has been included on Table 2 of the Work Schedule spreadsheet. Priorities for each work item have been allocated a ranking from 1 to 3 with 1 being the highest priority. The plan assumes that funds will not be pooled across the various categories' only within the categories ie. recreation funds would not be pooled to pay for community facilities and so on. This is a matter that should be considered further in the development of the next contributions plan as it will require prioritisation across the whole range of proposed works and will need to be driven by Council funding priorities. This work has commenced as part of Council's overall funding and long term financial plan to be considered by Council this year.

### Mapping of Work Schedules

Clause 27 of the Regulation now requires a *map showing the specific public amenities and services proposed to be provided by the Council supported by a works schedule that contains an estimate of their cost and staging (whether by referenced to dates or thresholds).* Maps which represent the revised works schedule have been prepared and included at the end of the Contributions Plan.

#### **Staging of works**

The proposed staging of works have been included in Table 2 of the Work Schedule. Staging has been allocated in terms of short (0-5 years), medium (5-10 years) or long (10+ years).

#### **Review of the Plan**

Section 16 of the plan allows for the plan to be comprehensively reviewed by the end of the 5 year period in 2009. This review will be triggered by the full release of 2006 census data in early 2008 allowing a review to commence during 2008.

The future comprehensive review of the plan would also need to consider the integration of the plan with the new Town Centres Section 94 Plan currently being developed and with particular reference to the detailed 2006 census data released in early 2008.

### CONSULTATION

The consultants preparing the amendments to the contributions plan providing a briefing to Councillors at the planning committee on 15 May 2007, outlining the objectives of the review and discussed specific issues. Councillors were also briefed on the outcomes of the review on 23 July 2007.

Consultation has also taken place with Council's consultants preparing the Section 94 plan for the town centres to ensure consistency in approach and methodology in areas such as occupancy rates, work schedules, needs assessments and the like.

The EP& A Act Regulations require the draft amendments to the plan to be placed on public exhibition for a period of 28 days for public comment.

### FINANCIAL CONSIDERATIONS

The cost of reviewing and updating the Section 94 Contribution plan can be recouped from the plan administration contributions collected under the plan.

### **CONSULTATION WITH OTHER COUNCIL DEPARTMENTS**

Consultation with all Council's Departments has been undertaken in preparing draft amendments to the Section 94 Contributions Plan. This has included reviewing of work schedule items and indexing of the capital costs included in the plan.

### SUMMARY

A review of the Ku-ring-gai Section 94 Contributions Plan 2004-2009 – Residential Development has been undertaken, which includes:

#### S02073 7 August 2007

- Reviewing the current plan in the light of changes to the provisions of the EP&A Act and Regulation relating to contributions plans including requirements for pooling funds and maps showing the location of works in the work schedule;
- Updating costs of works on the works schedule;
- Updating the work schedules with new items such as West Pymble Aquatic Centre;
- Address matters outstanding from the Land and Environment Court decisions;
- Review the provision of open space in the light of recent decisions on the provision of open space;
- General 'housekeeping' review of the wording of the plan's provisions and update where appropriate to reflect current legislation and *Development Contributions Practice Notes*.

It is proposed that the draft amendments to the contributions plan be placed on public exhibition and reported to Council. It is proposed that the amended plan be reported back to Council following exhibition in October 2007.

### RECOMMENDATION

- A. That Council adopted the draft amendments to the Ku-ring-gai Section 94 Contributions Plan 2004-2009 – Residential Development contained in Attachment 1 for formal public exhibition.
- B. That Draft Ku-ring-gai Section 94 Contributions Plan 2004-2009 Residential Development (Amendment 1) be placed on public exhibition in accordance with the Environmental Planning and Assessment Regulations.
- C. That a report be bought back to Council following the exhibition period.
- D. That Council engage a suitably qualified land economist to establish and update an appropriate index which could be used to update the land values rates in the plan. This be put in place at the time this plan is adopted.

Craige Wyse	Antony Fabbro	Steven Head
Senior Urban Planner	Manager	Director
	Urban Planning	Strategy

# Attachments:Attachment 1 - Draft Ku-ring-gai Section 94 Contribution Plan 2004-2009 -<br/>Residential Development (Amendment No.1) - Circulated Separately

# Ku-ring-gai Section 94 Contributions Plan 2004-2009 – Residential Development

(Amendment No 1)

**Exhibition Draft** 

Ku-ring-gai Council

7 August 2007

# **Quick Guide**

# to Using this Plan

This page provides a quick guide to help users understand Ku-ring-gai Section 94 Contributions Plan 2004-2009 - Residential Development (Amendment 1).

### What is this contributions plan about ? P see pages 1 and 2

If you are uncertain about what section 94 contributions are, what this plan deals with or why it was prepared you will find a brief explanation on pages 1 and 2.

### Want to calculate your development contribution ? P see pages 4, 24 and 25

Most people using this plan mainly want to know what contributions would apply for their residential development.

A step by step guide to calculating the contribution that applies to your development can be found on page 4. The table of charges and the map you will need to complete the calculation are on pages 21 and 25.

### Need more detailed information ? P check the contents pages

The remainder of this contributions plan contains detailed background information on the reasoning behind the plan, explanations of some specific technical issues and satisfying legal requirements for these types of plans. The table of contents on the next few pages will help you find more specific information you may seek.

# TABLE OF CONTENTS

Wh	RODUCTION at is a Section 94 Development Contributions Plan? at types of residential development are subject to this contributions plan?	1
Wh	y has Ku-ring-gai Council prepared this Section 94 Contributions Plan?	
Cha	anges to Contribution Rates	2
	ment of development consent contribution at the rate current at time	
<b>,</b>	of payment	2
	T A : SUMMARY SCHEDULES AND CALCULATING A	
	ecutive Summary	
	nmary of Works Schedule	
	nmary of Charges	
	nmary of Contributions by Precinct	
Ηον	v to Calculate a Section 94 Contribution	4
PAR	B : ADMINISTRATION AND ACCOUNTING	23
1.	What is the name of this plan?	
2.	What is the purpose of this plan?	
3.	To what area does this plan apply?	
4.	What is its relationship to other plans and policies?	
5.	How does this plan operate?	
6.	When does the plan come into effect?	
7.	What formula is used to determine the contribution?	
8.	When are contributions payable?	
9.	Can deferred or periodic payments be made?	
10.		
10.	provided?	28
11.	How will the contribution rates be reviewed?	
12.		
13.	Are Contributions Payable for Complying Development?	
14.	Pooling of Contributions	
15.	Savings and Transitional Arrangements	
16.	Monitoring and Review	
	-	
PAR	C : STRATEGY PLANS	
17.	<b>3</b>	
18.	What is the expected increase in population?	
19.	What are the anticipated characteristics of the population?	34
20.		
	for additional works?	35

21. To what extent will the proposed works meet the needs of the	20
population? 22. What facilities are required?	
-	
SECTION C1: COMMUNITY FACILITIES	. 38
23. Overview of proposed facilities and services	38
24. Community and Cultural Facilities	
24(a) Factors Affecting Supply	38
24(b) Basis of Nexus	40
24(c) Proposed Facilities	42
24(d) Basis of Apportionment	43
25. Children's Services	44
25(a) Factors Affecting Supply	44
25(b) Basis of Nexus	44
25(c) Proposed Facilities	46
25(d) Basis of Apportionment	46
26. Youth Facilities	46
26(a) Factors Affecting Supply	46
26(b) Basis of Nexus	47
26(c) Proposed Facilities	47
26(d) Basis of Apportionment	48
27. Seniors' Facilities	48
27(a) Factors Affecting Supply	48
27(b) Basis of Nexus	48
27(c) Proposed Facilities	49
27(d) Basis of Apportionment	49
28. Information Services	49
28(a) Factors Affecting Supply	49
28(b) Basis of Nexus	50
28(c) Proposed Facilities	50
28(d) Basis of Apportionment	50
29. Library Bookstock and Computers	50
29(a) Factors Affecting Supply	50
29(b) Basis of Nexus	51
29(c) Proposed Facilities	51
29(d) Basis of Apportionment	51
30. Public Art	
30(a) Factors Affecting Supply	52
30(b) Basis of Nexus	53
30(c) Proposed Facilities	
30(d) Basis of Apportionment	54
SECTION C2: RECREATION FACILITIES AND OPEN SPACE	. 55
31. Overview of proposed facilities and services	55
31(a) Factors Affecting Supply	
31(b) Basis of Nexus	

Existing recreation facilities	
Adequacy of existing open space and recreation facilities	
Recent research findings	
Future Open Space and Recreation Facilities	
Needs of New Population	
31(c) Proposed Facilities	
31(d) Basis of Apportionment	70
SECTION C3: TRAFFIC, PEDESTRIAN AND CYCLEWAY FACILITIES	
AND PUBLIC DOMAIN IMPROVEMENTS	75
32. Overview of proposed facilities and services	75
32(a) Factors Affecting Supply	
32(b) Basis of Nexus	
32(c) Proposed Facilities	
Traffic Management Improvements and Road Safety Improvements	
Pedestrian and Bicycle	
Other Public Domain Improvements	
32(d) Basis of Apportionment	
SECTION C4 : ADMINISTRATION	
33. Overview	
33. Overview	
34. 394 Fian	
34(b) Basis of Nexus	
34(c) Proposed Facilities	
34(d) Basis of Apportionment	
35. S94 Officer	
35. 354 Oncer	
35(a) Factors Allecting Supply	
35(c) Proposed Services	
35(d) Basis of Apportionment	
36. How is the contributions rate calculated?	
37. What is the staging of facilities and services to be provided?	
38. What is the priority for facilities and services to be provided?	
PART D : SUPPORTING DOCUMENTS	
39. What resource, statistical and support material is relevant?	

# INTRODUCTION

### What is a Section 94 Development Contributions Plan?

Section 94 of the Environment Planning and Assessment (EP&A) Act enables Councils to place a charge or levy on new development for the purpose of providing additional facilities and services which will be needed as a result of that new development.

A Section 94 Development Contributions Plan (such as this one) is a public document that displays Council's Policy for the assessment, collection, spending and administration of development contributions.

The Section 94 Development Contributions Plan details:

- the type of development to which the plan applies
- the facilities that are likely to be needed as a result of that development.
- the cost of the contribution applying to such development; and
- the link between the new development, the facilities needed and associated costs.

In addition to the Section 94 Contributions Plan itself there are supporting documents such as background studies / surveys / research that explain in further detail how the plan was arrived at.

### What types of residential development are subject to this contributions plan?

This Section 94 Plan applies to all forms of new residential development. This means it applies to all new free standing houses, villa homes, townhouses, dual occupancies, land subdivisions for residential purposes, flats / apartment buildings and any other form of residential development. It also includes new housing built under State Environmental Planning Policy (Seniors Living) 2004 (SEPP (Seniors Living)).

### Why has Ku-ring-gai Council prepared this Section 94 Contributions Plan?

In the past several years Ku-ring-gai's population has been growing as has the number of dwellings in the area. The growth in population has led to increased demand for existing facilities and services. This demand will increase under the more significant population growth associated with the implementation of Stage 1 of the Residential Development Strategy. Local Environmental Plan (LEP) 194 implements Stage 1 of this strategy. A further LEP will be prepared to implement Stage 2 of the Strategy. This may require a review of this contributions plan.

In order to ensure both existing and new residents from future development enjoy the same level of access to facilities such as open space, library books and other facilities as the rate

currently available, Council resolved to prepare this development contributions plan. The plan will levy new residential development and the funds will be collected to purchase facilities such as additional open space, library books etc. at the same rate per resident as was available before the plan took effect.

### **Changes to Contribution Rates**

Contribution rates may be indexed or adjusted to reflect changes in the building materials price index and increases in land value. The current charges are described in Council's Annual Fees and Charges Schedule.

It is not necessary to amend this plan with each amendment of the contribution rate. Accordingly, users of this plan are advised to check the contribution rate with Council to ensure they have the current rate.

# Payment of development consent contribution at the rate current at time of payment

As provided for in sections 8 and 9 of this plan and in the development consent conditions, contributions will be paid at the rate contained in Council's Fees and Charges Schedule current at the time of payment.

# PART A : SUMMARY SCHEDULES AND CALCULATING A CONTRIBUTION

### Executive Summary

This contributions plan enables Ku-ring-gai Council to levy Section 94 (S94) contributions for:

- community facilities;
- recreation facilities and open space;
- traffic, pedestrian and cycleway facilities and public domain improvements; and
- administration

where anticipated new development and growth of the resident population will increase the demand for these services and facilities over and above those already available in the Local Government Area (LGA).

A significant amount of growth in the population of Ku-ring-gai is anticipated to occur over the next five years between 2004 and 2009 as a result of Council's adopted Residential Development Strategy and associated Local Environmental Plan (LEP) No 194. The population is expected to increase from an estimated resident population of 109,824 in 2004 to 114,823 in 2009. Overall, the strategy is a long term plan, however, and an increase of around 16,000 (to a total population of 126,181), is currently projected by the year 2026.

The anticipated population growth and limited capacity of existing facilities and infrastructure will necessitate contribution to a range of community and recreation facilities; provision of additional open space, traffic, pedestrian and cycleway facilities; and other works in the public domain such as street tree planting, if the existing level of amenity enjoyed by the current population is not to be eroded and new development is to be adequately catered for. There will also be administrative costs associated with Council levying and expending the funds collected.

### Summary of Works Schedule

The facilities and services required at least partly as a consequence of, and to serve the demand generated by, the anticipated development, together with the location, estimated cost and proportion of the cost of the identified works to be attributed to S94 are summarised in Table 1 and 2. Table 2 also indicates the staging of the works and priorities for expenditure. Work Schedule Maps indicate the location of the works.

Collection of funds for some major facilities will be carried on to future plans. The proportion of the total cost of this item attributed to the current plan is shown.

### Summary of Charges

A summary of charges per item is provided in Table 2, as well as the anticipated timing of provision of each item and priorities for expenditure.

### **Summary of Contributions by Precinct**

A summary of the contributions per precinct by dwelling size is provided in Table 3.

# How to Calculate a Section 94 Contribution

For applications lodged after the commencement date for this plan the following process can be used to calculate the relevant Section 94 Contribution:

- STEP 1: Check the date the application was lodged to ensure this date is on or after the date the plan came into force. If it is prior to this plan, then the previous plan will apply.
- STEP 2: Calculate how many <u>additional</u> dwellings or lots are being created (eg if a single dwelling is being developed into 8 townhouses then 7 additional dwellings are being created) (refer to section 8 for further details)
- STEP 3: Locate the precinct where the development is occurring using the Precinct Map in Figure 1.
- STEP 4 Using Table 3 on page 21, look down the column in the precinct in which the development is proposed, to find the charge per additional dwelling or lot.

This will then show the contribution for each additional dwelling.

STEP 5: Multiply the number of additional dwellings by the rate for each additional dwelling to determine the total contribution.

### Table 1: Works Schedule

#### **Community Facilities**

				TOT	AL COSTS				
FACILITY	ESTIMATED TOTAL CAPITAL COST	ASSUMED CATCHMENT AREA	ADDITIONAL POPULATION	APPORTIONMENT FACTOR TO NEW DEVELOPMENT	OTHER SOURCES OF FUNDING	S94 CONTRIBUTION 2004 - 2009	S94 CONTRIBUTION CARRY OVER TO FUTURE PLAN	SHORTFALL TO BE PROVIDED BY COUNCIL 2004 - 2009	SHORTFALL TO BE PROVIDED BY COUNCIL FROM FUTURE PLANS
CHILDREN'S SERVICES									
Development of multi-purpose child care centre to meet the needs of new residents between 2004-2009	\$3,936,033	LGA wide	4,998	5.3%		\$208,610		\$3,727,423	\$0
YOUTH FACILITIES			•			i			
Ku-ring-gai Youth Centre upgrades -purchase new equipment, furniture, resources, computers and electronic games Mobile Youth Service -	\$155,400	LGA wide	4,998	100.0%		\$155,400		\$0	\$0
purchase of vehicle, equipment, resources, computers and electronic games	\$106,900	LGA wide	4,998	4.4%		\$4,704		\$102,196	\$0
SENIOR'S CENTRES/FACILITIES	3	I	ſ		1				
Minor alterations, additional computers, furniture and equipment, 3 centres (Turramurra Senior's Lindfield Seniors and Community Services Support Centres)	\$111,000	LGA wide	4,998	100.0%		\$111,000		\$0	\$0
INFORMATION SERVICES									
Preparation of New Resident Kits - information for new residents included translated information into community languages	\$37,415	LGA wide	4,998	100.0%		\$37,415		\$0	\$0

				тот	AL COSTS				
FACILITY	ESTIMATED TOTAL CAPITAL COST	ASSUMED CATCHMENT AREA	ADDITIONAL POPULATION	APPORTIONMENT FACTOR TO NEW DEVELOPMENT	OTHER SOURCES OF FUNDING	S94 CONTRIBUTION 2004 - 2009	S94 CONTRIBUTION CARRY OVER TO FUTURE PLAN	SHORTFALL TO BE PROVIDED BY COUNCIL 2004 - 2009	SHORTFALL TO BE PROVIDED BY COUNCIL FROM FUTURE PLANS
New Resident Survey - new resident needs including residents from other backgrounds	\$32,070	LGA wide	4,998	100.0%		\$32,070		\$0	\$0
COMMUNITY FACILITIES									
Multipurpose Community Centre (building costs only)									\$0
Stage 1 - Masterplan, Feasibility Study and concept design	\$69,485	LGA wide	16,357	100.0%		\$21,232	\$48,253	\$0	\$0.00
Stage 2 - New library and fitout including relevant IT provision, administration space and parking	\$3,900,000	LGA wide	16357	42.3%		\$504,078	\$1,145,622	\$687,595	\$1,562,705
Stage 3 -5 - Multi-purpose community space	\$2,445,000	LGA wide	16357	100.0%		\$747,087	\$1,697,913	\$0	\$0.00
Library Bookstock - including multicultural and multimedia resources and equipment	\$298,078	LGA wide	4998	100.0%		\$298,078		\$0	\$0
Library computers	\$17,810	LGA wide	4998	100.0%		\$17,810		\$0	\$0
TOTAL	\$11,109,190				\$0	\$2,137,483	\$2,891,788	\$4,517,215	\$1,562,705

### **Recreation Facilities**

				г	OTAL COSTS	5			
FACILITY	ESTIMATED TOTAL CAPITAL COST	ASSUMED CATCHMENT AREA	ADDITIONAL POPULATION	APPORTIONMENT FACTOR TO NEW DEVELOPMENT	OTHER SOURCES OF FUNDING	S94 CONTRIBUTION 2004 - 2009	S94 CONTRIBUTION CARRY OVER TO FUTURE PLAN	SHORTFALL TO BE PROVIDED BY COUNCIL 2004 - 2009	SHORTFALL TO BE PROVIDED BY COUNCIL FROM FUTURE PLANS
PARK ACQUISITION AND EMBEL	LISHMENT								
Roseville	\$2,082,043	Suburb	277	100.0%		\$2,082,043			
Lindfield	\$9,374,274	Suburb	910	100.0%		\$9,374,274			
Killara	\$3,919,890	Suburb	575	100.0%		\$3,919,890			
Gordon	\$6,474,168	Suburb	618	100.0%		\$6,474,168			
St lves	\$3,877,239	Suburb	541	100.0%		\$3,877,239			
Pymble	\$4,790,394	Suburb	783	100.0%		\$4,790,394			
Turramurra/Warrawee	\$2,989,094	Suburb	667	100.0%		\$2,989,094			
Wahroonga	\$3,671,587	Suburb	627	100.0%		\$3,671,587			
Acquisition costs	\$594,074		4,998	100.0%		\$594,074			
Acquisition planning investigations	\$30,000	LGA wide	4,998	100.0%		\$30,000			
Sub Total (Open space acquisition and embellishment)	\$37,802,762		4,998	100.0%		\$37,802,762			
SOUTHERN AREA EMBELLISHM	ENT WORKS								
Two Turners Reserve (Lindfield) - expand playground, toilets to existing building, picnic shelter									
Paddy Pallin Park (Lindfield) - Linking walking path from Highfield Road to Polding Road									

				г	OTAL COSTS	5			
FACILITY	ESTIMATED TOTAL CAPITAL COST	ASSUMED CATCHMENT AREA	ADDITIONAL POPULATION	APPORTIONMENT FACTOR TO NEW DEVELOPMENT	OTHER SOURCES OF FUNDING	S94 CONTRIBUTION 2004 - 2009	S94 CONTRIBUTION CARRY OVER TO FUTURE PLAN	SHORTFALL TO BE PROVIDED BY COUNCIL 2004 - 2009	SHORTFALL TO BE PROVIDED BY COUNCIL FROM FUTURE PLANS
Regimental Park (Killara) - Dual use oval and tennis shelter, new playground, perimeter walking pathway									
Gordon Recreation Ground - provide additional dual tennis shelter and picnic facilities to cater for increased use									
Shot Machine Track - Upper Gordon Creek Bushland (Lindfield) - new link between Nelson Rd (Lindfield) and junctions of Seven Little Australians and two creeks track									
Sub Total (Southern)	\$916,824	Southern	2,380	100.0%		\$916,824			
NORTHERN AREA EMBELLISHM	ENT WORKS								
Robert Pymble Park (S) - Community picnic shelter area and facilities, expanded playground, additional toilets to existing building, perimeter walking pathway, tennis court lighting									
St Columban's Sub – division (Turramurra) - Community picnic area and facilities, playground, perimeter walking pathway									
Cameron Park (Turramurra) - Picnic facilities, additional playground, perimeter junior cycle track									

				т	OTAL COSTS	6			
FACILITY	ESTIMATED TOTAL CAPITAL COST	ASSUMED CATCHMENT AREA	ADDITIONAL POPULATION	APPORTIONMENT FACTOR TO NEW DEVELOPMENT	OTHER SOURCES OF FUNDING	S94 CONTRIBUTION 2004 - 2009	S94 CONTRIBUTION CARRY OVER TO FUTURE PLAN	SHORTFALL TO BE PROVIDED BY COUNCIL 2004 - 2009	SHORTFALL TO BE PROVIDED BY COUNCIL FROM FUTURE PLANS
Mahratta Curtilage Park (Warrawee) - Create BGHF interpretive park with signage and open areas for passive recreation.(use restrictions to be re-evaluated)									
The Glade (Wahroonga) - Lighting improvements, community picnic area and facilities, expanded playground, additional toilets to existing building, circumference walking path, bushland access track with bridge over creek									
McKenzie Park (Wahroonga) - Lighting improvements, community meeting place, seats. Chess tables. Shelters									
Archdale Park (Wahroonga) - Chess tables and shade roof									
Rofe Park Track (Turramurra) - construct link path between Sheldon Forest Track and Rofe Park playground / Mimosa Oval and Kate St									
Sub Total (Northern)	\$1,559,288	Northern	2,618	100.0%		\$1,559,288			

				r	OTAL COSTS	;			
FACILITY	ESTIMATED TOTAL CAPITAL COST	ASSUMED CATCHMENT AREA	ADDITIONAL POPULATION	APPORTIONMENT FACTOR TO NEW DEVELOPMENT	OTHER SOURCES OF FUNDING	S94 CONTRIBUTION 2004 - 2009	S94 CONTRIBUTION CARRY OVER TO FUTURE PLAN	SHORTFALL TO BE PROVIDED BY COUNCIL 2004 - 2009	SHORTFALL TO BE PROVIDED BY COUNCIL FROM FUTURE PLANS
LGA WIDE EMBELLISHMENT WO	DRKS								
St Ives Village Green - Community picnic shelter area and facilities, new playground, additional toilets, perimeter walking pathway, events rotunda, public art, spectator bleachers, pathway lighting Turramurra Memorial Park - Lighting improvements, community picnic area and facilitis, senior playground, additional accessible family toilets to existing building (heritage style), perimeter walking track, new cricket nets. Wahroonga Park - Lighting improvements, community picnic area and facilities, expanded playground, additional toilets to existing building. 78 Coonanbarra Road -									
unnamed park (Wahroonga) - Car park with boom gate – parking for Wahroonga Park									
4. Environmental Education package - Development of package (covering bushcare and other environmental education programs) targeted at new residents									
Sub Total (LGA wide)	\$1,975,050	LGA wide	4,998	100.0%		\$1,975,050		\$0	

				-	OTAL COSTS				
					UTAL CUSTS				
FACILITY	ESTIMATED TOTAL CAPITAL COST	ASSUMED CATCHMENT AREA	ADDITIONAL POPULATION	APPORTIONMENT FACTOR TO NEW DEVELOPMENT	OTHER SOURCES OF FUNDING	S94 CONTRIBUTION 2004 - 2009	S94 CONTRIBUTION CARRY OVER TO FUTURE PLAN	SHORTFALL TO BE PROVIDED BY COUNCIL 2004 - 2009	SHORTFALL TO BE PROVIDED BY COUNCIL FROM FUTURE PLANS
SPORTSGROUNDS WORKS							-		
29. North Turramurra Sports field Proposal	\$3,052,500	LGA wide	4.998	100.0%		\$3.052.500		\$0	
30. Koola Park - additional works	\$854,700	LGA wide	4,998	100.0%		\$854,700		\$0	
31. Aluba 1 & 2 - Install new lights and seating/ bubblers/pathways; upgrade playing surface (levels, turf, drainage, irrigation, wicket); upgrade fencing and practice nets	\$433,455	LGA wide	4,998	100.0%		\$ 433,455		\$0	
32. Aluba 3 - Install seating, bubblers & fencing; upgrade playing surface (levels, turf, irrigation, wicket); upgrade fencing and backnets	\$366,300	LGA wide	4,998	100.0%		\$366,300		\$0	
33. Acron Oval - Install seating, bubblers & pathways; upgrade playing surface (levels, turf, irrigation, wicket); upgrade fencing and floodlighting	\$451,770	LGA wide	4,998	100.0%		\$451,770		\$0	
34. Cliff Oval (bottom oval) - Install seating, bubblers, fencing and backnets; upgrade playing surface (turf, irrigation, replace wicket)	\$183,150	LGA wide	4,998	100.0%		\$ 183,150		\$0	
35. Golden Jubilee Sports field (No 1) - Install seating, bubblers & pathways; upgrade playing surface (levels, turf, irrigation); upgrade fencing	\$293,040	LGA wide	4,998	100.0%		\$ 293,040		\$0	

				т	OTAL COSTS	•			
FACILITY	ESTIMATED TOTAL CAPITAL COST	ASSUMED CATCHMENT AREA	ADDITIONAL POPULATION	APPORTIONMENT FACTOR TO NEW DEVELOPMENT	OTHER SOURCES OF FUNDING	S94 CONTRIBUTION 2004 - 2009	S94 CONTRIBUTION CARRY OVER TO FUTURE PLAN	SHORTFALL TO BE PROVIDED BY COUNCIL 2004 - 2009	SHORTFALL TO BE PROVIDED BY COUNCIL FROM FUTURE PLANS
36. Golden Jubilee Sports field (No 2) - Install new lights, seating, bubblers & pathways; upgrade playing surface (levels, turf, irrigation); upgrade fencing	\$421,245	LGA wide	4,998	100.0%		\$ 421,245		\$0	
37. Hassell Park (I) - Install seating, bubblers & pathways; upgrade playing surface (levels, turf, irrigation); upgrade wicket and back nets; upgrade fencing. Lighting upgrade subject to Club application for DSR funding.	\$231,990	LGA wide	4,998	100.0%		\$ 231,990		\$0	
38. Lindfield Soldiers Memorial Park (No 2) - Install seating, bubblers & pathways; upgrade playing surface (levels, turf, drainage, irrigation); replace wicket; upgrade fencing. Lighting upgrade - Club has DSR funding (preparing DA)	\$329,670	LGA wide	4,998	100.0%		\$ 329,670		\$0	
39. Roseville Chase - Install seating and bubblers; upgrade playing surface (levels, turf, irrigation); raise level of wicket; upgrade fencing and back nets	\$366,300	LGA wide	4,998	100.0%		\$ 366,300		\$0	
40. Samuel King Oval - Install seating, bubblers & pathways; upgrade playing surface (levels, turf, drainage, new irrigation); raise level of wicket; upgrade fencing and back nets	\$329,670	LGA wide	4,998	100.0%		\$329,670		\$0	
Sub Total (Sportsground works)	\$7,313,790	LGA wide	4,998	100.0%		\$7,313,790		\$0	

				т	OTAL COSTS	;			
FACILITY	ESTIMATED TOTAL CAPITAL COST	ASSUMED CATCHMENT AREA	ADDITIONAL POPULATION	APPORTIONMENT FACTOR TO NEW DEVELOPMENT	OTHER SOURCES OF FUNDING	S94 CONTRIBUTION 2004 - 2009	S94 CONTRIBUTION CARRY OVER TO FUTURE PLAN	SHORTFALL TO BE PROVIDED BY COUNCIL 2004 - 2009	SHORTFALL TO BE PROVIDED BY COUNCIL FROM FUTURE PLANS
AQUATIC / LEISURE CENTRES									
31. West Pymble Pool - West Pymble Pool Business Strategy completed – with 4 options for pool upgrading – allowance made for Option 2; Firm cost estimates dependent on detailed feasibility and concept design development.	\$10,900,000	LGA wide	16357	13.0%		\$432,975	\$984,025	\$2,897,599	\$6,585,400.56
	<i><i><i>ϕ</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,<i>c</i>,</i></i>	20.11100				<i><i><i>q</i>.02,010</i></i>	<i>400 1,020</i>	<i><i><i>q</i><sub>2</sub>,001,000</i></i>	\$0,000,100.00
TOTAL	\$60,467,714				\$0	\$50,000,689	\$984,025	\$2,897,599	\$6,585,401

### Traffic and Transport

					TOTAL COSTS				
NATURE OF WORKS PROPOSED	ESTIMATED CAPITAL COST 2004 TO 2009	ASSUMED CATCHMENT AREA	ADDITIONAL POPULATION	APPORTIONMENT FACTOR TO NEW DEVELOPMENT	OTHER SOURCES OF FUNDING	S94 CONTRIBUTION 2004 - 2009	S94 CONTRIBUTION CARRY OVER TO FUTURE PLAN	SHORTFALL TO BE PROVIDED BY COUNCIL 2004 - 2009	SHORTFALL TO BE PROVIDED BY COUNCIL FROM FUTURE PLANS
TRAFFIC MANAGEMENT AND RO	AD SAFETY IMPR	OVEMENTS							
Traffic and Road Safety Subtotal	\$1,332,000	LGA wide	4998	4.4%	\$ 532,800	\$35,165		\$764,035	
PEDESTRIAN NETWORK IMPROV	'EMENTS								
Pedestrian Network Improvements	\$1,995,447	LGA wide	4998	4.4%		\$87,800		\$1,907,647	
CYCLE NETWORKS (RDS AREA)			-						
Cycle Network Improvements	\$888,000	LGA wide	4998	4.4%		\$39,072		\$848,928	
PUBLIC DOMAIN IMPROVEMENTS	S								
Shopping Centre Improvement Program	\$1,026,750	LGA wide	4998	4.4%		\$45,177		\$981,573	
Roadway Lighting at Centres	\$2,220,000	LGA wide	4998	4.4%		\$97,680		\$2,122,320	
Street Tree Program	\$666,000	LGA wide	4998	4.4%		\$29,304		\$636,696	
Public Domain Study	\$267,250	LGA wide	4998	100.0%		\$267,250		\$0	
TRAFFIC STUDIES									
Undertake Studies of Centres to determine need for traffic facilities (safety, amenity and efficiency) to support increased population	\$213,800	LGA wide	4998	4.4%		\$9,407		\$204,393	
GRAND TOTAL	\$8,609,247				\$532,800	\$610,855		\$7,465,592	

### Administration

				т	DTAL COSTS				
NATURE OF WORKS PROPOSED	CAPITAL COST 2004 TO 2009	ASSUMED CATCHMENT AREA	ADDITIONAL POPULATION	APPORTIONMENT FACTOR TO NEW DEVELOPMENT	OTHER SOURCES OF FUNDING	S94 CONTRIBUTION 2004 - 2009	S94 CONTRIBUTION CARRY OVER TO FUTURE PLAN	SHORTFALL TO BE PROVIDED BY COUNCIL 2004 - 2009	SHORTFALL TO BE PROVIDED BY COUNCIL FROM FUTURE PLANS
S94 Study and Plan, 2004-2009	\$120,000	LGA	4998	100%	0	\$120,000	\$0	0	0
S94 Officer	\$427,600	LGA	4998	100%	0	\$427,600	\$0	0	0
TOTAL	\$547,600								

#### Table 2 -: SECTION 94 CONTRIBUTION CHARGES, 2004 – 2009

				CONTRIBUTION PER C	APITA		
CONTRIBUTION ITEM	S94 CONTRIBUTION	CONTRIBUTING POPULATION	SOUTHERN AREA (ROSEVILLE, LINDFIELD, KILLARA, GORDON)	NORTHERN AREA (ST IVES, PYMBLE, TURRAMURRA / WARRAWEE, WAHROONGA)	LGA WIDE	ANTICIPATED TIMING/ THRESHOLDS	PRIORITY
COMMUNITY FACILITIES							
CHILDREN'S SERVICES		Γ	1			Ι	
Development of multi-purpose children's centre	\$208,610	4,868			\$42.85	М	2
YOUTH FACILITIES							
Ku-ring-gai Youth Centre upgrades -purchase new equipment, furniture, resources, computers and electronic games	\$155,400	4,998			\$31.09	S-M	3
Mobile Youth Service - purchase of vehicle, equipment, resources, computers and electronic games	\$4,704	4,998			\$0.94	S-M	3
SENIOR'S CENTRES / FACILITIES		· · ·					
Minor alterations, additional computers, furniture and equipment, 3 centres (Turramurra Senior's Lindfield Seniors and Community Services Support Centres)	\$111,000	4,998			\$22.21	S-M	3
INFORMATION SERVICES							
Preparation of New Resident Kits - information for new residents included translated information into community languages	\$37,415	4,998			\$7.49	2004 and on-going	1
New Resident Survey - new resident needs including residents from other backgrounds	\$32,070	4,998			\$6.42	2008 or when half the development expected under the plan has occurred	1
MULTIPURPOSE COMMUNITY CENTRE							
Stage 1 - Masterplan, Feasibility Study and concept design	\$21,232	4,998			\$4.25	М	2
Stage 2 - New library and fitout including relevant IT provision, administration space and parking	\$504,078	4,998			\$100.86	L	2
Stage 3 -5 - Multi-purpose community space	\$747,087	4,998			\$149.48	L	2
Library Bookstock - including multicultural and multimedia resources and equipment	\$298,078	4,998			\$59.64	S-M	1
Library computers	\$17,810	4,998			\$3.56	S-M	1
TOTAL (COMMUNITY FACILITIES)	\$2,137,483		\$0.00	\$0.00	\$428.78		

			CONTRIBUTION PER CAPITA				
CONTRIBUTION ITEM	S94 CONTRIBUTION	CONTRIBUTING POPULATION	SOUTHERN AREA (ROSEVILLE, LINDFIELD, KILLARA, GORDON)	NORTHERN AREA (ST IVES, PYMBLE, TURRAMURRA / WARRAWEE, WAHROONGA)	LGA WIDE	ANTICIPATED TIMING/ THRESHOLDS	PRIORITY
RECREATION FACILITIES							
PARK ACQUISITION AND EMBELLISHMENT			1				
Roseville	\$2,082,043	277	\$7,516.40			S-M	3
Lindfield	\$9,374,274	910	\$10,301.40			S	1
Killara	\$3,919,890	575	\$6,817.20			S-M	2
Gordon	\$6,474,168	618	\$10,476.00			S	1
St lves	\$3,877,239	541		\$7,166.80		S-M	1
Pymble	\$4,790,394	783		\$6,118.00		S-M	3
Turramurra/Warrawee	\$2,989,094	667		\$4,481.40		S-M	2
Wahroonga	\$3,671,587	627		\$5,855.80		S-M	3
Acquisition costs	\$594,074	4,998			\$118.86	as above	as above
Acquisition planning investigations	\$30,000	4,998			\$6.00	S	1
	\$37,802,762		\$35,111	\$23,622	\$124.86		
SOUTHERN AREA EMBELLISHMENT WORKS			1				
Southern area works	\$916,824	2,380	\$385.22			S-M	2
NORTHERN AREA EMBELLISHMENT WORKS			1		1		
Northern area works	\$1,559,288	2,618		\$595.60		S-M	2
LGA WIDE EMBELLISHMENT WORKS			1		1		
LGA wide works	\$1,975,050	4,998			\$395.17	S-M	1
SPORTSGROUNDS WORKS							
North Turramurra Sports field Proposal	\$3,052,500	4,998			\$610.74	S-M	2
Koola Park – additional works	\$854,700	4,998			\$171.01	S-M	2
Aluba 1 & 2 - Install new lights and seating/ bubblers/pathways; upgrade playing surface (levels, turf, drainage, irrigation, wicket); upgrade fencing and practice nets	\$433,455	4,998			\$86.73	S-M	1
Aluba 3 - Install seating, bubblers & fencing; upgrade playing surface (levels, turf, irrigation, wicket); upgrade fencing and backnets	\$366,300	4,998			\$73.29	S-M	2

CONTRIBUTION ITEM	CONTRIBUTION PER CAPITA						
	S94 CONTRIBUTION	CONTRIBUTING POPULATION	SOUTHERN AREA (ROSEVILLE, LINDFIELD, KILLARA, GORDON)	NORTHERN AREA (ST IVES, PYMBLE, TURRAMURRA / WARRAWEE, WAHROONGA)	LGA WIDE	ANTICIPATED TIMING/ THRESHOLDS	PRIORITY
Acorn Oval - Install seating, bubblers & pathways; upgrade playing surface (levels, turf, rrigation, wicket); upgrade fencing and floodlighting	\$451.770	4,998			\$90.39	S-M	1
Cliff Oval (bottom oval) - Install seating, pubblers, fencing and backnets; upgrade playing surface (turf, irrigation, replace wicket)	\$183,150	4,998			\$36.64	S-M	2
Golden Jubilee Sports field (No 1) - Install seating, bubblers & pathways; upgrade playing surface (levels, turf, irrigation); upgrade fencing	\$293,040	4,998			\$58.63	S-M	2
Golden Jubilee Sports field (No 2) - Install new ights, seating, bubblers & pathways; upgrade olaying surface (levels, turf, irrigation); upgrade iencing	\$421,245	4,998			\$84.28	S-M	2
Hassell Park (I) - Install seating, bubblers & bathways; upgrade playing surface (levels, turf, rrigation); upgrade wicket and back nets; upgrade fencing. Lighting upgrade subject to Club application for DSR funding.	\$231,990	4,998			\$46.42	S-M	2
indfield Soldiers Memorial Park (No 2) - Install seating, bubblers & pathways; upgrade playing surface (levels, turf, drainage, irrigation); replace vicket; upgrade fencing. Lighting upgrade - Club nas DSR funding (preparing DA)	\$329,670	4,998			\$65.96	S-M	1
Roseville Chase - Install seating and bubblers; Ipgrade playing surface (levels, turf, irrigation); aise level of wicket; upgrade fencing and back lets	\$366,300	4,998			\$73.29	S-M	1
Samuel King Oval - Install seating, bubblers & athways; upgrade playing surface (levels, turf, Irainage, new irrigation); raise level of wicket; upgrade fencing and back nets	\$329,670	4,998			\$65.96	S-M	1
Sub Total (sportsground works)	\$7,313,790	4,998			\$1,463	S-M	

CONTRIBUTION ITEM	S94 CONTRIBUTION	CONTRIBUTING POPULATION	SOUTHERN AREA (ROSEVILLE, LINDFIELD, KILLARA, GORDON)	NORTHERN AREA (ST IVES, PYMBLE, TURRAMURRA / WARRAWEE, WAHROONGA)	LGA WIDE	ANTICIPATED TIMING/ THRESHOLDS	PRIORITY
AQUATIC / LEISURE CENTRES	-						
West Pymble Pool - West Pymble Pool Business Strategy completed – with 4 options for pool upgrading – allowance made for Option 2; Firm cost estimates dependent on detailed feasibility and concept design development.	\$432,975	4,998			\$86.63	L	1-2
TOTAL (RECREATION FACILITIES)	\$50,000,689		\$35,496	\$24,218	\$2,070		
TRAFFIC AND TRANSPORT							
TRAFFIC MANAGEMENT AND ROAD SAFETY IN	MPROVEMENTS	Γ					
Traffic management and road safety works	\$35,165	4,998			\$7.04	S-M	1
ROADWORKS PROGRAM	I	ſ			F		
Roadworks						S-M	1
PEDESTRIAN NETWORK IMPROVEMENTS	I	ſ			F		
Pedestrian works	\$87,800	4,998			\$17.57	S-M	2
CYCLE NETWORK IMPROVEMENTS	I	ſ			F		
Cycle works	\$39,072	4,998			\$7.82	S-M	2
PUBLIC DOMAIN IMPROVEMENTS	ſ	ſ			I		
Shopping centre improvement program	\$45,177	4,998			\$9.04	S-M	2
Roadway lighting at centres	\$97,680	4,998			\$19.54	S-M	3
Street tree program	\$29,304	4,998			\$5.86	S-M	3
Public domain study	\$267,250	4,998			\$53.47	S	1
TRAFFIC STUDIES	l	I					
Undertake traffic studies	\$9,407	4,998			\$1.88	S	1
TOTAL (TRAFFIC AND TRANSPORT)	\$480,000		\$0.00	\$0.00	\$122.22		
ADMINISTRATION							
S94 Study Plan, 2003-2009	\$120,000	4,998			\$24.01	S	1
S94 Officer	\$427,600	4,998			\$85.55	S	1
TOTAL ADMINISTRATION	\$500,000				\$109.56		
TOTAL CONTRIBUTIONS	\$53,118,171.38				\$2,730.57		

				CONTRIBUTION PER (	CAPITA		
CONTRIBUTION ITEM	S94 CONTRIBUTION	CONTRIBUTING POPULATION	SOUTHERN AREA (ROSEVILLE, LINDFIELD, KILLARA, GORDON)	NORTHERN AREA (ST IVES, PYMBLE, TURRAMURRA / WARRAWEE, WAHROONGA)	LGA WIDE	ANTICIPATED TIMING/ THRESHOLDS	PRIORITY
CONTRIBUTIONS:		Γ					
Roseville				\$10,632.19			
Lindfield				\$13,417.19			
Killara				\$9,932.99			
Gordon				\$13,591.79			
St Ives				\$10,492.97			
Pymble				\$9,444.17			
Turramurra/Warrawee				\$7,807.57			
Wahroonga				\$9,181.97			
SEPP 5 CONTRIBUTIONS		_					
Roseville				\$10,589.34			
Lindfield				\$13,374.34			
Killara				\$9,890.14			
Gordon				\$13,548.94			
St Ives				\$10,450.12			
Pymble				\$9,401.32			
Turramurra/Warrawee				\$7,764.72			
Wahroonga				\$9,139.12			

Notes on Staging: S = Short term which is defined to be 2004-2009; M = Medium term which is defined to be 2010-2015; L = Long term which is 2016-2026.

Notes on Priority: Priority 1 is the highest priority for expenditure.

	NO. PERSONS / DWELLING	ROSEVILLE	LINDFIELD	KILLARA	GORDON	ST IVES	PYMBLE	TURRAMURRA / WARRAWEE	WAHROONGA
Per Person		\$10,632.19	\$13,417.19	\$9,932.99	\$13,591.79	\$10,492.97	\$9,444.17	\$7,807.57	\$9,181.97
Bedsits and one bedroom dwelling	1.27	\$13,502.88	\$17,039.83	\$12,614.90	\$17,261.58	\$13,326.08	\$11,994.10	\$9,915.62	\$11,661.11
Two bedroom dwelling	1.78	\$18,925.30	\$23,882.60	\$17,680.73	\$24,193.39	\$18,677.49	\$16,810.63	\$13,897.48	\$16,343.91
Three bedroom dwelling	2.56	\$27,218.41	\$34,348.01	\$25,428.46	\$34,794.99	\$26,862.01	\$24,177.09	\$19,987.39	\$23,505.85
Four bedroom dwelling	3.33	\$35,405.20	\$44,679.25	\$33,076.86	\$45,260.67	\$34,941.60	\$31,449.10	\$25,999.22	\$30,575.97
Five bedroom dwelling	3.88	\$41,252.90	\$52,058.70	\$38,540.01	\$52,736.15	\$40,712.74	\$36,643.40	\$30,293.39	\$35,626.06
Seniors Living Dwellings	1.3	\$13,766.14	\$17,386.64	\$12,857.18	\$17,613.62	\$13,585.16	\$12,221.72	\$10,094.14	\$11,880.86

#### Table 3 -SECTION 94 CONTRIBUTION RATES BY DWELLING SIZE, 2004-2009

### Traffic and Transport

					TOTAL COSTS				
NATURE OF WORKS PROPOSED	ESTIMATED CAPITAL COST 2004 TO 2009	ASSUMED CATCHMENT AREA	ADDITIONAL POPULATION	APPORTIONMENT FACTOR TO NEW DEVELOPMENT	OTHER SOURCES OF FUNDING	S94 CONTRIBUTION 2004 - 2009	S94 CONTRIBUTION CARRY OVER TO FUTURE PLAN	SHORTFALL TO BE PROVIDED BY COUNCIL 2004 - 2009	SHORTFALL TO BE PROVIDED BY COUNCIL FROM FUTURE PLANS
TRAFFIC MANAGEMENT AND RO	AD SAFETY IMPR	OVEMENTS							
Traffic and Road Safety Subtotal	\$1,332,000	LGA wide	4998	4.4%	\$ 532,800	\$35,165		\$764,035	
PEDESTRIAN NETWORK IMPROV	'EMENTS								
Pedestrian Network Improvements	\$1,995,447	LGA wide	4998	4.4%		\$87,800		\$1,907,647	
CYCLE NETWORKS (RDS AREA)			-						
Cycle Network Improvements	\$888,000	LGA wide	4998	4.4%		\$39,072		\$848,928	
PUBLIC DOMAIN IMPROVEMENTS	S								
Shopping Centre Improvement Program	\$1,026,750	LGA wide	4998	4.4%		\$45,177		\$981,573	
Roadway Lighting at Centres	\$2,220,000	LGA wide	4998	4.4%		\$97,680		\$2,122,320	
Street Tree Program	\$666,000	LGA wide	4998	4.4%		\$29,304		\$636,696	
Public Domain Study	\$267,250	LGA wide	4998	100.0%		\$267,250		\$0	
TRAFFIC STUDIES									
Undertake Studies of Centres to determine need for traffic facilities (safety, amenity and efficiency) to support increased population	\$213,800	LGA wide	4998	4.4%		\$9,407		\$204,393	
GRAND TOTAL	\$8,609,247				\$532,800	\$610,855		\$7,465,592	

#### Administration

				т	DTAL COSTS				
NATURE OF WORKS PROPOSED	CAPITAL COST 2004 TO 2009	ASSUMED CATCHMENT AREA	ADDITIONAL POPULATION	APPORTIONMENT FACTOR TO NEW DEVELOPMENT	OTHER SOURCES OF FUNDING	S94 CONTRIBUTION 2004 - 2009	S94 CONTRIBUTION CARRY OVER TO FUTURE PLAN	SHORTFALL TO BE PROVIDED BY COUNCIL 2004 - 2009	SHORTFALL TO BE PROVIDED BY COUNCIL FROM FUTURE PLANS
S94 Study and Plan, 2004-2009	\$120,000	LGA	4998	100%	0	\$120,000	\$0	0	0
S94 Officer	\$427,600	LGA	4998	100%	0	\$427,600	\$0	0	0
TOTAL	\$547,600								

#### Table 2 -: SECTION 94 CONTRIBUTION CHARGES, 2004 – 2009

		CONTRIBUTION PER CAPITA								
CONTRIBUTION ITEM	S94 CONTRIBUTION	CONTRIBUTING POPULATION	SOUTHERN AREA (ROSEVILLE, LINDFIELD, KILLARA, GORDON)	NORTHERN AREA (ST IVES, PYMBLE, TURRAMURRA / WARRAWEE, WAHROONGA)	LGA WIDE	ANTICIPATED TIMING/ THRESHOLDS	PRIORITY			
COMMUNITY FACILITIES										
CHILDREN'S SERVICES		Γ	1		1	Ι				
Development of multi-purpose children's centre	\$208,610	4,868			\$42.85	М	2			
YOUTH FACILITIES										
Ku-ring-gai Youth Centre upgrades -purchase new equipment, furniture, resources, computers and electronic games	\$155,400	4,998			\$31.09	S-M	3			
Mobile Youth Service - purchase of vehicle, equipment, resources, computers and electronic games	\$4,704	4,998			\$0.94	S-M	3			
SENIOR'S CENTRES / FACILITIES		· · ·								
Minor alterations, additional computers, furniture and equipment, 3 centres (Turramurra Senior's Lindfield Seniors and Community Services Support Centres)	\$111,000	4,998			\$22.21	S-M	3			
INFORMATION SERVICES										
Preparation of New Resident Kits - information for new residents included translated information into community languages	\$37,415	4,998			\$7.49	2004 and on-going	1			
New Resident Survey - new resident needs including residents from other backgrounds	\$32,070	4,998			\$6.42	2008 or when half the development expected under the plan has occurred	1			
MULTIPURPOSE COMMUNITY CENTRE										
Stage 1 - Masterplan, Feasibility Study and concept design	\$21,232	4,998			\$4.25	М	2			
Stage 2 - New library and fitout including relevant IT provision, administration space and parking	\$504,078	4,998			\$100.86	L	2			
Stage 3 -5 - Multi-purpose community space	\$747,087	4,998			\$149.48	L	2			
Library Bookstock - including multicultural and multimedia resources and equipment	\$298,078	4,998			\$59.64	S-M	1			
Library computers	\$17,810	4,998			\$3.56	S-M	1			
TOTAL (COMMUNITY FACILITIES)	\$2,137,483		\$0.00	\$0.00	\$428.78					

				CONTRIBUTION PER (	CAPITA		
CONTRIBUTION ITEM	S94 CONTRIBUTION	CONTRIBUTING POPULATION	SOUTHERN AREA (ROSEVILLE, LINDFIELD, KILLARA, GORDON)	NORTHERN AREA (ST IVES, PYMBLE, TURRAMURRA / WARRAWEE, WAHROONGA)	LGA WIDE	ANTICIPATED TIMING/ THRESHOLDS	PRIORITY
RECREATION FACILITIES							
PARK ACQUISITION AND EMBELLISHMENT			1				
Roseville	\$2,082,043	277	\$7,516.40			S-M	3
Lindfield	\$9,374,274	910	\$10,301.40			S	1
Killara	\$3,919,890	575	\$6,817.20			S-M	2
Gordon	\$6,474,168	618	\$10,476.00			S	1
St lves	\$3,877,239	541		\$7,166.80		S-M	1
Pymble	\$4,790,394	783		\$6,118.00		S-M	3
Turramurra/Warrawee	\$2,989,094	667		\$4,481.40		S-M	2
Wahroonga	\$3,671,587	627		\$5,855.80		S-M	3
Acquisition costs	\$594,074	4,998			\$118.86	as above	as above
Acquisition planning investigations	\$30,000	4,998			\$6.00	S	1
	\$37,802,762		\$35,111	\$23,622	\$124.86		
SOUTHERN AREA EMBELLISHMENT WORKS			1				
Southern area works	\$916,824	2,380	\$385.22			S-M	2
NORTHERN AREA EMBELLISHMENT WORKS			1		1		
Northern area works	\$1,559,288	2,618		\$595.60		S-M	2
LGA WIDE EMBELLISHMENT WORKS			1				
LGA wide works	\$1,975,050	4,998			\$395.17	S-M	1
SPORTSGROUNDS WORKS							
North Turramurra Sports field Proposal	\$3,052,500	4,998			\$610.74	S-M	2
Koola Park – additional works	\$854,700	4,998			\$171.01	S-M	2
Aluba 1 & 2 - Install new lights and seating/ bubblers/pathways; upgrade playing surface (levels, turf, drainage, irrigation, wicket); upgrade fencing and practice nets	\$433,455	4,998			\$86.73	S-M	1
Aluba 3 - Install seating, bubblers & fencing; upgrade playing surface (levels, turf, irrigation, wicket); upgrade fencing and backnets	\$366,300	4,998			\$73.29	S-M	2

				CONTRIBUTION PER C	APITA		
CONTRIBUTION ITEM	S94 CONTRIBUTION	CONTRIBUTING POPULATION	SOUTHERN AREA (ROSEVILLE, LINDFIELD, KILLARA, GORDON)	NORTHERN AREA (ST IVES, PYMBLE, TURRAMURRA / WARRAWEE, WAHROONGA)	LGA WIDE	ANTICIPATED TIMING/ THRESHOLDS	PRIORITY
Acorn Oval - Install seating, bubblers & pathways; upgrade playing surface (levels, turf, irrigation, wicket); upgrade fencing and floodlighting	\$451.770	4,998			\$90.39	S-M	1
Cliff Oval (bottom oval) - Install seating, bubblers, fencing and backnets; upgrade playing surface (turf, irrigation, replace wicket)	\$183,150	4,998			\$36.64	S-M	2
Golden Jubilee Sports field (No 1) - Install seating, bubblers & pathways; upgrade playing surface (levels, turf, irrigation); upgrade fencing	\$293,040	4,998			\$58.63	S-M	2
Golden Jubilee Sports field (No 2) - Install new lights, seating, bubblers & pathways; upgrade playing surface (levels, turf, irrigation); upgrade fencing	\$421,245	4,998			\$84.28	S-M	2
Hassell Park (I) - Install seating, bubblers & pathways; upgrade playing surface (levels, turf, irrigation); upgrade wicket and back nets; upgrade fencing. Lighting upgrade subject to Club application for DSR funding.	\$231,990	4,998			\$46.42	S-M	2
Lindfield Soldiers Memorial Park (No 2) - Install seating, bubblers & pathways; upgrade playing surface (levels, turf, drainage, irrigation); replace wicket; upgrade fencing. Lighting upgrade - Club has DSR funding (preparing DA)	\$329,670	4,998			\$65.96	S-M	1
Roseville Chase - Install seating and bubblers; upgrade playing surface (levels, turf, irrigation); raise level of wicket; upgrade fencing and back nets	\$366,300	4,998			\$73.29	S-M	1
Samuel King Oval - Install seating, bubblers & Santways; upgrade playing surface (levels, turf, drainage, new irrigation); raise level of wicket; upgrade fencing and back nets	\$329,670	4,998			\$65.96	S-M	1
Sub Total (sportsground works)	\$7,313,790	4,998			\$1,463	S-M	

				CONTRIBUTION PER C	APITA		
	S94 CONTRIBUTION	CONTRIBUTING POPULATION	SOUTHERN AREA (ROSEVILLE, LINDFIELD, KILLARA, GORDON)	NORTHERN AREA (ST IVES, PYMBLE, TURRAMURRA / WARRAWEE, WAHROONGA)	LGA WIDE	ANTICIPATED TIMING/ THRESHOLDS	PRIORITY
AQUATIC / LEISURE CENTRES	-						
West Pymble Pool - West Pymble Pool Business Strategy completed – with 4 options for pool upgrading – allowance made for Option 2; Firm cost estimates dependent on detailed feasibility and concept design development.	\$432,975	4,998			\$86.63	L	1-2
TOTAL (RECREATION FACILITIES)	\$50,000,689		\$35,496	\$24,218	\$2,070		
TRAFFIC AND TRANSPORT							
TRAFFIC MANAGEMENT AND ROAD SAFETY IN	MPROVEMENTS	Γ					
Traffic management and road safety works	\$35,165	4,998			\$7.04	S-M	1
ROADWORKS PROGRAM	I	ſ			F		
Roadworks						S-M	1
PEDESTRIAN NETWORK IMPROVEMENTS	I	ſ			F		
Pedestrian works	\$87,800	4,998			\$17.57	S-M	2
CYCLE NETWORK IMPROVEMENTS	I	ſ			F		
Cycle works	\$39,072	4,998			\$7.82	S-M	2
PUBLIC DOMAIN IMPROVEMENTS	ſ	ſ			I		
Shopping centre improvement program	\$45,177	4,998			\$9.04	S-M	2
Roadway lighting at centres	\$97,680	4,998			\$19.54	S-M	3
Street tree program	\$29,304	4,998			\$5.86	S-M	3
Public domain study	\$267,250	4,998			\$53.47	S	1
TRAFFIC STUDIES	l	I			I		
Undertake traffic studies	\$9,407	4,998			\$1.88	S	1
TOTAL (TRAFFIC AND TRANSPORT)	\$480,000		\$0.00	\$0.00	\$122.22		
ADMINISTRATION							
S94 Study Plan, 2003-2009	\$120,000	4,998			\$24.01	S	1
S94 Officer	\$427,600	4,998			\$85.55	S	1
TOTAL ADMINISTRATION	\$500,000				\$109.56		
TOTAL CONTRIBUTIONS	\$53,118,171.38				\$2,730.57		

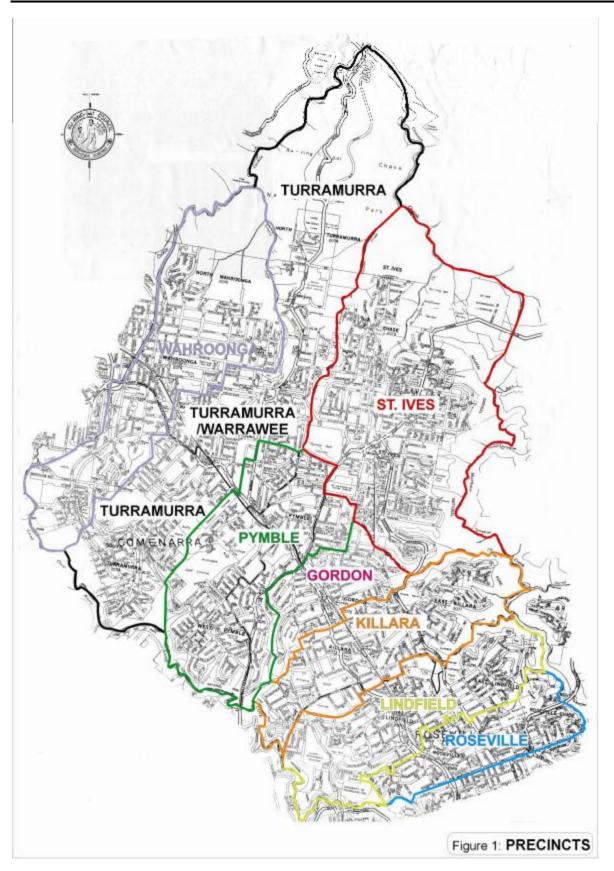
				CONTRIBUTION PER (	CAPITA		
CONTRIBUTION ITEM	S94 CONTRIBUTION	CONTRIBUTING POPULATION	SOUTHERN AREA (ROSEVILLE, LINDFIELD, KILLARA, GORDON)	NORTHERN AREA (ST IVES, PYMBLE, TURRAMURRA / WARRAWEE, WAHROONGA)	LGA WIDE	ANTICIPATED TIMING/ THRESHOLDS	PRIORITY
CONTRIBUTIONS:		Γ					
Roseville				\$10,632.19			
Lindfield				\$13,417.19			
Killara				\$9,932.99			
Gordon				\$13,591.79			
St Ives				\$10,492.97			
Pymble				\$9,444.17			
Turramurra/Warrawee				\$7,807.57			
Wahroonga				\$9,181.97			
SEPP 5 CONTRIBUTIONS		_					
Roseville				\$10,589.34			
Lindfield				\$13,374.34			
Killara				\$9,890.14			
Gordon				\$13,548.94			
St Ives				\$10,450.12			
Pymble				\$9,401.32			
Turramurra/Warrawee				\$7,764.72			
Wahroonga				\$9,139.12			

Notes on Staging: S = Short term which is defined to be 2004-2009; M = Medium term which is defined to be 2010-2015; L = Long term which is 2016-2026.

Notes on Priority: Priority 1 is the highest priority for expenditure.

	NO. PERSONS / DWELLING	ROSEVILLE	LINDFIELD	KILLARA	GORDON	ST IVES	PYMBLE	TURRAMURRA / WARRAWEE	WAHROONGA
Per Person		\$10,632.19	\$13,417.19	\$9,932.99	\$13,591.79	\$10,492.97	\$9,444.17	\$7,807.57	\$9,181.97
Bedsits and one bedroom dwelling	1.27	\$13,502.88	\$17,039.83	\$12,614.90	\$17,261.58	\$13,326.08	\$11,994.10	\$9,915.62	\$11,661.11
Two bedroom dwelling	1.78	\$18,925.30	\$23,882.60	\$17,680.73	\$24,193.39	\$18,677.49	\$16,810.63	\$13,897.48	\$16,343.91
Three bedroom dwelling	2.56	\$27,218.41	\$34,348.01	\$25,428.46	\$34,794.99	\$26,862.01	\$24,177.09	\$19,987.39	\$23,505.85
Four bedroom dwelling	3.33	\$35,405.20	\$44,679.25	\$33,076.86	\$45,260.67	\$34,941.60	\$31,449.10	\$25,999.22	\$30,575.97
Five bedroom dwelling	3.88	\$41,252.90	\$52,058.70	\$38,540.01	\$52,736.15	\$40,712.74	\$36,643.40	\$30,293.39	\$35,626.06
Seniors Living Dwellings	1.3	\$13,766.14	\$17,386.64	\$12,857.18	\$17,613.62	\$13,585.16	\$12,221.72	\$10,094.14	\$11,880.86

#### Table 3 -SECTION 94 CONTRIBUTION RATES BY DWELLING SIZE, 2004-2009



## PART B : ADMINISTRATION AND ACCOUNTING

### 1. What is the name of this plan?

1.1 This contributions plan is called the Ku-ring-gai Section 94 Contributions Plan 2004-2009 – Residential Development (Amendment 1). This plan amends Ku-ring-gai Section 94 Contributions Plan 2004-2009 – Residential Development adopted by Council and effective from 30 June 2004.

### 2. What is the purpose of this plan?

- 2.1 The primary purpose of this plan is to enable the Council to require a contribution towards the provision, extension or augmentation of:
  - community facilities,
  - recreation facilities and open space,
  - traffic, pedestrian and cycleway facilities and public domain improvements and
  - administration

that will, or are likely to be, required as a consequence of residential development in the area.

- 2.2 Residential development which is subject to S94 includes single dwelling houses, residential flat buildings, units, villas, townhouses, dual occupancies and developments under State Environmental Planning Policy (Seniors Living).
- 2.3 Other purposes of this plan are to:
  - (i) ensure that the level of social and physical infrastructure provided throughout Ku-ring-gai is adequate for the population as it grows;
  - (ii) enable Council to recoup funds which it spends on the provision of social and physical infrastructure in anticipation of likely future development;
  - (iii) ensure that the existing community is not burdened by the provision of social and physical infrastructure required as a result of future development and disadvantaged by pressure on existing facilities and services;
  - (iv) provide a comprehensive strategy for the assessment, collection, expenditure, accounting and review of development contributions until 2009; and
  - (v) satisfy the requirements of the EP&A Act and Regulation.

### 3. To what area does this plan apply?

3.1 This plan applies to all land within the Ku-ring-gai Local Government Area (LGA).

3.2 Certain precincts, as shown on Figure 1, will contribute in greater or lesser amounts, to particular facilities which will benefit only the residents of part of the LGA, rather than all new residents in the LGA.

## 4. What is its relationship to other plans and policies?

- 4.4 This contributions plan amends Ku-ring-gai Section 94 Contributions Plan 2004-2009 – Residential Development in a limited way by:
  - updating the works schedule to include current cost estimates of capital works and land acquisition and to include some new works;
  - authorising money paid for different purposes in accordance with conditions of development consents to be pooled and applied progressively for those purposes; and
  - reviewing the plan in response to matters raised in various Court proceedings.
- 4.5 This contributions plan has been prepared having regard to practice notes issued in July 2005 by the Department of Infrastructure Planning and Natural Resources.
- 4.6 Development consents which include conditions requiring the payment of development contributions levied under the previous contributions plans including Kuring-gai Section 94 Contributions Plan 2004-2009 Residential Development will continue to be acted upon and those contributions (together with any applicable inflation) will become due and payable in accordance with the wording of the relevant consent condition.
- 4.7 The Council will continue to expend all incoming contributions levied under the preceding Contributions Plans for the purposes for which they were levied in accordance with Section 94 of the Environmental Planning and Assessment Act 1979.

### 5. How does this plan operate?

5.1 In determining a development application, Council may impose a condition requiring the payment of a monetary contribution and/or the dedication of land in accordance with the provisions of this plan.

### 6. When does the plan come into effect?

6.1 This plan comes into effect when public notice is given of its' approval.

### 7. What formula is used to determine the contribution?

7.1 The formulas generally used to determine the contributions for residential development are:

Total Contribution (CT) = \$Cap + \$Land - \$ECon - \$Grant

THEN

Contribution per person(CP)= CT

Ρ

where:

\$Cap - sum of capital costs for facilities which have been or which are to be provided.

\$Land - sum of land costs which have been or are to be acquired to provide the required public facilities.

\$ECon - sum of any existing contributions (where relevant) which have been previously paid towards the provision of the public facility or are anticipated to be paid.

\$Grant - sum of any grants, subsidies or other funding source which may be available to fund capital works.

P - anticipated increase in population to the year 2009.

- 7.2 Where a facility or service will be built to serve the long term capacity of the Residential Development Strategy and contributions collected over the period of several plans, the total cost of these facilities will be divided by the anticipated increase in population to the year 2026.
- 7.3 In certain situations the contribution has been determined by applying the same per capita rate of provision of a facility or service as is presently enjoyed by the existing population or the rate of provision which is targeted to be provided for the existing LGA population. An example is the provision of book stock, where the number of books required per capita for each new resident is the same as the current number of library books per capita in Ku-ring-gai LGA. In this case the formula is:

Contribution per Person (CP) = Existing RP X \$Cost

where:

Existing RP – Existing Rate of Provision

Cost - cost per item or place or m<sup>2</sup> for facilities which have been or which are to be provided including both capital cost and land value and minus the sum of any grants, subsidies or other funding source which may be available to fund capital works where relevant. i.e.

\$Cap + \$Land - \$Grant \$Cost =

Number of items, places or m<sup>2</sup>

- 7.4 For the purposes of calculating the contribution rates, the following components have been *included:* 
  - the capital costs of the proposed works
  - the costs of such master planning, detailed design and studies as are required for the proposed works; and

- the cost of acquiring land at current average market prices.
- 7.5 For the purposes of calculating the contribution rates, the following components have been excluded:
  - the cost associated with the share of any proposed facilities and services (capital and land costs) which are intended to serve the existing population or to make up for an existing deficiency of provision
  - any development contributions which may have been collected previously or are anticipated to be collected for the provision of a particular work which have not as yet been expended (deducted where relevant as \$Econ in the general formula)
  - any assured grants, subsidies or funding from other sources which may be payable in respect of any nominated work (deducted as \$Grant in the general formula)
  - any recoverable funding which has been provided for works which may have otherwise been provided under Section 94
  - costs associated with ongoing or routine maintenance, staff resources or other recurrent expenses, other than where these are required as part of a contract to provide a program or service
  - any facilities or services which may be required by the population, which another organisation or government agency is responsible for providing.

### 8. When are contributions payable?

- 8.1 A contribution is payable in full as follows:
  - (i) in the case of development applications involving *subdivision* before the release of any construction certificate related to the subdivision works or the release of the linen plan/subdivision certificate, whichever occurs first
  - (ii) in the case of development applications involving building work before the release of the construction certificate
  - (iii) in the case of development applications involving both subdivision and building work - before the release of the construction certificate or the release of the linen plan/subdivision certificate, whichever occurs first
  - (iv) in the case of *development applications where no construction certificate is required* at the time of issue of notification of consent or prior to commencement of the approved use, or prior to occupation of the premises, as may be determined by Council.
- 8.2 No contribution will be required where an addition/extension occurs to an existing dwelling (other than in the case of an attached dual occupancy creating an additional dwelling).

- 8.3 Where a dwelling or dwellings replace an existing dwelling or dwellings on the site, the applicant will be entitled to a credit for existing dwelling or dwellings.
- 8.4 Where a vacant lot has previously had a Section 94 contribution paid at the time of subdivision, and proof can be shown by the applicant that this contribution has been paid, then the applicant for a subdivision will be entitled to a credit for one lot.
- 8.5 Where the application is for construction of one or more dwellings on a vacant lot for which a Section 94 contribution has previously been paid, and proof can be shown that this contribution has been paid, then the applicant will be entitled to a credit for one dwelling.
- 8.6 The amount of the contribution shall be the current rate at the time of payment.

#### 9. Can deferred or periodic payments be made?

- 9.1 Deferred payment generally will not be accepted by Council. However Council may accept a deferred or periodic payment of a contribution if the applicant or any other person entitled to act upon the relevant consent satisfies Council that:
  - (i) compliance with the provisions relating to when contributions are payable is unreasonable or unnecessary in the circumstances of the case and
  - (ii) non-compliance with the terms of clause 8 will not increase the cost or prejudice the timing or the manner of providing the facility or service for which the contribution was required as outlined in the works schedule. The decision to accept a deferred or periodic payment is at the sole discretion of Council.
- 9.2 Council may, if it decides to accept the deferred or periodic payment of a contribution, require the applicant to provide a bank guarantee by an Australian bank for the contribution or the outstanding balance on condition that:
  - the guarantee requires the bank to pay the guaranteed amount unconditionally to the consent authority where it so demands in writing, not earlier than six months (or a term determined by Council) from the provision of the guarantee or completion of the development or stage of the development to which the contribution or part relates
  - (ii) the guarantee prohibits the bank from:
    - having recourse to the applicant or other person entitled to act upon the consent before paying the guaranteed amount
    - having regard to any appeal, dispute, controversy, issue or other matter relating to the consent or the carrying out of development in accordance with the consent, before paying the guaranteed amount
  - (iii) the bank's obligations under the guarantee are discharged:
    - when payment is made to the consent authority according to the terms of the bank guarantee
    - if the related consent lapses

- if the consent authority otherwise notifies the bank in writing that the bank guarantee is no longer required
- (iv) the applicant pays interest to Council on the contribution or the outstanding amount at the overdraft rate on and from the date when the contribution would have been otherwise payable in accordance with clause 8 of this plan.
- 9.3 Where Council does not require the applicant to provide a bank guarantee, it may require a public positive covenant under Section 88E of the *Conveyancing Act 1919* to be registered on the title to the land to which the relevant development application relates.

# 10. Can 'Works In Kind' (WIK) be undertaken or a material public benefit provided?

- 10.1 Council may accept an applicant's offer to make a contribution by way of a WIK contribution (for an item included on the works schedule). It may also accept a material public benefit for an item not included on the works schedule where it considers the acceptance of that material public benefit will not create an unacceptable shortfall in contributions collected which may lead to difficulty in providing other items on the works schedule.
- 10.2 Council may accept the offer of a WIK if the applicant, or any other person entitled to act upon the relevant consent, satisfies the consent authority that:
  - (i) payment of the contribution in accordance with the provisions of the plan is unreasonable or unnecessary in the circumstances of the case
  - (ii) the in kind contribution will not prejudice the timing or the manner of the provision of the facility or service for which the contribution was required
  - (iii) the value of the works to be undertaken are at least equal to the value and standard of the contribution assessed in accordance with this plan.
- 10.3 GST is not included in estimating the value of works in kind. If the applicant provides tax invoices for any works in kind Council will reimburse the applicant any GST credited by the Australian Taxation Office.

### 11. How will the contribution rates be reviewed?

- 11.1 It is Council policy to review contribution rates to ensure that the monetary contributions reflect the costs associated with the provision of the particular public facility.
- 11.2 The contribution rate will be reviewed quarterly on the following basis:
  - (a) for all costs other than land acquisition costs by reference to the Consumer Price Index (All Groups) for Sydney published by the ABS.
  - (b) for land acquisition costs by reference to average land valuation figures published by Council in Council's Management Plan;

11.3 In accordance with Clause 32(3)(b) of the EP&A Regulation, the contribution rates would be indexed in accordance with the following formula:

For changes to the Consumer Price Index (All Groups Index) Sydney, the contribution rates within the plan will be reviewed on a quarterly basis in accordance with the following formula:

#### \$C<sub>A</sub> + <u>\$C<sub>A</sub> x ([Current Index - Base Index])</u> [Base Index]

Where:

<b>\$C</b> A	is the contribution at the time of adoption of the plan expressed in dollars;
Current Index	is the Consumer Price Index as published by the Australian Bureau of Statistics available at the time of review of the contribution rate;
Base Index	is the Consumer Price Index as published by the Australian Bureau of Statistics at the date of adoption of this Plan.

Note: In the event that the current index is less than the previous index, the current index shall be taken as not less than the previous index in each case.

For changes to land values, the council will publish, at least on an annual basis, the revised land index values that are to be used to change the base land values contained in the plan which will be determined in accordance with the following formula:

#### \$C<sub>LV</sub> + <u>\$C<sub>LV</sub> x ([Current LV Index - Base LV Index]</u> [Base Index]

Where:

\$C∟v	is the land values within the plan at the time of adoption of the plan expressed in dollars;
Current LV Index	is the land value index as published by the council available at the time of review of the contribution rate;
Base LV Index	is the land value index as published by the council at the date of adoption of this Plan.

11.1 Council reserves the right to review rates quarterly or on a 6 monthly basis at any time should it be deemed appropriate to do so.

## 12. How are contributions adjusted at the time of payment?

12.1 The contributions stated in a consent are calculated on the basis of the s94 contribution rates determined in accordance with this plan. If the contributions are not paid within the quarter in which consent is granted, the contributions payable will be adjusted and the amount payable will be calculated on the basis of the contribution rates that are applicable at time of payment in the following manner:

$$C_{P} = C_{DC} + [\underline{SC_{DC} \times (\underline{SC_{Q}} - \underline{SC_{C}})]}{SC_{C}}$$

Where:

- $C_P$  is the amount of the contribution calculated at the time of payment
- \$ C<sub>DC</sub> is the amount of the original contribution as set out in the development consent
- $C_Q$  is the contribution rate applicable at the time of payment
- **\$ C**<sub>c</sub> is the contribution rate applicable at the time of the original consent

The current contributions are published by council and are available from council offices. Should the council not validly publish the applicable contribution rates, the rate applicable will be calculated in accordance with the rate prevailing in the previous quarter.

### 13. Are Contributions Payable for Complying Development?

13.1 This contributions plan authorises, and requires, the imposition of a condition requiring monetary contributions on any consent for complying development in accordance with the plan. It is the responsibility of the principal certifying authority to accurately calculate and apply the Section 94 contribution conditions where applicable. Likewise, it is the responsibility of any person issuing a construction certificate to certify that the contributions have been paid to Council prior to the issue of the certificate. Deferred payments of contributions required by a condition of a complying development certificate will not be accepted.

### 14. Pooling of Contributions

14.1 This plan authorises monetary contributions paid for different purposes to be pooled and applied (progressively or otherwise) for those purposes. The priorities for the expenditure of the contributions are shown in the works schedule where possible, however changing rates of development in different areas may alter those priorities.

### **15.** Savings and Transitional Arrangements

15.1 A development application that has been submitted prior to the adoption of this plan but not determined shall be determined in accordance with the provisions of the plan which applied at the date the development application was lodged.

### 16. Monitoring and Review

- 16.1 It is generally intended that this plan will be comprehensively reviewed at the end of the 5 year period in 2009. This review will be triggered by the full release of census data from the five-yearly census. It is anticipated that data from the 2006 census will be fully released by early 2008 allowing a review to commence during 2008.
- 16.2 While the Council commits to keeping this contributions plan under review, nothing in this contributions plan can be taken as a commitment to adopt any review of this document by any specified date. Nothing in this plan may be read as implying that the plan will cease to operate unless reviewed within any particular period.

Contribution per person(CP)= CT

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where:

\$Cap - sum of capital costs for facilities which have been or which are to be provided.

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### 11. How will the contribution rates be reviewed?

- 11.1 It is Council policy to review contribution rates to ensure that the monetary contributions reflect the costs associated with the provision of the particular public facility.
- 11.2 The contribution rate will be reviewed quarterly on the following basis:
  - (a) for all costs other than land acquisition costs by reference to the Consumer Price Index (All Groups) for Sydney published by the ABS.
  - (b) for land acquisition costs by reference to average land valuation figures published by Council in Council's Management Plan;

11.3 In accordance with Clause 32(3)(b) of the EP&A Regulation, the contribution rates would be indexed in accordance with the following formula:

For changes to the Consumer Price Index (All Groups Index) Sydney, the contribution rates within the plan will be reviewed on a quarterly basis in accordance with the following formula:

#### \$C<sub>A</sub> + <u>\$C<sub>A</sub> x ([Current Index - Base Index])</u> [Base Index]

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$$C_{P} = C_{DC} + [\underline{SC_{DC} \times (\underline{SC_{Q}} - \underline{SC_{C}})]}{SC_{C}}$$

Where:

- $C_P$  is the amount of the contribution calculated at the time of payment
- \$ C<sub>DC</sub> is the amount of the original contribution as set out in the development consent
- $C_Q$  is the contribution rate applicable at the time of payment
- **\$ C**<sub>c</sub> is the contribution rate applicable at the time of the original consent

The current contributions are published by council and are available from council offices. Should the council not validly publish the applicable contribution rates, the rate applicable will be calculated in accordance with the rate prevailing in the previous quarter.

### 13. Are Contributions Payable for Complying Development?

13.1 This contributions plan authorises, and requires, the imposition of a condition requiring monetary contributions on any consent for complying development in accordance with the plan. It is the responsibility of the principal certifying authority to accurately calculate and apply the Section 94 contribution conditions where applicable. Likewise, it is the responsibility of any person issuing a construction certificate to certify that the contributions have been paid to Council prior to the issue of the certificate. Deferred payments of contributions required by a condition of a complying development certificate will not be accepted.

### 14. Pooling of Contributions

14.1 This plan authorises monetary contributions paid for different purposes to be pooled and applied (progressively or otherwise) for those purposes. The priorities for the expenditure of the contributions are shown in the works schedule where possible, however changing rates of development in different areas may alter those priorities.

### **15.** Savings and Transitional Arrangements

15.1 A development application that has been submitted prior to the adoption of this plan but not determined shall be determined in accordance with the provisions of the plan which applied at the date the development application was lodged.

### 16. Monitoring and Review

- 16.1 It is generally intended that this plan will be comprehensively reviewed at the end of the 5 year period in 2009. This review will be triggered by the full release of census data from the five-yearly census. It is anticipated that data from the 2006 census will be fully released by early 2008 allowing a review to commence during 2008.
- 16.2 While the Council commits to keeping this contributions plan under review, nothing in this contributions plan can be taken as a commitment to adopt any review of this document by any specified date. Nothing in this plan may be read as implying that the plan will cease to operate unless reviewed within any particular period.

## PART C : STRATEGY PLANS

## **Development Potential and Projected Population**

## 17. What are the expected types of development in Ku-ring-gai?

- 17.1 The Ku-ring-gai LGA is a middle ring suburb located on Sydney's north shore. Prior to the 1996 Census, the population of the Ku-ring-gai area had been generally declining. The results of the 2001 Census indicate that between 1996 and 2001 the population of Ku-ring-gai increased at a steady rate of around 0.5% per annum.
- 17.2 Housing in Ku-ring-gai is predominantly in the form of separate, detached houses. In 2001, 86% of all dwellings were separate houses which was substantially higher than the average for the Sydney Statistical Division (SSD) of 63%.
- 17.3 In recent years the dwelling stock of Ku-ring-gai has been increasing steadily. Between 1996 and 2001 the total number of occupied private dwellings increased by around 2.1% (or 703 dwellings).
- 17.4 An analysis of dwelling applications made to Ku-ring-gai Council between 2000 and 2003 showed indicatively that multi unit dwellings are continuing to be the dominant form of new development, although there has been some resurgence in the development of separate houses. During this period, 43% of dwellings approved were aged housing developments under SEPP (Seniors Living), 35.9% were separate houses (up from 24.4% between 1995 and 1998) and 16.5% were dual occupancy developments. Only 5.0% were flats. In total, multi-unit housing accounted for 64.1% % of all new dwellings, down from 72.8% between 1995 and 1998.
- 17.5 It is anticipated that future housing development in Ku-ring-gai will be in a variety of forms and in accordance with State Government policy, the future housing choices in Ku-ring-gai have been widened to provide for changing housing needs. Multi unit housing development is expected to increasingly become the dominant form of new housing development, following the implementation of Stage 1 of the Residential Development Strategy and the development of the sites rezoned by the Minister under SEPP 53. Aged housing developed under SEPP (Seniors Living) is likely to slow due to decreasing availability of suitable sites, but will continue to occur at a lesser rate unless an exemption to this type of housing is granted.
- 17.6 Projections of additional dwelling stock based on the capacity of the Stage 1 RDS areas and expected trends in dwelling construction, dual occupancies and SEPP (Seniors Living) housing are as follows:

	2001						
	(census)	2004	2009	2011	2016	2021	2026
Houses	30679	31120	31640	31848	32368	32888	33408
Other	4858	5179	7676	8444	10304	12164	13350
Total	35537	36299	39317	40293	42673	45053	46836

## Table 4 - Projected Change in Dwelling Stock 2001-2026

- 17.7 The increase in dwellings is predicted to be strongest in the other dwelling category, which includes multi unit dwellings.
- 17.8 Stage 1 of the Ku-ring-gai Residential Development Strategy identifies areas suitable for future multi unit development, which are concentrated along the Pacific Highway-railway spine corridor, and around the St Ives town centre. This multi unit housing will vary in scale from dual occupancy to multi- storey apartment buildings. Dual occupancy development will be limited to the Stage 1 RDS areas. Stage 2 of the Strategy envisages further multi unit housing at the main town centres. This stage will require a new contributions plan to be developed.
- 17.9 It is envisaged that the Stage 1 RDS will be implemented over a 20 to 25 year development time frame. In established areas redevelopment and change is a continuous process without a definitive beginning or end. The redevelopment process has been progressive in Ku-ring-gai over the past 10 years subject to cyclical changes and an increase in SEPP (Seniors Living) housing instigated by changes in State planning policies.
- 17.10Council planning staff report a strong latent demand for multi unit housing and expect an increase in development applications and construction activity following the gazettal of LEP 194. It is expected that there will be a significant increase in activity over next five years following which the rate of development will stabilise. In view of the development potential created by Stage 1 of the RDS, it is important to take a long term view of development activity and Council's response in terms of infrastructure provision. Consequently projections of dwellings and population have been prepared for the long term period of 2004 to 2026 within which the residential strategy is likely to be implemented.
- 17.11The long term nature of the RDS requires Council to take a long term view of the provision of public amenities and services and to plan for infrastructure to meet the needs of the additional population over the life of the RDS.
- 17.12In order to support a long range planning horizon, the management of Section 94 requires continuous monitoring and review. This is reinforced by the difficulties in accurately predicting development and change in established areas. Consequently the plan envisages an on-going process of review of development trends, population growth and the changing needs of the community.

### 18. What is the expected increase in population?

- 18.1 Long range resident population projections have been prepared for Ku-ring-gai LGA by projecting the dwelling stock in the first instance and then applying a number of assumptions to project the population likely to live in each precinct of the LGA. The projections involved:
  - Beginning with the 2001 census dwelling stock, estimates of dwellings and population to the year 2004 were made based on current trends in development activity. This provides the base year population for this plan
  - Net additions to dwelling stock from 2004 to 2026 were made based on the assessed dwelling capacity of the rezoned areas (Stage 1 of the RDS and the sites rezoned by the Minister)
  - An assumed vacancy rate was applied to the sum of the existing and new dwellings to obtain a projection of the number of occupied dwellings in a given year
  - The occupancy rate was projected on the basis of the trends between 1996 and 2001 and then applied to the projected occupied dwellings to obtain the projected population.
- 18.2 The projections were prepared for the LGA, precincts and RDS Areas within each precinct. Separate estimates were made for houses and other dwellings.
- 18.3 On the basis of the projections described above, it was estimated that the Ku-ring-gai LGA population will increase steadily from the estimated resident population 107,819 in 2001 to reach 109,824 by 2004, 114,823 by 2009 and 126,181 by 2026.
- 18.4 The population of the southern suburbs (Roseville, Lindfield, Killara and Gordon) is projected to increase to 42,357 in 2009 and to 47,697 in 2026. The population of the northern suburbs (Pymble, St Ives, Turramurra/Warrawee and Wahroonga) is projected to increase to 72,466 by 2009 and to 78,485 by 2026.
- 18.5 The period of the plan may be reduced or extended by the Council should these projections be reached earlier or later than projected.
- 18.6 The projected population for each precinct is indicated on Table 5.

ojected Resident Population by Precinct							
Precinct	<b>2001</b> <sup>1</sup>	2004	2009	2026			
Roseville	8,776	8,905	9,182	10,015			
Lindfield	12,524	12,785	13,695	15,212			
Killara	11,842	11,998	12,573	14,216			
Gordon	6,184	6,289	6,907	8,254			
Southern Area	39,326	39,977	42,357	47,697			
St lves	18,547	18,816	19,357	20,939			
Pymble	15,343	15,593	16,376	17,163			
Turramurra	21,249	21,614	22,281	24,032			
Wahroonga	13,356	13,825	14,452	16,351			
Northern Area	68,495	69,848	72,466	78,485			
Total	107,819	109,824	114,823	126,181			

## Table 5 - Projected Resident Population by Precinct

NB: Sub totals do not sum to totals due to rounding

<sup>1</sup>2001 Census figure for Estimated Resident Population (ERP)

## 19. What are the anticipated characteristics of the population?

- 19.1 Analysis of the population profile of Ku-ring-gai LGA in 2001 and trends between the 1996 and 2001 Censuses found that:
  - the Ku-ring-gai population had increasing numbers and proportions of children in all age groups 0-14 years. The most significant absolute increase was for 5-9 year olds; while the 0-4 year olds were the fastest growing population group in the LGA
  - between 1996 and 2001 the number and proportion of young people aged 15– 24 years declined significantly, as did the population of adults aged 25-39
  - between 1996 and 2001 the number and proportion of adults aged 40 and over increased. The greatest growth occurred in those aged between 50 and 64, who were the second fastest growing population group in the LGA
  - in 2001 Ku-ring-gai LGA had above average and increasing numbers and proportions of people in the older age groups (50-64 years) and very old age (65+) groups.
- 19.2 Based on these trends and the characteristics of new residential developments in Ku-ring-gai, the future population is likely to exhibit the following characteristics:
  - a growing population of children and young people (0-15)
  - a growing population aged 40 and over
  - a significant proportion of older people who are moving from larger family homes to medium density housing

- an influx of new families taking the place of these people in larger family homes and replacing older dwellings with new family homes
- the possibility of a reversal in the decline of young people aged 18-24 and 25-29 with the development of multi unit housing around railway stations; and
- a continuing higher than average proportion of people with higher than average income levels and working in professional or managerial positions.
- 19.3 These new residents, especially younger children and families, and young adults, will create new demands not currently experienced by the existing population.

# 20. What is the relationship between expected development and demand for additional works?

20.1 This part establishes the relationship (nexus) between the expected types of development in the area and the demand for a range of community and recreation facilities; provision of additional open space; traffic, pedestrian and cycleway facilities; other works in the public domain such as street tree planting and shopping centre improvements; and administration to meet the needs of new development and the expectations of new residents to the area.

#### Causal Nexus (Link with What is Needed)

- 20.2 The anticipated increase in resident population and development, and the differing population characteristics of these residents, will:
  - (i) place greater demands on existing facilities, services and infrastructure
  - (ii) require the provision of new, additional or improved facilities, services and infrastructure which are currently not available in Ku-ring-gai or are available but do not have the capacity to meet the demands of future population.
- 20.3 The link or nexus between anticipated development in Ku-ring-gai and the nominated works has been established according to:
  - (i) characteristics of the population and the requirements for new, additional or improved facilities
  - (ii) the availability and capacity of existing facilities, services and infrastructure in the area
  - (iii) the extent to which the proposed facilities and services will meet the needs of the new population.
- 20.4 This plan includes a schedule of works which are required as a consequence of anticipated development (Table 1). The cost of providing these facilities will in part be met and recouped from new development in Ku-ring-gai.
- 20.5 The proposed works will be carried out to meet the likely needs for, and the increasing usage of, facilities, services and infrastructure as a consequence of new development or in anticipation of new development.

#### Physical Nexus (Link with Where it is Needed)

- 20.6 Where possible this plan identifies the location of the proposed works to be provided relative to the communities which they are intended to service. The location of the works has been determined having regard to the location of increased demand, accessibility to the identified facilities and services and the manner in which such need may best be satisfied. In some cases specific sites need to be identified as development occurs.
- 20.7 Some facilities and services will serve all new residents of the LGA, and consequently all new development will contribute to these facilities and services. Other facilities may benefit residents of particular precincts in the LGA more than others and therefore different contributions will be required from different precincts to contribute to these facilities.

#### Temporal Nexus (Link with When it is Needed)

- 20.8 Only those works which are required as a consequence of anticipated development up to and including the year 2009 are included in the plan. To ensure temporal nexus is attained, it is proposed that some of the facilities and services are developed prior to all contributions being collected for the facility or service, and that the cost of providing the facility or service is recouped by Council.
- 20.9 The works schedule identifies:
  - (i) works for which all contributions are proposed to be taken during the period of the plan
  - (ii) works which are longer term, major works, for which contributions will be commenced to be taken during the period of the plan, but will continue to be taken and may not be provided until the period of the next plan.
- 20.10There may be a lag between the end of the plan and the time at which a facility is provided. This is because a period of time elapses between the date of contributions levied under the plan and their payment. Council will make all efforts to expend contributions as soon as possible after the end of the plan and within reasonable time of their collection.

# 21. To what extent will the proposed works meet the needs of the population?

- 21.1 The proposed works identified in this plan are required to satisfy the anticipated demands of the expected types of residential development in Ku-ring-gai.
- 21.2 Ku-ring-gai already provides many of the types of community, recreation, open space, and other infrastructure likely to be required by the expected types of development. However, these facilities are, in some cases, straining to meet the needs of the existing population and there is no spare capacity available to serve the additional demand created by the incoming population. New residents, such as mobile young singles, will also have different needs and expectations to existing residents.
- 21.3 Where works will meet the needs of both existing and new residents, the cost of the facility will be apportioned between the two.

### 22. What facilities are required?

- 22.1 The works required have been identified through work undertaken by Council, community consultation and an assessment of needs undertaken for this plan.
- 22.2 The nexus for the facilities required is summarised in each of the following sections:
  - Section C1: Community Facilities
  - Section C2: Recreation Facilities and Open Space
  - Section C3: Traffic, Pedestrian and Cycleway Facilities and Public Domain Improvements and
  - Section C4: Administration.

## **SECTION C1: COMMUNITY FACILITIES**

## 23. Overview of proposed facilities and services

23.1 The proposed community facilities and services are as follows:

#### **Community and Cultural Facilities**

- Multipurpose Community Centre
  - Stage 1 Masterplan, Feasibility Study and Concept Design
  - Stage 2 New Library and Fit-out
  - Stages 3-5 Community Centre
- Library Book stock and Computers

#### Children's Services

• Purchase of site and development of a new multipurpose child care centre

#### Youth Facilities

- Gordon Student Resource Centre purchase furniture and equipment
- St lves Youth Centre purchase furniture and equipment
- Mobile Youth Centre purchase vehicle and equipment

#### Senior's Facilities

• Minor alterations, additional computers, furniture and equipment to Council's seniors' centres

#### Information Services

- Preparation of New Residents' Kits
- New Resident Survey

### 24. Community and Cultural Facilities

### 24(a) Factors Affecting Supply

24.1 A place of some kind for the community to meet is considered a basic prerequisite for community development. A sense of identification with an area and seeing it as 'our community' is encouraged in a number of ways, an important one being shared activities carried out in the locality. A local community facility such as a community centre, hall or meeting room both provides a home for existing groups, encourages the formation of new groups and provides a place for both to meet and integrate.

Locality based groups are some of the building blocks of community cohesion and often the focus of effective neighbourhoods.

- 24.2 Ku-ring-gai Council manages and maintains six community halls and six meeting rooms throughout the municipality. Community halls are as follows:
  - East Lindfield Community Hall
  - West Lindfield Community Hall
  - West Pymble Community Hall
  - Ku-ring-gai Town Hall (Pymble)
  - St Ives Community Hall
  - East Roseville Community Hall.
- 24.3 The community halls are suitable for a variety of recreational activities, community and social events, family celebrations and parties, company functions, exhibitions, sales, receptions and fund-raising events. All halls include a stage and provide kitchen facilities that include hot water, a refrigerator, microwave and oven. The facilities also provide disabled access and amenities, together with off-street parking.
- 24.4 There are also six meeting rooms, which are suitable for small classes, club meetings and workshops. They are all fully carpeted, temperature controlled and include whiteboards.
- 24.5 Meeting rooms include:
  - Ku-ring-gai Library Meeting Room
  - St Ives Library Meeting Room
  - Ku-ring-gai Town Hall Meeting Room
  - Ku-ring-gai Community Groups Centre Meeting Room (St Ives)
  - Hamilton Park Meeting Room (Turramurra)
  - Performing Arts Resource Centre Meeting Room (Pymble)
- 24.6 There are a large number of other clubrooms, halls and premises owned by Council which are leased to individual community groups.
- 24.7 The cultural development of the community is a more recent initiative. Council has previously prepared a Ku-ring-gai Cultural Policy (1997), and is currently finalising the preparation of the Ku-ring-gai Cultural Plan.
- 24.8 The Ku-ring-gai Cultural Policy (1997) identifies Council's role in the cultural development of the Ku-ring-gai area through the provision of services, access to facilities, resources and expertise. Council's commitment to the cultural viability of

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its community has been established through the provision of a network of libraries, recreation services and facilities, the activities of the Ku-ring-gai Arts Centre, the organisation of special events, support for cultural groups and individuals, the provision of resources and employment of an Arts Officer.

24.9 Council has one central library at Gordon and three branch libraries. The distribution of libraries throughout the LGA is such that they are easily accessible from most parts of the LGA, although they all show bias in usage. Branch libraries are located at Turramurra, St Ives and Lindfield. The Turramurra Library includes a toy library. St Ives Library is located within the St Ives village and is one of the newer libraries in the LGA. Lindfield Library was built in 1954 and due to its age and condition requires a major refurbishment to bring it up to current library standards. Turramurra Library also requires an upgrade.

## 24(b) Basis of Nexus

#### **Community Centre**

- 24.10 An analysis was undertaken on the level of patronage of the existing community facilities. It was found that community halls and meeting rooms were increasingly well utilised, especially those in centres along the spine and in St Ives.
- 24.11 The main barrier to increased use of the existing facilities to meet the needs of future population is the quality and condition of building stock. Issues include:
  - The majority of community halls are over 40 years old and have dated internal configurations in terms of size, layout, storage, access, fixtures, fittings and climate control
  - The majority of meeting rooms, with the exception of the St lves Library Meeting Room, are also quite old and dated and have similar limitations in their size and configurations.
- 24.12 An access audit was undertaken in December 2000 on all Council owned facilities. Access improvements and accessible toilets are required under the Disability Discrimination Act on several of the halls and meeting rooms to ensure that all members of the community, including people with disabilities, are able to participate in Council activities and to ensure that people have a reasonable expectation of access to Council facilities.
- 24.13 The Ku-ring-gai Social Plan 2000 identifies the following issues requiring consideration relating to these facilities:
  - the provision of conference facilities
  - the upgrading of kitchen facilities to enable catering for functions and events
  - the upgrading of associated playground areas.
- 24.14 There is also a need to provide climate control (air conditioning) in the Ku-ring-gai Town Hall and community halls, to ensure these facilities can meet their additional

multi-use functions, cater for the increase in numbers effectively and meet the expectations of new users.

24.15 The alternative is to provide new floor space for the existing population, either according to commonly used standards, or at the same rate of provision as the existing population. It has been determined that contribution to a new centre potentially provides the highest level of amenity for new residents.

#### **Cultural Facilities**

- 24.16 The cultural policy identifies issues arising from the ad hoc manner in which the existing cultural facilities have evolved. In particular, there has been limited coordination or cross referencing within Council, between the various departments overseeing the management of these resources. The policy also points to a perception within Council that arts issues are regarded as a fringe issue.
- 24.17 According to the Cultural Policy, the cultural needs of the community include:
  - an audit of Council's properties and review of their potential for cultural uses
  - investigation of the potential use of existing facilities for multi-purpose activities e.g. performance, sculpture, craft, exhibitions
  - examination of opportunities for upgrading existing halls for multi-purpose activities, performance, conference facilities and meeting space
  - investigation of potential sites for new cultural facilities; and
  - investigation of the potential of existing sites for redevelopment in order to support the community's diverse cultural activities and needs.
- 24.18 Discussions with Councillors and Council officers indicate the need for a large multipurpose meeting/performance space. For large functions and events, users are currently required to utilise private or educational provider's facilities. The need for such a space was identified in the 1997 Policy, which offered office accommodation, meeting space, exhibition/performance space, formal and informal conference area, teaching and messy areas (arts), multi-purpose kitchen and dining area.
- 24.19 Council officers have more recently detailed the concept for a multi purpose community facility and performance venue, which could accommodate community and cultural services as well as a library.

#### Library facilities

- 24.20 The need for upgrading and expansion of library buildings in Ku-ring-gai has been emerging for some time. The community consultation held during the period of preparation of this plan found that:
  - Gordon Library is over utilised
  - Lindfield, Turramurra and St Ives libraries all need extending

- there is a need for more study areas and resources in smaller libraries
- students use libraries to study, hold tutorials, use references and the Internet
- there is a need for all libraries to have a good range of books, materials and computers.
- 24.21 The library is a strong community institution within the Ku-ring-gai community. To enhance the community access and use of the library, the location of library branches should be within a hub or focus of community activity. In any redevelopment of existing or siting of new libraries, it is commonplace for co-location of library facilities with other community uses, such as child care centres, community centres, and possibly other uses such as residential and commercial uses.
- 24.22 The future library design needs to be flexible to be able to adapt to changing technologies and methods of providing, gathering and storing information. The libraries need to be dynamic to enable them to meet the changing requirements to maintain their relevancy within the community.
- 24.23 The distribution of libraries throughout the LGA is such that they are easily accessible from most parts of the LGA. However Lindfield library branch was built in 1954 and due to its age and condition requires a major refurbishment to bring it up to current library standards. Redevelopment options for the site have long been considered. The site is occupied by the library, two tennis courts, a former children's play ground, the Seniors Citizen's Centre, the Arrunga aged care residential units and a free standing building at the rear which is used as a Senior's Resource Centre and for University of the Third Age classes. Future redevelopment of the site. Even if such a redevelopment does not proceed, Council needs to give consideration to development of a new library to serve the southern part of the LGA.
- 24.24 Similarly, the Turramurra Library also requires an upgrade, in recognition of its high levels of patronage, visitation and use and also to enable the library to meet current State Library Standards.

## 24(c) Proposed Facilities

- 24.25 The proposed facilities are:
  - a Multipurpose Community Centre, comprising five stages tentatively comprising
    - Stage 1 Masterplan, Feasibility Study and Concept Design
    - Stage 2 New Library and Fitout
    - Stage 3 Meeting and Conference Centre
    - Stage 4 Auditorium
    - Stage 5 Exhibition Centre

- Library Bookstock and Computers
- 24.26 It is proposed that the multipurpose community facility would accommodate a number of existing users as well as having capacity for new emerging groups. The above is an indication of the proposed staging of the facility. This may change or Council may vary components of the facility as detailed planning and design progresses.

## 24(d) Basis of Apportionment

- 24.27 The provision of the Multipurpose Community Centre will both meet a backlog which exists and is well acknowledged in the Ku-ring-gai community, as well as serving the new residents of the LGA.
- 24.28 The long term nature of the project and the benefits it will endow are such that it will be a major long term project of Council, and as such should be apportioned over several contributions plans spanning the life of the RDS.
- 24.29 At the same time, the use of the centre will be shared with existing residents and as such the total cost of the facility is apportioned between existing and future users as follows.
- 24.30 The cost of Stage 2, comprising a new library, and upgrading and/or expansion of either Lindfield or Turramurra libraries, has been apportioned on the basis of an LGA wide per capita rate being applied to the provision of new floorspace according to the State standards and formulae contained in the NSW State Library publication, "People Places A guide for public library buildings in New South Wales 2000". At this rate of provision, 550 square metres of floorspace will be required of the new population between 2004-2026. This has been costed at \$3,000 per square metre (building and fit-out costs in 2007), which will be fully apportioned to the new population. However in order to build a new library in excess of this floorspace, Council will need to contribute the cost of any shortfall. Alternatively Council could provide new space of the amount contributed, at Lindfield or Turramurra Libraries.
- 24.31 The cost of Stages 3-5, comprising community and cultural floorspace, has been apportioned by applying the current per capita provision of Council provided floorspace to the future population. Based on the current provision, the additional population 2004-2009 would require approximately 965 square metres of additional community and cultural floorspace. The reasonableness of this requirement has been cross checked by considering a standards approach. Commonly used standards suggest the provision of one community centre of 750-1000 square metres on a site of 3500-4000 square metres for 10,000-20,000 people. For the long term new population of 16,357 people, a new centre of 1000 square metres is consequently proposed. Council has not required a site because of the cost of acquiring land, and intends to site the facility on Council land.
- 24.32 The use and staging of this floorspace will be determined by the Stage 1 planning process, and as such, the cost of Stage 1 is 100% apportioned to the new population between 2004-2026. Council will need to determine whether and at what stage it wishes to contribute additional funds to meet current backlogs for the existing community.

## 25. Children's Services

## 25(a) Factors Affecting Supply

25.1 Ku-ring-gai LGA has a range of child care services. The New South Wales Department of Community Services licenses the following full-time equivalent licensed children's places in Ku-ring-gai:

Children's Service	Licensed Places
Long Day Care	986
Family Day Care	140
Home Based Care	65
Occasional Care	64
Pre-school	1,005

### Table 6 - Licensed Children's Services

Source: Ku-ring-gai Council, 2004

- 25.2 Ku-ring-gai Council is active in fulfilling the child care needs of residents of the LGA. Council owns and manages the Thomas Carlyle Children's Centre, a 53 place long day care centre and operates the Ku-ring-gai Family Day Care Scheme which is a Council managed scheme that recruits, trains and supports carers to provide child care in carer's homes. It also owns the Bradfield Park Pre-school and Child Care Centre.
- 25.3 Additionally Council leases buildings to 13 children's services providers who provide:
  - 1 long day care service
  - 1 before and after school care service
  - 1 occasional care service
  - 9 pre-school services, and
  - 1 playgroup service.
- 25.4 Council also holds a licence with 2 pre-schools who operate from Council halls. Council supports these services by providing a rental rebate to the services and provides maintenance to the properties according to specified lease or licence conditions.

## 25(b) Basis of Nexus

25.5 In April 1999, the Commonwealth Department of Family and Community Services published information from the National Planning System for Child Care. The Department found that Ku-ring-gai LGA rated third last among the LGAs in the

Northern Region of Sydney, with only 80.7% of the demand for below school aged care being met in Ku-ring-gai. Within the Northern Sydney Region, Ku-ring-gai had the third lowest ranking, equating to a shortfall of 189 long day care places, especially for children aged 0-2 years. The Department estimated at that time that Ku-ring-gai required 979 full time formal child care places to be available when as at 1 February 1999 there were only 790 places available. Of the places available at that time 578 places were in long day care centres and 212 places were in family day care.

- 25.6 Since that time, the Department of Family and Community Services has ceased to prepare the above child care data. However extrapolating the methodology of the 1999 assessment shows that despite the development of 118 additional long day care places through the expansion of existing centres and the provision of two new centres, Ku-ring-gai LGA continues to experience a level of supply just under 80%. This is most likely due to a combination of population growth, especially by young families, a significant loss of family day care carers, and possibly increased demand by working parents.
- 25.7 The Department of Family and Community Services calculations show that one fulltime formal child care place is required for every three children who have either both parents, or a sole parent, working, studying or training, and not enrolled in school. In 2004, this meant 1014 places are required; in Ku-ring-gai however only 807 places were available (647 in long day care centres and 160 family day care), leaving a shortfall of 207 places. Hence the supply of long day care places in Ku-ring-gai was 79.6% in 2004. Therefore one in every five working parent families (with a sole parent or both parents working) who require a long day care place, will not find a child care place in Ku-ring-gai.
- 25.8 The shortage of long day care places is further emphasised through the Council's waiting list in its own service. At the end of 2003, this had 302 families on the waiting list for a centre with only 53 full time care places available. Council's discussions with service providers, family day care services and parents have identified that levels of demand exceeded that supplied across all service categories of child care for 0-6 year olds. According to data collected by Council, other services in the LGA consistently report long waiting lists and strong demand.
- 25.9 The incoming population arising from new development will contribute significantly to the demand for child care. The analysis of demographic trends outlined earlier found that the previous decline in population aged 0-4 and 5-9, in particular, has been arrested and the Ku-ring-gai population now has increasing numbers and proportions of children in all age groups 0-14 years. The most significant proportional increase between the 1996 and 2001 Censuses was for 0-4 year olds, who were the fastest growing population group in the LGA (9.5%).
- 25.10 Council currently provides and manages 5.3% of long day care places in the Ku-ringgai area. There has been a significant increase in the number of places since 2004 due to the involvement of the private sector in the provision of long day child care. In June 2007 there were 986 licensed long day care places in Ku-ring-gai, an increase of 52% on the number available in 2004. This increase in supply has meant that the shortfall identified in 2004 has been satisfied. The private providers have increased supply to meet the perceived market need. This has occurred over all age groups.

25.11 The increase in supply of places has led to a reported reduction in waiting lists.

## 25(c) Proposed Facilities

- 25.12 The following facilities are proposed for Council provision from S94 contributions:
- 25.13 Contribution to the purchase of a site and development of a new multipurpose child care centre.
- 25.14 In accordance with current practice the centre proposed has been redefined as a more multipurpose child care centre, including a hall, meeting rooms and play area suitable for other child care activities such as playgroups, meetings of family day carers etc.

## 25(d) Basis of Apportionment

- 25.15 The estimated number of required places for the anticipated population increase of 4,998 between 2004-2009 is 46 places.
- 25.16 However, as indicated above, it is expected that the private sector will continue to meet some of the demand for child care places. Consequently the cost of the new multi-purpose child care facility is apportioned on the basis of the existing (2007) percentage of long day child care places provided by the Council. This percentage is currently 5.3%.
- 25.17 This will be in addition to any places which will be funded by levies collected under earlier contribution plans. Funds already collected for child care will be used for the provision of the multi-purpose child care facility.

## 26. Youth Facilities

### 26(a) Factors Affecting Supply

- 26.1 Council currently directly provides the following youth services:
  - St Ives Youth Centre
  - Gordon Student Resource Centre
  - Mobile Youth Outreach services
  - Entertainment program
  - Facilitation and resourcing of the Ku-ring-gai Youth Council.
- 26.2 Council, in partnership with Hornsby Council produces the Hornsby/Ku-ring-gai Youth Services Guide and the youth information card.
- 26.3 Financial assistance is available to community groups through Council's donation program. In the past the number and scope of applications received in the youth section have been limited and this may reflect the limited service outlets in the area. Regardless the amount of requests far outweighs the available funding.

- 26.4 The Ku-ring-gai Arts Centre provides a number of programmes specifically targeted at young people in school holidays and throughout the year.
- 26.5 Accommodation including a 90% rebate is provided to a number of community groups who service youth e.g. the Willoughby/Ku-ring-gai Life Education Programme and the provision of land is made for numerous scout and girl guide halls.

## 26(b) Basis of Nexus

- 26.6 Utilisation or attendance at young people's service centres has been increasing as they have become known. Gordon Student Resource Centre is particularly well used.
- 26.7 In order to sustain and permit higher levels of utilisation there is a need to ensure that services remain relevant and up-to-date with the latest technology and equipment, and are suitably furnished and outfitted.
- 26.8 The number of actual youth centres within the LGA is quite limited and not easily accessible to all areas of the LGA. Therefore the role of the mobile/outreach youth service is important in the provision of youth services which are accessible to the whole LGA.
- 26.9 The Social Plan (2000) identifies transport as a key issue for youth. Young people have indicated that unless they have parents who were willing and able to drive them to and from activities, their transport options were very limited if located away from rail stations. The frequency of buses at night and on the weekend is a particular issue for young people.
- 26.10 On the basis of the above it would appear that the main facility needs in relation to young people are:
  - To restructure existing youth services based on an outreach model
  - To establish youth services (consistent with the above) in locations such as Turramurra (initially), and potentially in the longer term, Wahroonga, Gordon and Lindfield
  - To develop additional and improved indoor/outdoor recreation and entertainment facilities, such as an Internet Café, further development of St Ives Youth Centre and Gordon Student Resource Centre
  - To provide computer facilities in all youth facilities.
- 26.11 With the continuing trend toward increasing numbers of children and young families in Ku-ring-gai, the new population of Ku-ring-gai will increasingly warrant provision of new youth services.

## 26(c) Proposed Facilities

26.12 The facilities proposed for youth are:

- Gordon Student Resource Centre purchase new furniture, equipment, resources. computers and electronic games
- St lves Youth Centre purchase new furniture, equipment, resources. computers and electronic games including PA, lighting and mixing equipment
- Mobile Youth Centre purchase vehicle and equipment, resources, computers and electronic games.

## 26(d) Basis of Apportionment

- 26.13 Contributions will be used to upgrade and embellish existing youth facilities which have been provided for the young people of Ku-ring-gai. This is considered a more appropriate and cost-effective response to meeting the needs of the new population than providing new facilities. This is particularly the case with youth facilities, for which threshold populations are relatively high and the establishment of new services would not be justified. Contributions to existing facilities are considered necessary to expand the capacity of existing facilities for the new population and are therefore apportioned 100% to new development over the next five years.
- 26.14 In the case of the Mobile Youth Service, the current service is only provided on a part time basis with a non-dedicated vehicle and therefore it is considered appropriate for the existing and new populations to contribute proportionally to the establishment of this service. S94 in this case will provide only a very small proportion of the cost of this facility, which will be apportioned over all residents of the LGA.

## 27. Seniors' Facilities

## 27(a) Factors Affecting Supply

- 27.1 There are two senior citizens' centres in the LGA. These are located at Turramurra and Lindfield so that the centres service both the northern and southern parts of the LGA. The Seniors Resource Centre is also located at Lindfield, providing a home for the University of the Third Age as well as other seniors' activities.
- 27.2 The Ku-ring-gai Support Services Centre is located at Turramurra and offers a range of HACC services. The Centre is used by the North East Metropolitan Regional HACC Forum Inc., the Volunteer Recruitment, Referral and Training Service, the Hornsby-Ku-ring-gai Aged and Disabled Transport Service and Easy Care Gardening. Council works in partnership with KOWPA to manage and support the Meals on Wheels services which operate from both the Turramurra Centre and a kitchen at Gordon.

## 27(b) Basis of Nexus

27.3 According to the Social Plan (2000), the operations at the Senior Citizen's Centres have declined in recent years. Without the support of paid staff it is difficult for the centres to develop appropriate programs for members. Both centres require physical upgrading to maintain their attraction to new members, and to cater adequately for these, as does the Seniors Resource Centre on the Lindfield Library

site. Transport to access centres, as well as for other community purposes, is in constant demand.

- 27.4 There is a particular need to establish services that focus on the needs of older people from culturally and linguistically diverse backgrounds. It has been suggested that Council could establish a support group for older Chinese women for example and ensure that the Senior Citizens Centres are available to accommodate such groups.
- 27.5 Based on the above discussion, it appears that the main needs of older people are:
  - To upgrade the existing Senior Citizens Centres and investigate options to better resource the centres
  - To ensure that HACC facilities are capable of accommodating the increasing demands on them for services
  - To develop leisure/recreation/social activities suitable for older people
  - To expand community transport including the provision of community transport which is accessible to the elderly and disabled.

### 27(c) Proposed Facilities

- 27.6 The proposed facilities included in this plan are:
  - Minor alterations, additional computers, furniture and equipment to Council's senior's centres.

### 27(d) Basis of Apportionment

- 27.7 These minor improvements will be necessary to accommodate the additional needs of new population over the next 5 years.
- 27.8 Therefore they will be apportioned 100% to the new population

### 28. Information Services

### 28(a) Factors Affecting Supply

- 28.1 Council currently provides a comprehensive information service to all residents. This includes the regular updating and publication of a community services directory and the production of various brochures. It has also been providing new residents' kits to specifically orient newcomers to the LGA.
- 28.2 New development will require an expansion to this service to ensure that the incoming population are aware of the services and facilities available in their local area.
- 28.3 It will also be important for Council to obtain information about the characteristics and needs of new residents. This information is not currently available.

## 28(b) Basis of Nexus

- 28.4 There is a need for new residents to be made aware of the available services and facilities operating in the local area. Council has currently been preparing a new residents' kit inhouse on a low budget but there is a need for a major update of the kit and possibly outsourcing of the preparation of a new residents' kit on an annual basis. This will be distributed to new residents of the LGA as a means of fulfilling this need. It will be necessary for Council to ensure that this information is as accessible as possible to people with barriers to language, literacy and disability.
- 28.5 The new resident survey will allow Council to ensure that the needs of new residents are identified and addressed wherever possible. On this basis, funds have been allocated for the survey to be undertaken once during the five year period of the plan.

### 28(c) Proposed Facilities

- 28.6 The following facilities are proposed for Council provision with assistance from S94 contributions:
  - preparation of new residents' kits;
  - preparation and administration of a new resident survey.
- 28.7 Preparation of the new resident kits is being undertaken each year from Council's general revenue and will be recouped when funds are collected.

### 28(d) Basis of Apportionment

28.8 The proposed expenditure on the new resident kit will be to meet the needs of the future population, and the new resident survey will specifically benefit only new residents. It is therefore appropriate for the cost of these to be fully recouped through S94 contributions.

### 29. Library Bookstock and Computers

### 29(a) Factors Affecting Supply

29.1 Council places a high priority on library services, as do members of the community. Overall library usage, measured by the number of loans has declined marginally across the LGA in recent years. While the overall number of loans is down, visitor numbers have increased marginally in recent years. Gordon and Turramurra Branches have experienced greater visitation, while St Ives and Lindfield Branches have declined, but to a lesser extent to that in 2001/2002. This is in line with trends that suggest libraries are increasingly becoming places of social interaction in a "virtual" world. Library membership is also increasing as a percentage of the population.

### 29(b) Basis of Nexus

- 29.2 This plan aims to maintain the existing level of access to library resources by requiring new development to contribute towards providing additional material and public access computers at existing libraries to meet the needs of new residents.
- 29.3 Standards of service provision for the range of services, and response rates for these services remain high. It is noted that since September 2002 enquiries have been made available through the Internet, which based on the number of enquiries appears to be very successful and is increasing rapidly.
- 29.4 The Social Plan identified that the Library service is well recognised within the Ku-ring-gai community and that the Council provides a "very good" library service. Suggestions made for improving library services included:
  - the need for additional books in large print to meet the needs of older users of the library
  - a need for Council's library services to consult with peak ethnic agencies to develop library resources and materials in community languages; and
  - investigating the feasibility of establishing an Internet Café at Ku-ring-gai Library.
- 29.5 Libraries of the future need to ensure that future book stock considers the traditional printed material, audio visual material, as well as multicultural and multimedia resources. The library's electronic resources are highly used, therefore any upgrade of the library resources must ensure that electronic systems meet current and potential future IT needs.

### 29(c) Proposed Facilities

- 29.6 Council proposes to require the following facilities to be provided at the same rate enjoyed by the existing population:
  - Library book stock
  - Public access computers (including computer furniture)

## 29(d) Basis of Apportionment

- 29.7 Ku-ring-gai Council currently provides library facilities and associated resources and equipment to serve the population of the LGA. Council intends to maintain the existing standard of provision to these services and facilities by requiring the new population to contribute appropriately toward additional library resources at the same rate as the existing population.
- 29.8 The proposed library book stock is 2.2 items per capita, at an average cost per item of \$27.11 per item. Both to maintain this level of provision of existing residents and to ensure new residents have access to the same level of resources, incoming residents in the LGA within the next five years will be levied at this rate (indexed for inflation).

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- 29.9 At the present time residents of Ku-ring-gai LGA enjoy access to computers at the rate of 1 per 3,059 people. The average cost of leasing a computer (all computers are leased) for one year is \$1069 plus \$1069 for a computer desk and chair. This has been capitalised over the 5 years of the plan, to ensure that this level of access is maintained.
- 29.10 It is therefore appropriate that new residents of the LGA contribute 100% to the cost of these proposed resources over a five year time frame.

## 30. Public Art

## **30(a)** Factors Affecting Supply

- 30.1 Ku-ring-gai Council has a public art policy in recognition that public art can fill a myriad of functions in the public domain. It can:
  - Act as a signature for local identity, history and contemporary value
  - Reflect the values and aspirations of the local community
  - Act as a focal point for cultural activities, tourism and community development
  - Be a planning component in revitalisation of the urban environment and
  - Add interest and aesthetic elements to public parks and civic places.
- 30.2 In 1998, Council adopted a Public Art Policy. The aim of the Public Art Policy is "to guide and encourage the exhibition and inclusion of art within public places, ensuring the valued characteristics of Ku-ring-gai are enhanced."
- 30.3 The Public Art Policy relates to visual and performing arts located in a public place. The policy aims to complement, and not override, Council's planning regulations i.e. the existing or future Local Environmental Plans and Development Control Plans.
- 30.4 The objectives of the Public Art Policy are to:
  - encourage art in public places in Ku-ring-gai
  - contribute to raising the profile and recognition of arts and arts development;
  - implement processes so that public art complements and enhances the valued characteristics of Ku-ring-gai, eg. leafy environment, spaciousness, heritage etc
  - guide a coordinated and planned approach to the development and management of public art
  - provide clear guidelines for Council and the community regarding public art development and responsibility; and
  - where relevant, implement processes and systems so that this Public Art Policy is reflected within Council's strategic directions, policies and planning controls, and vice versa.

### 30(b) Basis of Nexus

- 30.5 Ku-ring-gai Council has an increasing interest in the value of public art and sculpture, as demonstrated by its incorporation into new community developments such as the Gordon Library. It is intended to continue to support and encourage local artists and the expression of local identity and character.
- 30.6 Public art can be both large and small scale, transitory (chalk art) or permanent (mosaics); it can be made up of sculptures, designed paving, mosaic seating, play sculptures, unique fencing, fountains and waterworks; and it can be freestanding or integrated into the architectural fabric of buildings, amenities, pavements, sources of lighting, underpasses and bridges.
- 30.7 It will be important with the influx of new residents that public art can be commissioned, created through community arts projects, or be designed and made through place-making projects which help to define a new sense of cultural identity.
- 30.8 Public art can encourage a sense of identification with an area, and is one method seeing a sense of community being encouraged. Local art, like activities, help create a social focus, a sense of belonging to and responsibility for an area that supports community well being and safety.
- 30.9 Facilitation of Council's public art initiatives is consequently anticipated to assist in integrating existing and new residents, particularly where residents of different cultural backgrounds settle in the area.

## **30(c) Proposed Facilities**

- 30.10 While most developers of sizeable developments would be expected to be keen to include public art in their own development, it is possible that a developer can choose to place a levy in trust with Council to commission local artists to undertake projects within the LGA.
- 30.11 A number of possible future public art projects have been identified under the "From the Ground Up" Public Art Initiative by Council's Leisure and Cultural section:
  - A pavement mosaic project along the Pacific Highway spine in Gordon, Roseville, Killara, Roseville, Wahroonga, and also St Ives
  - Contemporary/indigenous street seating in town centres
  - Gordon Library Mural Relief Wall
  - St lves Park water sculpture fountain/amphitheatre
  - Ku-ring-gai Pride Project, Pacific Highway.
- 30.12 These projects would be provided in and will enhance the public domain of the RDS Areas and hence contribute to the leisure and cultural resources of these areas.

## **30(d)** Basis of Apportionment

- 30.13 Public art such as the above is proposed to be provided by the Council as part of its capital works programme. No specific contribution is required for this purpose.
- 30.14 Developers are encouraged to incorporate a suitable public art project in their own development.

## SECTION C2: RECREATION FACILITIES AND OPEN SPACE

### 31. Overview of proposed facilities and services

31.1 The proposed recreation facilities and services are as follows:

#### Parklands

• Acquisition and Embellishment of Open Space

### **Sports Fields**

- Reconfiguration of Koola Park, surface levelling and upgrade, and relocation of the turf wicket
- North Turramurra Sports Field Development

#### Embellishment

- Walking track links
- More recreation facilities (picnic areas, walking tracks, playgrounds)
- Upgrades to existing recreation facilities
- Sports facility upgrades.

## 31(a) Factors Affecting Supply

- 31.2 Ku-ring-gai Council already provides a range of recreation and leisure facilities and includes outdoor sports facilities and a range of facilities for unstructured play and recreation (including picnic areas, playgrounds, bike tracks and walking paths). Ku-ring-gai presently has no indoor facilities dedicated to physical recreation. Indoor leisure activities are restricted to libraries, cultural centres and public halls.
- 31.3 Parks and open spaces are key components of the environmental, recreation and social infrastructure in all communities. They are used and/or valued by a wide cross section of residents, from all age groups and socio-economic backgrounds.
- 31.4 The total and per head provision of open space in Ku-ring-gai is illustrated in Table 7.

Table 7 - Provision of open space per capita by type	able 7 -	ce per capita by type	Provision of open
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Open Space Type	No of parks	Total Hectares	Ha/000– Existing Pop*	Ha/000– 2009 Pop**
Local & district open space	•		•	•
Parkland/public garden	171	66.8041	0.6196	0.5855
Sports facility – sports fields	44	93.0779	0.8633	0.8157
Sports facility – tennis/netball courts	20	10.0841	0.0935	0.0884
Sports facility – other***	3	5.9406	0.0551	0.0521
West Pymble Swimming Pool	1	0.8531	0.0079	0.0075
Ancillary space	7	0.7616	0.0071	0.0067
Sub-total	246	177.5244	1.6465	1.5558
Regional/other open space				
Natural area	134	1,130.5316	10.4855	9.9078
St lves Showground	1	25.2205	0.2339	0.2210
Ku-ring-gai Wildflower garden	1	4.1510	0.0385	0.0364
Golf course (+ sports precinct)	3	69.2962	0.6427	0.6073
TOTAL OPEN SPACE	385	1,406.7237	13.0471	12.3283

\* Estimated residential population of 107,819

\*\* Forecast 2009 population of 114,105

\*\*\* Semi-private facilities (lawn bowls, equestrian, croquet) used exclusively by single-purpose clubs

- 31.5 Table 7 shows there is an existing provision of 1,407 hectares (or 13.04 ha per thousand population) of Council-controlled open space in Ku-ring-gai. This is exclusive of the extensive natural areas within the Lane Cove, Ku-ring-gai Chase and Garrigal National Parks.
- 31.6 The majority (80%) of this open space is classified as 'natural area' and is primarily of regional significance. Only 177 hectares (or 1.65 hectares per thousand population) is developed open space of local and district level significance.
- 31.7 This relatively low provision of local/district scale open space is forecast (in the absence of any future open space acquisitions) to reduce to 1.55 hectares per thousand population by 2009.

## 31(b) Basis of Nexus

## **Existing recreation facilities**

- 31.8 Ku-ring-gai's public open space system accommodates a range of recreation facilities including outdoor sports courts and fields, golf courses and facilities for 'unstructured' play and recreation (including open grassed areas, picnic areas, playgrounds, bike tracks and walking paths).
- 31.9 Specific facilities include the following:

- 334 park and open space areas
- 44 sports ground complexes (with 52 sport fields and 29 netball courts)
- 3 golf courses (one leased to a private club)
- 71 tennis courts (at 20 centres)
- 96 playgrounds
- One skateboard facility, and 5 basketball half-courts
- Several kilometres of walking tracks
- Several kilometres of off-road cycle tracks
- 1 aquatic centre (West Pymble Pool)
- 1 dirt bike facility at St lves Showground (not available to the general public)
- A natural area interpretive centre (Ku-ring-gai Wildflower Garden).

### Adequacy of existing open space and recreation facilities

27.2 The open space study undertaken in support of the S94 Contributions Plan 2000 – Residential Development addressed the adequacy of open space and recreation facility provision in 2000. Key relevant findings included the following:

### Demand for open space and recreation facilities

- Ku-ring-gai's population structure suggests that, on a national comparative basis, the demand for open space and recreation facilities is likely to be relatively average
- Consistent with this, local surveys have identified the high popularity of open space related activities (such as 'walking', 'visiting parks' and 'bushwalking') and high levels of use of parks and open space
- Local surveys have also identified widespread demands for improved open space and recreation facilities including more walking and bike tracks, large outdoor picnic/gathering areas, new and upgraded sports grounds (including 'family friendly' facilities), improved access to and within open space areas, greater diversity of playgrounds
- Local surveys have identified significant demand for improved indoor and aquatic recreation opportunities
- Local surveys have also identified demands for improved access to natural areas and protection/improvement of those areas (through improved stormwater control, catchment management and bush regeneration)
- Supply of open space and recreation facilities

- Compared to accepted benchmarks, such as the long standing Department of Planning guideline (which established a minimum standard of 2.8 hectares/1,000 population), Ku-ring-gai has a relatively low provision of local and district level open space
- This is reflected in the relatively high proportion of households (34%) located beyond reasonable walking distance to a local park
- The low provision is also reflected in the high use of sports fields many of which are used at full or near to full capacity

### Conclusions on open space and recreation facility adequacy

- A large number of parks are very small and should be enlarged where their potential is strategically important and where enlargement opportunities are available
- As well, a large number of parks require further embellishments to more effectively meet the recreational needs and expectations of (existing and future) recreational users
- Council's local and district parks are not (in terms of both quantity and suitability) fully meeting the recreation needs of existing populations and do not have the capacity, therefore, to absorb the recreation needs and demands of new populations

### **Recent research findings**

31.10 The key outcomes and findings of the recent research are summarised in

Table 8.

Table O Outer	0		
Table 8 - Oper	i Space and Recreation	Studies in Ku-ring-gai – Key Findings	

Broad issue or need	Specific issue or need		
Current supply and distribution of open	<ul> <li>Ku-ring-gai LGA has a generous supply of environmentally significant open space.</li> </ul>		
space	<ul> <li>The provision of sports grounds is comparative to the traditional standard</li> </ul>		
	• Sports grounds, however, are not able to be used at their maximum carrying capacities – due to social impact constraints associated with their use on Friday evenings and all day on Saturdays and Sundays		
	<ul> <li>The provision of (non-sport) developed parks is very low according to traditional benchmarks</li> </ul>		
	<ul> <li>The distribution of these parks in the LGA is moderately uneven – with relatively low per capita provision in Roseville and Gordon</li> </ul>		
	<ul> <li>Despite this, Council's playgrounds (96 playgrounds at 91 sites) are reasonably well distributed throughout the LGA</li> </ul>		
	<ul> <li>A relatively high proportion (30%) of local parks are too small to facilitate the provision of a diversity of 'walk to' recreation opportunities</li> </ul>		
	• Due to these distributional and size characteristics, a significant minority of the population (35%) is not adequately serviced by high quality neighbourhood open space		
Demand for new major facilities	Additional sports fields and courts (athletics, baseball AFL, cricket, hockey, netball, soccer, softball, tennis)		
	<ul> <li>More facilities for women's sport (eg hockey, netball, softball)</li> </ul>		
	<ul> <li>Indoor leisure centre and year-round swimming facilities</li> </ul>		
Demand for greater diversity of recreation	More linkages – walking tracks and bicycle paths		
opportunities within <i>existing</i> parks and open spaces	<ul> <li>Improved barbecue facilities, shade &amp; toilet improvements in parks</li> </ul>		
	<ul> <li>More equipment in parks - opportunities for unstructured recreation for youth</li> </ul>		
	<ul> <li>Large group/family picnic opportunities (shelters, tables, seating) in major parks</li> </ul>		
	More dog 'off-leash' areas		
	<ul> <li>Integration of play and informal sports facilities with formal sports facilities</li> </ul>		
	<ul> <li>More commercial facilities in parks (kiosks)</li> </ul>		

Broad issue or need	Specific issue or need
Demand for better quality facilities	Sports ground upgrades (turf, drainage, fencing, amenities, floodlighting) at several grounds
	Improved sports facility, playground and toilet maintenance
	<ul> <li>Playground upgrades – with more innovative play spaces</li> </ul>
	Improved park design/plantings
	Walking track and signage improvements
Demand for environmental protection	Protect and enhance the 'green' environment
Demand for more support services	<ul> <li>Improved access to open spaces and facilities (paths, signs, parking and co-location of facilities)</li> </ul>
	Improved information on available recreation activities     and facilities
	<ul> <li>Improved accessibility – 'access for all' facilities at more public places and improved promotion of 'accessible' facilities</li> </ul>
	<ul> <li>More low-cost opportunities (for families, seniors and young people)</li> </ul>
	Improved booking systems for sports facilities
	More equitable allocation of sports facilities,
	<ul> <li>Improved lighting (for safety) in public places and ranger/police presence, and</li> </ul>
	Various forms of assistance from Council (low cost activities, access to facilities)

## **Future Open Space and Recreation Facilities**

- 31.11 As summarised above, Council already provides a range of open space, recreation and leisure facilities. These are of variable quality and adequacy. While some facilities are adequately meeting needs, others require upgrading and/or diversification to meet the needs of the future population, and there are also demands for some new facilities (as indicated above).
- 31.12 Council has been addressing these issues through its annual relevant works programs with open space and recreation facility provision and major improvement works undertaken since adoption of the 2000 S94 Plan including the following:
  - Bannockburn Oval and Barra Brui Oval upgrades
  - Vernon Street Village Green upgrade
  - St Ives Village Green upgrade
  - Queen Elizabeth Park access works

- Samuel King, Wellington and Turramurra Memorial Ovals lighting upgrades
- Various tennis court refurbishments.
- 31.13 The recent Ku-ring-gai Open Space Strategy addresses the needs issues further and includes an action plan containing a range of initiatives including:
  - Provide open space of sufficient quality to meet the recreation needs of the existing and forecast populations
  - Ensure compatibility between open space uses and the uses of neighbouring land
  - Continue to review the need for and, if necessary, an appropriate sites for a major indoor sport and/or aquatic facility in Ku-ring-gai
  - Develop new sports facilities (for formal and informal sporting activities) in line with expected population growth and in accordance with demonstrated needs
  - Ensure that all children have reasonable access to play facilities in open space areas
  - Provide a diversity of age-appropriate play environments for children (and their carers) and youth
  - Provide a range of facilities and amenities (toilets, shelters, play areas, picnic facilities, shelters) in accordance with management plans and site master plans
  - Provide places of natural and landscaped beauty for quiet activities, solitude and other passive recreation activities
  - Provide a diversity of informal recreation activities for all age groups
  - Plan and manage Ku-ring-gai's open space as an integrated system with individual land parcels linked through landscape features, habitat corridors, water courses, pedestrian/cycle paths and 'park streets'
  - Provide pedestrian and cycle paths in appropriate linear reserves
  - Improve bicycle support facilities (on and off-road routes, signs, storage) and intra and inter-LGA links
  - Provide night lighting in high use areas and strategic corridors (in accordance with Australian Standards)
  - Increase access to environmentally significant areas while ensuring that access does not cause significant detrimental impacts to the environmental values of those areas

### Needs of New Population

- 31.14 Current population projections indicate that the population of Ku-ring-gai will increase up to 15% between 2004 and 2026. A 15% increase in the number of people means, other things being equal, a 15% increase in recreation demand. It means an additional 16,000 potential users of Council's recreation services by 2026 many of whom are likely, in varying ways, to utilise Council's local and district open space resources. Between 2004-2009, this increase is estimated to be nearly 5,000 potential users.
- 31.15 Ku-ring-gai's population structure suggests that, overall, the demand for developed open space and recreation programs and facilities is likely to be average. The relatively low proportions of (high-participating) children and young adults and the high proportion of (low participating) older people (55+ years) will have a 'dampening' effect on demand. Offsetting this, however, are the higher participation effects of the high proportions of youth, couple families with children and high income levels and the relatively low levels of ethnic diversity in the community1.
- 31.16 Having noted the above, it is also emphasised that population structures and recreation needs are not static. There will be ongoing local shifts in population size and structure and broader changes in recreation interests and expectations.
- 31.17 These shifts are evident in Ku-ring-gai. The population declined slowly over much of the past 15-20 years but has recently recommenced slow growth. There is also an expectation of substantial growth in the 50+ age groups and, with implementation of the Residential Development Strategy, acceleration of overall growth with possible associated changes in socio-economic structure.
- 31.18 Population shifts will occur most markedly in those areas affected by the Residential Development Strategy. These changes will require on-going monitoring to identify required changes in the quantity and mix of open space and recreation resources.
- 31.19 Additionally, as the existing population ages, leisure and recreation interests and capacities change and this also has implications for the management and use of open space and recreation facilities and services.
- 31.20 These changes will cause changes in recreation demands and needs but these changes are difficult to forecast. Key issues include the following:
  - An aging population is normally associated with a trend to lower participation rates across most away-from-home sport and recreation activities (although there are exceptions to this, such as walking for pleasure)
  - The participation rates of aging people in the future may not decline in the same way as they have in the past due to increased health awareness, changing expectations and higher participation rates

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<sup>&</sup>lt;sup>1</sup> The under 20 age cohorts are typically the largest users of outdoor sport and recreation activities and the participation rates of 'culturally and linguistically diverse populations' have been found to be generally lower than those of Australian-born people.

- If participation rates do decline with age, their impacts may be offset by other population shifts such as the possible inflow of 'high participating' younger well-educated adults and children with implementation of the Residential Development Strategy.
- 31.21 The incoming RDS populations will contribute to the demand for open space and recreation facilities (including indoor and outdoor sport, passive recreation and aquatic facilities).
- 31.22 The assessments of existing open space and recreation facilities2 provide the basis for assessing the likely facility requirements of these incoming populations.
- 31.23 These studies found that, in terms of quantity or quality or both, the currently available facilities are insufficient for existing populations and will certainly not meet the additional needs generated by new development.
- 31.24 In particular, there is a need for more sports facilities (indoor and outdoor), higher quality sports facilities and a greater diversification of 'unstructured' recreation opportunities in parks. Other relevant needs are summarised in Table 9 according to the typical needs of the expected new resident age profiles.

<sup>2</sup> Including the Ku-ring-gai Open Space Strategy, the Business Strategy for West Pymble Pool and the Tennis Court Facility Business Plan

Age profile	Age profile trends	Key activities	Open space and recreation needs
0-14 years	<ul> <li>Increasing numbers and proportions of children in all age groups 0-14 years between 1996 -2001</li> <li>0-4 year olds were the fastest growing age group in the LGA</li> <li>Most significant absolute increase was for 5-9 year olds</li> </ul>	<ul> <li>The recreation needs of children vary according to their age – but all require safe, familiar environments, multi-sensory stimulation, challenge, opportunities for creativity</li> <li>The recreation of children in the 0-4 years age group primarily centres around the home, playgroups and small local parks with suitable play equipment</li> <li>Children 5-12 years will also use local parks but less as they grow older if equipment is not challenging. Some will also play in streets, vacant lots, natural areas</li> <li>Many will get more involved in community recreation and cultural activities – eg. visits to pools and libraries and participation in sport and/or cultural clubs and activities</li> </ul>	<ul> <li>Local and regional playgrounds and parks – with appropriate provision for both young children and adult supervision (seating, shade) and located near schools, shops and community centres where possible</li> <li>Indoor recreation (sport, gym and dance) and swimming facilities (for recreation, fitness and motor learning skills</li> <li>Sports fields and courts</li> <li>Safe cycle and pedestrian links between homes and parks</li> </ul>
18-29 years	<ul> <li>The number and proportion of people aged 15–24 and 25-39 years declined significantly between 1996-2001</li> <li>The possibility of a reversal in the decline of young people aged 18-24 and 25-29 with the development of multi unit housing around railway stations</li> </ul>	<ul> <li>Young people, in general, have a high rate of participation in recreation – both structured and unstructured. In fact, participation by young people (up to 25 years) in most leisure and recreation activities – including organised sport and physical activities, social life and entertainment - is significantly higher than it is for older age groups</li> <li>Youth-friendly public space and skate facilities are particularly important for young people not interested in structured activities</li> <li>Participation in sport declines slightly after 25 years but is offset by higher participation in family activities as people commence having children</li> </ul>	<ul> <li>Sports fields and courts</li> <li>Indoor sport and aquatic facilities</li> <li>Fitness gyms and facilities</li> <li>Cycle paths and walking trails</li> <li>Large park and or natural area settings for picnics and social activities</li> <li>Large park areas for informal play</li> </ul>

### Table 9 - Required open space and recreation opportunities x new resident age profile

Age profile	Age profile trends	Key activities	Open space and recreation needs
40+ years	<ul> <li>Between 1996-2001 the number and proportion of adults aged 40+ increased</li> <li>The greatest growth occurred in the 50-64 age group - the second fastest growing group in the LGA</li> <li>In 2001 Ku-ring-gai LGA had above average and increasing numbers and proportions of people 65+ years</li> <li>a significant proportion of older people are moving from larger family homes to medium density housing</li> </ul>	<ul> <li>Participation in structured sport and recreation activities declines steadily</li> <li>Family recreation activities – such as visits to district scale parks – is popular for the 40 -55 age groups</li> <li>Many less structured activities – walking, walking the dog, golf – remain popular through all age groups</li> <li>People over the age of 55 years have a diversity of skills, interests and physical and mental abilities. Some will be regular users of 'mainstream' recreation facilities and programs. Others will require various levels of assistance – including transport, facilities designed and constructed in accordance with 'access for all' requirements and/or special programs and activities</li> </ul>	<ul> <li>Cycle paths and walking trails</li> <li>Large park and or natural area settings for picnics and social activities</li> <li>Swimming pools</li> <li>Dog 'off leash' areas</li> </ul>

- 31.25 As detailed above, there are 78 hectares of parkland3 and 107 hectares of sports fields and courts in Ku-ring-gai4. Based on the year 2004 estimated residential population (of 109,824 people), this amounts to 0.71 hectares/1,000 people of parkland (or 0.63 hectares/1,000 if the 'regional' scale components are excluded), and 0.97 hectares/1,000 of sports fields/courts a total of 1.68 hectares/1,000.
- 31.26 The forecast RDS and other population increases between 2004 and 2009 will place additional demands on existing local and district open space facilities. In fact, in the absence of further acquisitions, the supply of open space is forecast to drop to 0.67 hectares/1,000 people of parkland, and 0.93 hectares/1,000 of sports fields by 2009.
- 31.27 But as identified in the supporting document for the S94 Plan 2000 Residential Development and, more recently, in the Ku-ring-gai Open Space Strategy, the current provision of open space in the LGA is relatively low particularly in some areas such as Roseville, Lindfield and Gordon. The additional demands of the new populations will therefore exacerbate existing demand pressures. In these

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<sup>&</sup>lt;sup>3</sup> This includes 63 hectares of local and district scale parkland and 15 hectares of 'regional' scale open space (ie 9 hectares of the St Ives Showground - the areas not used for sport and/or leased to or used by specialist groups – and the non-sport components of the Ku-ring-gai Bicentennial Park)

<sup>&</sup>lt;sup>4</sup> This includes an 'allowance' of 4 hectares for the sports field facilities at St Ives Showground but does not include the 20-22 hectares of sports facility 'demand space' (lawn bowls, croquet, equestrian and motorised sports) in the LGA (more than half of which is within the St Ives Showground)

circumstances many parks and spaces, due to their specific locations and/or capacities, will not be able to adequately cater to the increased demands.

- 31.28 In this context it would be desirable to acquire open space facilities at least at the current (relatively low) per capita levels of provision for the LGA as a whole to both meet the reasonable demands of the new population and to maintain service standards for the existing population.
- 31.29 Accordingly, the existing supply of local and district open space in the LGA (ie 0.63 hectares/1,000 people of parkland and 0.97 hectares/1,000 of sports reserves) is considered the appropriate benchmark for determining additional open space requirements.
- 31.30 However, because of the very high cost of acquiring land in Ku-ring-gai, it is not considered reasonable or practicable to acquire open space at this level. As well, any land acquired also requires embellishment also at substantial cost. The suggested alternative approach is twofold and entails the acquisition of 'affordable' quantities of new open space (comprising strategically important sites in accordance with performance criteria detailed in the Open Space Strategy) and substantial improvements, through appropriate embellishments, in the 'carrying capacity' of existing open space areas. This approach will still maintain contributions at a lesser level than would have been required should the desired benchmark for open space acquisition alone been applied.
- 31.31 Accordingly, with respect to acquisition, it is proposed to apply a 100% discount to the existing supply benchmark for sports fields and courts is proposed. That is no further acquisition will be required for land for sports fields and courts rather existing facilities will be embellished to make them "work harder".
- 31.32 With respect to parkland a policy of differential acquisition by precinct is proposed due to the unevenness of parkland distribution between precincts and the need to ensure that open space is acquired in those areas where it is most needed by new populations. The proposed differential acquisition is based on a 'weighting factor' which adjusts (that is, discounts) proposed acquisitions at the precinct level according to the deemed appropriate benchmark (of 0.63 hectares/1,000 people or 5.82m2 per capita) and precinct differences in both the existing quantity and accessibility of open space.
- 31.33 For those precincts with lower than average quantities of space, the discounting should be less. This is because, in these precincts, there is less scope to meet the needs of new populations through the embellishment of existing open space (that is, there is less space in these precincts that can be made to 'work harder' through appropriate upgrading). Any discounting of the acquisition benchmark in these precincts, therefore, would have a greater negative impact on the open space needs of new populations.
- 31.34 Specifically, it is proposed not to discount those precincts Lindfield and Gordon with well under average provisions of open space. Precincts with marginally under average and/or poorly distributed space Roseville, Killara, St Ives, Pymble and Wahroonga are discounted by 25%. One precinct Turramurra-Warrawee with an above average supply and good distribution of space is discounted by 50%.

- 31.35 The resulting precinct acquisition requirements ranged from 2.91m2 to 5.82m2 per capita as illustrated in Table 10.
- 31.36 Killara and Pymble have significantly greater than LGA-average per capita quantities of parkland (7.01m2 and 7.52m2, respectively, compared to 5.82m2 for the LGA). However, it is not appropriate to apply a larger than 25% discount to these precincts because of the very uneven distribution of parkland within both of them. In Pymble, for example, a large percentage of that precinct's parkland is part of Bicentennial Park. Large portions of the precinct particularly in the areas to the north, east and immediate south of the Avondale Golf Course and to the south and north of the Pymble Golf course have a very poor supply of parkland and any discount applied to the precinct would reduce the ability to meet the needs of future new residents in and/or adjacent to these areas.

	Existing open space supply			New open space required		
Precinct				Deemed reasonable requirement	Discounted requirement	
	На	Ha/ 1000	m2/ per capita	m2 per capita	WF (%)	m2 per capita
Roseville	4.7	0.48	4.79	5.82	75	4.37
Lindfield	4.47	0.38	3.77	5.82	100	5.82
Killara	8.59	0.7	7.01	5.82	75	4.37
Gordon	2.9	0.44	4.37	5.82	100	5.82
St Ives	10.62	0.56	5.58	5.82	75	4.37
Pymble	10.93	0.75	7.52	5.82	75	4.37
Turramurra/ Warrawee	12.93	0.63	6.26	5.82	50	2.91
Wahroonga	7.51	0.59	5.86	5.82	75	4.37
TOTAL	62.65	0.58	5.82			

Table 10 - Proposed Urban Park Acquisitions

- 31.37 Both the land to be acquired and existing areas of open space will require substantial embellishment to adequately meet the needs of new users. The key requirement is to enhance their carrying capacity and extend their usability in order to 'compensate' for the reduced per capita quantum of open space.
- 31.38 The range of required embellishments include tree plantings, earthworks, water supply, fencing, lighting, circulation pathways, car parks, furniture (benches, picnic settings, barbecues, litter bins, shelters), bubblers toilets/amenities, signage, formal gardens, playgrounds and sports facilities.
- 31.39 The embellishment works proposed to increase the utility of existing open spaces to make them 'work harder' are detailed in the following two sections.

## 31(c) Proposed Facilities

- 31.40 Council has proposed a variety of embellishments and works to enhance the carrying capacity and usability of existing open space.
- 31.41 The projects include the following:
  - walking track links
  - more recreation facilities (picnic areas, walking tracks, playgrounds)
  - upgrades to existing recreation facilities
  - sports facility upgrades.
- 31.42 The works focus on increasing the capacity of existing open spaces and facilities to accommodate use through a range of relevant improvements (including multipurpose site layouts, new/extended equipment and enhanced accessibility).
- 31.43 In this way, the works can reduce the need for additional open space by getting existing spaces and facilities to 'work harder' to meet the recreation needs and demands of the incoming populations associated with new development.
- 31.44 The key projects are summarised in Table 1.
- 31.45 The projects are consistent with the findings of the Open Space Strategy and previous studies in identifying key needs. The projects are also consistent with the expected changing demographics of the LGA, that is, the emphasis on play grounds, walking and cycling facilities, family picnic areas and sports facilities is consistent with the needs of a population with the following characteristics:
  - A growing population of children and young people (0-15)
  - a growing population aged 40 and over
  - a significant proportion of older people who are moving from larger family homes to medium density housing
  - an influx of new families taking the place of these people in larger family homes and replacing older dwellings with new family homes
  - the possibility of a reversal in the decline of young people aged 18-24; and 25-29 with the development of multi unit housing around railway stations.
- 31.46 Finally, and perhaps most importantly, the projects also extend the 'carrying capacities' of a large number of parks within the RDS areas or within a reasonable travel distance5 of them.

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<sup>&</sup>lt;sup>5</sup> 'Reasonable travel distance' is normally defined as up to 500 metres walking/cycling distance for small parks and a 5-10 minute drive for larger 'district scale' parks (ie those with picnic facilities, vantage points, high quality play facilities an/or specialist facilities such as children's bike tracks and dog exercise areas)

- 31.47 The 'carrying capacities' will be enhanced through extending the number of usable hours (lighting and turf improvements), the 'hardening' of facilities (more constructed walking and cycle tracks), the expansion of facilities (larger play grounds, additional toilets, more shelters) and/or the provision of new facilities (picnic areas and recreation facilities new play areas, chess tables, cricket nets and similar facilities).
- 31.48 This improvement in 'carrying capacities' is a critical requirement in meeting the needs of new populations in the context of the unavoidable decline in the quantum of per capita open space with implementation of the residential strategy.

## 31(d) Basis of Apportionment

### **Parkland Acquisitions**

- 31.49 Land for parkland is to be acquired to satisfy the reasonable parkland open space requirements of the projected new population.
- 31.50 Given the relatively low provision of parkland open space in Ku-ring-gai (compared to the average for Sydney), these reasonable requirements are deemed to be the existing LGA wide per capita provision of parkland (0.63 hectares/1,000 people).
- 31.51 However, for affordability reasons, given that embellishment is also to be levied as detailed in section 28(c), above it is proposed that the acquisition requirement for parkland be according to the differential weighting factor detailed in Table 10.
- 31.52 The 'threshold' requirement for new development will therefore range between 2.91m2 and 5.82m2 per capita. On this basis, the anticipated new population of 4,998 persons will require an additional 2.3083 hectares of parkland. At the precinct level, the new requirement ranges from 0.1210 Ha in Roseville to 0.5296 Ha in Lindfield as illustrated in

Table 11. While Council will attempt to distribute the purchase of open space according to these requirements, practicalities may dictate that a more generalised spatial approach to acquisition is adopted.

	Pop increase	Land requirement		
Precinct	(2004-9)	Per capita (m <sup>2</sup> )	Total (m <sup>2</sup> )	
Roseville	277	4.37	1,210.49	
Lindfield	910	5.82	5,296.20	
Killara	575	4.37	2,512.75	
Gordon	618	5.82	3,596.76	
St lves	541	4.37	2,364.17	
Pymble	783	4.37	3,421.71	
Turramurra/Warrawee	667	2.91	1,940.97	
Wahroonga	627	4.37	2,739.99	
Total	4,998		23,083.04	

Та	ble 11	- Local	open sp	ace acqui	isition req	uirements	x precinct
_							

31.53 An Open Space Acquisition Planning Study to be funded under the plan has been commissioned to identify priority sites for the acquisition program. This is required to ensure that the new open space is appropriately configured to most effectively meet the open space needs of new residents. The study is anticipated to cost \$30,000 and is to be fully charged to new development. The Work Schedule Maps indicate the acquisition priority areas as it is not possible or desirable in this situation to identify individual sites.

## Parkland embellishments

- 31.54 The open space to be acquired may include new parks and/or extensions to existing parks, depending on opportunities. All acquired areas will require embellishment which, depending on the location, may include landscaping, plantings, park furniture, play and recreation equipment, pathways and public art.
- 31.55 The average cost to embellish the newly acquired parkland is \$140 per m<sup>2</sup>.
- 31.56 The needs of new populations are also to be met through the further embellishment of a significant number of existing open space areas. These embellishments will expand the carrying capacities of these areas with the key requirements including the following:
  - The expansion of opportunities and 'hardening' of strategically important parks within or proximate to the RDS areas in accordance with expected needs of the incoming populations
  - Linking RDS areas to natural areas with appropriately located pedestrian and/or cycle paths.

- 31.57 The upgraded parks due to the type and quality of the proposed embellishments are likely to attract 'drive to' as well as 'walk to' visitors. The 'flagship' parks (St Ives Village Green, Turramurra Memorial Park and Wahroonga Park) are likely to have an LGA-wide visitor catchment. The other parks proposed for embellishment are likely to have smaller catchment areas but still extending over two or more suburbs. Accordingly, the projects have been classified as 'southern area', 'northern area' or 'LGA-wide' projects according to their assessed visitor catchment (or benefit) areas. This is shown in Table 1.
- 31.58 The total estimated cost of the required parkland embellishments (including the walking track links) is \$4.2 million. Of this, nearly 50% (or \$1.98 million) encompasses LGA-wide projects, 20% (0.83 million) are 'southern area' projects and 33% (1.4 million) are 'northern area' projects. Because the embellishments are required to meet the additional needs of new residents, they have been 100% apportioned to new development.

### Sports ground acquisitions and embellishments

- 31.59 Land for sports fields could also be required to satisfy the reasonable sports facility requirements of the projected new population. These requirements could be deemed to be the existing LGA wide per capita provision of 'sports reserve'.
- 31.60 The 'reasonableness' of this requirement is supported by the high use of these facilities including the full utilisation of peak time capacity at most playing fields. However as detailed above, the existing LGA wide provision of sports reserve is 0.97 hectares/1000 people. Therefore, the additional sports reserve requirement for the five year projected population increase of 4,998 persons would be 4.848 hectares (or 9.7m2 per capita). Given the extremely high land values in Ku-ring-gai and the difficulty of acquiring suitable large parcels of land, such a requirement would be an unreasonable burden on development.
- 31.61 Instead, in order to maintain the existing provision of sporting facilities to the year 2009, it is proposed to undertake stage 2 of the two sports field embellishment projects in the current S94 Plan (the North Turramurra Sports Field Development and reconfiguration of fields at Koola Park) and to upgrade a cross-section of other sports reserves to make them 'work harder' thus maintaining the contribution for sporting facilities to a reasonable level.
- 31.62 These upgrading projects are required to expand facility capacities to meet the needs of the new populations. The existing facilities are only sufficient to meet the needs of existing populations. The key requirements include sports turf improvements, irrigation, drainage, amenities, spectator facilities, parking and/or floodlighting. The costs of these embellishments have therefore been 100% apportioned to new development.
- 31.63 Twelve additional sports facility upgrading projects are proposed. These are welldistributed around the LGA and all have LGA-wide catchment areas. The total estimated cost of these projects is \$6.589 million – which translates to \$1,318 per capita for the anticipated new population of 4,998 persons.

## West Pymble Pool upgrade

- 31.64 Contemporary swimming opportunities are required by both the existing and incoming populations. Council has considered a number of proposals upgrade the pool complex to meet the needs of existing and future population. The cost of the current proposed centre upgrade comprising substantial improvements to the facility is \$10.9 million.
- 31.65 To ensure that the incoming population only pays for its share of the total demand it is considered reasonable that new development contributes at an equivalent rate to this as the new population because existing and new residents will be equal beneficiaries of the upgraded centre. Therefore the cost of upgrading this facility is apportioned between existing and new residents in direct proportion to their relative numbers. The facility is planned to meet the needs of the population over the longer term planning horizon. It may be implemented in stages.

# SECTION C3: TRAFFIC, PEDESTRIAN AND CYCLEWAY FACILITIES AND PUBLIC DOMAIN IMPROVEMENTS

### 32. Overview of proposed facilities and services

32.1 The proposed traffic, pedestrian and cycleway facilities and services are as follows:

## **Traffic Management Improvements and Road Safety Improvements**

### Pedestrian Facilities

### Cycleways

### Public Domain Improvements including

- Shopping Centre Improvement Program
- Roadway Lighting and
- Street Trees
- Public Domain Study

### **Traffic Studies**

## 32(a) Factors Affecting Supply

- 32.2 Ku-ring-gai LGA's population is presently serviced by an existing movement system which may be regarded as an asset. The amenity and overall level of service provided by this asset reduces progressively as a consequence of both age and the increased traffic generated by new development.
- 32.3 Therefore, in order to ensure that levels of service do not deteriorate, in addition to normal maintenance (which is not included in S94), it is essential that new development contribute to additional works and facilities as appropriate and help to progressively replace the asset. These works and facilities include measures required to maintain or improve road capacity, road safety, accessibility and amenity, as population increases and the number of vehicles using Ku-ring-gai's roads increase. In addition, given the aims of urban consolidation in the Stage 1 RDS Areas to reduce car usage, the facilities may relate to vehicular, pedestrian any bicycle movement.
- 32.4 The implementation of Stage 1 of the RDS will concentrate future development along the Pacific Highway-railway spine corridor and at St Ives. Consequently the need for additional transport works generated by new development will be focussed in these areas.

## 32(b) Basis of Nexus

- 32.5 The demand for the provision of traffic and transport facilities has been determined as follows:
  - by assessing the existing movement network to identify existing deficiencies which require addressing to meet the needs of existing and future development
  - by assessing the need for additional facilities that will be required in response to additional demands created by future development.
- 32.6 In general terms, existing deficiencies across the transport network relate to existing demands and these deficiencies cannot be funded under Section 94. However, to the extent that these deficiencies may be further exacerbated by new development, then this development contributes to a further deterioration in conditions and therefore should be assessed for inclusion in the Section 94 Plan.
- 32.7 It is notable that at the community consultation held during the preparation of the S94 Plan, facilities for adequately meeting the traffic, parking, cycleway, footpath and movement infrastructure needs of new development were considered the second highest priority area of need.
- 32.8 In October 2002, Council adopted a Traffic and Transport Policy in recognition of the importance of traffic and transport issues in Council's current management plan. Council has also endorsed a long term plan for managing traffic on Council's roads. This plan identified criteria adopted by Council in prioritising works required to meet existing and future needs.
- 32.9 Consistent with these policies, Council has identified a schedule of works required to meet existing and predicted future needs. Some of these works are incorporated into Council's 5 year works program.
- 32.10 In determining a development application, Council may impose a condition allowed under Section 80A(1)(f) of the EP&A Act requiring off-street traffic and pedestrian works to be undertaken. These works might relate to improvements to footpaths of carriageways in the vicinity of the site as a direct consequence the development. The works in the work schedule to this plan are in addition to any works required as a condition of development consent. Works required to be undertaken in fulfilment of a condition of development consent, other than a condition imposed under S94, will not be considered as works in kind.

## 32(c) Proposed Facilities

32.11 Improvements have been assessed in various categories as follows. It will be evident that many of the proposals have several benefits that span different categories. For example, many of the traffic management proposals have related road safety and pedestrian benefits etc. In this case the improvement has been included in the category that serves its primary objective.

## Traffic Management Improvements and Road Safety Improvements

- 32.12 Consistent with Council's Traffic and Transport Policy and long term plan for managing traffic on Council's roads, Council officers have identified work required to improve road safety and to improve traffic flows. These are listed in Appendix 1. These works have been identified based on a series of investigations into traffic conditions, analysis of accident data and inspection of sites. Council intends to undertake capital works to improve traffic flows and road safety to meet the needs of existing and future development as envisaged under Stage 1 of the RDS.
- 32.13 Council has identified needs over the next 5 years based on its expected capital works program. While needs substantially exceed those identified, Council's ability to contribute matching resources where the cost of facilities is apportioned, limits the facilities which have been included in the plan. Individual works items included in Appendix 1 may change as a result of changing priorities or funding availability.
- 32.14 It is recognised that some traffic works will be undertaken as a condition of development consent of the type allowed under Section 80A(1)(f) of the EP&A Act. The works identified for this plan are works that are not related to a specific development proposal.
- 32.15 The investigations into road safety undertaken were not conducted as formal road safety audits. Such audits may be undertaken in the future. In addition Council is undertaking additional traffic investigations and analyses. Any additional needs identified through these investigations may require an amendment to the work schedule in this S94 Plan.
- 32.16 Works identified relate to Council roads only. Required upgrading to intersections with RTA managed roads are not included in the S94 Plan, as Council is not responsible for funding such improvements. If subsequent investigations indicate the requirement for a contribution to the cost of such works to meet the needs of new development, an amendment to the S94 Plan may be required.

## Pedestrian and Bicycle

- 32.17 A long term strategy for improvements to footpaths and cycleways has been identified by Council in a similar manner to the traffic and road safety improvements, and are also listed in Appendix 1. It will be noted that off-street cycleway and pedestrian facilities are included in the open space section of this Plan.
- 32.18 Pedestrian improvements relate to the provision of new footpaths in areas where none already exist.
- 32.19 Council has identified needs over the next 5 years based on its expected capital works program. While needs substantially exceed those identified, Council's ability to contribute matching resources where the cost of facilities is apportioned, limits the facilities which have been included in the plan. Individual works items may change as a result of changing priorities or funding availability.

### Other Public Domain Improvements

- 32.20 The streets of Ku-ring-gai are an important recreational resource and are a key element of the movement system. This is particularly so in the existing centres where pedestrian activity is related as much to recreation as to movement and access. Improvements can be made to all streets within the LGA. However for the level of contribution and committed works programme to be reasonable, the works need to be prioritised.
- 32.21 Emphasis is given in this plan to improvements to shopping centres, street lighting and street trees. These works are in addition to the footpath and cycleway improvements outlined above.
- 32.22 Council is considering the identification of a programme of further public domain improvements to accommodate growth associated with Stage 1 and Stage 2 of the RDS. Council will be undertaking a public domain investigations to identify works to improve the public domain as a consequence of implementation of Stage 1 and Stage 2 of the RDS. Subsequent plans or amendments to this plan may identify additional improvements to the public domain to accommodate the street based recreational and movement requirements of new residents.

### **Shopping Centre Improvements**

32.23 Residential development will generate additional trips to existing shopping centres requiring works to upgrade existing pedestrian systems in centres, to improve street furniture and the like. Council proposes to spend in the order of \$185,000 per annum on such works over the life of the plan. While needs substantially exceed those identified, Council's ability to contribute matching resources where the cost of facilities is apportioned, limits the facilities which have been included in the plan. These works will benefit all residents of the LGA who will visit the existing centre.

### **Roadway Lighting**

- 32.24 Roadway lighting has been identified by Council officers as requiring improvement within and around all centres. This has been assumed to incorporate lighting within the vicinity of existing shopping centres to improve safety for those using the streets. The lighting upgrade does not only relate to pedestrian access to stations, but also to movement within the centres generally and the use of streets as a recreational resource.
- 32.25 It has been assumed that the lighting in all local streets within 500 metres distance of the centres would be upgraded by the provision of an additional pole and luminaries on one side of the street at an interval of 80 metres, thereby resulting in a lighting interval of 40 metres when account is taken of existing luminaries.
- 32.26 These lighting improvements will be of benefit to existing and future residents.
- 32.27 Expected expenditure over the next 5 years is included in the works schedule.

### Street Tree Planting

32.28 Council implements a program for street tree planting to replenish and extend the street tree canopy. The program will benefit existing and future residents. Expected expenditure over the next 5 years is included in the works schedule. The money will be spent in accordance with the street tree planting program. This program will provide trees over and above any street trees required as a condition of development consent or provided as part of a development.

### **Underground Power**

- 32.29 Council intends to institute the undergrounding of power lines within the LGA wherever possible on environmental and aesthetic grounds.
- 32.30 While it has not been possible to incorporate undergrounding power into this S94 Contributions Plan at this stage, it will generally be a condition of approval that developers are required to pay for undergrounding of power in the vicinity of their development.
- 32.31 This initiative will further increase the value of the public domain as a leisure and recreation resource for new residents, and is considered particularly important in RDS Areas to increase the use and vitality of streets as a supplement to traditional forms of open space.

### **Traffic Studies**

- 32.32 Council is undertaking or has undertaken a number of studies into traffic and parking in order to identify the works required to meet the needs of the expected population associated with Stage 1 of the RDS.
- 32.33 Council is proposing to undertake an update of the Traffic and Transport Base Study prepared by GHD in 2000 to identify in detail the demand for traffic management measures associated with Stage 1 of the RDS.
- 32.34 Additional studies will be undertaken in the area of public domain improvements.

### 32(d) Basis of Apportionment

32.35 Apportionment of costs for the above traffic, pedestrian and cycleway facilities has been determined on the basis of those who will benefit from the works. Consequently the costs have been apportioned over the total population over the life of the plan.

### **SECTION C4: ADMINISTRATION**

### 33. Overview

- 33.1 The earlier parts of this plan have demonstrated that the new incoming population of Ku-ring-gai LGA will need improvements and additions to facilities and services of a variety of types which are not currently available.
- 33.2 S94 provides the mechanism by which contributions can be collected to provide these. However the administration of a S94 Plan requires resources which otherwise would not be devoted to this purpose. Since these would not be required if a S94 Plan was not to be put in place, they are directly attributable to new development.
- 33.3 The needs which have been identified in this regard are:
  - preparation of Council's S94 Plan and amendments to the plan
  - a S94 Officer to implement the plan.

### 34. S94 Plan

### 34(a) Factors Affecting Supply

34.1 Planning studies which establish a comprehensive approach to the administration of S94 and which are outside of the daily work undertaken by Council can bebe funded through contributions. Only the costs of studies which directly result in a Contributions Plan can be included in S94 charges.

### 34(b) Basis of Nexus

- 34.2 As work was undertaken with the specific intention of preparation of a S94 Plan and amending this plan, and would not otherwise have been undertaken by Council, then the cost of preparing the study and plan can be directly and fully attributed to S94.
- 34.3 This Contributions Plan was prepared specifically for the purposes of enabling contributions to be levied where the anticipated development is considered likely to increase the demand for facilities and services. The costs of preparing the plan and its amendment includes a range of studies specifically related to the plan preparation, legal advice on the plan and land valuations used in the plan and in contribution rate adjustments.

### 34(c) Proposed Facilities

34.4 The proposed facility is the cost of preparation of the S94 Plan and the cost of amending the plan and indexing the plan.

### 34(d) Basis of Apportionment

34.5 In view of the above, 100% of the cost of the Contributions Plan and its amendments are proposed to be met by new development.

### 35. S94 Officer

### 35(a) Factors Affecting Supply

- 35.1 The management of the Development Contributions system requires significant Council resources including the employment and training of a S94 Officer to administer the Contributions Plan.
- 35.2 Council needs to employ and train resources to prepare and review the Contributions Plan. Tasks to be undertaken include and monitoring plan implementation in terms of moneys contributed and rates of development, responding to legal precedent, reviewing legislative changes, monitoring reviews and indexing, managing consultants and the like. This involves a range of skills and divisions in the organisation.

### 35(b) Basis of Nexus

35.3 A full-time S94 officer is not currently employed, although Council has employed a S94 Accounting Officer. The role of the S94 staff will continue to be needed throughout the life of this plan to ensure the effective and accountable implementation of S94 Development Contributions systems.

### 35(c) Proposed Services

- 35.4 The making and implementation of a S94 Plan is considered a serious responsibility, under which Council must undertake to expend the funds collected in a reasonable time and in accordance with the Plan. New requirements which have been instituted since the last plan was put into place require increased accountability and transparency. There is an on-going need for continuing professional development in order to respond to new legislation and changes in S94 procedures and practices.
- 35.5 To meet these responsibilities, Council prepares a Ten Year Financial Model which analyses funding capability for S94 projects. The preparation and maintenance of material for this model requires expertise outside that of normal planning officers. This necessitates an officer of Council to change from existing duties to administration of the Plan.
- 35.6 In the case of some facilities, there may also be significant further consultation, planning and discussions required to ensure that the design and modifications to facilities meet the needs of potential users, and that existing services can continue to operate while upgrading occurs.
- 35.7 It is envisaged that this position will be a full time position within Council for the life of the Plan, including standard on-costs associated with establishment and maintenance of the position. Alternatively, part of the role of a Section 94 Officer can continue to be undertaken on a consultancy basis or the role can be undertaken by existing staff of the Council.

### **35(d)** Basis of Apportionment

35.8 The need for a S94 Officer is generated only by the existence of the Contributions Plan. Therefore 100% of the equivalent cost of a full-time officer and on-costs is to be met by new development.

### **Contributions Rates Calculation**

### 36. How is the contributions rate calculated?

- 36.1 The contributions rate for each residential development is calculated by adding the contribution for each facility or service determined as per the formulae in Section 7.
- 36.2 The relevant populations contributing to the various facilities or services are shown on Table 2. This table shows the contribution for different precincts or parts of the LGA, as shown on Figure 1.
- 36.3 To convert these rates to a contribution per dwelling, the following bedroom occupancy rates have been derived from the 2001 ABS Census.

Dwelling Size	No persons/ dwelling <sup>6</sup>
Bedsit and 1 bedroom dwelling	1.27
2 bedroom dwelling	1.78
3 bedroom dwelling	2.56
4 bedroom dwelling	3.30
5 bedroom dwelling	3.88
SEPP (Seniors Living) Housing	1.3

### Table 12: Average Occupancy Rates per Dwelling, Ku-ring-gai LGA

36.4 "bedroom" means, for the purposes of this Contributions Plan, any room which, in the opinion of Council, is, by its physical design, capable of being used as a bedroom. Separately accessible rooms designated a bedroom, study, studio, den, attic, home office, home theatre or the like, including in some circumstances partially enclosed mezzanine levels, may be classified as bedrooms for the purposes of this plan. If a room is called a "study" and it is capable of being used as a separate room, it will be defined as a bedroom i.e. a unit described as a one bedroom plus study is a two bedroom dwelling for the purposes of this contributions plan unless the study is, by virtue of its design, incapable of being used as a bedroom.

### 37. What is the staging of facilities and services to be provided?

37.1 The anticipated timing of provision of the identified facilities and services is shown on Table 2. This may be subject to change dependent on availability of matching funds, changing priorities and other factors. Hence, it should be considered indicative. In some cases works will be undertaken when population thresholds are reached.

<sup>&</sup>lt;sup>6</sup> Occupancy rates derived from ABS 2001 Census – No. Bedrooms Private Dwelling by Summation Options, Ku-ring-gai LGA

37.2 The estimated timing of provision of facilities will be updated in Council's Ten Year Financial Model. This will be available for public scrutiny throughout the life of the plan.

### 38. What is the priority for facilities and services to be provided?

38.1 Table 2 also provides an indication of priorities for expenditure. It is intended that these priorities will be followed in the event that funds are pooled. These priorities are subject to change based on Council priorities and rates of development in different parts of the LGA.

## **PART D : SUPPORTING DOCUMENTS**

### 39. What resource, statistical and support material is relevant?

- 39.1 The Ku-ring-gai contributions plan is based on various studies, plans and policies which have been undertaken and/or adopted by Ku-ring-gai Council. Relevant documents which support this plan include:
  - Ku-ring-gai Council Section 94 Community Facilities Background Report (2004)
  - Ku-ring-gai Council Section 94 Recreation/Open Space Background Report (2004)
  - Ku-ring-gai Social Plan 2000
  - Child Care Services Plan (1995)
  - Access and Equity Policy (1997)
  - Public Art Policy (1997)
  - Disability Discrimination Act Plan (1998)
  - Demographic Profile of Ku-ring-gai (1998)
  - 1989 Recreational Needs Survey
  - 1999 Leisure Needs Survey
  - 1999-2002 Management Plan
  - Traffic and Transport Base Study (GHD) (2000)
  - Parking Study (GHD) (2001)
  - Ku-ring-gai Council Traffic and Transport Policy
  - Long Term Plan for Managing Traffic adopted by Council on 3 June 2003

### Transport Works

### TRAFFIC MANAGEMENT AND ROAD SAFETY IMPROVEMENTS

### Traffic Management Improvements (RDS Area)

- 1. Fox Valley Rd at Ada Ave Kerb blisters on Fox Valley Road to increase deflection.
- 2. Kylie Ave at Northcote Ave Channelisation at intersection
- 3. Werona Ave at Greengate St Seagull islands on side streets
- 4. Werona Ave at Locksley St Median islands in Werona Avenue
- 5. Werona Ave at Robert St New traffic signals
- 6. Balfour St at Bent St Channelisation at intersection
- 7. Grosvenor Reconstruct footpath at bus stop
- 8. Hill St at Victoria St Channelisation incorporating pedestrian facility
- 9. Lindfield Ave at Tryon Rd New traffic signals
- 10. Nelson Rd Install traffic calming treatments
- 11. Ayres Rd at Mona Vale St Widen roadway to permit two lanes on exit from Ayres Road
- 12. Horace St at Stanley St Install/modify splitter islands to better accommodate pedestrians
- 13. Killeaton St at Cowan Rd New signals
- 14. Station St at Hope St Channelisation at intersection
- 15. Woodbury Rd Install traffic calming treatments

### Traffic Management Improvements (Outside RDS Area)

- 16. Fox Valley Rd at Amaroo St Roundabout/Channelisation further investigation required
- 17. Yanko Rd at Kooloona Cr (north) Channelisation/Intersection improvements further investigation required
- 18. Yanko Rd at Lofberg Rd Channelisation/Intersection improvements further investigation required
- 19. Yanko Rd at Yarrara Rd Channelisation/Intersection improvements further investigation required
- 20. Yanko Rd at Congham Rd Channelisation/Intersection improvements further investigation required
- 21. Lady Game Dr at De Burgh Rd RT bay on Lady Game Drive
- 22. Lady Game Drive at Bowes Ave Seagull island on side street? further investigation required

- 23. Chelmsford Ave at Mcleod Ave Roundabout/Channelisation further investigation required
- 24. Sydney Rd at Woodlands Rd Roundabout
- 25. Eastern Arterial at Burraneer Ave (north) Channelisation? Requires further investigation
- 26. Eastern Arterial Rd at Barra Brui Cr Install extended length of raised median
- 27. Yarrabung Rd at Catherine St / College Cr Roundabout/Channelisation further investigation required
- 28. Burns Rd at Westbrook Ave / Ancona Rd Channelisation? Requires further investigation
- 29. Burns Rd at Hampden Rd Channelisation? Requires further investigation
- 30. Eastern Rd at Braeside St Channelisation? Requires further investigation
- 31. Eastern Rd at Kintore St Channelisation? Requires further investigation
- 32. Eastern Rd at Tennyson Ave Channelisation? Requires further investigation
- 33. Junction Rd at Wahroonga Ave Channelisation? Requires further investigation

### Road Safety Improvements (RDS Area)

- 34. Fox Valley Rd at Roland Ave Roundabout incorporating pedestrian facility
- 35. Gilroy Lane Widen footpath and undertake study of feasibility of introducing a shared zone treatment
- 36. Arthur St at Kylie Ave / Elva Ave Roundabout incorporating pedestrian facility
- 37. Khartoum Ave at Werona Ave Pedestrian refuge at Khartoum Avenue
- 38. McIntosh St at Arthur St Roundabout incorporating pedestrian facility
- 39. Park Ave at Werona Ave / Pearson Ave Ped refuges/kerb blisters at marked crossings
- 40. Park Ave at Rosedale Rd Roundabout, incorporating Memorial as a central island
- 41. Powell St at Karranga Ave / Wattle St Correct adverse crossfall through intersection
- 42. Rosedale Rd at Nelson St Extended refuge incorporating ped crossing and splitter island at roundabout
- 43. Rosedale Rd at Robert St Roundabout incorporating pedestrian facility
- 44. Spencer Rd at Calvert St Roundabout incorporating pedestrian facility
- 45. Stanhope Rd at Nelson Rd Roundabout incorporating pedestrian facility
- 46. Stanhope Rd at Springdale Rd Roundabout incorporating pedestrian facility
- 47. Wade Lane Widen footpath and undertake study of feasibility of introducing a shared zone treatment
- 48. Werona Ave at Railway Underpass Roundabout incorporating pedestrian facility

- 49. Werona Ave at McIntosh St Roundabout incorporating pedestrian facility
- 50. Chapman Lane Flat top threshold with marked footcrossing at Lindfield Arcade
- 51. Hill St at Lord St Flat top threshold with marked footcrossing at Lindfield Arcade
- 52. Kochia Lane Widen footpath between Lindfield Avenue and Chapman Lane
- 53. Lindfield Ave at Woodside Ave Roundabout incorporating pedestrian facility
- 54. Lindfield Ave at Russell Ave Pedestrian refuge
- 55. Provincial Rd at Cook Rd Roundabout incorporating pedestrian facility
- 56. Roseville Ave at Hill St Pedestrian refuge
- 57. Shirley Rd at Glen Rd Roundabout incorporating pedestrian facility
- 58. Grandview St at Station Rd Roundabout incorporating pedestrian facility
- 59. Link Rd at Killeaton St Median island treatment at intersection
- 60. Telegraph Rd at Station St Pedestrian refuges/channelisation
- 61. Bannockburn Rd at Rushall St Roundabout incorporating pedestrian facility
- 62. Bannockburn Rd at Selwyn St Intersection improvements requires further investigation
- 63. Billyard Ave at Young St Roundabout incorporating pedestrian facility
- 64. Bobbin Head Rd at Berrillee St / Rushall St Roundabout incorporating pedestrian facility
- 65. Burns Rd at Grosvenor St / Cleveland Rd Roundabout at Burns/Grosvenor and channelisation at Burns/Cleveland
- 66. Cleveland St at Stuart St Roundabout incorporating pedestrian facility
- 67. Cleveland St at Billyard Ave Roundabout incorporating pedestrian facility
- 68. Eastern Rd at Karuah Rd Roundabout incorporating pedestrian facility
- 69. Eastern Rd at Bangalla St Roundabout incorporating pedestrian facility
- 70. Ku-ring-gai Ave at Boomerang St Roundabout incorporating pedestrian facility
- 71. Millewa Ave at Cleveland St Roundabout incorporating pedestrian facility
- 72. Redleaf Ave at Railway Ave Roundabout incorporating pedestrian facility

### Road Safety Improvements (Outside RDS Area)

- 73. Pentecost Ave at Merrivale St Roundabout
- 74. Pentecost Ave at Bannockburn Rd Roundabout
- 75. Burns Rd at Bobbin Head Rd RT arrows/bays in Burns Road/Bobbin Head Road

- 76. Eastern rd at Chilton Pde Roundabout
- 77. Billyard Ave at Mona St Roundabout? further investigation required
- 78. Burns Rd at Clissold Rd Install new seal on poor surface
- 79. Eastern Rd at Billyard Ave Roundabout? further investigation required
- 80. Tennyson Ave at The Chase Rd Roundabout/Speed reduction measures in The Chase Road
- 81. Burns Rd at Ellalong Rd Intersection improvements at curve further investigation required
- 82. Burns Rd at Bedford Ave Intersection improvements at curve further investigation required
- 83. Burns Rd at Trentino Rd Restrict turning movements? further investigation required
- 84. Eastern Rd at Trentino Rd Roundabout?
- 85. Burns Rd at Eastern Rd Improvements to signalised intersection further investigation required
- 86. Junction Rd at Grosvenor St Improvements to roundabout further investigation required
- 87. Bobbin Head Rd at Pentecost Ave / Boomerang St RT arrows/bays in Bobbin Head Road
- 88. Bobbin Head Rd at Milton Rd Roundabout
- 89. Junction Rd at Coonanbarra Rd Improvements to roundabout further investigation required
- 90. Junction Rd at Eastern Rd Improvements to signalised intersection further investigation required
- 91. Douglas St at Acron Rd Roundabout
- 92. Warrimoo Ave at Dalton Rd Roundabout
- 93. Yarrabung Rd at Stanley St Roundabout
- 94. Telegraph Rd at Ganmain Rd Roundabout
- 95. Killeaton St at Benaroon Ave Intersection improvements further investigation required
- 96. Horace St at Hunter Ave / Eucalyptus St Improvements to roundabout further investigation required
- 97. Acron Rd at Woodbury Ave Roundabout
- 98. Killeaton St at Acron Rd Intersection improvements further investigation required
- 99. Killeaton St at Carbeen Ave Intersection improvements further investigation required
- 100. Killeaton St at Warrimoo Ave Intersection improvements further investigation required
- 101. Collins Rd at Toolang Rd Roundabout
- 102. Killeaton St at Collins Rd Intersection improvements further investigation required

- 103. Melbourne Rd at Allambie Ave / Adelaide Ave Roundabout
- 104. Melbourne Rd at Wellington Rd Roundabout
- 105. Archbold Rd at Chelmsford Ave Seagull islands on side streets
- 106. Archbold Rd at Margaret St Intersection improvements further investigation required
- 107. Archbold Rd at Bancroft Ave Intersection improvements further investigation required
- 108. Archbold Rd at Addison Ave Improvements to signalised intersection further investigation required
- 109. Archbold Rd at Clanville Rd / Carnarvon Rd Fixed Speed Camera
- 110. Addison Ave at Moore St Roundabout
- 111. Archbold Rd at Duntroon Ave Seagull islands on side streets
- 112. Duntroon Ave at Moore St Roundabout
- 113. Archbold Rd at Middle Harbour Rd Seagull islands on side streets
- 114. Archbold Rd at Lord St Intersection improvements further investigation required
- 115. Lady Game Dr at Provincial Rd Intersection improvements further investigation required
- 116. Archbold Rd at Tryon Rd RT arrows/RT bays in Tryon Road
- 117. Archbold Rd at Roseville Ave Intersection improvements further investigation required
- 118. Archbold Rd at Park Ave Intersection improvements further investigation required
- 119. Archbold Rd at Dudley St Intersection improvements further investigation required
- 120. Archbold Rd at Owen St Intersection improvements further investigation required
- 121. Lady Game Dr at Grosvenor Rd Improvements to roundabout further investigation required
- 122. Lady Game Dr at Highfield Rd / Moore Ave Improvements to roundabout further investigation required
- 123. Highfield Rd at Primula St Roundabout
- 124. Park Ave at Moore St Roundabout
- 125. Eastern Arterial Rd at Koola Ave Improvements to signalised intersection further investigation required
- 126. Eastern Arterial Rd at Springdale Rd Restrict turning movements? further investigation required
- 127. Koola Ave at Churchill Rd Intersection improvements further investigation required
- 128. Lady Game Dr at Fiddens Wharf Rd Improvements to roundabout further investigation required

- 129. Eastern Arterial Rd at Fairlight St Intersection improvements further investigation required
- 130. Rosebery Rd at Koola Ave / Wattle St Improvements to roundabout further investigation required
- 131. Maxwell St at Geoffrey St Roundabout
- 132. Comenarra Pwy at Fox Valley Rd RT arrows/bays in Comenarra Parkway
- 133. Kissing Pt Rd at Catalpa Cr (south) Roundabout
- 134. Lucinda Ave at Eastbourne Ave Roundabout
- 135. Yanko Rd at Kendall St Improvements to roundabout further investigation required
- 136. Fox Valley Rd at Lucinda Ave Improvements to roundabout further investigation required
- 137. Yanko Rd at Wallalong Cr (north) improvements to signalised intersection further investigation required
- 138. Yanko Rd at Wallalong Cr (south) Restrict turning movements
- 139. Fox Valley Rd at Stone Ave Improvements to ped x'ing approaches/skid resistance? further investigation required
- 140. Comenarra Pwy at Ravenhill Rd Delineation around curve further investigation required

### Pedestrian Networks (RDS Area)

- 141. Tryon Rd Extension of footpath across front of church property Ref 88/5805/01
- 142. Werona Ave Adjacent to Nos 83/85 No 83 10/86
- 143. Bangalla St at Warrawee Ave to No 31 northern side (to eliminate ponding of water)
- 144. Drovers Way at Beaconsfield Pde to northern end (to complete) 134m
- 145. Werona Ave Footway west side from Stanhope to Arnold
- 146. Everton St Adjacent to No2-52m2
- 147. Arnold St Footway north side Werona to Locksley
- 148. Woonona Ave at Pacific Highway to Warwilla Ave western side reconstruction in asphalt 300
- 149. Memorial Ave Footway near No 65 and remove trees
- 150. Nelson Rd No 9 to Tryon Rd east side
- 151. Shinfield Ave at Mona Vale Rd to Pildara Ave south side
- 152. Boyd St at southern side Jersey to Kissing Point Road
- 153. Illoura Ave Footway on west side north from Stuart 88/2915/01

### Pedestrian Networks (Outside RDS Area)

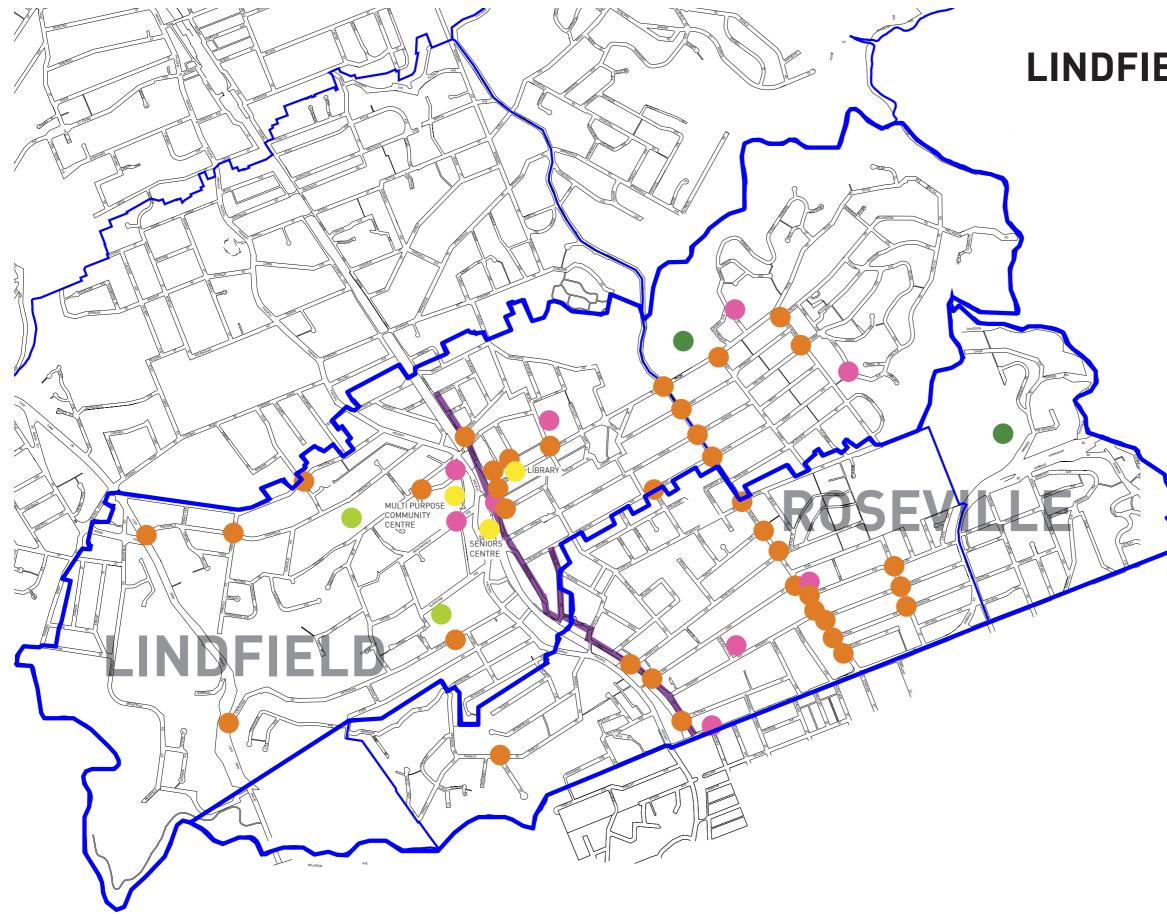
- 154. Lady Game Drive at Fiddens Wharf Rd to crossing at No 57 north side
- 155. Eppleston PI full length No 1 5/87
- 156. Kendall St at Ryde Rd to Grayling St No 14 1/90
- 157. Bent La Extend narrow footway Balfour St to Bent St 88/6275/03
- 158. Auluba Rd at Kissing Point Rd to Kindergarten south-eastern side 171m2
- 159. Auluba Rd north side from Chisholm St to Balmaringa Ave
- 160. Mona Vale Rd at Bundabah Ave to Woodbury Rd western side
- 161. The Comenarra Pwy at Fox Valley Rd to Browns Rd northern side 780m No 39 Browns Rd 3/76
- 162. Mona Vale Rd at Woodbury Rd to Ayres Rd western side No 322 Mona Vale Rd 5/89
- 163. Link Rd at Mona Vale Rd to Stanley St 2 metre c'way
- 164. Kiparra St footway Pee Wee Park to Kooyong
- 165. Kiparra St footway Pee Wee Park to Ryde Rd
- 166. Norfolk St footway Essex to Cecil north side
- 167. Duneba Ave shops to Kiparra St
- 168. Kulgoa Rd footway east side Cameron to Richmond Park
- 169. Warrington Ave Existing path in Koola Ave to northern end 420m No 2 Harcourt St 1/83
- 170. Ayres Rd at Mona Vale to Acron Rd southern side 664m2 No 46 4/75; No 44 3/75
- 171. Bobbin Head Rd Huon Park to school east side
- 172. Boundary St Construct pedestrian ramp where steps currently exist opposite Archer
- 173. Glencroft Rd at Bencroft Ave to Lord St eastern side 140m
- 174. Cherry St footway over rail bridge
- 175. Crana Ave at Allambie Ave to Ormonde south-eastern side
- 176. Bobbin Head Rd at Leura Cr to Lady Davidson Hospital entrance
- 177. Eucalyptus St from existing path to eastern Arterial Rd southern side 330m No 5 Susse
- 178. Mt Pleasant Ave Footway south side from existing to retirement village 88/4200/01
- 179. Binalong St Footway one side from grayling to shops 88/0700/01
- 180. Murrua Rd Senior citizens centre to Bobbin Head Rd south western side petition 62
- 181. Merriwa St North west side from pacific Highway to Fitzsimons Lane construction of conc

- 182. Coonanbarra Rd from Woniora Ave to Burns Rd western side 160m2 total reconstruction ref 8
- 183. Eastern Arterial Rd south of Burraneer Ave 130m No 78 10/77
- 184. inlay Rd at Pacific Highway to Denman St south eastern side Warrawee school
- 185. Romney Rd at Toolang Rd to opposite Shelby St, eastern side 496m2 No 19 hillside Ave 7/7
- 186. Blytheswood Ave Low level footway, northern side at school
- 187. Burns Rd westerly from Eastern Rd northern side No 92 11/88
- 188. Congham Rd Nos 18/20 Wallalong Cr, south eastern side to complete 346m2 No 4 8/72
- 189. Randolph St (Lane) Complete laneway to Billyard Ave
- 190. Ada Ave at The Glade Walk to Tanderra St western side No 21 12/89
- 191. Grandview St from existing path at No 23 to Mona Vale Rd No 17 2/83
- 192. Archbold Rd Lowering of footpath / nature strip area adjacent to Nos 33&35
- 193. Junction Rd at Eastern Rd to Wahroonga Ave, south side 550m ref88/3010/03 (7/10/98)
- 194. Eastern Rd at Burns Rd to Junction Rd east side
- 195. Boomerang St between Ku-ring-gai Ave and Turramurra Ave ref 88/0805/01
- 196. Hunter Ave Path and steps on demand line on embankment near Yarabung Rd
- 197. Chilton Pd Nos 34&36 to Eastern Rd, southern side No 37 71/7436 (K&G required first)
- 198. Robinson St at Tryon Rd to Damour Ave, south eastern side 1260m2
- 199. Water St from eastern boundary Wahroonga public school to Mona St n'side con
- 200. Chilton Pd at Warrawee Ave to pathway between Nos 34&36 southern side

### Cycle Networks (RDS Area)

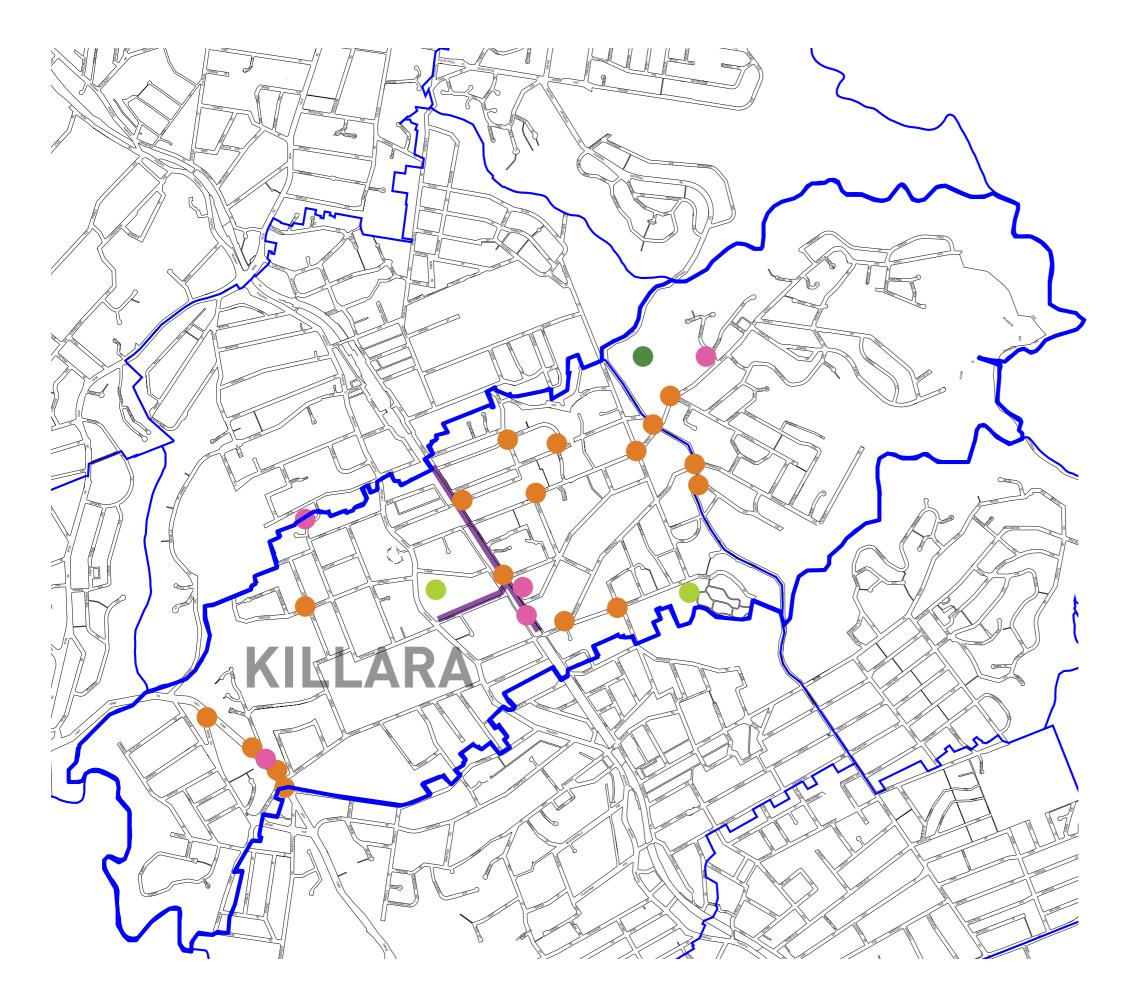
- 201. Hill St from Boundary St to Clanville Rd
- 202. Clanville Rd from Hill St to Rawhiti St
- 203. Rawhiti St from Clanville Rd to Waimea Rd
- 204. Waimea Rd from Rawhiti St to Strickland Ave
- 205. Strickland Ave from Chelmsford Ave to Lindfield Ave
- 206. Lindfield Ave from Strickland Ave to Kenilworth Rd
- 207. Werona Ave from Stanhope Rd to Elva Ave
- 208. Culworth Ave from Rail Station to Marian St

- 209. Marian St from Culworth Ave to Pacific Highway
- 210. Werona Ave from Forsythe St to Park Ave
- 211. Pearson Ave from Park Ave to Mt William St
- 212. Park Ave from Pacific Highway to Rosedale Rd
- 213. Rosedale Rd from Park Ave to Melkin End
- 214. Turuga St from Warrangi St to Ku-ring-gai Ave
- 215. Ku-ring-gai Ave from Turuga St to Wonga Wonga St
- 216. Wonga Wonga St from Ku-ring-gai Ave to Turramurra Ave
- 217. Turramurra Ave from Wonga Wonga St to Gilroy Lane
- 218. Gilroy Lane from Turramurra Ave to Gilroy Rd
- 219. Gilroy Rd from Gilroy Lane to Eastern Rd
- 220. Eastern Rd from Gilroy Rd to Brentwood Ave
- 221. Hastings Rd from Cherry St to Warrawee Ave
- 222. Warrawee Ave from Hastings Rd to Bangalla St
- 223. Bangalla St from Warrawee Ave to Millewa Ave
- 224. Millewa Ave from Bangalla St to Freeway
- 225. Collins Rd from Village Green Pde to Bimburra Ave
- 226. Rosedale Rd from Mona Vale Rd to Pentecost Ave
- 227. Mona Vale Rd from Pentecost Ave to Link Road
- 228. Link Rd from Stanley St to Killeaton St
- 229. Pentecost Ave from Stanley St to Mona Vale Rd
- 230. Grandview Pd from Fern St to Station St
- 231. Station St from Grandview Pd to Carson St
- 232. Kissing Point Rd from Pacific Highway to Catalpa Cr



# WORK SCHEDULE MAPS

- COMMUNITY WORKS
- PARKS AND OPEN SPACE EMBELLISHMENT
- SPORTSGROUND EMBELLISHMENT
- AQUATIC CENTRE
- TRAFFIC AND ROAD SAFETY WORKS
- PEDESTRIAN NETWORK WORKS
- CYCLE NETWORK WORKS



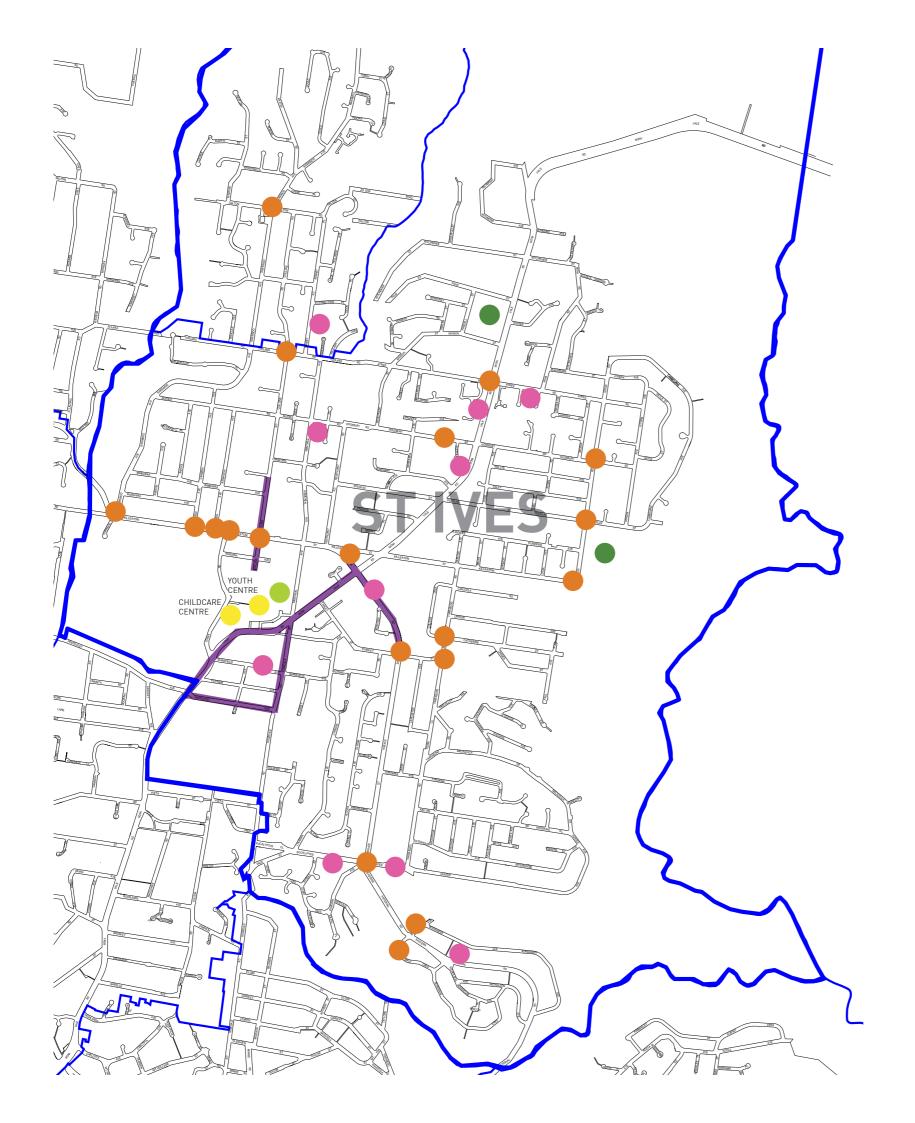
# WORK SCHEDULE MAPS KILLARA

- COMMUNITY WORKS
- PARKS AND OPEN SPACE EMBELLISHMENT
- SPORTSGROUND EMBELLISHMENT
- AQUATIC CENTRE
- TRAFFIC AND ROAD SAFETY WORKS
- PEDESTRIAN NETWORK WORKS
- CYCLE NETWORK WORKS



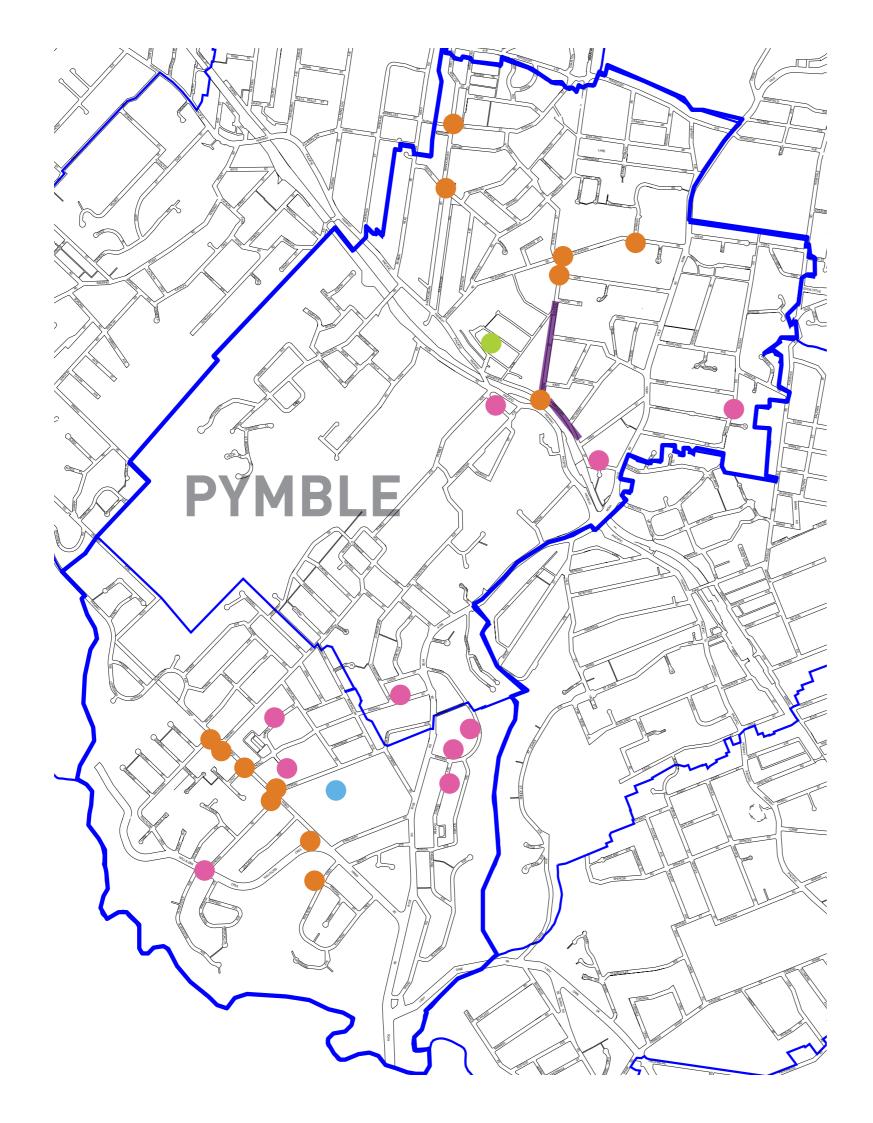
# WORK SCHEDULE MAPS GORDON

- COMMUNITY WORKS
- PARKS AND OPEN SPACE EMBELLISHMENT
- SPORTSGROUND EMBELLISHMENT
- AQUATIC CENTRE
- TRAFFIC AND ROAD SAFETY WORKS
- PEDESTRIAN NETWORK WORKS
- CYCLE NETWORK WORKS



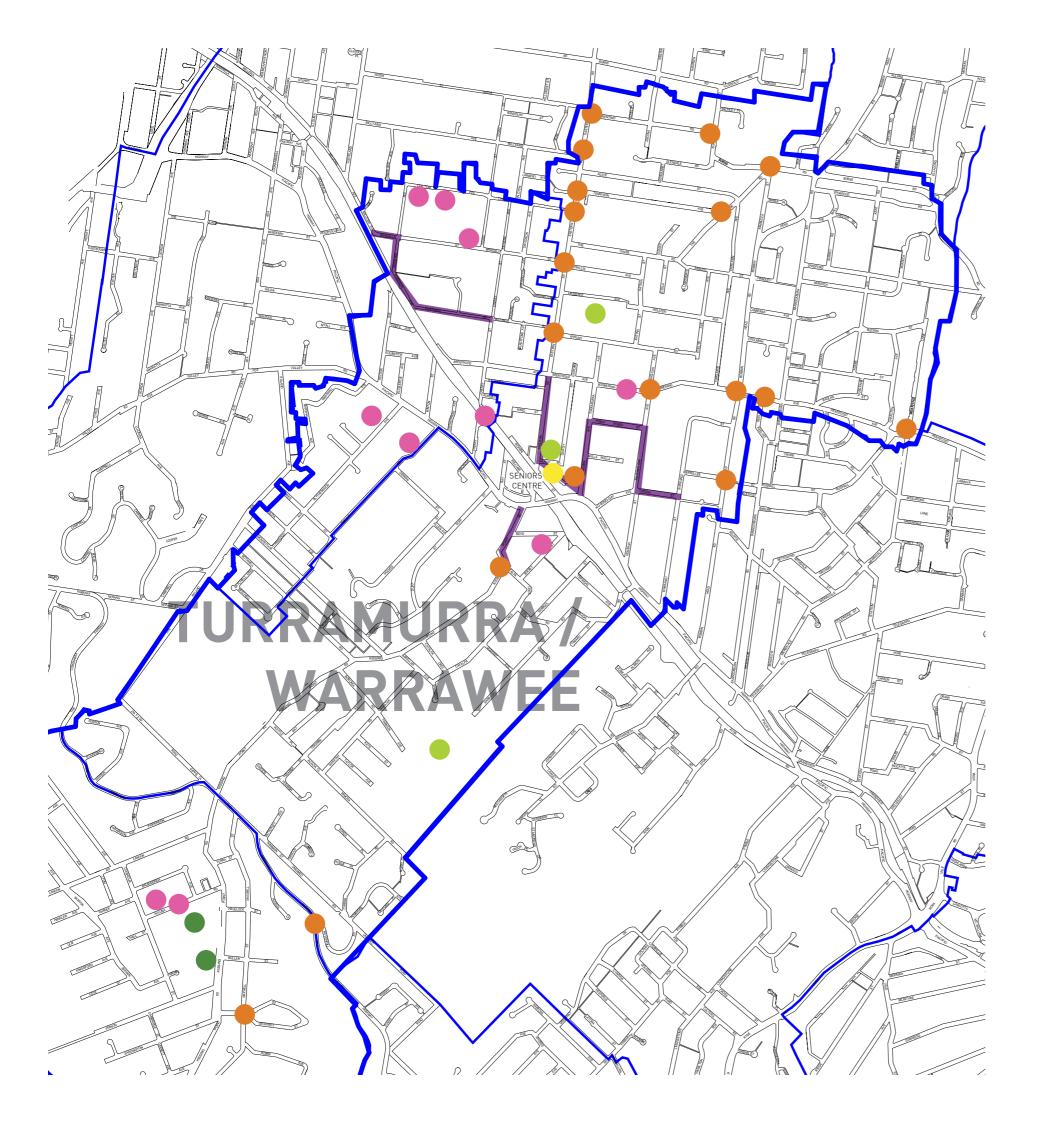
# WORK SCHEDULE MAPS ST IVES

- COMMUNITY WORKS
- PARKS AND OPEN SPACE EMBELLISHMENT
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- AQUATIC CENTRE
- TRAFFIC AND ROAD SAFETY WORKS
- PEDESTRIAN NETWORK WORKS
- CYCLE NETWORK WORKS



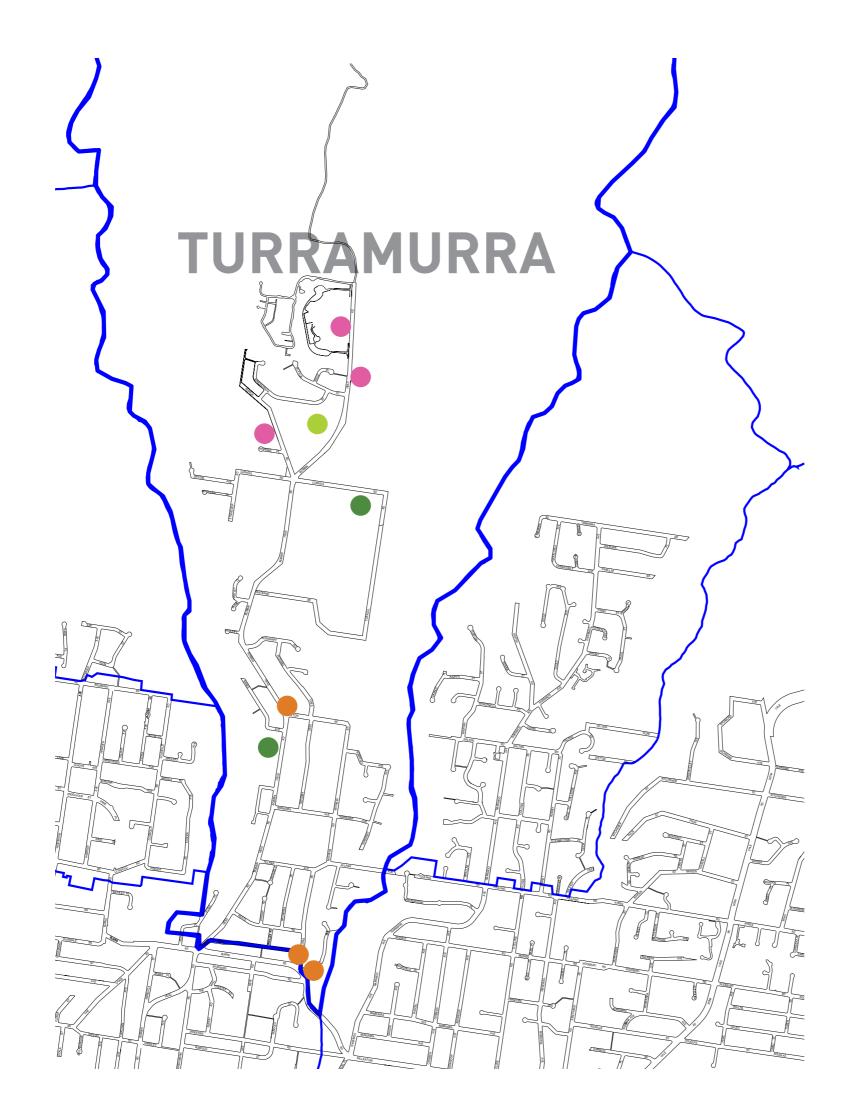
# WORK SCHEDULE MAPS PYMBLE

- COMMUNITY WORKS
- PARKS AND OPEN SPACE EMBELLISHMENT
- SPORTSGROUND EMBELLISHMENT
- AQUATIC CENTRE
- TRAFFIC AND ROAD SAFETY WORKS
- PEDESTRIAN NETWORK WORKS
- CYCLE NETWORK WORKS



# WORK SCHEDULE MAPS TURRAMURRA / WARRAWEE

- COMMUNITY WORKS
- PARKS AND OPEN SPACE EMBELLISHMENT
- SPORTSGROUND EMBELLISHMENT
- AQUATIC CENTRE
- TRAFFIC AND ROAD SAFETY WORKS
- PEDESTRIAN NETWORK WORKS
- CYCLE NETWORK WORKS



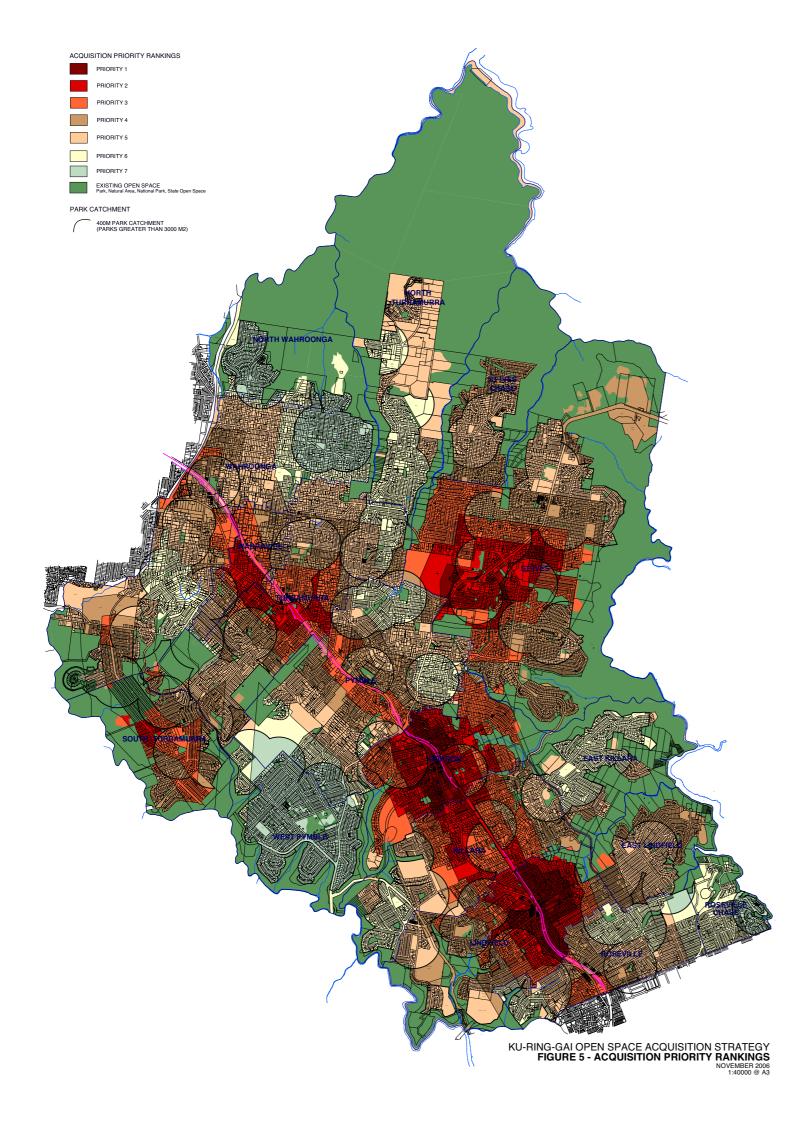
# WORK SCHEDULE MAPS TURRAMURRA

- COMMUNITY WORKS
- PARKS AND OPEN SPACE EMBELLISHMENT
- SPORTSGROUND EMBELLISHMENT
- AQUATIC CENTRE
- TRAFFIC AND ROAD SAFETY WORKS
- PEDESTRIAN NETWORK WORKS
- CYCLE NETWORK WORKS

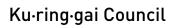


# WORK SCHEDULE MAPS WAHROONGA

- COMMUNITY WORKS
- PARKS AND OPEN SPACE EMBELLISHMENT
- SPORTSGROUND EMBELLISHMENT
- AQUATIC CENTRE
- TRAFFIC AND ROAD SAFETY WORKS
- PEDESTRIAN NETWORK WORKS
- CYCLE NETWORK WORKS



# OPEN SPACE ACQUISITION STRATEGY PRIORITY RANKINGS



# The Swain Gardens Landscape Masterplan





### CONTENTS

### Executive summary

#### PART 1 INTRODUCTION

- Background 1
- Landscape Masterplan definition 1 The Study Area
  - 1
    - Terms 1
  - Community input 1

#### PART 2 INTERGENERATIONAL EQUITY

### UNDERSTANDING THE PLACE

#### Historical overview 3

- Mr Swain and the Gardens' development 3
- Land acquisition and ownership history 5
  - Development chronology 6
- 8 Transcript of conversation with Dr John Bryan
- Transcript of conversation with Mrs Joy Bryan 11

#### 12 Physical evidence

- Design integrity 12
- Landscape setting 12
  - Views and vistas 13
- Spatial qualities, access and circulation 14

### Built fabric 14A

- Buildings and structures 15
- Post-Swain structures 18
  - Stonework 19
    - Stairs 20
  - Stone details 24
    - Concrete 25
  - Garden taps 26
  - Embellishments 27
    - Plant material 28
  - Planting philosophy 28
    - Plant selection 30
- Landscape precincts, character and condition assessment 30
  - Bushland area 30
  - Stanhope Road area 30
  - South-west boundary of the Reserve 31
    - Old Tennis Court Area 31
      - Gardens area 31
      - Turpentine forest 31
        - Terrace areas 31
    - Viewing Lawn and Garden Room 32
      - Lower gardens 32

### Landscape plans

- Garden plan showing the original concept 33
- Garden plan showing changes to the landscape since Mr Swain's ownership
  - from 1961 for The Swain Reserve and from 1973 for The Swain Gardens 34
    - Plan Camellia species survey 35

### **CULTURAL SIGNIFICANCE**

The Swain Gardens Statement of Significance 37

### **CONSERVATION POLICIES**

### Existing conservation policies 39

- Management philosophy 39
- Swain Gardens Plan of Management 1996 39
- Swain Gardens Plan of Management 1992 40
- Statutory and other external constraints 40
  - Design integrity 40

### New conservation policies

- Landscape setting 41
- Responsibility for decisions 42 Development and changes to the built fabric:
  - 1. New work 42
  - 2. Maintaining the fabric 42
    - 3. Changing the fabric 42
  - General treatment of the built fabric 43
    - Materials 43
    - Buildings and structures 43
      - Stonework 43
      - Concrete paths 44
        - Garden taps 44
      - Embellishments 45
        - Interpretation 45
          - Use 45
    - Statement of conservation policy 46

### PART 3 CONSERVATION OF BIOLOGICAL DIVERSITY AND ECOLOGICAL INTEGRITY

- Sustainable strategies 48
- Stormwater harvesting and irrigation project 49
  - Environmental benefits of the project 50
    - Regional ecology analysis 51

# PART 4 IMPROVED VALUATION, PRICING AND INCENTIVE MECHANISMS

- True valuation and pricing 53
- Visitor use and programs 53
  - Licences and leases 54
    - Risk management 54
    - Recommendations 55
    - Cultural analysis 56

### PART 5 LANDSCAPE MASTERPLAN

- Objectives 58
- Constraints and opportunities 58
  - Views and vistas 59
- Spatial qualities and circulation 60
  - Sense of arrival 61

### Reserve or bushland area 62

- 1. Stanhope Road area 62
- 2. Stormwater harvesting and irrigation project 64
- 3. The south-western boundary of the Reserve 66
  - 4. Old Tennis Court area 67

#### The garden areas 69

- 1. Interface with Wombin Reserve 69
  - 2. Turpentine forest 70
  - 3. Terraced gardens 71
  - Viewing Lawn and Garden Room 72
    - North facing terraces 73
      - Lower gardens 74
        - Plant material 75
      - Risk management 77
        - Masterplan 78

### REFERENCES

### **APPENDICES**

#### **Family history**

A. Mr. Henry Charles Maitland Swain and the bookshop 80

#### Gardens area

- B. Residential subdivision of Stanhope Road 81
  - C. The Swain Gardens Council description 82
- D. A broad outline of the history of The Swain Gardens 83
- E. Letter by Mr R. Burrows, Council Director to Parks to the NSW Planning and

Environment Commission, National Trust of Australia (NSW). April 1977 84

- F. Report on the condition of The Swain Gardens by Mr R. Burrows, Council Director of Parks. May 1977 85
  - G. Report by Council Director of Parks, Mr. R. Burrows, The Swain Garden Killara. May 1977 86
    - H. Transfer from The National Trust of Australia (NSW) To The Council of the Municipality of Ku-ring-gai 1979 88
      - Municipality of Ku-Ing-gai 1979 oc
      - I. The Task of The Swain Gardens 530 Committee 90
      - J. Restoration of The Swain Gardens letter to residents. August 1982 91
        - K. Initial Site analysis by Garden Advisory Service, July 1983 92

#### **Reserve area**

L. Title deed – transfer Lot A Stanhope Road to the National Trust 1960  $\,$  95  $\,$ 

M. The National Trust Reserve Killara proposed use of Native Plants 97

- N. Council survey for proposed vehicular access from Stanhope Road Oct 1982 original stonework 101
- 0. Council survey for proposed vehicular access from Stanhope Road Oct 1982 original concrete drive and turning area outside the Garden Room/Garage 102

### Wombin Reserve

- P. Deed between E J Bryce and The Council of the Municipality of Ku-ring-gai 103
  - Q. Transfer of Lot 5 from the State Planning Authority to Council 106

### Garden descriptions from newspapers and magazines

R. Trezise, J. L., Swain's Garden, Killara, Garden Journal, December 1985 107

S. (unknown author) Caroline Etches finds enchantment under the shade of an old

- mulberry tree. Northern Life (unknown date) 108
- T. Trezise, Jack, Garden Heritage, Gardenscene, June 1986 109
  - U. Mundy, Jane, Old World Enclave, Your Garden 1989 112
    - Swain Gardens Plan of Management 1992
      - V. Plant Survey 115
      - W. Planting Plan 120
- X Plantings by Jack Trezise, a former nurseryman and secretary
  - of The Swain Gardens Committee 121
  - Y. Appendix Community Consultation 122

### **Executive summary**

This document provides guidelines for the protection and enhancement of The Swain Gardens and The Swain Reserve.

The Gardens were created during the 1940s to 1960s by Arthur Newling (Mick) Swain, a Sydney bookseller and amateur gardener. Mr Swain created a modernist garden of an extent and design consistency that was rare during the period. The visual and spatial structure of the Gardens is based on a botanical collection of non-indigenous vegetation that is contrasted with the adjoining indigenous vegetation of The Swain Reserve and Wombin Reserve. These natural areas merge into adjoining County Open Space, then Garigal National Park which is within Middle Harbour catchment.

The landscape treatment of the Gardens responds to the sloping topography of the site and results in a number of garden precincts. The hillsides are terraced to form a series of north and east facing garden beds that are contained within sandstone retaining walls and accessed by a tight network of concrete paths. The lower area contains Wombin Creek which is piped underground, but evident to the west where it is lined in sandstone and crossed by two bridges. To the north is the Turpentine forest. The gardens include two buildings: a garage/garden room and an amenity building which is near the old tennis court.

The Swain Reserve contains evidence of its past use as a residential property and this dictates its landscape character. There are four precincts: the entrance road to the Gardens from Stanhope Road which contains Shot Machine Creek and a remnant garden; a 1920s bungalow which is leased-out by Council; an old tennis court that has been redeveloped as a function space; and bushland to the rear.

The juxtaposition of intricately designed and planted Gardens adjoining natural areas along with the close proximity to the national park has created a complex, layered landscape that is unique both culturally and physically. This document is a synthesis of three distinct areas of concern:

- 1. Heritage/culture
- 2. Sustainability/ecology
- 3. Social/economic values

The Local Government Act 1993 targets specific areas that aim to protect and preserve both natural and cultural heritage while guiding development in accordance with community expectations. The framework for this report is based on one part of the NSW Local Government Amendment (Ecologically Sustainable Development) Act, 1997 which aims to "protect, restore and enhance the quality of the environment in New South Wales, having regard to the need to maintain ecologically sustainable development, and to reduce the risks to human health and prevent the degradation of the environment".

The Act covers four key areas:

- the precautionary principle;
- intergenerational equity;
- biological conservation; and
- economic valuation, pricing and incentive

However, this report considers precautionary principles as a filter to identify the key issues affecting the companion principles. The precautionary approach seeks to forecast issues that are considered serious or irreversible and put into place strategies to control or prevent these from occurring.

### 1. Intergenerational equity

This area is concerned with social equity or discrimination - both now and into the future. The Act states that "The present generation should ensure that the health, diversity and productivity of the environment are maintained or enhanced for the benefit of future generations." Protecting the cultural significance of the Gardens as a modernist private garden that has not been compromised by contemporary fashion is critical for us and for future generations. Heritage conservation guidelines are based on the Heritage Act 1997 and the Australia ICOMOS Charter for Places of cultural Significance (The Burra Charter) 2002. The Burra Charter is the widely accepted reference document for heritage conservation standards Australia-wide. It defines the basic principles and procedures to be followed in the conservation of heritage places.

### 2. Biological conservation

This section considers the ecology of the Gardens within the framework of its significance and the adjoining reserves to ensure recommendations are ecologically sustainable and to improve the biological health of the catchments.

3. Economic factors - improved valuation, pricing and incentive mechanisms

This section of the Act is based on the argument that if social and environmental costs were included in the price of goods and services, then the balance of supply and demand would be more realistic. The Gardens are the only Botanical garden available for the public in Ku-ring-gai. This section discusses ways of enhancing the Gardens for the enjoyment of the casual visitor and developing social programs that will allow the Gardens to be more economically viable.

### Landscape masterplan

The report culminates in the masterplan which is thematically arranged and contains the recommendations along with a summary of discussions from previous sections. This identifies the areas of concern where new works are required to revitalise the place and improve visitor experience, and lists the actions required to improve access, facilities and interpretation without compromising heritage values. Recommendations are conceptual and require detailed design work.

The landscape masterplan section stands alone. The report is designed to be read backwards if required, in which case the previous sections provide the rationale behind the decisions.

### PART 1 INTRODUCTION

### Background

In November 2005 Council resolved to implement a program for the development of landscape masterplans for Ku-ring-gai's district parks. District parks have features that attract people from outside the immediate neighbourhood such as a unique landscape character, or large areas of open space for active and passive recreation. The Swain Gardens is a private garden with an extensive botanical collection which is available to the public for passive recreation.

### Landscape Masterplan definition

A landscape master plan designates the intentions and planning criteria that must be met to ensure the inherent characteristics of the place are understood and agreed on by management and users. The plan determines priorities for maintenance and any improvement works for the next 5 to 10 years.

### The Study Area

This report covers The Swain Gardens, which contains two distinctive landscapes: a bushland area of 1.2 ha and a cultivated garden of 0.73ha. It considers the relationship between the Gardens and adjacent Wombin Reserve.

### Definitions

The bushland area is referred to as 'Reserve' and the garden areas as 'the Gardens' or to clarify the two distinctive areas of the site.

### Limitations

This report does not address indigenous heritage significance.

### Community input

The Draft Landscape Master Plan will be placed on public exhibition for a minimum of 28 days with a further 14 days to allow for written submissions to be made to Council. Following any amendments the final Landscape Master Plan will be adopted.

### PART 2 INTERGENERATIONAL EQUITY

This section provides an understanding of how the site evolved to determine Mr Swain's vision in order to preserve the integrity of the Gardens for future generations. Mr Swain did not leave an account of his work. Information is derived from interviews with Mr Swain's family, Council documents, existing Master Plan documents, and secondary sources. The information gathered in this section determines the relevance of the existing Statement of Significance.



### UNDERSTANDING THE PLACE

### **Historical overview**

The Swain Gardens was created by Arthur Newling (Mick) Swain (1905-1973) (fig 1), a Sydney bookseller who was a keen gardener, bird-watcher and photographer. Mr Swain inherited Swain & Co. Pty. Ltd. Bookshop in Pitt Street, from his father, Henry Charles Swain who founded the company in 1895 (fig 2).

Mr Swain lived at 71 Stanhope Road Killara and, over time acquired 75 Stanhope Road and the rear of 73 Stanhope Road, providing an area of 0.73 hectares behind his home. This area was originally natural bushland and Mr Swain felt that part of the land could be developed as a terraced area and that if it were planted with suitable trees and shrubs it could form a contrast with, yet complement, the adjoining natural bushland (figs. 3 and 4). The site did not have street access until 1950 when Mr Swain purchased a property in Northcote Road and created a right-of-way to the Gardens (the right-of-way is no longer part of the Gardens).

"Adjoining the formal garden is 1.2 ha of bushland situated on the north-east of the property and entered from Stanhope road ... This area was purchased by the National Trust in 1960 with funds made available by Mr. A. N. Swain. The Swain Natural Reserve Committee was formed, with Mr Swain as a member, and the Reserve was first open for inspection on 17th September 1960."

Upon his death in 1973 Mr Swain bequeathed his garden to the National Trust which held it until 1980 when they transferred the Gardens and adjacent area of bushland to Council and sold 75 Stanhope Road. Mr Swain bequeathed 75 Stanhope Road to the National Trust with the intention that the rent would maintain the Gardens. It is now privately owned.

"The site is named in memory of Mr H. C. Swain, founder of Swain & Co Pty. Ltd."



*Figure 1. Arthur Newling (Mick) Swain* 



Figure 2. Henry Charles Swain

The transfer of the properties from the National Trust to the Council was spearheaded by the neglected state of the gardens and led by the community, particularly Mary Haynes, with the assistance of Mr R Burrows, Council Director of Parks. During the early years of Council ownership a 530A Committee was formed under the Local Government Act 1919 which allowed community groups to manage Council owned land. Many of the original committee members are still involved through the 'The Friends of Swain Gardens' providing funding and assisting with working bees.

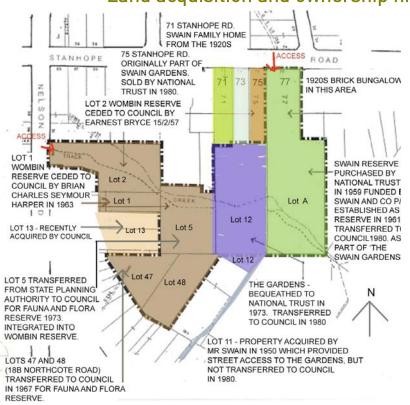
Reference: Appendix "A Broad Outline of the History of The Swain Gardens"



*Figure 3. The endemic vegetation was cleared to create the Garden which contrasted with the bushland setting. Source: J L Trezise, 'Swain's Garden, Killara' in Garden Journal December 1985.* 



*Figure 4. Mr Swain in his garden. This image demonstrates the planting style of the north facing terraces.* 



## Land acquisition and ownership history

#### The Swain Gardens - garden areas

Lot 12 DP 601545, 0.7269ha gifted by Swain to the National Trust. This lot is an amalgamation of Nos. 71, 73 and 75 Stanhope Road which extended to the creek. Mr Swain lived at Lot 71 and purchased Lot 75 and the rear of Lot 73, possibly in the 1940s. He also acquired Lot 11 Northcote Road in 1950 and created a right-of-way.

#### The Swain Gardens - bushland areas/Reserve

Lot A DP 386850 1.2ha with residence 'Kingsfold' and an old tennis court.

Wombin Reserve - located at 49 Nelson Road and comprising five Lots:

- Lot 2 DP 403719 gift from Mr Ernest Bryce who lived at 47 Nelson Road
- Lot 1 DP 507500 gift from Brian Charles Seymour Harper. Covenant J577130 27/11/63
- Lot 5 DP 547142 transferred to Council by the Department of Planning
- Lot 47 DP 5289 transferred to Council by the Department of Planning
- Lot 48 DP 5289 transferred to Council by the Department of Planning
- Lot 13 DP 1012827 This lot has recently been acquired by the Department of Planning. Negotiations are underway with the Department to transfer

the land to Council, subject to Land Transfer Agreement and Order. If successful this will consolidate the Lot into Wombin Reserve and enable it to be governed by Council's Bushland Plan of Management 2006.

The Swain Gardens (Lots 12 and A) is classified as Community Land, category Parkland and zoned Recreation 6a, although the area where the dwelling is on Lot A is zoned 6b Residential.

### **DEVELOPMENT CHRONOLOGY**

### The Swain Gardens - Mr Swain's garden (Lot 12)

1928 Swain family home built at no. 71 Stanhope Road.

- 1940s Mr Swain acquires no. 75, and the rear of no. 73 Stanhope giving him an area of 0.7269 ha behind his
   1960s residence. He builds the Gardens on this site. The site does not have road access.
- 1950 An additional block of land is acquired in Northcote Road and a right-of-way is established to provide street access to the Gardens.
- 1961 A commemorative plaque is installed in the Gardens, dedicated to Annie Wyatt and placed on a seat which is located in the north facing terraces. (The date coincides with the early history of The Swain Reserve).
- 1972—79 Garden bequeathed to the National Trust. It becomes overgrown and neglected during this time. Refer to reports by Mr R Burrows dated 5/4/77 and May 1977 in the Appendices.
- 1977 Letter by Council's Mr. R Burrows, Director of Parks, to the NSW Planning and Environment Commission National Trust of Australia (N.S.W.) regarding the neglected state of The Swain Gardens. Refer to Appendix.
- 1978 National Trust sells residence on allotment no. 75 Stanhope Road
- 1979 National Trust deeds the Gardens to Council with conditions:

Summary of conditions.

- 1. The area shall be named 'The Swain Gardens'.
- 2. The Gardens remain in perpetuity for the benefit of the public as a park or reserve.
- 3. The name of the late A. N. Swain; in memory of H. C. Swain is to be permanently and prominently recorded along with The National Trust as the public benefactor of The Swain Gardens in a position open to easy view by the public.

Maintain the Gardens in an order and condition suitable for a reserve or park to which the public has access. Refer to Title Deed in Appendices.

- 1981 Council resolved that a Section 530A Committee; The Swain Gardens Advisory Committee, be established to care for The Swain Gardens, consisting of three aldermen and nine residents. Refer to 'Restoration of the Swain Gardens' and 'Task of The Swain Gardens 530A Committee' in Appendices.
- 1982-95 Mary Haynes holds the position of Swain Garden Committee Chairperson.
- 1983 Site analysis and Plan of Management by 'The Garden Advisory Service.' Refer to 'Initial Site Analysis' in Appendices.
- 1988 Pergola donated by Lions Club of Ku-ring-gai.
- 1988- The Swain Garden Committee operates with the following members Arthur Brown, Mary Haynes,
- 1996 Bruce Hutcherson, Heather Pittar, Harry Churchill, John King, Trevor Langford-Smith and Harvey Lang.
- 1988 Japanese tourist opportunities proposed by tour operator as suitable for the Gardens and adjacent Reserves.
- 1988 First Swain Gardens Open Day which continues to be held annually in September.
- 1980s Mr Swain's garden shed made of Cyathea trunks is demolished The stile over the small wall, which provides access to The Swain Reserve from the lower garden area is demolished, but another stile built later on.
  - Old tennis court area is landscaped as a function area.
- 1989 January. Lions Club plant 50 Rhododendrons to create a 'Rhododendron Walk' in the Turpentine forest area.
- 1990 The Swain Gardens awarded third place in Ku-ring-gai Council 1990 Spring Garden Competition.
- 1992 Swain Gardens Plan of Management by Environmental Design Group, State Projects, a Division of NSW Public works Department. Adopted November 1992.
- 1992 Inspection of trees and a Tree management survey prepared.
- 1996 Draft Plan of Management by Design Collaborative Pty Ltd. Adopted 1996.
- 2000- Gardens participate in the Australian Open Garden Scheme 2000/01 Season. 2001
- 2000 Three wrought iron rose frames installed on uppermost north-facing terrace.
- 2006 Sculpture "House in the Forest" by Peter Sugden dated 2001 installed in the location of the original garden shed.
- 2006 *Wollemia nobillis* (Wollemi Pine) is planted in the Turpentine forest in September, by Mayor Elaine Malicki, to commemorate the centenary of Ku-ring-gai Council.
- 2007 The Swain Gardens Landscape Masterplan prepared by Council.

	The Swain Gardens - bushland area or Reserve (Lot A)
1960	Lot A transferred from St Ives Development Pty. Ltd. to the National Trust of Australia (New South Wales). Thereby The Swain Reserve is established by a gift of funds from Swain & Company Pty. Ltd.
	to the National Trust in honour of its founder Mr. H. C. M. Swain. Transfer No 4569378 dated 2.8.1960.
	<ul> <li>Developments included a 1920s brick bungalow 'Kingsfold', garden and tennis court.</li> <li>1922 – Lawn established, stone seating nook and paths created</li> </ul>
	<ul> <li>1922 - Lawn established, stone seating nook and paths created</li> <li>1923 - Creek partly covered in and lined with stone.</li> </ul>
	<ul> <li>1932 - tennis court built</li> </ul>
	1927-34 – Stanhope Road built up and giant bamboo planted.
1960-80	'Swain Natural Reserve Committee' established by the National Trust. Members include Baigent,
	Mowbray, Sommerlad, Swain, Syndham and Wyatt. (Mr Mowbray is the architect who designed the
	garden room/garage and Mr Wyatt is Annie's husband and president of the National Trust at the
	time).
1961	Official opening of The Swain Reserve. The minutes of the Committee's meeting May 7, 1961 state
	that the opening was scheduled for mid September and included afternoon tea by the Women's
	Committee and possible inspections of certain nearby gardens as well as Mr. Swain's. Refer to
1961	National Trust Reserve Killara Use of Native Plants in Appendices. The 'Swain Natural Reserve Committee' develops a plan for a landscape based on Australian native
1701	plants at The Swain Reserve for the area between Stanhope Road and the old tennis court. Refer to
	National Trust Reserve Killara Use of Native Plants in the Appendices.
1966	Removal of cottage garden plants from the old garden "which are out of keeping at the gateway to a
	natural reserve".
1980	Landscape Architect Bruce Mackenzie visits the site and recommends (in part):
	"I consider that the single object of preserving the pocket of bushland is not sufficient in itself. With
	abundant areas of virgin bushland near at hand and an already leafy environment surrounding the
	Reserve a further specific attraction or function needs to be introduced sooner or later to justify a
	continuing maintenance program.
	As a site for a cultural or recreational development it could hardly be equaled. If the area was
	located in one of Sydney's depressed suburban environments then pure preservation of bush would
	be ample reason for effort."
1991	Application by Ku-ring-gai Art Society to lease the bungalow as a 'Gallery in the Gardens' for
	exhibitions and art classes. Application rejected. Restraints: limited access and parking, security,
	increased noise, and increased traffic in a residential street. The building is limited in its use due to its design and size.
1998	Property (and adjacent garden areas) transferred from the National Trust NSW to Ku-ring-gai
	Council. Transfer S192435. Registered 8.12.1980 with covenant to name the site as 'The Swain
	Gardens'
2000s	Plan for walking tracks through site. Council begins negotiating for public access through County
	Open Space on private properties to the east in order to connect Shot Machine Track with Two
	Creeks Track which leads to Roseville Bridge. When achieved this will provide pedestrian access,
2002	through local streets, from the railway stations to Echo Point, Middle Harbour.
2002 2007	Outdoor Theatre production 'Beneath Eyes' by Sarah Becker performed at the old tennis court area. Water harvesting and irrigation project with gazebo.
	Reserve
1963	January 22. Ernest John Bryce deeds Lot 2 to Council. 'The Wombin Reserve' (no. 49 Nelson Road (Lot 2 DP 403719) with covenants and as a sanctuary for the purpose of the conservation preservation
	and protection of native fauna and flora.' Refer to Deed between E J Bryce and The Council of the
	Municipality of Ku-ring-gai in the Appendices.
1968	Lot 1 transferred to Council from Brian Charles Seymour Harper.
	Covenant J577130 27/11/63.
1972	January 26. State Planning Authority hands over Lots 47 & 48 DP 5289 (known as 18B Northcote
<b>D</b> 1 1 1	Road) to Council.
Probably	Timber gazebo installed just inside Wombin Reserve, near the south/west corner of the Gardens. It
1980s 1994	is funded by the Lions Club but destroyed by fire by vandals. Replacement Gazebo installed on footings of earlier one. DA 3982/94.
1994	November 2. State Planning Authority hands over Lot 5 to Council for use as public park, reserve or
.,,,	recreation area (land between Swain Garden and Mr Bryce's land). Refer to Transfer Lot 5 State
	Planning Authority to Council in Appendices.

## CONVERSATION WITH DR. JOHN BRYAN SON-IN-LAW OF MR A. N. (MICK) SWAIN

*Text (enlarged and re-arranged) from notes taken on a walk around Swain Reserve and Gardens on Tuesday 11<sup>th</sup> September 1990. Text in brackets is a qualifier by M. Lehany.* 

Source: Swain Gardens Plan of Management, 1992

Mick Swain owned 'Everglades' (at Leura in the Blue Mountains, N.S.W.) and 'gave it' to the National Trust. He acquired it as a house and garden developed by the original owner (Dr Van de Veldt). His principle contribution at Everglades was the development of the Azalea Walk, above the waterfall.

## Stanhope Road entry - Bungalow area

Council put the road in. Mick Swain intended the cottage be used as a gardener's residence – with view to oversight the area (security, vandalism etc.)

The large Cedar Wattle (*Acacia elata*) to east of tennis court (thought to have been planted by Mick Swain).

## Swain Reserve

Mick Swain acquired the bushland to the east of the garden, at public auction, with a view to saving it from residential development and retaining the bush as a setting for his garden. Occasionally, the bushland was weeded by groups of local boys, being paid for their effort.

To reduce the fire risks the bushland either side of the garden was occasionally cleaned out within a band beyond the boundary line. There is an excellent water pressure to the site – copper pipes – good for any bush fire control

## Swain Gardens

At The Swain Gardens, the native rock was excavated and used to create the main fabric of the retaining walls that terrace the site – sandstone from Gosford quarries was used for the capping. A Lebanese 'stonemason' worked at weekends with fellow workmen and later all week, to build the walls, terraces, paths and drive – he also spent some time at 'Everglades', as required to repair the walling etc. The rock spoil at The Swain Gardens was used as a foundation course for the paving and a cement surface was laid over this. (Much of this is now breaking down with some paving on paths and drive being replaced by concrete).

I worked in the garden at weekends for several years from 1968 onwards, the main tasks being lawn mowing, most of the eastern terraces being lawn set with cypress trees and spring flowering 'fruit'

trees (mainly Prunus species) – the lawn coming right up to the tree trunks – some plants, in places, were placed at the back of the terraces, usually shrubs. The existing top lawn of the eastern side originally had more blossom trees planted in it – possibly on the outer edge. The Eucalyptus up here was planted.

The lower garden or creek area originally had a larger lawn area with trees and Camellias planted about it (to the north and west). Mick Swain had a mulcher and clippings were processed, the mulch being laid about the plantings in the areas that could not support lawn (Most of these trees and Camellias survive but a large section of the presumably non-viable lawn has been set to a woodland planting in the post-Swain era). Tree ferns, Camellias, shrubs, herbaceous plantings and bulbs now replace some of the original lawn. The two (quarry faced dry set) sandstone paths (laid in a contained crazy style) are new (post-Swain). Previously a straight path led from the creek (western) end to the outlet (eastern) end.

Mick Swain was very keen to properly shape the trees and shrubs so that the general effect was one of deliberately composed plant form where the overgrowth of plants was contained to ensure the satisfactory, even growth of the individual specimen. (This is not to say that planting was not close and in some cases deliberately composed but an image of a certain gardened effect was religiously pursued. This open pruning of trees, especially the Japanese Maples is still clearly evident).

All the Crepe Myrtles (in the garden) were heavily pruned back (in the traditional way) and flowered well – the flowering peaches were pruned in a special way to encourage good blossom.

The Deodar in the large circle replaces an original pond – the pond was filled-in in 1968 because it leaked and concern for safety with children. The Deodar was planted by Mick Swain.

Mick Swain grew Camellias from seed and kept selected worthwhile forms. One notable form he named after his wife – 'Alma Elizabeth' a lightly scented C. japonica in the lower lawn area. (A double light red-pink with prominent stamens). Not known if the form is registered.

Lower area was built first – creek covered in – and other areas worked up from this. Rings of bulbs (*Scilla sp.*) around trees of lower area, were planted by Mick Swain.

There was no plan, Mick Swain visualised the work to be done. He was a fairly determined person and had the resources to carry out his ideas – he was a keen garden visitor (to other gardens) and used to discuss his observations of gardens he had seen – he subscribed to 'Your Garden' magazine.

A Crab-Apple has gone from the lower area (south-east of the junction of the two random stone paths).

The very large old Weeping Willow was a feature of the design, forming a focal point from many parts of the garden. The tree developed a major lean (over the drive) and had to be cut back by Council. (This tree is located directly south-west on the creek bank near the driveway bridge).

Tree ferns generally would have not been allowed to develop as they have in the creek area of the lower garden – they have now obscured important views and vistas both from the bridge, built of stone from the Tank Stream, and looking back to the bridge from parts of the lower garden.

### Western Garden

Top south-east corner was always a rose garden, once with Gardenias. The stonework in the adjacent Wombin Reserve is likely to have been built by (or under the direction of) Mick Swain.

The deciduous tree to the top north-east bed is a Golden Elm and the bamboo beyond it was planted as a screen when the site behind became Newington College Preparatory School.

The old tree stumps in this bed (between Elm and Bamboo) were Prunus sp.

(The legal boundary to the east is represented by the section of straight-line weldmesh gates and fence – this boundary continues through the beds either side of this fence. John Bryan is agreeable in principle to a good looking resolution of this area – no objection to a new pipe and mesh fence following the top edge of the stone retaining walls now within the Bryan property – new planting bed to reduce extent of concrete drive.)

Mick Swain had a collection of slides for the garden from the 1950s but this had been mislaid.

Michael Lehany Landscape Architect September 1990

## CONVERSATION WITH MRS. JOY BRYAN MR SWAIN'S DAUGHTER

Notes taken at the Gardens Tuesday 27 March 2007 by J. Cronan

I don't think my father had a plan for the garden. Being a sloping block, it lends itself to terracing and the garden grew little by little. He was influenced by large country gardens, particularly those belonging to friends from the Blue Mountains including Mt Wilson, and the Southern Highlands such as the Horderns at Milton Park, Bowral, and Everglades at Leura, which he was particularly fond of.

My mother was very supportive of my father's interests and helped him in the garden. People came to visit the Gardens and she made wonderful teas which were held in the garden room.

My father, like his father, was a keen photographer and took a camera and big wooden tripod to photograph gardens; he collected ideas and design details which he incorporated into the next part of his own garden as it evolved. I don't think he was influenced by English gardens in particular, he did not travel there, but having the book shop he had access to a wide variety of gardening books and publications. He liked cold climate trees and Camellias. He had a lot of books on Camellias and would get experts in to help with grafting.

The lower garden area contained many of his Camellia varieties including "Alma Elizabeth", which is named after my mother and has a small flower and mild perfume. It is not a registered variety. In the early years of Council ownership this area was a lawn and used for weddings but the mosquitoes were a problem. Today the Camellias are not getting enough light due to the tree canopies. Members of the Friends of Swain Gardens have labeled the Camellias with a number with the intention of producing a brochure that lists the plant varieties against the number and includes information on the gardens. The Rhododendrons in the lower garden were planted by my father and transplanted from Everglades.

In the early years the garden contained bamboo which was used as screens. The garden around the Deodar was originally a pond containing fish. The tree is growing on bedrock. The garden terraces along the eastern boundary had gardenias. The peach trees in the mid garden were planted by my father and are the variety Lillian Boroughs. The cherry trees growing up near the gazebo were also planted by my father.

My father had a large car and designed the driveway with enough space to accommodate it. He drove very slowly looking carefully at the plantings. Along the west of the drive were Camellias, Azaleas and Daphne.

The Turpentine Forest was not developed as part of the garden. My father possibly intended it as forest or he just ran out of time.

The large Philodendron in the top terrace was probably planted by my father – I remember he had Philodendrons in several areas, but they were always clipped back.

The garden room/garage was designed by the architect Brian Mowbray, who also lived at Stanhope Road, opposite the Reserve. The building is painted the original colours and the furnishings are original, the bench around the sink may have been replaced and the linoleum floor is original and has been resealed. The room that now contains the gent's amenities was a tool room.

My father brought good quality soil. He did not plant lawns, but mowed areas that were not yet planted as gardens. Grassed areas include the viewing area next to the garden room, the lower garden and two of the upper terraces, one with the Golden Elm and the other is the area now used for weddings.

The stone seat dedicated to Annie Wyatt, dated 1962, has always been located where it is today, Annie's husband lvor was a family friend and past president of the National Trust.

Views within the gardens were very important to my father. He was a keen photographer and liked to take slides, particularly from the lookout and the viewing lawn where he would set up the tripod. The slides were eventually destroyed by fungus.

# **Physical evidence**

"The fabric of a place is the most accurate (though often incomplete) document of its history. . . physical evidence tells the story of what actually happened, rather than what someone intended should happen, or believed did happen. It provides data on the sequence of changes and intimate information on human usage and habit".

*Knowledge of the period and similar places and uses facilitate interpretation of incomplete evidence. (Kerr 2000 p. 7)* 

Refer to landscape plans at the back of this section:

- Garden plan showing the original concept.
- Garden plan showing changes to the landscape since Mr Swain's ownership from 1961 for The Swain Reserve and from 1973 for The Swain Gardens.
- Plan Camellia species survey.

# Design integrity

The Swain Gardens exist as a remarkably intact garden of its period. The apparent integrity has been compromised during the post-Swain period with few alterations and these are reversible, if sometime in the future they are deemed unnecessary. Elements that have been removed from the Gardens include the garden shed, made with Cyathea-trunks and the stile or small stone step over the boundary wall to the Reserve. Much of the shrub and groundcovers have died, although many of the trees planted by Mr Swain have survived.

The bushland area has been compromised by the Council access road and utility shed. The Old Tennis Court area has been furnished with seating, barbeque and stage area. The bushland area is not as significant as the garden areas because it was not owned, or developed by Mr Swain. It plays an important role in providing the bushland setting for the Gardens and is the most suitable location for interventions.

# Landscape setting

Prior to clearing Lot 12 for the Gardens, it was part of the Sydney Turpentine-Ironbark forest that survives in the adjoining bushland areas as an endangered ecological community.

The landscape character of Gardens relies on the contrast between the man-made, highly engineered landscape of the Gardens with its non-indigenous plants, against the indigenous plants of the adjacent bushland areas. Mr Swain highlighted the importance of this by building low stone walls along the east and western boundary lines to encase the Gardens.

The landscape character of the Gardens is interwoven with their evolution over a long period of time in an unplanned manner. The gardens contain many trees such as conifers that come from cold climate regions.

Despite the lack of an overall guiding design, the landscape character of the Gardens relies on a strong sense of order. The Gardens were intensively maintained by Mr Swain and kept tightly controlled through tree and shrub pruning.

Management problems are arising from tall trees in the adjacent bushland areas overshadowing the Gardens and preventing sunlight from reaching nonindigenous plants in the Gardens.





*Figure 5. Low stonewalls form the east and west boundaries of the Gardens.* 

## Views and vistas

The natural topography of the site provides views across the Gardens and Mr Swain's terracing of the slopes was designed to capture the views. He had a large collection of slides, taken from these vantage points, but over time they were destroyed by fungus. As the trees (and tree ferns) have grown their canopies (and fronds) have obscured the views.

The most significant view is from the Garden Room and adjacent lawn where the whole Gardens can be viewed, although the ground detail is obscured by canopies. A purpose-built lookout is located at the top south/west corner of the Gardens, at the interface with Wombin Reserve and this looks over the gardens (the post-Swain gazebo is next to this).

Mr Swain considered a willow tree an important garden element; it was located next to the vehicular bridge and could be viewed from various areas in the gardens. "A very large old weeping willow was a feature of the design, forming a focal point from many parts of the garden". The willow died around 1988 and was replaced with a Peppercorn Tree (*Schinus areira*) due to its similar form, but less invasive characteristics in the Reserve.

Significant elements are located within the Gardens where they can be viewed from a distance. The following views are observed:

- Views over Gardens from the Garden Room and Viewing Lawn
- Views into the Turpentine Forest, particularly at the entrance point to The Swain Gardens and from the Garden Room
- Glimpses into the Gardens, at the entrance point to the Gardens from the access drive
- View into Wombin Reserve from the cross-axis drive
- View from the south/east corner of the garden over The Swain Reserve and County Open Space looking east into the valley

- Potential views of the sandstone vehicular bridge which is currently blocked by tree ferns growing in the creek
- Views across the gardens from the terraces which are obscured by canopies and tree fern fronds



*Figures 6 and 7. The lookout where Mr Swain would set up his tripod to photograph the Gardens.* 

# Spatial qualities, access and circulation

The Gardens were conceived as a place without street access, being accessed from the Swain family home until 1950 when Mr Swain secured an adjoining property and created a right-ofway to the Gardens from Northcote Road. This gave vehicular access to the garage which is where he parked his car, rather than the Stanhope Road access to the family house.

The current entry to the Gardens is from 77 Stanhope Road, through The Swain Reserve, signposted "Ku-ring-gai Swain Gardens" at the entry ramp. The access does not provide a good first impression or an indication of the Garden's cultural significance. The entry is not negotiable for people with special needs, particularly wheelchairs, but access can be arranged by special permission and a full vehicular circuit of the garden is possible. Other access points to the Gardens are pedestrian only, from Wombin Reserve off Nelson Road to the west and potential pedestrian access from the bush track from Roseville Bridge, through Swain Reserve to the east, but currently this trespasses in part through private property.

# Built fabric

#### Generally

Mr Swain built the gardens from a limited palette of materials which were readily available: sandstone, concrete and timber. Mr Swain employed the best available gardeners, stone-masons and tree surgeons and the Gardens was widely known and visited.

## **Building and structures**

Mr Swain built few structures in the gardens: three buildings, a swimming pool and pond, (the pool and pond were filled in by Mr Swain), two bridges and one pergola over the swimming pool after it was filled in.

The main building is designed by architect Brian Mowbray. (Plates 1-6). It is modernist and organic in design, somewhat like the work of the American architect Frank Lloyd Wright with its stonework and timber panelling. The building is in excellent original condition. It comprises a single garage with garden room above and two bathrooms which contain 1950s fittings. The interior contains the original cupboards and shelving, a pull-out bed, fixtures and fittings. The external timber boarding is painted in earthy-brown tones as chosen by Mr Swain.

The pergola (over the filled in swimming pool) has *Ficus pumila* growing over the stone pillars and a Camphor Laurel is growing behind the structure. A Wisteria is planted in the centre of the northern section. The seat around the edge of the structure was installed in response to recommendations in the Plan of Management, 1992. A barbeque/outdoor fire place is located nearby. (Plates 7-10).

The amenities block (Plates 11 – 12) is located near the Old Tennis Court, and contains separate male and female rooms with original fixtures and in fair condition. It is constructed of brick-sized stone. The roof has copper flashing and timber overhangs that are suitable for supporting a vine and is lothed in Wisteria. The third building is a small garden shed built from Cyathea trunks which was located near the east boundary and constructed to store poisons. This was removed by Council staff years ago, the reason is unknown.

A pond with fish was located at the lower garden where the Deodar is located. Mr Swain filled the pond in because it leaked. The Deodar is planted on bedrock and needs to be monitored for stability.

A sandstone seat with a plaque, dedicated to Annie Wyatt and dated 1962 is located on the lower grass terrace (north facing) (Plate 13). It is unusual for a dedication plaque to be positioned in a private garden, but Mr Swain opened his gardens to the public on special occasions. The dedication is after the official opening of the Swain Reserve in September 1961. The plaque reads:

*Presented by the Ku-ring-gai Tree Lovers Civic League In Loving Memory of Our Founder, Mrs I B Wyatt O.B.E. 1962.* 

The two bridges are located in the lower garden. One bridge, along the drive has a plaque which reads:

This bridge is constructed of stone taken from the Tank Stream during excavations for Mr Swain's city store.



Ku-ring-gai Council – Draft Landscape Master Plan for Swain Gardens





Plates 1-6 The Garden Room/Garage





Plates 7-10 The viewing lawn.





Plates 11-12 Amenities building in the Gardens and near the Old Tennis Court.



Plate 13 Stone seat with plaque to commemorate Annie Wyatt



Plates 14 – 16. Bridges

## **Post-Swain structures**

The three main structures erected at the Gardens post-Swain are the Council shed, pergola and gazebo (Plates 17- 19). The Council shed probably dates from the 1980s and is located behind the residence, unfortunately in a very prominent position near the entrance to the Gardens.

The pergola is located at the junction of the north-south axis and the drive. It blocks vistas from the bridge and competes with the bridge because it is located too close. It appears awkward because it is too high, being built to allow for maintenance vehicles using the drive. The roots of the wisteria growing over the pergola are damaging the stonework.

The gazebo is located at the top south/west corner of the gardens, just inside Wombin Reserve. This is a high point where there are good views over the gardens, which also means that the gazebo dominates the gardens, being viewed from various areas. The original gazebo was a timber structure, donated by the Lions Club of Ku-ring-gai. It was burnt down by vandals and was replaced with an aluminium gazebo by Council.



Plates 17-19 Post-Swain structures

### Stonework

Sandstone was acquired from various sources and Lebanese stonemasons were engaged to construct the walls. Most of the stone was excavated on site and the small quarry area is evident in the lower garden. It is integrated into the garden design in a curved cutting which originally formed a backdrop to Mr Swain's circular pond. Paths tend to be concrete, with sandstone capping, which came from Gosford quarries. The sandstone used in the bridge came from Pitt Street as mentioned earlier.

The sandstone walls are still in good condition: they are not leaning, but cracks are evident in a few places. The sandstone is susceptible to moss growth, particularly around Wombin Creek and on south-facing walls. The two crazy-style sandstone paths in the lower garden are from the period after Mr Swain's ownership. Construction methods range from rubble to dimensioned stone (Plates 20 – 26).

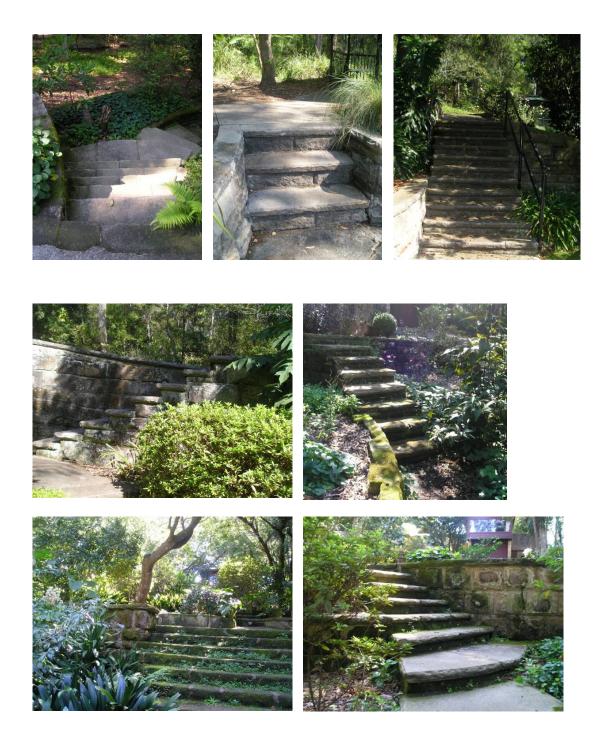


Plates 20-26 - Stone construction methods.

## Stairs

The layout of the Gardens is based on a tight network of paths over sloping terrain and it contains many sets of steps. They are all built from sandstone but of various designs. With so many stairs, the Gardens are not fully accessible for people with disabilities. Handrails have been installed by Council to stairs that are located in places that the public may need to access such as the Garden Room and Wedding Lawn.





Ku-ring-gai Council – Draft Landscape Master Plan for Swain Gardens



Plates 27 – 44 Examples of stairs built by Mr Swain.



*Plate 45. Stairs installed by Council in The Swain Reserve* 

## Stone detailing

Mr Swain brought back ideas from country gardens, particularly from the Blue Mountains and Southern Highlands. It is unknown what elements inspired him, but his interpretation is evident in the detailing of the Gardens. The long graceful-curves of the sandstone walls are common in large country gardens, such as Everglades (Plates 46 – 49). Mr Swain generally terminated his walls with small-scale garden beds (Plates 50 – 58).

The lookout is constructed entirely of sandstone and located above a cutting (another quarry) for the access drive. The lookout is positioned at this high point to provide views back towards the garden room. Two small garden beds are directly below the lookout and highlight the feature from the driveway.

Little stone walls delineate the east and west boundaries and contain the garden, separating it visually and physically from the surrounding bushland, as discussed under "Landscape Setting".

Small plinths are another detail that Mr Swain introduced to embellish elements and provide interest. Plinths are located on one of the bridges, a set of steps in the lower garden near the bridge and on top of the quarry area (Plates 59 – 62). A section of wall in the north facing terraces has a wide flattened area, and pots have been placed here in response to the Swain Gardens Plan of Management 1992.



Plates 46 – 49 Curved shapes of the walls



Plates 50 – 58. Design details - small areas for specialist planting.



Plates 59 – 62 Design details - plinths

## Concrete

The access drive and most of the paths are concrete, which was an expensive material during the time the gardens were constructed. The concrete is cracked in places, but is not structural.

## Garden taps

The gardens are locally referred to as the 'Garden of Taps' because Mr Swain installed many taps throughout the Gardens. The taps are generally of high quality copper and many are dated. The plumbing is generally concealed as the taps tend to be built into the retaining walls and thereby provide evidence of when sections of the garden were constructed. Post-Swain plumbing is evident in several places (Plate 63).



Plate 63. This pipe is not in keeping with Mr Swain's high standards.

## Embellishments

The only embellishment that possibly dates from Mr Swain's ownership is the sundial (Plate 64). It has a waisted flagstone column which is typical mid-century design. It located in the area now known as the Wedding Lawn.

Otherwise, the furniture and ornaments appear to be post-Swain (Plates 64 – 69). The teak benches were recommended in the Plan of Management, 1985 and are catalogue items. They are located throughout the Gardens. The lower area includes a large artificial-stone birdbath with a memorial plaque. Another birdbath on a pedestal and a cast-iron bubbler are located in the small quarry area where the path widens around the deodar. More recent additions are mostly in response to the Plan of Management, 1992 and these include three rose trellises and a series of 1950s style concrete pots. In 2006 a sculpture, "House in the Forest" by Peter Sugden, dated 2001, was installed in the location of the original garden shed.

The Gardens have not been embellished to the extent that they have lost the private garden feel, nor does the landscape feel cluttered with embellishments.



Plate 64 The sundial installed by Mr Swain









Plates 65 – 69 Post-Swain embellishments

# **Plant material**

## Planting philosophy

Mr Swain did not leave a planting plan for the Gardens and over time the plant material has altered considerably. Swain Gardens Plan of Management 1992 provides the following analysis:

The original design intention was one of a fairly 'bald' and clearly defined system of concrete paths and drives, terrace walling and lawn to the lower and central beds with Blossom trees, rigorously shaped and other trees and shrubs likewise 'kept in order'. With few exceptions the planting was contained within the lawns, beds, and paths. Plantings since the current planting style has softened this hard effect and may partly be the result of deliberate modification from various gardeners, committee members, management reports etc. The plants selected may represent a 'specialist' interest in the garden.

Today the gardens are increasingly canopied by large trees and some selective pruning would be beneficial (Plates 70 – 71). Thinning or crown lifting would assist with increasing light which is necessary for flowering plants. Pruning would also increase views as well as displaying the unique forms and textures of individual trees. Shrubs have grown around the trunks of feature trees and the tree ferns have grown tall, blocking views of, and competing with the tree's canopies. Mr Swain removed the tree ferns - the original garden shed was built from their trunks. The species, *Cyathea cooperi* grows up to 12 metres tall and will eventually dominate the canopy area in some areas of the Gardens.

Mr Swain did not plant lawn, but areas were mown until they were planted as garden beds. The lower garden area was lawn in the early years of Council ownership, but because the mature canopies have obscured the light, the lawns failed and this area is now a large garden bed.

Mr Swain's Gardens are masculine: they are dominated by retaining walls and concrete paths, as described by The Garden Advisory Service's report c.1983 (Refer to Appendix Garden Advisory Report). The report describes the landscape "with so many large areas of concrete and stone throughout the garden the visual effect is inclined to be 'hard' . . . ... The large expanse of concrete used for vehicular access needs softening ... the straight paths laid at right angles to one another give an extremely rigid effect ". The report describes the planting of many cold climate species which is consistent with Mr Swain's admiration for cold-climate gardens of country NSW, and it suggests that their inclusion at the Gardens is possibly due to the topography of the site; particularly the lower garden where the coolness of the creek provides a cooling microclimate in Sydney's warm-temperate climate and this is where Mr Swain transplanted the Rhododendrons from Everglades.

Mr Swain intended the gardens to be best in spring and planted suitable trees such as Magnolias and flowering fruit trees, along with Conifers, Maples, Camellias and Rhododendrons. He grew Camellias from seed and kept selected forms.

The terraces provide a series of walled backdrops to display plant specimens, however much of the original shrub and groundcover plantings appear to have been lost over time.



Plates 70 – 71 The Garden plants were more defined several years ago (left) than today (right).

Mr. R. Burrows in Council's 'Report by the Director of Parks' dated 19 May 1977 states that

Mr Swain was in particular a Camellia, Azalea, Rhododendron, Crab Apple, Maple, Magnolia and Rose fancier and I knew the garden well before its designer passed away. Briefly speaking the Garden's contents and maintenance were of a high order. Mr Swain employed the best available gardeners, stone masons and tree surgeons and the garden was widely known and visited.

Jane Mundy's article (1989), (see Appendix U) provides the following description:

Swain removed the native plants from the site and in their place planted Conifers, Magnolias, Maples, flowering fruit trees, Camellias and Rhododendrons. Intending a spring garden, it is at its best when the Prunus species are in flower, Crepe Myrtles and the Crab Apples are blooming, Daffodils and ... are carpeting, the beds and Camellias and Magnolias are in their final flush.

These early accounts designate the Gardens as a place for showcasing specialist plant species. Many cultivars were difficult to acquire during the post-war years and yet Mr Swain was very selective in his choice of trees, planting these species that were rare at the time. However, the Gardens were originally known for the Camellias and Rhododendron displays having over 50 different camellia varieties. Over 100 additional Rhododendrons have been planted post-Swain, including 50 specimens of *Rhododendron vireya.* Mr Swain created two main Rose beds and a third which contains 'historic' roses using varieties bred over 100 years ago.

Many of the woodland species and perennials were planted post-Swain by Jack Trezise, a former nurseryman and secretary of The Swain Gardens Committee. His influence is evidenced in the Lower Garden where he developed the specialist planting theme based on perennials. (See Appendix X for a list of plantings by Jack Trezise)

### Landscape precincts character and condition assessment

### The Swain Reserve

### Stanhope Road area

The residence 'Kingsford' (also spelt Kingsfold) has an interesting history: The plaque on the far left side of the Garden near the creek reads:

> *In loving memory of Madge Halliwell Previously Pickering (nee Lindfield) 1901-1996 and the Lindfield family Who Built and Lived in 'Kingsford' 77 Stanhope Road at at the Entrance to Swain Gardens 1915-1921.*

From 1921 the property was owned by Mr H M Green, author of the 'History of Australian Literature' and librarian at the University of Sydney. The garden was extensive and included the area around the creek where there was perennial woodland, stone seat niche, walls, paths, steps, circular bays for planting and lining of the creek banks. The remnant stonework exists and the paths and steps have the potential to form a section of Shot Machine Track. The garden was 'buried' by landfill in the 1930s when Stanhope Road was built and two clumps of Giant Bamboo were planted to soften the large concrete culvert. Reference Swain Gardens Plan of Management 1992.

The previous intention of Mr Swain and the old National Trust Swain Reserve Committee was to redevelop the garden using 'native' plants (See Appendix M). Currently a water harvesting project is underway which includes a water tank concealed in sandstone foundations and with a timber viewing structure on top (see Sustainability section for more details).

## South-west boundary of the Reserve

This area of the Reserve has good views over the valley which, although it is private property, is classified as county open space and protected from development. The area in the top south/east corner of the Reserve, behind the school is degraded. The Reserve is divided from the Gardens in this corner by a screen of bamboo that was planted in the Reserve. The bamboo is difficult to contain and is invading the bushland and as it extends in a northern direction, is blocking views from the Gardens into the bushland. Newington School is intending to erect a new multi-storey building in this corner of their site and additional tall plantings are required to screen the new building from the Gardens.

## Old Tennis Court area

This area has been updated by Council for community use with a flat stage, BBQ and seating. Plays and musical performances have been held here.

The area is difficult to maintain because it is overshadowed by adjacent trees creating shady conditions which are not suitable for lawn.

The surface of the old tennis court does not drain properly.

The area has an attractive outlook over bushland to the east.

## The Gardens

## **Turpentine Forest**

Mr Swain did not develop this area; it is cleared of understorey and therefore is woodland-like in the tradition of the great European gardens. However, there have been various attempts to establish an understorey such as *Hymenosporum flavium* which have been planted and Pittosporums, which have been allowed to self-seed. The Lions Club established a Rhododendron Walk, planting over 50 Rhododendrons, but most have died.

## **Terraced Areas**

The Swain Gardens consists of a series of garden areas linked by a well-defined circulation pattern based on a network of terraces and paths and designed with gracious curves.

The concrete drive provides a wide north-south axis along the western boundary and provides an area for smaller terraced gardens with an easterly aspect, while the north facing terraces are contained within a loop of the road and divided by a north-south axis path, with secondary paths forming cross axes. This spatial arrangement is suited to a 'showcase garden' – to stroll around and admire the plant material. The upper terrace is lawn and used for functions, particularly weddings.

## Viewing Lawn and Garden Room

Next to the Garden Room/Garage is a small lawn, which was the transition point between the Swain family home and the Gardens. It provides an outdoor space adjoining the garden room. It originally included the family swimming pool and barbeque, but the pool was filled in by Mr Swain and transformed into a garden bed with pergola over and surrounding seating. The pergola stonework is covered in *Ficus pumila*. The Mulberry tree was a present from Mrs Swain's parents in the 1920s and is a unique feature today due to its knarled trunk.

The east facing terraces along the western boundary are tightly arranged with small garden beds. Against the western boundary the Cyathea trunk garden shed was once located. More recently the sculpture by Peter Sugden, dated 2001, and titled 'House in the Forest', has been installed.

The south/western corner, near the gazebo, was always a rose bed. The right-of-way no longer exists and the entrance drive has been reduced in width and a new gate installed. Gardenias have been planted in this area as remembered by Dr. John Bryan.

The north facing terraces are located at the rear of the site where the aspect is sunny and the trees provide strong shadow lines. The terraces are asymmetrical, being divided by a north/south axis path, with larger terraces on the east. Original tree plantings included blossom trees and conifers with mixed shrubs. The top terrace, known as the 'Wedding Lawn' is the only grassed space in the Gardens that can accommodate larger groups of people. (The other larger grassed area is the Old Tennis Court in The Swain Reserve). The lowest terrace has retained the lawn as demonstrated in the early photo, figure 4. This area lacks direct access, but a sandstone seat dedicated to Annie Wyatt, sits against the wall.

1950s style planters have been placed at featured wall ends of terraces in response to the 1992 Plan of Management.

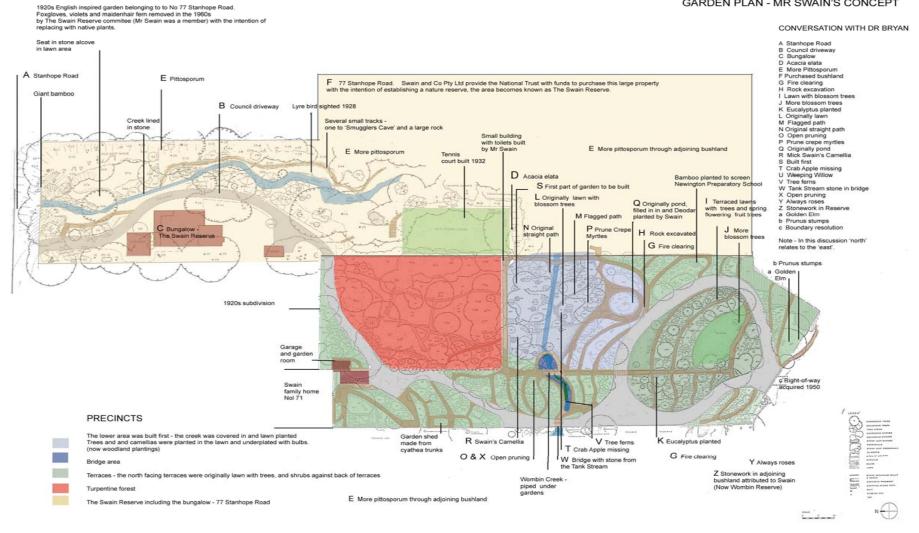
## Lower Gardens

The lower level of the garden is where Mr Swain began construction. He piped the creek underground and planted trees underplanted with Bluebells. As the trees grew this area became shaded and has been planted with perennials. This has been successful, but in some areas plants have become chocked by adjacent competitive planting.

The Lower Gardens include a number of important features, such as the large round bed, previously a pond, planted with a Deodar by Mick Swain. An elaborately detailed set of stairs is carefully placed as part of the north-south axial path, but it is hidden from view except when approaching the north-south axial stairs from the south. A pedestrian bridge, of sandstone is another feature of his part of the garden. This area contains several decorative items as discussed earlier under 'Embellishments'.

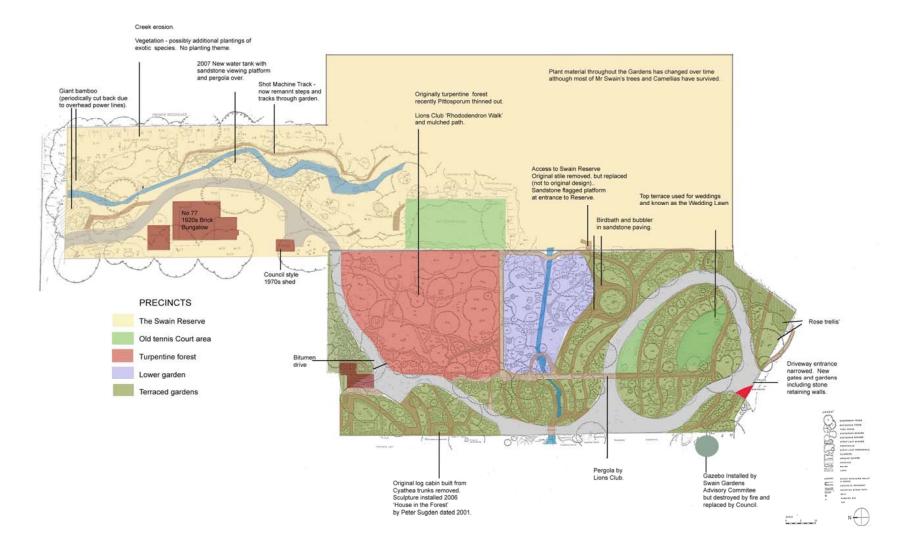
Nearby is a cross axis path (east/west) that leads directly to the amenity building and Old Tennis Court. The path is constrained in this area and narrows as it gets closer to the toilets. Many of these features are obscured by tree ferns.

#### GARDEN PLAN - MR SWAIN'S CONCEPT



Ku-ring-gai Council – Draft Landscape Master Plan for Swain Gardens

Garden plan showing changes to the landscape since Mr Swain from 1961 for The Swain Reserve and 1973 for The Swain Gardens.





### Camellia species survey

- Camelia japonica 'Jean Lyne' (white striped and flecked carmine, semi-double to peony form)
- C. japonica 'The Czar' (rich purple, large, semi-double)
- C reticulata 'Prince Eugene Napoleon' (cherry red, formal double) 4.
- C japonica 'Great Eastern' (wine red, semi-double) 5
- C japonica 'Dr. Tinsley' (pale pink deeper edge, semi-double) C japonica 'Czar' (bright red, large semi-double form) 6.
- C japonica 'Eugene Lize' (light rose pink/white marble, loose peony semi-double) 7.
- C japonica 'Prince Frederick William' (clear salmon rose, formal double)
- 9. 10.
- C japonica 'Otahuhu Beauty' (rose pink, peony form) C. japonica 'Elizabeth Le Bay' (deep rose-pink, large peony to double) 11. 12.
  - C hybrid 'Boukuhand Tinsie' (single red)
  - C. Pukekawa?
- 13. 14. 15. 16. 17.
- C hybrid 'Alma Elizabeth' (unregistered) C hybrid 'Bowen Bryant' (deep pink, large semi-double) C japonica 'Blood of China' (large salmon-red semi-double)
- C Japonica 'Elegans Champagne' (creamy-white, large anemone) C Japonica 'Polar Bear' (White semi-double)
- 18.
- C Japonica Pola beel (White Seminoubule) C Unknown (big single white flowers) C *reta/ata* 'Lia Naff' (stvery pik with wide petals, large semi-double) C *faponica* 'Debutante' (pink, informal-double) C *reta/ata* 'Howard Asper (Soft salmon pink, double diseased plant) 19.
- C. Unknown
- 20. 21. 22.
- C japonica 'Cho-Cho-San' (light pink to white, semi-double) C japonica 'Marie Mackall' (mid pink informal double large) C japonica 'Mrs. D. W. Davis' (blush pink, very large semi-double)
- 23. 24. 25. 26. C hybrid 'Anticipation' (deep rose pink, large peony form)
- 27. C japonica 'Erin Farmer' (white shaded orchid pink, medium informal double form)
  - 28. C japonica 'Guilio Nuccio' (coral rose, large semi-double)
- C hybrid 'E. G Waterhouse' (light pink to white, 29.
- formal-double)
- 30. C. japonica 'Pink Gold' (orchid pink, semi-double formal) 31. 32. 33.
  - C reticulata 'Red Crystal' (red heavily textured petals, single) C. Wirlinga Princess (pale pink with crinkled petals, semi-double)
  - C. Unknown
- 34. C. ? 'Onija'?
- C / Japonica 'Spencers Pink' (pink, single) C hybrid 'Tiny Princess' (Pink with white edges, semi double) C Japonica 'Easter Mom' (soft pink, informal-double) C Japonica 'Atomic Red' (deep pink with red veins, semi-double) 35. 36
- 37. 38.
- 39. C hybrid 'Snow Drop' (miniature single white with edges flushed pink and gold)
- 40.
- C Japonica 'Lady Loch (light pink veined deeper, informal double) C Japonica 'R. L. Wheeler' (pink/red variegated semi-double anemone) C japonica 'Cho-Cho-San' (light pink to white, semi-double) 41.
- 42.
- 43. C japonica 'Moshio' (dark red, medium semi-double)
- C miniature hybrid 'Baby Bear' (light pink, tiny, single) 45. C. japonica ' Latifolia' (red with white markings semi-double)

# CULTURAL SIGNIFICANCE

Cultural significance means *aesthetic, historic, scientific, social or spiritual value for past, present or future generations. The cultural significance of a place and other issues affecting its future are best understood by a sequence of collecting and analysing information before making decisions. Understanding cultural significance comes first, then development of policy and finally management of the place in accordance with the policy.* 

(The Burra Charter)



# The Swain Gardens Statement of Significance

The Swain Gardens are culturally significant for the following reasons:

They are the idiosyncratic creation of an amateur garden designer, who had the private means to construct a garden of an extent and design consistency that is rare for its period in suburban Sydney. The original design, although not of a high order of artistic achievement or of 'high style' for the period is very representative of a now vanishing popular garden style of paths and sandstone terracing, that had its origins in 'accessible' garden literature of the 1920s to 1960s such as 'Your Garden' magazine'.

The materials and planting in the garden are highly significant of the period and reflect a vision of the 'English Garden', rather than forming the principal focus of a garden of uniquely Australian character.

The concept of developing the back block to the original and comparatively modest 1920s family bungalow is characteristically Australian here realised on a grand scale for the period. The whole original complex, comprising no. 71 Stanhope Road (the linear brick bungalow with lawn tennis court behind), the flagstone barbecue area, the Garden Room with its plate glass picture window, the extensive area of (originally) expensive cement paving and sandstone walling, the pond roundel (now Deodar) and sandstone flag sundial, forms a living catalogue of social and philosophical attitudes and tastes, unusual for its survival in a rapidly changing suburban environment.

The whole amalgamated site, including the Swain Reserve, Wombin Reserve and associated areas of urban bushland, reflects the public generosity of the original benefactors and is the manifestation, however contradictory of the ongoing popular Australian iconographical romance with 'the bush'. (Often suburban based and notable in the literature, although not contemporary, of Henry Lawson, Banjo Paterson etc.).

The subsequent development and evolution of the garden since Council ownership has made a valuable contribution to the cultural significance of the place, especially with the addition of plant species and subtle but complimentary re-interpretation of the 'English Garden' or 'Surrey School' of design.

Ku-ring-gai municipality is significant within Sydney as an area of north shore garden suburbs developed originally within a bushland setting. The resulting character is relatively consistent with and reflects the attitudes, aspirations, resources and lifestyle of the people who progressively developed the area.

With the opening up of the area following the extension of the northern railway and subsequent sub-division of the bushland ridges beginning from early twentieth century, the area attracted a new type of resident who sought a garden refuge from city life and often had a great empathy with the bushland environment. The increasing status of the area with this unique combination of accessibility to the city and bushland attracted both the well heeled professional and merchant citizen as well as those of more modest means. This is reflected in the wide diversity of properties along Stanhope Road.

Swain Gardens provides an outstanding example of a garden which reflects the attitudes, aspirations and of the lifestyle of its creator and demonstrates the influences which formed the municipality as a whole.

Swain Gardens Plan of Management November 1992. Written by Environment Design Group State Projects, a Division of NSW Public Works Department, Sydney.

# **CONSERVATION POLICIES**

Conservation policies arise from the Statement of Significance.



# Existing conservation policies

## **Management Philosophy**

The Swain Gardens, The Swain Reserve and Wombin Reserve form a comprehensive whole in terms of being adjacent properties under the ownership of Ku-ring-gai Council. The lot boundary lines and land categorisation guides management of each site, but the area is also considered environmentally as a sustainable biolinkage from developed suburban areas to natural areas.

Through transfer deeds, covenants, policies, Acts and plans of management Council has committed to the management of The Swain Gardens and The Swain Reserve in a manner consistent with the original character and design context and to the management of adjacent Wombin Reserve for the protection of native flora and fauna.

This commitment to The Swain Gardens is supported by Council's annual allocation of resources being sufficient to implement the maintenance service plan for the site. Maintenance is seasonally related and two gardeners are employed there two days a week.

Council may allocate funds from Capital Works and Asset Improvement programs for specific projects or repairs, for example the 2005 Environmental Levy stormwater harvesting and irrigation reuse project.

#### **Practices**

Continue with current management philosophy and manage the Gardens as historic gardens, as described in the Statement of Significance, and the adjacent Reserves as indigenous flora and fauna reserves.

# Swain Gardens Plan of Management 1996

This Landscape Masterplan reviews the existing Swain Gardens Plan of Management, adopted in 1996, which provides general conservation policies that are maintenance orientated, to include additional Conservation Policies that are specific and address areas of concern.

Swain Gardens Draft Plan of Management, 1996, was prepared to achieve the following objectives:

- To meet Council's obligations under Chapter 6 of the Local Government Act 1993 in respect of Public Land Management
- To ensure that Swain Gardens is developed in a way which best serves its user group while recognising and preserving the identified heritage values of the Reserve.

Swain Gardens Draft Plan of Management, 1996, comprises three sections:

1. Basis for Management – this incorporates the core values of the community (then) and regular users which are reflected in the vision for Swain Gardens and its role as an open space resource.

2. The Management Objectives – these have been developed in response to key issues identified through consultations, review of previous management documents and other relevant documents and assessment of current conditions.

3. The Strategy Plan and Monitoring Program – this defines strategies to achieve the management objectives of the Plan. Performance indicators are included at the end of this section and provide a basis for measurement upon which to evaluate the implementation of strategies.

#### **Practices**

The place is to be managed in accordance with the conservation management principles set out in the Swain Gardens Plan of Management, adopted 1996.

# Swain Gardens Plan of Management 1992

#### **Principles**

This Draft Landscape Master Plan is based on the existing Statement of Significance contained in the Swain Gardens Plan of Management 1992. The 1992 document also contains historical evidence, physical analysis, and a list of recommendations which have been reviewed to reflect recent changes to the Place, to include additional research and to implement current heritage practices.

#### Practice

Adopt the Statement of Significance from the Swain Gardens Plan of Management, 1992.

## Statutory and other external constraints

#### **Practices**

Adopt relevant statutory documents:

- NSW Local Government Amendment (Ecologically Sustainable Development) Act, 1997
- Heritage Act 1997 ESD
- Comply with Occupational Health and Safety Act
- Building Code of Australia
- Disability Discrimination Act (within the framework of the site's cultural significance and topographic constraints)

## Requirements arising from cultural significance

## **Design integrity**

#### **Principles**

The retention of the cultural heritage values of Swain Gardens is dependent on recognition and conservation of the principles of design underlying the development of the Gardens by Anthony Swain.

Being a collection of living organisms with finite life spans, any garden should develop and evolve over time. In the case of Swain Gardens, where the original character of the gardens has been identified and listed (on the Ku-ring-gai Heritage Study, 1987) as an item of heritage to be preserved, there is a need to manage the evolution of the gardens so as to continue the intentions of the original designer.

Moreover, in light of the fact that Swain Gardens has changed status from privately owned domestic gardens to publicly owned and accessible open space, there is an equally important need to retain the origin of the site as a private garden. To this end, features which tend to draw attention to the now municipal ownership of the Gardens should be avoided.

(Swain Gardens Plan of Management, 1996).

#### **Practices**

"Ensure that Swain Gardens are maintained and developed in a manner which retains and preserves their original character as privately owned 'Romantic' gardens in a bushand setting" (Swain Gardens Plan of Management, 1996).

Develop "a policy for management of sponsorship and donations to ensure that items funded or donated are in keeping with the design intent and identified heritage values of the Gardens. The policy should also cover means of acknowledgement of sponsorship or donations in order to avoid the possibility of a plethora of acknowledgement signs appearing in the place". (Swain Gardens Plan of Management, 1996).

New developments are to be located in the old tennis court area of The Swain Reserve which is the least significant area of the place.

## **New Conservation policies**

## Landscape setting

#### Principles

Retain appropriate visual setting and other relationships that contribute to the cultural significance of the place. Setting includes the visual setting and the other relationships that contribute to the cultural significance of the place. New construction, demolition, intrusions or other changes which would adversely affect the setting or relationships are not appropriate.

#### **Practices**

The relationship between the Gardens and adjacent Reserves is integral to the experience of the landscape setting, therefore:

- Highlight the contrast between the Gardens and Reserves by keeping vegetation off, and away from the low sandstone-boundary-walls.
- Develop a boundary planting regime: strengthen the bushland setting by removing weeds and establishing an understorey, create views along the existing track, and vistas from the bridge into the creek.
- Do not plant tall trees in the reserves, near the boundary, to overshadow the gardens.

The landscape character of The Swain Gardens relies on a strong sense of order, therefore:

- Maintain gardens in a clipped and tidy manner
- Restrict 'softening' the gardens, with spill-over plants,
- Conceal undesirable and crudely constructed elements such as wire fencing, timber posts and handrails.

## **Responsibility for decisions**

#### **Principles**

The organisations and individuals responsible for management decisions should be named and specific responsibility taken for each such decision.

*Competent directions and supervision should be maintained at all stages, and any changes should be implemented by people with appropriate knowledge and skills.* (Burra Charter)

## Development and changes to the built fabric

Principles 1. New work

- New work, such as additions to the place, may be acceptable where it does not distort or obscure the cultural significance of the place, or detract from its interpretation and appreciation.
- New work should be readily identifiable as such.
- New work may be sympathetic if its siting, bulk, scale, character, colour, texture and material are similar to the existing fabric but imitation should be avoided. (Burra Charter)

### 2. Maintaining the fabric

Determining appropriate measures to maintain fabric:

<u>Preserve</u> where the existing fabric demonstrates evidence of cultural significance, or where insufficient evidence is available to allow other conservation processes to be carried out.

<u>Restore</u> only if there is sufficient evidence of an earlier state of the fabric.

<u>Reconstruct</u> where a place is incomplete through damage or alteration, and only where there is sufficient evidence to reproduce an earlier state of the fabric. Reconstruction should be identifiable on close inspection or through additional interpretation.

<u>Adaptation</u> is acceptable only where the adaptation has minimal impact on the cultural significance of the place. Adaptation should involve minimal change to significant fabric, achieved only after considering alternatives. (Burra Charter)

### 3. Changing the fabric

The impact of proposed changes on the cultural significance of a place should be analysed with reference to the statement of significance and the policy for managing the place. It may be necessary to modify proposed changes following analysis to better retain cultural significance.

*Existing fabric, use, associations and meanings should be adequately recorded before any changes are made to the place. A log of new evidence and additional decisions should be kept.* (Burra Charter)

## General treatment of the built fabric

- The built fabric is generally of a high standard of workmanship; this is an important element to the overall effect and needs to be retained.
- Works are to be carried out with minimal removal or concealment.
- Works are to be carried out on elements of lesser significance than higher significance the old tennis court area is considered less significant than the Gardens proper.
- Works are to be carried out by people with appropriate knowledge and skills.
- Works should, where possible, be reversible.

## Materials

 Where appropriate restrict the palette of materials to stone, timber and concrete to preserve Mr Swain's choice of materials. Allow new materials where practical, such as the black chain wire fencing which is necessary for safety. Be consistent and conceal these elements with plantings where possible.

### **Buildings and structures**

• Conserve the original fabric, particularly of the Garden Room/Garage which retains its original colour scheme. Promote the shapes of the structures in the Garden, such as the complexity of the Garden Room/Garage's form.

### Stonework

- Maintain stonework in good condition and consult a qualified stone-mason with heritage expertise for advice on preservation and repairs (Fig 8).
- Retard deterioration of sandstone walls by removing plants with aerial roots or suckerlike discs that attach to the surface from stonewalls and replace with trailing plants where required. This can be done gradually to maintain visitor experience. Replace with plants with non-damaging root structures (Figs 9 – 12).
- Remove all tree ferns from stone work. Inspect stonework for damage by tree roots – provide root barriers or remove trees where necessary.
- Inspect stonework for water damage from irrigation system.

*Figure 9 This Convolvulus is a good spill-over plant with non-damaging root structure and spring flowers.* 



*Figure 8 Cracks resulting from minor movement.* 





Figures 10-12 The roots of these plants are 'attached' to the surface of the walls.

## Concrete paths

Monitor concrete paths, particularly for trip hazards. Repair as required, ensuring patches match existing concrete.

## Garden taps

Retain all garden taps and record dates from the taps to document when each section of the Gardens was constructed.

## Embellishments

- Do not embellish the gardens with additional elements.
- The replacement of garden elements is to be consistent with the period during which the place was created.
- The large memorial birdbath is a successful scale, but the plaque should be removed and installed in a less prominent location nearby.
- The small birdbath and bubbler are out-of-keeping in style and located in a prominent place. Move these to a less obtrusive place in the adjacent garden area.
- The existing teak benches can be seen as a missed opportunity to reinforce the period character of the Gardens. Consider replacing benches with 1950s style garden seats (Traditional Australian garden seats of metal frame and timber slats)



Figure 13 Existing seating.



*Figure 14 Proposed slatted seating consistent with 1940s to 1960s period. This seat is by Street Furniture Australia.* 

## Interpretation

#### Principles

The Swain Gardens has an interesting history and visitors generally respond positively to detailed information. Provide opportunities to interpret the significance of the Gardens to visitors in a way that will not adversely affect the character of the place.

#### **Practices**

- Continue to provide pamphlets and internet site.
- Update signs based on significance; include maps, plans and history.
- Encourage event organisers to display images after the event.
- Provide information on maintenance and restoration practices.
- Provide labels for trees to develop horticultural theme.

### Use

Where the use of a place is of cultural significance it should be retained. A place should have a compatible use.

Conservation, interpretation and management of a place should provide participation of people for whom the place has special associations or who have social, spiritual or other cultural responsibilities for the place.

(Burra Charter)

## Statement of conservation policy

Conservation for The Swain Gardens and The Swain Reserve aims to preserve and enhance the appreciation of the cultural and heritage significance of the place and to retain significant fabric, form, spaces, character, qualities and meanings and determine compatible and appropriate uses for the present and in the future.

## PART 3 CONSERVATION OF BIOLOGICAL DIVERSITY AND ECOLOGICAL INTEGRITY

This section considers the ecology of The Swain Gardens and the adjoining Reserves in relation to the catchment and provides management guidelines based on sustainable principles.

The Gardens, in particular, provide an opportunity to demonstrate how sustainable principles can be implemented into an existing garden of non-indigenous plants and at the same time conserve and enhance both the natural and cultural values. This is particularly relevant for Ku-ring-gai where many properties are adjacent to, or near natural areas and their management directly impacts on the ecosystem function and therefore the amenity these areas provide for the entire community.



## Sustainable strategies

Sustainable strategies are aimed at enhancing the regional ecology and are divided into three areas: environment, social/cultural and economic and specific issues that this document seeks to address are listed under these headings.

An analysis of the regional ecology is on page 51.

Environment Protect and enhance native plants and habitat Prevent erosion and sedimentation from occurring Incorporate water sensitive urban design principles	Social/cultural Provide the best possible access and amenity, within the physical constraints and cultural significance of the place Offer opportunities for a range of activities, as suitable for a culturally significant site	Economic Implement programs to reduce energy and water consumption Improve Council operations and maintenance practices within the budget Work with community groups to improve facilities
Reuse, recycle and reduce waste Manage off-site impacts such as noxious weeds and encroachments Prevent garden chemicals from impacting on local water quality Protect local habitats from invasion by non-indigenous species	Minimise impacts on neighbours such as traffic, parking, noise, light and litter	Make improvements to reduce public liability and insurance risks Work with hirers and lessees for mutual benefit All uses of the garden need to satisfy global warming tests

The Swain Gardens/Reserve is located in Gordon Creek sub-catchment, which feeds east into the larger Middle Harbour catchment. Tributaries include Shot Machine Creek from Stanhope Road, Wombin Creek from Nelson Road and Tadpole Creek from Slade Avenue which all flow into Gordon Creek. The creeks are fed from the Council's piped stormwater system and interallotment drainage in the suburban areas of Killara and Lindfield upstream. These creeks share the route with sewer mains installed during the early 1930s. Much of the surrounding single dwelling housing was modest and built before 1920, with infill development of grander housing from the 1930s and more recently urban renewal and higher densities such as SEPP 5 developments.

The Swain Gardens/Reserve area is connected to a small expanse of bushland, Wombin Reserve to the west. Wombin Reserve was ceded to Council in 1957 and is managed under the Bushland Plan of Management and also covered by a legal document to preserve it as a nature reserve for wildlife. The large expanse of natural areas to the east consists of Council's Seven Little Australians Park, Lindfield Soldiers' Memorial Park, private land zoned County Open Space and NSW National Parks land being Garigal National Park (previously known as Davidson Park).

The underlying geology of these areas is Hawkesbury Sandstone which provides rock outcrops on the slopes and a variety of plant communities, from open-forests, woodlands, heaths and wet sclerophyll vegetation along the creek lines dominated by Coachwoods. The creeklines and areas of drainage concentration are weed impacted with Privet and other noxious plant species.

The natural areas provide food and habitat for fauna. The dense understorey of the open forest provides habitat for birds and small mammals, the grasslands and woodland areas provide open habitat for raptors and the dense ferny areas provide protection for small mammals and ground-dwelling birds. There is a strong local anecdotal history of lyrebirds and bowerbirds occurring in the valley. Threatened species include the Powerful owl (*Ninox strenua*) and the Grey-headed flying-fox (*Pteropus poliocephalus*).

The natural areas are used for passive recreation, particularly bushwalking.

The geology of Swain Gardens is Hawkesbury Sandstone which is evidenced in the remains of rock ledges which have been quarried for rock to be used elsewhere on site and to form fill sections of sandstone retaining walls. Stone reclaimed from the construction of the Killara Reservoir was used to cover Shot Machine Creek and elevate and join both ends of Stanhope Road. Yellowblock sandstone from the Tank stream extracted when the Swains City store was modified was used to build the stonewalls along the watercourse.

The Gymea soil landscape dominates in the natural areas and is typically found on undulating hills with slopes of between 10-25%. Mr Swain imported quality garden soil for the terrace gardens.

#### Recommendations

The following recommendations aim to minimise the impact on adjoining natural areas and improve the water quality in the catchment.

- Implement sustainable horticultural practices such as mulching to reduce water use
- Select non-indigenous plant species for the Gardens with low water requirements
- Select non-indigenous plant species for the Gardens that will not spread into adjacent bushland
- Improve water quality of urban runoff from surrounding residential areas and roads
- Liaise with Sydney Water to track sewer main leaks, stormwater overflows and illegal drainage to the sewer that exacerbates this
- Encourage on site detention from adjoining lands to reduce impacts of high flow
- Improve water quality of runoff from the Gardens by installing a sedimentation pond with macrophytes, located in The Swain Reserve where Wombin Creek exits The Swain Gardens
- Reduce silt loads and restore creek structure
- Implement stormwater harvesting proposals and recycling schemes
- Strengthen links with natural areas wildlife corridors etcetera
- Examine, minimise and monitor fertilizer use in the gardens to assess downstream impacts
- Introduce recycling bin (for plastic/glass/tins)
- Continue to recycle garden clippings at Council waste depot (off-site composting is more efficient due to Council operating a bulk waste composting facility).

## Stormwater harvesting and irrigation project

The Swain Gardens is composed of non-indigenous plants that are dependent on irrigation in dry times. Because of this Mr Swain installed taps throughout the terraced areas - there are so many taps that the Gardens are sometimes referred to as the 'Garden of Taps'. The cultural significance of the gardens is dependent on good horticultural practices because the plants are a living collection, dependent on nutrients, water and sunlight. It is important to maintain the plants well because it is the only public botanical garden in Ku-ring-gai.

The Gardens are watered during hot, dry spells and over the last 20 years the Gardens have used a median of 2.0ML a year, with the 25 and 75 percentile water usages at 1.4ML and 2.55 ML a year respectively. The stormwater harvesting project will reduce Ku-ring-gai Council's usage of Sydney Water mains at the Gardens by 70%. The irrigation system will use drip

irrigation where possible, elsewhere a sprinkler system or tap will be installed. This irrigation system will be more cost effective by reducing the need for hand-watering.

Water usage will be reduced by a planting strategy that maintains Mr Swain's plant selection where known, and elsewhere supplement plants that have low water dependence.

The project has environmental benefits. Currently water is directed from properties through drains and watercourses into Shot Machine Creek at The Swain Reserve. From here water leaves the urban areas and enters bushland areas, flowing into Gordon Creek before entering Middle harbour. The project will harness water at The Swain Reserve, where it will be treated to improve water quality before being either used for irrigation or discharged back into the creek.

harvest water \_\_\_\_\_> clean water \_\_\_\_\_> store water \_\_\_\_\_> recycle water

### Environmental benefits of the project

- Incorporate strategies to control flash flooding and clean stream water by removing pollutants
- Reduce peak discharge of water during heavy rain
- Improve the condition of water discharged from Shot Machine Creek
- Reinstate riparian zone vegetation before reaching the Gardens proper
- Manage stormwater flows to provide for bed and bank stability of creeks and reduce erosion and silt build-up at Shot Machine Creek.



### Topography

90 metres above sea level at highest point, grading twoards the creek at RL 75.



#### Natural areas

Garrigal National Park Bushland in parks and reserves



Soil landscapes

Lucas Heights (lh) Glenorie (gn)		Gymea (gy) Hawkesbury (ha) Lucas Heights (lh) Glenorie (gn)
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#### Vegetation

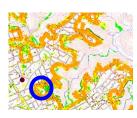
Local ecological communities M3d Sydney Turpentine Ironbark Forest M3e Sydney Sandstone Gully Forest, L3a Sydney Sandstone Ridgetop Woodland. T3a Blue Gum High Forest



Water catchment



Hydrology Sewer Stormwater

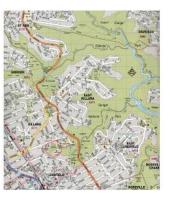


Riparian zones

#### Fire Fire break Fire buffer zone Tree canopy 2002 Remnant trees

#### **Location** 77 Stanhope Road, Killara.

Description of the existing environment The Gardens and adjoining Reserves cover an area of 3.4121 ha.



Regional ecology analysis

#### Geology and soil

Geology: Hawkesbury Sandstone - at the Gardens the sandstone outcrops have been either quarried to be used for site works, or modified to accommodate the retaining walls.

#### Soils:

Gymea soils, which are typically found on undulating hills with slopes of between 10-25%. Shallow to moderately deep yellow earths and earthy sands, yellow podsolic soils and siliceous sands (Chapman & Murphy 1989). Gymea soils may be prone to erosion.

#### Vegetation

The original vegetation Sydney Turpentine Ironbark Forest.

#### Native animals

*Ninox strenua* (Powerful owl) which is 'vulnerable'. (Recovery plan prepared Local Gov Act 1993 Sections 36A-36D).

#### Hydrology

The Swain Gardens and The Wombin Reserve drain to Wombin Creek, and The Swain Reserve drains to Shot Machine Creek. Both creeks are tributaries of Gordon Creek, which flows through the natural areas of Seven Little Australians Park and Garigal National Park before reaching the waterways of Middle Harbour.

#### Climate/microclimate

Climate warm temperate climate. Average annual rainfall exceeds 1100mm and peaks in autumn to late winter. Spring is the driest season.

The microclimates on the site have been modified and become shadier as the trees have grown. The creek areas are cool and shaded.



# PART 4 IMPROVED VALUATION, PRICING AND INCENTIVE MECHANISMS

*ESD* (*Ecological Sustainable Development*) *in the Local Government Act argues that the social and environmental impacts of goods and services should be included and paid for separately. Charging for goods and services will balance supply and demand in order to achieve more realistic outcomes.* 



## True valuation and pricing

The 'True valuation and pricing' is reflected in the provision of environmental goods and services and the measure of economic sustainability. In line with this, the principles outlined throughout this document are aimed at maximising benefits and minimising costs. The following table demonstrates some examples of this. The companion cost is not exclusive to each value, but generally translates to all values.

#### Value/benefit

Improving the sustainability of the Gardens Improving the ecology of the natural areas Improving the water quality of the catchment Safeguarding the unique qualities of the site Providing for specialist opportunities eg film makers, photographers Social opportunities – changing demographics – apartment living and aging population Bequest value for future generations Educational role Function spaces such as weddings, theatre

#### Companion cost

Replacement materials and mulch Bush regeneration programs Water harvesting project Vandalism and damage General repairs General maintenance Improved facilities Horticultural/arborist expertise Conservation specialists Staff training Rubbish removal Vandalism and damage

While the true valuation and pricing as described in the Act argues for a user pays system, the Burra Charter argues that the socio-economic values of a place are based on their appeal to visitors. Attracting visitors to a place assists with conservation because an informed and interested public provide support for a place. The support needs to come from the wider community; beyond the immediate neighbourhood. The conservation policy should 'identify a use, a combination of uses, or constraints on use, that are compatible with the retention of the cultural significance of the place and that are feasible'. The Burra Charter.

In response to these arguments, this report seeks to improve the Gardens for the enjoyment of the casual visitor and to develop a range of activities that generate income, but are appropriate with the cultural significance of the Gardens.

Refer to cultural analysis of the local area on page 56.

### Visitor use and programs

The Swain Gardens provides a place with unique qualities, as a private garden created by a family with the means to achieve this and is now available for public use without charge to the casual visitor - this is rare and a valued facility by the community. Such spaces are often considered a luxury due to the pressing ecological concerns of today, but their value is important due to their effect on the human sense of well-being. Suburban space is generally dominated by sports grounds/facilities, playgrounds, and in Ku-ring-gai, bushland. The Gardens offer an alternative as a contemplative place. It is used by local residents, including Swain Manors Retirement Village, Lourdes Retirement Village and Newington Preparatory School.

The Gardens have been in constant use as public space since the National Trust's ownership in 1972. During this time a number of diverse uses have been explored such as the 'Gallery in the Gardens', proposed for the dwelling in The Swain Reserve. Most often ideas are received with enthusiasm, but when explored further rejected due to the constraints of the site, such as lack of parking, and the impact on local residents from increased traffic and noise.

The fragility of the historical fabric needs to be considered in deciding what activities are compatible within the Gardens. Uses which would have an adverse effect on the place (requiring additional services or structures) should be discouraged.

The most appropriate activities promote the cultural significance of the place such as gardening groups/clubs. The place is well suited to quiet pursuits that will not disturb other park users, such as book clubs, knitting/sewing circle, yoga/meditation and walking. Small to medium groups of people can be accommodated at the old tennis court at The Swain Reserve and musical and theatrical performances have successfully been held there. The Garden Room and adjacent Viewing Lawn should be developed as a combined space suitable for small group activities. The Wedding Lawn can be booked for functions, particularly weddings and photographic sessions. More recently filmmakers have made several films at the Gardens, and it should be promoted to artists and the film industry for its unique landscape features, modernist architecture and embedded cultural values.

Council has encouraged an active program of community participation from garden clubs and service clubs. The Friends of The Swain Gardens provide assistance by fund raising and participating in working bees. Encouraging personal adoption of garden areas has been reasonably successful, but to be most effective 'the adopted' areas need to be designed and maintained in a compatible manner.

Horticultural staff working at the Gardens report that they are used on a daily basis by 15-20 people. The main activity is walking along the track through Wombin Reserve and through the Gardens. Many people walk with a dog and they tend to be unleashed, but owners generally collect the dog droppings. The second most popular activity is on weekends where families use the barbeque at the Old Tennis Court area in The Swain Reserve and the third most popular activity is for weddings which generally occur in spring.

During school holidays, school-aged people use the lawn areas for reading/studying, either on their own or with friends. Couples use the terraced lawns for picnics and over the years, a series of homeless people have taken up residence in the Gardens, possibly made more comfortable due to the showers in the amenity buildings.

Council is working towards linking Shot Machine Track from Killara Railway Station to Roseville Bridge at Echo Point, through The Swain Reserve. This is dependent on gaining access through privately owned County Open Space adjoining The Swain Reserve. When this is achieved it will provide a day-long walk and the amenities at the Gardens will be a valuable resource that can be enjoyed by walkers.

## Licences and leases

There are no licences. There is one lease for the residence at The Swain Reserve.

### **Risk management**

- Manage the Gardens in a way that minimises risks to public, staff and the environment
- Establish process to identify long term issues and hazards and minimise risk
- Establish procedures to deal with emergencies.

### Recommendations

- Balance tranquillity and conservation with passive recreational uses
- Manage, protect and interpret the natural and heritage assets of the site
- Provide activities within the constraints of the physical site and its cultural significance
- Use the site for suitable purposes and, where possible create income opportunities
- Accept that site constraints for parking and access will always limit use
- Comply with Council's events policy requirements
- Education provide a guidebook with information on the Gardens its history conservation, sustainable and management issues
- Cultural Provide a guide to promote the garden experience, particularly seasonal (views, sensations, scent sound, seasonal subtleties of colour)
- Provide information on the gardens as a botanical collection (the Friends Group are working on plant labels)
- Establish appropriate leisure activities at the site, such as tai chi, yoga etcetera
- Consider the Gardens as a turist destination, such as the enquiry by a Japanese group who were interested in indigenous and non-indigenous vegetation
- Continue to encourage grounds hire for weddings caters for maximum 70 guests
- Encourage visits in cooperation with related organisations such as garden clubs
- Associate the Garden with events, particularly historic, or personalities
- Continue the Annual Swain Gardens Open Day which showcases spring flowers and includes Devonshire teas and lunches, local school music ensembles, orchestras and bagpipes
- Encourage open-air theatre and music recitals
- Create a formalised garden walk with botanical brochure
- Consider exhibitions such as sculpture in the park, artist in residence
- Catered meals for small groups
- Promote cultural significance of the Gardens for filmmakers and photographers
- Encourage Garden Room/Viewing Lawn hire
- Highlight alternative public transport to reduce the physical impact of the motor vehicle on local streets. Include route from station on information posters and pamphlets.

### Killara – cultural analysis

#### Killara profile

Population Total population Australian born Overseas born Aged 65 + Aged 18 - 64	8,110 5,255 2,546 1,347 4,743	
Children 5 - 17	1,606	
Infants 0 – 4 years Housing	351	
Dwellings (total)	3,041	
Private dwellings	2,838	
Average household size		2.85

*Source: Australian Bureau of Statistics, Census 2001* 





#### **Bushcare sites**

Bushcare' groups assist in conserving bushland in Wombin Reserve and Seven Little Australians Park.

'Parkcare' and the 'Friends of Swain Gardens' assist in the conservation of Swain Gardens.



Public facilities in East Killara



Sports grounds Local parks (bushland) National Parks



Walking tracks



## PART 5 LANDSCAPE MASTERPLAN

This section is a synthesis of conservation policies, sustainable strategies and usage. It identifies where additional works are required to rectify problems and ensure visitor enjoyment. Proposed works are consistent with the Burra Charter.

The Burra Charter advocates a cautious approach to change: respect the existing fabric, use associations and meanings; do as much as necessary to care for the place and to make it useable, but otherwise change it as little as possible so that its cultural significance is retained.



## Objectives

- Conserve The Swain Gardens in a way that will retain the cultural values as outlined in the Statement of Significance
- Introduce sustainable strategies to ensure the long-term viability of the Gardens
- Promote on-going uses and encourage new uses that will enhance public appreciation of the cultural significance of the Gardens and adjoining Reserves and ensure their conservation for future generations

## Constraints and opportunities

#### Constraints

- Poor sense of arrival from Stanhope Road
- Poor orientation confusing division between Gardens, Reserves and private properties
- Lack of parking on site and adequate parking along Stanhope Road
- The access road is steep, narrow and shared by Council vehicles and pedestrians. It is difficult for prams and wheelchairs
- No disabled parking on site
- Loss of original plant species
- Negative impact of the Gardens on adjoining natural areas, particularly fertilisers increasing nutrient levels in waterways

#### **Opportunities**

- Review conservation measures
- Introduce sustainable strategies
- Provide disabled parking
- Highlight Mr Swain's design details and draw attention to focal points
- Establish planting regime
- Strengthen views and vistas
- Strengthen spatial qualities, access and circulation
- New signage
- New uses

The recommendations in this section are conceptual and require detailed design work.

## Views and vistas

#### Issues

- Views into, out of and within the place are defined by the fabric and are significant and should be protected
- Views maintain visual connections between spaces

#### Actions

- Remove tree ferns and prune tall shrubs where necessary to open views
- When replacing trees, consider their mature size and place them in a location to avoid obscuring views within the gardens
- Establish the Viewing Lawn as a significant area. Remove the Magnolia which is located below the viewing lawn and is a post-Swain planting. Its canopy has spread and is obscuring the view over the garden from this important vantage point. If it is not possible to remove the tree, directional prune the canopy.
- If possible, relocate the pergola to the Old Tennis Court area to re-establish views along the north-south and east-west cross axis
- A series of terminating paths exist along the eastern boundary where there are excellent views into the valley. Gradually replace the bamboo from this section with a less invasive bamboo species. Where the paths terminate, do not plant bamboo, rather leave 'windows' to highlight the views and to integrate the paths into the landscape. Frame views as similar at Everglades
- Create views into Reserves
- Locate plants in order to create vistas that unfold along garden walks
- Create framed views to specimen trees and focal points



Vegetation used to frame distant view at Everglades

### Spatial qualities and circulation

#### Issue

• The spaces in a garden are as important as the plants that define them and their arrangement provides a variety of visitor experiences.

#### Actions

- Draw attention to the unique design qualities of the Gardens by highlighting the network of curved paths and steps and the associated sweeping curves to the garden beds. Select plants carefully so they do not grow too large and obscure these qualities.
- Create meaningful circulation. In some areas paths terminate without meaning. Ensure that there is a view or specialist planting in these situations, particularly along the eastern boundary of the gardens.



*Use specialist planting in small garden areas to highlight design details and circulation patterns* 

### Sense of arrival

#### Issues

- The entry to the Gardens, from Stanhope Road via Swain Reserve does not provide a good first impression for visitors to the Gardens.
- The division between the Gardens and adjacent The Swain Reserve is confusing and, because of this lessens the experience of the Gardens.
- The entry is not negotiable for disabled or wheelchair visitors, but access can be arranged. Other access points are pedestrian only and from adjacent Reserves.

#### Actions

 Provide new signage at all road entrances; include plans, orientation, history and connecting walking tracks. Incorporate the benefactors – Mr H. C. Swain and the National Trust. Refer Appendices.

Signage should convey layers of cultural meanings, a definite sense of a private garden of non-indigenous plants surrounded by the endemic vegetation of adjacent Reserves.

- Ordinance signs should include where to park cars and leave bicycles, dog control measures, garbage locations and speed limits.
- Create a formal entry to The Swain Gardens at the 'boundary' to the Gardens (Lot 12), to clarify the Gardens as a separate entity and provide a new sense of arrival' that is appropriate for a place of cultural significance.
- Provide disabled parking for two cars behind the dwelling and adjacent to the Council shed at The Swain Reserve, provide adequate turning area.
- Consider extending the width of the access road to provide marked pedestrian access, particularly for the narrow section of road which is the first section near the bungalow
- Provide a display board and encourage users to promote their activities at the Gardens.





#### Existing signs to be replaced

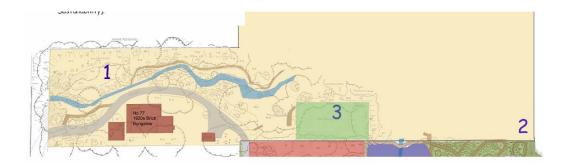


*Use signage to communicate cultural significance* 



Activities board at Everglades displaying a children's tea party.

## The Reserve or bushland area



### 1. Stanhope Road area

#### Issues

- This area contains remnant stonework from a 1920s garden including seat niche, walls, paths, steps, circular bays for planting and lining of the creek banks. The paths have the potential to form a section of Shot Machine Track. Refer to Sustainability and Usage sections for more details.
- Vegetation includes two clumps of giant bamboo along with an assortment of exotic shrubs and non-endemic TreeFerns (*Cyathea cooperi*).
- The area is narrow, bounded by residential development, located below the road and it tends to be damp.

#### Conservation

- Maintain the relationship between the Gardens and adjacent Reserves which is integral to the experience of the landscape setting.
- Revegetate this area for clarity of the overall design to contrast with the ordered character of the Gardens. Leave existing non-indigenous plants, but gradually replace with endemic species over time. Use small trees to retain light and solar access to adjoining properties.
- Conserve remnant sandstone elements as 'ruins' of an old garden - seating niche, planter beds and walls. Restore tracks and steps that are to be incorporated into Shot Machine Track.







*Remnant sandstone elements in Swain Reserve near Stanhope Road* 

- Implement stormwater harvesting project.
- Establish riparian zone planting to reduce silt loads.
- Revegetate with endemic species for low maintenance, low water usage, no fertilizer usage and to provide habitat. Direct funding for maintenance to the Gardens proper rather than extending the garden areas into the Reserve.
- Strengthen links with natural areas for wildlife corridors.
- Introduce garbage recycling remove bins throughout gardens and install three large bins near the Council's shed or at the entrance to The Swain Reserve – two bins for general garbage and one recycle bin for plastic, glass and tins.

#### Usage

- Continue to work towards acquiring the 'missing link' in the Shot Machine Track walk which links Killara railway station with Echo Point, Middle Harbour.
- Promote the use of the new gazebo as an integral element in the Shot Machine Track walk. The gazebo will feature as comfortable rest place and house information about the walk to Echo Point.
- Continue to lease the house as a private residence that generates income for the upkeep of community facilities.

#### Actions

- Screen adjacent buildings where possible, particularly foundations and associated domestic utilities.
- Provide a bay for the residence's bins.
- Where space is limited screen with black pipe and mesh fence and cover with vines for less intrusive appearance.



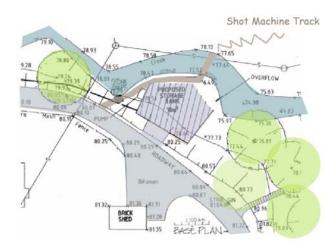
Screen boundaries

Provide bay for bins

Provide disabled parking at rear of bungalow

## 2. Stormwater harvesting and irrigation project

Design concept for in-situ stormwater storage tank and proposed shelter on top located at The Swain Reserve.



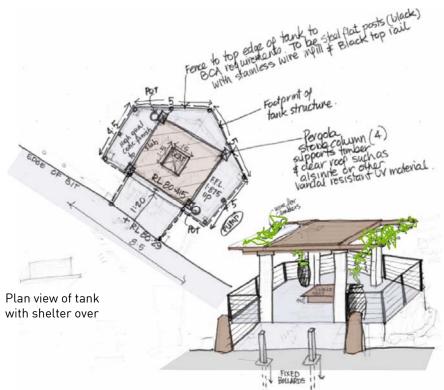
Survey plan



Location of water storage tank



Location of stormwater tank and pedestrian path



*Sketch of shelter on top of tank which is based on the pergola at the Viewing Lawn at The Swain Gardens* 



Pergola at the Viewing Lawn, The Swain Gardens

- Conceal the water tank finishes are to be stone faced, otherwise bagged and painted or rendered and painted
- The tank footprint is set back inside the stone wall allowing space for plantings
- The top of the tank slab will be finished as high quality concrete suitable for deck surface
- The tank will be about 125mm higher than the road allowing a 1:20 ramp up to the tank deck. This is calculated by locating a 1.85m high tank at the bottom level of the base of the road batter, and on the tank area being for a minimum 75000 litres. The tank is a pentagram and symmetrical
- If possible, pour the top to allow for columns, pots, railings and seating
- Offset the wall for the tank from the creek with stone edge min 1200mm to allow pedestrian access
- Locate pump on the side away from the residence
- Install a basic, small footbridge bridge over the Shot Machine Creek, ensure it does not retard water flow or cause flooding. The footbridge provides a link from the bitumen road, down the existing restored stone steps to the track on other side of creek

## 3. The south-western boundary of the Reserve

#### Issues

 This area, near Newington School is degraded and bamboo is invading the bushland. Newington School is intending to extend into this area. Plant tall trees to screen development.

#### Sustainability

- Select non-indigenous plant species for the Gardens that will not spread into the Reserve
- Investigate urban runoff from neighbouring properties
- Liaise with Sydney water to track sewer main leaks, stormwater overflows and illegal drainage to the sewer that exacerbates this.
- Encourage on-site detention from adjoining lands to reduce impacts of high flow
- Continue with bush regeneration program, 'revegetating' to control erosion, choke weeds and re-establish forest qualities.
- Install sedimentation pond with macrophytes at Wombin Creek exit from the Gardens.

#### Actions

- Gradually replace bamboo in the top area of the Gardens with a non invasive species. Plant to frame view as discussed earlier.
- Plant additional trees in the Reserve and Gardens to screen proposed development at Newington School
- Treat stormwater runoff



*Valley view that is concealed by the bamboo* 

### 4. Old Tennis Court area

#### Issues

- There is an attractive outlook to the east into the valley.
- The area is difficult to maintain because it is overshadowed by adjacent trees creating shady conditions which is not suitable for lawn and there are drainage problems.
- The area has been developed as the social hub for the place with the inclusion of a barbeque, picnic table, stage and area of lawn.

#### Conservation

 New developments are to be located in the Old Tennis Court area of The Swain Reserve which is less significant than the Gardens proper.

#### Usage

- Reinforce this area as a performance space. Encourage use by groups involved in music, plays and poetry readings etcetera, allowing for restricted access for some people with disabilities.
- Promote the area as a place suitable for barbeques and picnics.

#### Actions

- Establish the identity of the Old Tennis Court as part of The Swain Reserve by landscaping with endemic plant species and highlighting the views into bushland to the east. Remove weeds from bushland.
- Seal the path from the access road to this area with crushed sandstone and soften the steps from the access road with plantings.
- Repair the heritage sandstone steps that lead directly onto the court area.
- Drainage works have recently been carried out and the new irrigation system allows this area to be watered. Plant with tough shade-loving turf, check for compaction, grade from the centre and towards the edges for drainage.



*The more recent upgrade of the Old Tennis Court area has reinforced its spatial qualities and provided social opportunities* 



Improve view into forest from Old Tennis Court into valley Seal path

## The Gardens area

### 1. Interface Wombin Reserve and the Gardens

#### Issues

- Very tall eucalyptus trees overshadow the Gardens.
- Weeds, particularly Fish Bone ferns (Nephalepis cordifolia) confuse the division between the Gardens and Reserve.
- Walkers use the track in Wombin Reserve to access the Gardens or as part of a longer walking route.

#### Conservation

- Develop a boundary planting regime: Strengthen the bushland setting by removing weeds and establishing an understorey, arrange to create views along the existing track, and vistas from the bridge into the creek.
- Highlight the contrast between the Gardens and Reserves by keeping vegetation off, and away from the low sandstone-boundary-walls.

#### Sustainability

Actions

- Continue the Bushcare program in the Reserve
- Treat stormwater runoff

- Create a threshold and highlight the entrance to Wombin Reserve from Swain Gardens by installing sandstone paving similar to the paving at The Swain Reserve if possible and provide signage.
- Screen neighbouring development.
- Do not plant tall trees in the Reserves, near the boundary, that will in time overshadow the gardens.



#### Entrance to the reserve



Adjoining development – photo taken from the Gardens

### 1. Turpentine Forest

#### Issues

The Turpentine forest appears to be 'unresolved' in its relationship with the ordered design of the rest of the Gardens. In response to this there have been various attempts to establish an understorey including the 'Rhododendron Walk' and the introduction of *Hymenosporum flavens* (temperate forest/rainforest species of NSW and QLD). Pittosporum have self-seeded and some have been removed, but many remain.

#### Actions

- Plant additional Turpentines and several Angophoras.
- Where possible remove the small trees and understorey because they are a different scale to the Turpentines and will always appear inconsistent. Retain existing Rhododendrons as the Lion's club contribution. Retain Birds Nest ferns and Maidenhair ferns. Transplant Birds Nest ferns to the edge near the Old Tennis Court and plant in long sweeping curves. Plant Birds Nest ferns in clumps where required to make 'pictures' or divide spaces within the forest. Restrict the Cordylines to a small area next to the access road and keep clipped low.
- Aim to highlight the forest qualities of the Turpentines, by emphasising textures, light and shade, and the connection between the Gardens and surrounding natural areas. The Turpentine Forest is viewed from the access drive and particularly from the new entrance to the Gardens – create vistas into the forest from the drive.







Image 1 and 2 existing Turpentine forest.

Image 3 is the forest at Everglades demonstrating consistency in scale of tree trunks and simple mulched surface emphasising quality of light.

- Consider regrading the ground surface (where roots allow) to achieve smooth, even contours and remove unattractive bumps.
- Consider not having paths through the Turpentine Forest, mulch and allow access throughout. If paths are necessary here, create exaggerated, sweeping curves of crushed sandstone. The curves should lead the eye to distant elements, such as large trees or distant hills.

### 3. Terraced gardens

#### Issues

- The stone walls are in good condition; they are not leaning or extensively cracked. The few cracks are generally not noticeable.
- Concrete paths are cracked in places.
- Refer to 'Plant Material' at the end of this section for planting regime (page 74).

#### Conservation

- Maintain stonework in good condition and consult a qualified stone-mason with heritage expertise for advice on preservation and repairs.
- Retard deterioration of sandstone walls by removing plants with aerial roots or sucker-like discs that attach to the surface from stonewalls and replace with trailing plants where required. This can be done gradually to maintain visitor experience.
- Provide root barriers where tree roots are putting stress on walls.
- Do not fill cracks with mortar as this is cosmetic only and often draws attention.
- Cracks that are of concern can be monitored by gluing a glass strip over the top.
- Clean sandstone according to heritage stonemason's advice.

#### Sustainability

- Implement sustainable horticultural practices and continue mulching to reduce water use.
- Reduce water use by selecting plants with low water requirements.
- Communicate conservation issues to the wider community.
- Select non-indigenous and endemic plant species that will not spread into adjacent areas.
- Examine, minimise and monitor fertilizer use in the gardens to assess downstream impacts.

#### Usage

- Promote the use of the Wedding Lawn
- Promote the Gardens as a place of botanical displays
- Develop one of the smaller terraces along the eastern boundary as a grassed area to increase public use, for meeting, picnics, resting, reading, etcetera

### 4. Viewing Lawn and Garden Room

#### Issues

- Next to the Garden Room/Garage is a small lawn which was the transition point between the Swain family home and the Gardens.
- The viewing lawn has the potential of being combined with the Garden Room as additional space for functions.
- The old pool, which is now a garden area with pergola over has ficus growing over the sandstone pillars.
- The knarled old mulberry was a present from Mrs Swain's parents in the 1920s.
- The Garden Room/Garage is in excellent original condition, including flooring, fixtures and fittings and colours.

#### Conservation

- Preserve the area as a Viewing Lawn.
- Conserve the pergola remove ficus and Camphor Laurel.
- Transplant the Wisteria to the northern edge of the structure, prune to central stem and train leaders along wires. Monitor growth and vigour to ensure the vine does not put pressure on the structure.
- Remove the Magnolia tree (post-Swain) on the terrace below to regain views – plant *Camellia* to match existing plantings in this bed.
- Retain the original fixtures, fittings and colours of the Garden Room/Garage.

#### Usage

- The Garden Room is used by Council staff and Friends of The Swain Gardens.
- Encourage the use of the Garden Room as a meeting place for other small groups such as book clubs, study groups, knitting circle, garden clubs, etc.







Details - viewing lawn

#### Actions

- Draw visitors into the Viewing Lawn and give it a new purpose through interpretation.
- Remove the tree in front of the *Ginkgo biloba* if possible. This tree species is very slow growing and this is a mature specimen. It should be highlighted as a feature of the Garden. It is botanically unusual because it is a prehistoric coniferous tree with autumn foliage (from China and Japan).
- Remove the Magnolia that is blocking view over Gardens, if possible.
- Continue to maintain the Mulberry tree, fertilise and remove dead wood. Consider installing a root barrier to protect the retaining wall.
- Screen the adjoining property (originally the Swain family home)
- Plant the garden bed under the pergola
- Paint the garden seat around the pergola

### 5. North facing terraces

- Actions
   Initiate planting design and review individual beds.
- Prune shrubs to reduce competition with the trees.
- Gradually remove Ficus from walls, and plant shrubs to the rear of the terraces such as espaliered Camellias.
- The terraces to the west of the central axis path require the shrubbery and mixed herbaceous planting to be kept to a more compact or characteristic individual form and to showcase the trees. Leave some areas overgrown to provide habitat for Bower Bird and other wildlife.
- Increase activities by introducing an additional lawn area on one of the smaller eastern terraces.









Opportunities for specialist planting to highlight details

### 6. Lower Gardens

#### Issues

- This area was once lawn and used for weddings, but the trees have grown and in response it is planted with shade-tolerant plants.
- The large round bed with the Deodar is planted on bedrock.
- The bridge over Shot Machine Creek has been obscured by tree ferns blocking vistas back to the Tank Stream stonework arch.
- Large trees are creating too much shade for the **Camellias**, which require morning sun.

#### Conservation

- Relocate bubbler and birdbath to a less obvious area.
- Relocate memorial plaque from the large bird bath to a less obtrusive position in paving either set flush or slightly raised and not visible from lawn.

#### Actions

- Clearly define each species of herbaceous planting (clump definition) and clean out straggly plantings to reduce visual confusion.
- Conserve the rings of bulbs around the trees. Remove/trim away competing plants.
- Continue to increase mulch depth.
- Investigate drainage to Deodar bed and monitor the tree for safety
- Initiate design to supplement width of long narrow east-west walk.





## Plant material

#### Issues

- Mr Swain chose specialist plant species and rare or unusual cultivars, particularly for trees.
- Mr Swain was a Camellia enthusiast
- The Gardens are at their best in spring (blossoms) and autumn (Camellia flowers and leaf colours).
- The Gardens are a valuable botanical asset.
- The gardens are valuable for their scientific effort to acclimatise non-indigenous cold-climate trees to Sydney's warm temperate climatic condition.
- The perennial planting of the lower garden area was created voluntarily by Mr J. Trezise. His dedication and horticultural contribution, particularly in managing changing site conditions due to tree growth, is an important contribution to the history of the Gardens.

#### Conservation

- Keep the Gardens 'fairly bald' in line with documentary evidence on the original planting regime (allowing for the needs of wildlife).
- Where Mr Swain's choice of plants is unknown, choose
  - 1. Specialist tree species or rare/unusual cultivars suitable for site conditions;
  - 2. plants that were commonly used during the 1940s to 1960s; and
  - 3. plants that require low water usage.
- Promote the Gardens as a botanical collection:
  - 1. Provide information on botanical seasonal highlights for spring and autumn
  - 2. Label trees, include place of origin and botanical information that is of
    - interest.
  - 3. Label Camellias and promote the Gardens as a showcase for Camellia cultivars.
  - Plant more Camellias (they are moderately drought tolerant).
  - Restrict the use of fashion-dictated plant material, such as mondo-grass which works well in the lower garden area but was uncommon during the time the Gardens were created.
  - Maintain the lower garden as a perennial garden created by Mr J. Trezise.

#### Sustainability

 Design garden areas based on the irrigation drawing and select plants with very low water requirements in areas that the irrigation system does not cover. Elsewhere, chose plants with low water requirements, particularly small shrubs, groundcovers, and creepers.

#### Usage

 Promote the gardens as a walking experience, a place to come and admire the plant collections, particularly during Spring and Autumn. Mr Swain planted the best cultivars. Label the trees and include botanical information, produce a visitor brochure, or create an internet site for seasonal highlights – the flowering blossoms during spring and the tree's leaf colours and Camellia flowers during autumn.

- Arrange plants to highlight the soft curves of the garden beds, repeat plant species to create a rhythm between the terraces.
- Provide space around specimen trees by pruning tall shrubs that surround the trees.
- Maintain individual plant species in a compact and ordered form so that they make a clearly defined contribution to the overall composition. Where appropriate, ruthlessly maintain 'lines of' neatness.
- Prune shrubs where they conceal the form of trees.
- Replace trees as they deteriorate beyond reasonable condition and plant near to the original, retaining views and vistas.
- Develop a tree strategy that maintains a mixed age resource, replacing 1-2 trees a year.
- 'Directional' prune trees as required to maintain correct form.
- Select the best trees and highlight these to create focal points.
- Remove the Tree Ferns from the Gardens because they compete with the tree canopies and create a confused landscape character.
- Strengthen the unique characteristics of each garden area, rather than present a series of similarly planted spaces.



*Plant labels similar to this one from Everglades, but include botanical information for the trees such as country of origin and unusual characteristics* 



Prune shrubs so they do not compete with trees



*Remove tree ferns because they compete with tree canopies and Mr Swain planted specialist species that should be highlighted* 

# Suggested plantings including new improved cultivars

### Trees

*Lagerstroemia indica* 'Natchez' (white), 'Sioux Pink' (other new cultivars and the standard form) *Acer beugeranum* 

Gordonia axillaris Magnolia soulangiana Magnolia stellata Magnolia 'Little Gemm' Magnolia grandiflora (dwarf cultivar) Pyrus ussuriensis 'Red Spire' (also 'Chanticleer' (narrow form) Prunus persica (flowering peach) Ulmus 'Louis Van Houtte' (Golden Elm-needs protection) Arbutus unedo Fraxinus raywoodii Michelia 'Bubbles' (and other small varieties) Cupressus sempervirens 'Glauca' (Italian cypress - improved cultivar) Juniperus Spartan'

### Shrubs for sun

Spiraea lanceolata Euonymous 'Albo-marginata' Abelia grandiflora 'Nana' Raphiolepis indica (sterile cultivars)

### Shrubs for sun or shade

Buxus microphylla Gardenia florida Brunfelsia eximia Viburnum 'Emerald Beauty' (mite-free form of *V. tinus* - great hedge) Nandina domestica (good for sun and an amazing amount of shade, don't use N. 'Nana')

### Ground cover light shade

Gardenia radicans Ajuga reptans 'Jungle Beauty' (also 'Caitlins Giant')

*Trachelospermum tricolour Helleborus hybrids* 

### Strappy Plants light to heavy shade

*Liriope* 'Evergreen Giant' (also 'Joy Mist, 'Samantha') *Ophiopogon* 'Stripy White' (variegated) (also *jaburnum & jaburnum* 'Variegata') *Clivea* (new culitavars)

### Bulbs

Jonquil, Bluebells, Snowflakes

### Flowering perennials

For sun: *Salvia* 'Mystic Spires' - 25 cm flowers blue most of the year For hot, dry embankments*: Russelia equisetiformis* (red flowers) (also 'Lemon Falls')

### **Reliable Camellias**

*C. sasanqua* 'Plantation Pink' (also 'The Creek'-(a white Plantation Pink and 'Jennifer Susan').

## **Risk management**

### Actions

- Manage the Gardens in a way that minimises risks to public, staff and the environment
- Establish process to identify long term issues and hazards and minimise risk
- Establish procedures to deal with emergencies.

### GENERALLY

### SUSTAINABILITY/ECOLOGY

Incorporate water sensitive urban design principles to ensure the health of the catchment – such as riparian zone planting and a sedimentation pond where Wombin Creek exits the Gardens.

Implement the stormwater harvesting project.

Implement sustainable horticultural practices at the Gardens.

Select endemic plant species for the Reserves that will not overshadow the Gardens, and non-indigenous plant species for the Gardens that will not spread into the Reserves.

Recycle waste.

### HERITAGE/CULTURE

Strengthen the contrasting landscapes of the Gardens and adjacent Reserves which is integral to the experience of the landscape setting.

Maintain the Gardens in a manner that retains and preserves the original character.

Maintain the fabric in good condition and consult a qualified stone-mason with heritage expertise for advice on preserving stonework and consult an arborist to report on the condition of significant trees.

Update the 1992 species list.

Improve the sense of arrival - provide interpretative signage at Reserves and the Gardens with maps, walking tracks and its history.

Locate new developments at the old tennis court area in The Swain Reserve which is the place of least significance.

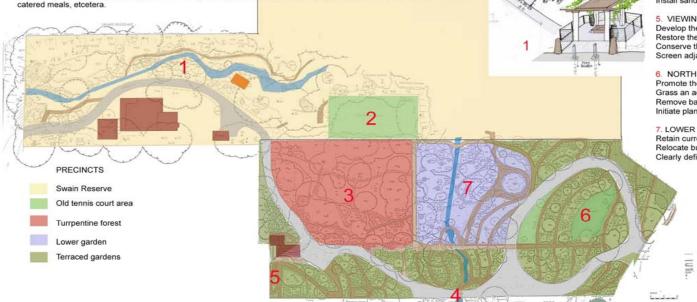
#### SOCIAL /ECONOMIC VALUES

Accept that social opportunities are restricted by the topography of the site, particularly disabled access throughout the Gardens. Provide disabled parking in the Reserve at the entrance to the Gardens.

Restrict the use of the Gardens for recreational activities that are within the constraints the physical site and its cultural significance.

Promote the Gardens as a place of botanical displays, particularly in spring and autumn. Label Camellias and significant trees. Promote the Gardens for activities that are related to the arts, such as open-air theatre, poetry readings and music recitals, also filmmaking, photographing and formal functions such as weddings etcetera.

Provide the Garden Room/Viewing Lawn for hire by small groups such as gardening groups, book clubs, knitting/sewing circles, catered meals, etcetera.



This plan identifies the areas of concern where new works are required to revitalise the place and improve visitor experience, and lists actions required to improve access, facilities and interpretation without compromising heritage values.

Recommendations are conceptual and require detailed design work.

### GARDEN PRECINCTS

 THE SWAIN RESERVE Conserve 1920s sandstone elements and Giant Bamboo. Install water harvesting project with viewing platform and pergola. Provide disabled parking on site.

2. OLD TENNIS COURT AREA Establish identity as part of the Reserve. Restore remnant steps and reseal path. Grade to edges and plant with shade tolerant turf. Relocate existing pergola from the Gardens to this area.

3. TURPENTINE FOREST Regrade ground to smooth surface. Remove small trees if possible, plant Turpentines and several Angophoras Transplant Birds Nest ferns and arrange in groups at the western edge. Plant and encourage existing Maidenhair ferns to cover the ground.

 INTERFACE WOMBIN RESERVE AND THE GARDENS Develop boundary planting regime that will reinforce the contrasting aesthetics qualities of the Gardens and Reserves. Install sandstone entrance paving similar to The Swain Reserve.

5. VIEWING LAWN AND GARDEN ROOM

Develop the viewing lawn (adjacent to the garden room) for recreational use. Restore the garden bed/pergola. Conserve the garden room/garage including original colour scheme.

Screen adjacent residence

6. NORTH FACING TERRACES

Promote the use of the wedding lawn. Grass an additional terrace along the eastern boundary for recreational use.

Remove bamboo to create 'windows' to frame the view, similar to Everglades Initiate planting design to highlight details such as small garden beds.

7. LOWER GARDENS

Retain current planting regime. Relocate bubbler and birdbath to a less obvious area. Clearly define each plant species.

Ku-ring-gai Council – Draft Landscape Master Plan for Swain Gardens

## References

### Internet

Australia ICOMOS, *Charter for the conservation of places of cultural significance, Australia ICOMOS: The Burra Charter*, Canberra, 2002

### <u>Books</u>

Aitken, Richard & Looker, Michael (eds), *The Oxford Companion to Australian Gardens*, Oxford University Press in association with the Australian Garden Historical Society. Melbourne, 2002.

Kerr, James Semple. *The Conservation Plan A Guide to the Preparation of Conservation Plans for Places of European Cultural significance*, The National Trust. 2000 ed.

Mackellar Goulty, S. *Heritage Gardens Care, Conservation and Management*, Routledge, London. 1993

Ratcliffe, Richard. *Everglades Gardens*, Kangaroo Press, Kenthurst, 1995.

Ratcliffe, Richard. *Australia's Master Gardener, Paul Sorensen and His Gardens*, Kangaroo Press, 1990

### Journal articles, encyclopaedia entries

Evans, Catherine & Buchanan, Barbara in Bourke, Max & Morris Colleen (eds), *Studies in Australian Garden History*, Australian Garden History Society, Melbourne, 2003 p. 21

The National Trust of Australia (NSW) Parks and Gardens Conservation Committee *Interwar Gardens: A guide to the history, conservation and management of gardens of 1915-1940.* 2003

Van den Broek, Barbara, The Town Planning Background to Interwar Gardens, in The National Trust of Australia (NSW) Parks and Gardens Conservation Committee *Interwar Gardens: A guide to the history, conservation and management of gardens of 1915-1940.* 2003

Mundy, Jane, *Old World Enclave,* Your Garden, August 1989

# **APPENDICES**

# Family history

## Appendix A Mr Henry Charles Maitland Swain and the bookshop

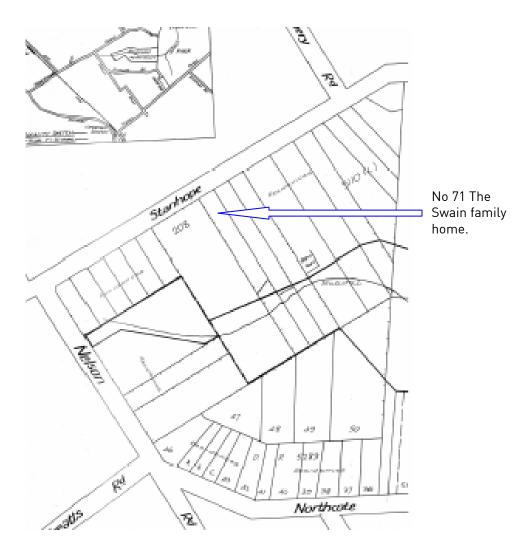
*Mr Swain's father, Henry Charles Maitland Swain* was born in 1873. In 1895 he established H.C. Swain & Company bookstore that was primarily a family business. Henry Swain's son, Arthur Newling (known as Michael or Mick, d. 1973) became a principal and managing director of the store. Initially located in Moore Street, the business moved to 121, 123, then expanded to 119-123 Pitt Street, Sydney, and incorporated an art gallery and rare books division. The name also changed to Swain & Company Pty. Limited. The Everglades in the Blue Mountains was purchased as a company acquisition of Swain's in the late 1950s. In July 1960 Swain's merged with Angus and Robertson.

Reference: Field Librarian's notes Sept. 2003 and internal evidence from papers.

# The Swain Gardens

## Appendix B Residential subdivision of Stanhope Road

This plan demonstrates the depth of the properties along Stanhope Road. Mr Swain lived at No 71 and purchased No. 75 and the the rear of No. 73 to create a large area that was amalgamated into Lot 12 and became The Swain Gardens.



## Appendix C The Swain Gardens Council description

07

UB: Killere	The Swain Gardens	AJGRESS: Stanhope Road, Killara	- 1
	L Wombin Nature Reserve		
AUDIOA: Ku-ring-gai Munici Council	1		
<u>.)</u> : 24/3/8:	i	Ku-ring-gai Municipal Council	
• <u>151185</u> ;		818 Pacific Highway, Gordon	
		ADVESED: YES/XX	
	rmal Garden, Nature Reserve	& Residence "Kings[old".	
Style: Fo	Formal Landscape.		
Los and the transf			
Use:		i	1
Architect/s: Hr	. Swain.	2	
.builder/s:			
Construction Date:	1940's to early 1950's.		R
Logarition:			T

Ku-rimg-gai Municipal Council.

Boundaries of Proposed Listing: See attached plan.

History: The land, when under the care of its then owner the late Hr. Swain was a very well kept and delicately landscaped garden area noted for its extensive collection of camellias and magnolias. The property was arguined by the late Anthony Swain to prevent the development and was later given by him to the National Trust. The site was originally bushland and Mr. Swain felt that part of the land could be developed as a terraced area and that if it were planted with suitable trees and abrubs it could form a contrast with and yet compliment the adjoining bushland. More of the work in the cardon war does in the late 1840 here bushland. Most of the work in the garden was done in the late 1940's-early 1950's.

The Swain garden has been laid out with good taste, great care and expense and the work involved in developing the garden has included driveways, a number of small access paths and bridges, a large amount of stone walling to retain and terrace the hillsides and an extensive water service in addition to the planting. A carden room was incorpor-ated into the formal design. Mr. Swain was, in particular, a camellia, azalea, rhodondendron, crah apple, maple, magneliz and rose funcior and the garden's contents and maintenance wells if a finder as Nr. ". tere available mardemers, stone mason: and tree-

#### urgeons.

adjoining the formal garden is 1.2 ha of bushland which was purchased by the National Trust in 1960 from funds made available by Mr. Swain. Swain Natural Reserve Committee was formed and the Reserve opened or inspection on 17th September, 1961.

The property and the old residence had a somewhat interesting history tself:- The land was originally part of a Crown Grant made towards the end of the nineteenth century. Since that time there have been various owners, the owner prior to 1942 being Mr. M. Green - at that ime Librarian to Sydney University.

hen purchased by the National Trust the property was named the Swain ardens and the Swain Nature Reserve (in memory of Mr. H.C. Swain, ounder of Swain and Co. Pty. Ltd.).

the garden and reserve have been acquired from the Trust by Ku-ring-ga: funicipal Council and is currently under restoration. The Swain Nature eserve was renamed the Wombin Nature Reserve by Council.

#### ASONS FOR LISTING:

ne Swain Gardens make an important contribution to the heritage of ne Ku-ring-gai Municipality and as such they should be considered significant to the environmental heritage of the State.

The Garden and Nature Reserve reflect the personal beliefs of the lat Mr. Anthony Swain, who had a special affinity for nature.

## Appendix D A broad outline of the History of the Swain Gardens 1990

A BROAD OUTLINE OF THE HISTORY OF THE SWAIN GARDENS

This land when under the care of its then owner the late Mr. Swain, was a very well kept and elaborately landscaped carden area noted for its extensive collection of camellias and magnolias. The property later to be known as The Swain Gardens was acquired by the late Mr. Anthony Swain to prevent its development and later given by him to The National Trust.

The site was Originally natural bushland and part of an area which could almost be described as a rain forest and is well-known for its birdlife including lyrebirds. Mr. Swain (the owner of the property) felt that part of the land could be developed as a terraced area and that if it were planted with suitable trees and shrubs it could form a contrast with, and yet complement, the adjoining natural bushland. In developing the garden Mr. Swain set himself a goal which would have daunted most people and carried through the work he himself planned for it - the main work being done in the late 1940's - early 1950's.

The garden is of good soil in a sheltered spot with two slopes (one from Stanhope Road and one from Northcote Road) meeting in a gully which contains a small creek. The garden has been laid out with good taste and great care and expense. The work involved, in developing the garden, has included driveways, a number of small access paths and bridges, a large amount of stone walling to retain and terrace the hillsides and an extensive water service in addition to the planting itself. A very pleasant garden room was also incorporated into the formal design.

Mr. Swain was in particular a camellia, azalea, rhododendron, crabapple, maple, magnolia and rose fancier and the garden's conte and maintenance were of a high order. Mr. Swain employed the best available gardeners, stone-masons and tree surgeons and the garden was widely known and visited.

Adjoining the formal garden is 1.2 ha. of bushland situated on the north-east of the property and entered from Stanhope Road approximately opposite Kardella Avenue. This natural reserve was purchased by The National Trust in 1960 from funds made available by Mr. A.N. Swain. The Swain Natural Reserve Committee was formed and the Reserve was first open for inspection on 17th September, 1961.

The property and the old residence had a somewhat interesting history itself. The land was originally part of a Crown grant made towards the end of the nineteenth century. Since that time there have been various owners, the owner prior to 1942 being Mr. H. Green, at that time Librarian to the University of Sydney.

When purchased by The National Trust the property was named The Swain Gardens and The Swain Natural Reserve (in memory of Mr. H.C. Swain, founder cf Swain & Co. Pty. Ltd.)

The garden and reserve have recently been acquired from the Trust by Ku-ring-gai Municipal Council and are currently being restored by Council to its former glory.

ENVIRONMENT DESIGN

13 JUL 1990 RECEIVED

### Appendix E Letter by Mr R. Burrows, Council Director of Parks, to the NSW Planning and Environment Commission, National Trust of Australia (NSW) 1977

NEW SOUTH WALES FLAN, INC AND ENVIRONMENT COMPISSION

MATIONAL TRUST OF AUSTHALIA (H.S.W.) LAND IN

### STA: HOPE ROAL, KILLARA

This land when under the care of its then owner, the late Mr. Swain, was a well kept and elaborately landscaped garden area noted for its collection of Camellias and Magnolias. It was well known to Camellia enthusiasts and 1 knew the garden well during that period.

The land at present, and as inspected on 5th April, 1977, is in a most neglected and overgrown state, but not beyond redemption. I have not as yet made a therough inspection of the former garden, but it is clear that much work will be required to bring the area to a standard approaching that of Council's more popular parks. However it has great potential and with very careful restoration work could once again be a show-place of the Nuncipality.

### Reconnenced

1. That the Surveyor be asked to prepare a map of the area showing boundaries and ownership of adjacent land.

2. That a Works Inspection be carried out or that Ward Alberman assess the area.

KUMANT R. G. Burrows Director of Parks

5th April, 1977 RCB:AW

1. The Town Clerk

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## Appendix F Report on the condition of The Swain Gardens by Mr R. Burrows, Council Director of Parks , April 1977

### SWAIN GARDENS

There is in our municipality of Ku-ring-gai, an exotic walled and terraced garden of magnolias, camellias, azaleas, rhododendrons and other treasures set in a valley surrounded by green bushland.

It is a garden that we in Ku-ring-gai should be very proud of and are very privileged to own.

As yet the general public know little about it because it was part of the private garden of the late Mr. Arthur Newling (Mick) Swain of Stanhope Road, Killara. Mr. Swain bequeathed the garden to the National Trust. Unfortunately after his death the Trust did nothing with it. Neglected for years, many of its plants lost, damaged by vandals and grossly overgrown with weeds, the ruined garden was given to Ku-ring-gai Council which last year formed a committee to direct its restoration and provided the finance to do it.

The committee is responsible for the garden of 3 to 4 acres and for the two Council reserves that border it - the Wombin Nature Reserve and the Swain Reserve.

Such a garden in such a setting is not likely to be built again. It is unique and it must never again be in danger of being destroyed by lack of care. Two gardeners work full time in the garden and in the reserves. Already much has been done but much more needs to be done.

The committee besides planning the restoration, does some work in the garden, mainly weeding. Members of the St. Ives Garden Club also spend some time once a month weeding 'their' particular garden beds. It is hoped that eventually the garden will be relatively weed free.

All garden clubs In Ku-ring-gai are being asked to participate in the restoration by helping with weeding (taking a garden bed under their care) or by helping to remove morning glory, etc, from the reserve or if they have a specialised knowledge of certain plants (e.g. camellias), give expert help in that direction.

An individual or a group from a club who could spend a pleasant couple of hours a month in the garden weeding, would be making a worthwhile contribution.

The Swain Gardens Committee invites your club to visit the gardens and inspect them. If you telephone Mrs. A. Bullen on 48 5286 and arrange a day, one of the committee members will be happy to show you around.

Then we hope some of your members will be as enthusiastic as we are and will want to be a friend to the garden and help it to grow to full beauty.

Yours faithful W. I. Taylor Town Clerk

On behalf Swain Gardens Committee

## Appendix G Report by Council Director of Parks, Mr. R. Burrows, 19 May 1988 The Swain Gardens Killara

### REPORT BY THE DIRUCTOR OF PALKE OF 19TH MAY, 1977 THE STATE GARDEL: CILLARA

Ares

This garden extended from and included Pr. Swain's residence This garden extended from and included fr. Swalf's testence in Stanhoos Road to the rear of the properties facing Northote Road Maintenance access to the garden was gained via a right-of-way from Northote Road to a substantial inner driveway, capable of carrying trucks, which traverses the garden proper.

Land

The garden is of good soil in a sneltered spot with two sloper - one from Stanhope Road and one from Northcote Road - meeting in a gully which contains a small creek. The garden is flarked on side boundaries by bushland.

#### The Garden

The area has been laid out with good taste plus great care and expense. Smaller access paths via bridges, lead off from the main drive. The hill sides have been painstakinly retained and terraced with good quality stone work.

### Former nature of the garden

Mr. Swain was in particular a Camellia, Azalea, Rhododendron, Crab-Apple, Maple, Magnolia and Rose fancier and I know the garden well before its designer passed away. Briefly speaking the Garden's contents and maintenance were of a high order. Mr. Swain employed the best available gardeners, stone masons and tree surgeons and the garden was widely known and visited.

### Present state

The garden is in an extremely over grown and run down condition and one can but form the impression that little if anything has been done for the garden since the departure of Mr. Swain. Surrisingly little vandalism or theft has occurred to date.

#### Possibilities

The garden could be won back. Such a task would be long and slow and should only be carried out under expert and sympathetic supervision. Unguided persons, however high their motives, would reduce the garden to a mere curiosity.

### Practical Aspects

(1) Standard. Should Council decide to maintain the area then I feel it should be with the view in mind of restoring the Garden's former appearance and character. It would thus call for a more intensive care than that given to any of Council's existing garoens.

(2) Access. Good access either from Northcote Road or via Council's bushland reserve in Nelson Road would be essential.

icharth - COMMITTEE

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(3) Faintenance. The garden would be gradually won back by the personent employment there in of a leading Hand Garcener and assistant. A truck with driver and lakorer to rerow words and debris would be required for severil works. The hundrocs of now present and worthwhile trees and snrubs should receive early attention, followed later b careful tree, shrut and rose relacements. The parden once had an excellent water service, now "dead". With reasonable luck the service, essential to maintenance, should still be in pood condition.

(b) Public arrectation. Such should be high, once the existence of the garden was more known to the general public. It did present a year-round colorful and beautiful argementance. It is of course by its nature a specializing garden, man-made and has little for the "natives only" enthusiast.

(5) Security. It is not the type of garden to be left oper. at all hours, nor to be left unstaffed. The area should be staffed whilst open to the public and should be closed at night. Any other treatment would soon invite theft, vandalism and mis-use to a degree which ended difference in the statement of the mouth of the statement. which would discourage any maintaining group, be it Council, Society or individual.

(6) Adjacent Areas. Should Council adopt the garden it would be expected by the public that Council spend much more time on adjoining bushland which is infested with Privat and other weeds.

(7) Financing of the Garden. Should Council take over the area I can see Council as the only source for finance and maintenance. Certain Societies and Clubs would no dcubt ap; laun Council's taking over the garden and vould extend their moral support and give "advice" on how Council should maintain the garden. The Camellia Society may be able and willing to help financially. However it is now deeply involved in the E. G. Waterhouse Camellia Garden within Sutherland Shire.

#### Recormended

(a) That Council whole heartedly take over the area being fully aware of what would be expected of Council, and with full consideration of maintenance, access, finance and security.

OF

(b) Decline all requests to maintain the garden.

R. G. Burrows Farks Department

19th H=y, 1977 RGE : AW

1. The Town Clerk

#### NOTE BY TOWN CLERK:

The area to be taken over in its ori inal state could best be described as a private park or mini botanical garden. The landscaped retaining walls and walks have to be seen to understand the nature of the area, and it is surgested that before any consideration is given, the area be the subject of a Works Committee inspection.

#### (File: ;ark: Stanhope)

#### THE SHALL GARDER

### 1. Haintenance of the Garden

- It is asked that Council, in considering the maintenance costs of the garden, note points raised in my report of 19th Hmy, 1977, a copy of which is attached.
- 1. J. Staffing

It is estimated that at current rates of pay, staffing of the gamma for ordinary working days would cost Council ......

\$16,70£.00 per annum

These figures are based on the salaries of (1) Leading Hand Gardener and (1) Gardener.

Presuring that Council would wish the garden to open to the Public and be staffed by (1) man on Saturdays, Sundays and Public Holidays for the protection of Council's assets, this would cost Council

> \$7,197.00 per annum at the current rates of pay

- 2. Materials
- 2. 2. Equipment, manures, fertilizer, insecticides, fungicides and weedicides for the first year of maintenance are estimated to cost

\$1,425.00

## and \$700.00 per year there-after.

3. Summary on yearly maintenance costs

Please note. The above figures do not include costs for trucks and drivers involved in the removal of unmanted material nor the services of a tree gang when required as it is presumed that such ervices would be available to this garden with other Councilmaintained parks and gardens. <u>Haintenance Costs for First Year</u> ...... 525,330,000

h. Buildings

It is prevueed that the buildings within the garden (toilets and gardener's store ares) are adequate and in satisfactory condition as both will be required.

5. Water Service

It is presumed that the existing water service is in working order.

ó. Security

Council will wish to consider security of its assets. I suggest 'to Council that this is not the type of garden to be left to the

- Chinks COMMITTEE CIRCULATED / / F / = >

- 2 -

mercy of thieves and other undesirables outside working hours. Thurefore, fencing will no doubt be found to be essential. As I ar still not clear at this stage as to which areas the garder. is to include I cannot give an estimate on fencing.

- 7. Access to the Gargen
- 7. 1. Access for the Public

It is not clear at this stage from which point, or points, access for pedestrian public should or could be provided ie. Stanhope Road, Northcote Road.

7. 2. Maintenance Access

As stated in my report of 19th May, 1977, such access is essential and was provided via a driveway which now leads to the residence at No. 10K. Northcote Road. If arrangements can be made with the resident then this access would be ideal for maintenance access as it leads to a heavy-duty concrete driveway within the garden. Failing this maintenance access could probably only be provided via Council's reserve in Nelson Road and in such case the provision of a driveway would be required.

R. G. Burrows Director of Parks

12th October, 1977 RGB:AW

1. Town Clerk

## Appendix H Transfer from the National Trust of Australia (NSW) to the Council of the Municipality of Ku-ring-gai

(b)

(c)

(d)

C DEED is made the thousand nine hundred and seventy-nine BETWEEN THE NATIONAL TRUST OF AUSTRALIA (NEW SOUTH WALES) a body corporate constituted by The National Trust of Australia (New South Wales) Act being Act No. 10 of 1960 of Observatory Hill, Sydney in the State of New South Wales (horeinafter called "The National Trust") of the One Part AND THE COUNCIL OF THE MUNICIPALITY OF KU-RING-GAI, Council Chambers, Gordon in the said State (hereinafter called "The Kuring-gai Council") of the Other Part WHEREAS:

day of

Α.

в.

(a)

- The National Trust is the owner of
- (i) Swain Reserve in Stanhope Road, Killara being the lands described in the First Schedule hereto;
- described in the Second Schedule (ii) The land hereto which hands substantially consist of lands devised to The National Trust as a reserve by the late Mr. A.N. Swain.
- The National Trust proposes to dedicate to The Kuring-gai Council the lands described in the First and Second Schedules hereto and The Ku-ring-gai Council has agreed to accept the dedication on the terms and conditions hereinafter mentioned.

NOW THIS DEED WITNESSETH as follows:-

The Ku-ring-gai Council, for itself, its successors 1. and assigns hereby covenants with The National Trust:

The area to be dedicated to The Ku-ring-gai Council other than Lot 11, Deposited Plan 601545 shall be named by The Ku-ring-gai Council as "The Swain Gardens" and are hereinafter so named.

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The Eu-ring-gai Council shall not alienate charge or in any way dispose of The Swain Gardens or any part thereof and The Ku-ring-gai Council shall maintain The Swain Gardens in perpetuity for the benefit of the public as a park or reserve. The Ku-ring-gai Council shall cause the name of the late A.K. Swain to be permanently and prominently recorded with The National Trust as the public benefactor of The Swain Gardens in a position in The Swain Gardens open to easy view by the public. The Ku-ring-gai Council shall reasonably maintain The Swain Gardens in order and condition suitable for a reserve or park to which the public has access.

The Ku-ring-gai Council shall transfer to Dr. and Bryan Lot 11 in Deposited Plan 601545 free of cost to the Transferees except for reasonable legal and survey expenses the said Lot shall be consolidated with No. 18A Northcote Road, Lindfield, the present zoning of the said Lot shall not be altered.

The Ku-ring-gai Council agrees with The National 3. Trust to pay all legal costs, disbursements in relation to this Deed, the subdivision and the dedication.

The Ku-ring-gai Council agrees with The National Trus that The National Trust may maintain a Caveat against the title of The Swain Gardens in respect of its interest in The Swain Gardens as set forth in this Deed.

IN WITNESS WHEREOF the parties hereto have executed this Deed on the day and year first hereinbefore mentioned.

## Appendix H Transfer from the National Trust of Australia (NSW) to the Council of the Municipality of Ku-ring-gai



### TASK OF THE SWAIN GARDENS 530A COMMITTEE

In creating the Swain Gardens 530A Committee, Council accepted the advice of the Director of Parks, who said (15th October, 1981):

- i) The Committee should be composed of people who have a deep interest and knowledge of ornamental horticulture. For this reason, the members of local horticultural and garden clubs would appear to be ideal.
- ii) The Committee members must be prepared to undertake the physical work required to restore the Gardens. A Committee which merely produces recommendations and leaves the problems of funding, organising and supervising to Council would be futile.
- iii) Any Committee must work within the broad objectives of restoring and maintaining the Gardens according to their original character, that is, a spring garden in the English style. Council should be careful to ensure that the character of the Gardens is not altered by the introduction of plants such as natives.

On 19th October, 1981 Council resolved (amongst other things), as follows:

"That a Section 530A Committee be established to care for the Swain Gardens."

The phrase "...to care for..." is the only statement, embodied in a resolution, which refers to the task of the Committee.

On 16th October, 1981, the Director of Parks prepared a budget report for Council (dealing with the Swain Gardens) in which he said:

"... the basic objectives should be threefold, as follows:

- a. To restore the garden as near as is reasonably possible to the style and character envisaged by its original developer.
- b. To maintain the garden in that style and character.
- c. To ensure that public access to, and appreciation of, the garden is maximised, provided that attainment and maintenance of the two previous objectives is not jeopardised in so doing."

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In the debate that followed, no disagreement with those objectives was voiced, and they can therefore be regarded as having Council's tacit approval.

It is essential that the task of the Committee be identified, stated explicitly, and confirmed by resolution (of the committee and of Council). Experience indicates that if this is not done, committees have difficulty in functioning (due to the inevitable differences of opinion that later arise).

## Appendix J Restoration of The Swain Gardens letter to residents

Park Stanhope Swain TBR.EB 30th August 1982

DEAR RESIDENT,

### RESTORATION OF THE SWAIN GARDENS

On 19th October 1981, Council formed a Committee comprising three Aldermen and nine residents of the Municipality who have the necessary expertise to restore the Swain Gardens.

The Committee's objectives are :

- TO restore the Swain Gardens as near as is reasonably possible to the style and character envisaged by its original developer.
- 2. TO maintain the Swain Gardens in that style and character.
- 3. TO ensure that public access to and appreciation of the Gardens is maximised, provided that attainment and maintenance of the two previous objectives is not jeopardised in so doing.
- TO incorporate the restoration and maintenance of the adjoining areas of publicly owned reserves with the Swain Gardens.

The Committee seeks your support and co-operation in fulfilling its objectives by ensuring that exotic plants or garden clippings are not introduced to the Swain Gardens and surrounding reserves.

Yours faithfully,

N'I Taylor W. I. Taylor Town Clerk

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## Appendix K

Initial Site Analysis by the Garden Advisory Service July 1983. Page 1 of 3



# THE GARDEN ADVISORY SERVICE

TUMAL SITE WALLSIS

(02) 449-5767

The surful and be a set of the surface of the surfa

Remedial work required to bring it back to to formerbrouty should be prosed cocording to generated

SHE ADALISE.

Hord Surfaces.

Excellent system of walkways through godors allows the when to explore in confort. However, arember of these walkways are in the pocess of deterioration og edges braking. loge creeks churchping. The loge exponence of concrete word for which who naces needs coffiring the cauld be achieved with large sonderne planter tube, accasional beating. I feel it is not financially usable to remove these concrete chriseways and replace with other materials. Small ground higging plants such as Thyme could be allowed to spread along cracked sections of concrete, hos actualize 9 releasing placement scent into the air when wellked upon The level area where the concrete paths have problems with edges bracking and generally these chaught paths laid at right ages look andher give an extremely trigid effect civild briefit for the nematod of the clamaged paths and replacement of a more wording system of walkways created as elepting stores using random sordstore Phyging MARGARET DUNSTAN . SUE MONTGOMERY, MAIN . ANNE THOMSON, MAIN



# THE GARDEN ADVISORY SERVIC,

(02) 44.

SALDERDUR WALK.

Mary beautifully constructed by qualified trademon when goden was arginally built. Impression is that some of the walks have be reconstructed in the at a later date by workman not venered in the art of the store mason.

Perhaps, wordals had danaged the excising store walls, requiring restration work on them.

With so many loge oreas of concrete and stone throughout the goden iterieval effect is inclined to be hand. I inagine in former years many delightful plats accorded down over these walls and I was pleased to see plathings of Convolutive maintainers solvering the sondative in a number of areas.

hav coscalling shrules and peromials actually planted to continue this effect especially where the walks denot particularly altractive in their anstruction reg lage mortain plans

### FACILITIES FOR ULLIORS

Tailets - one any not maintained at a satisfactory level. 1. Litter Bins- Nil.

Obviously new takk will be required to be built and the inclusion of littler bins throughout.

### 3. Summug.

Few. Needs to be upgraded, hielen Took Benchs eq one existing ale on excellent involument being durable (1 comfortable and winhully maintenance fee. They have the added benefil of blonding beaulifully with this add climate N slyke godon.

MARGARET DUNSTAN . SUE MONTGOMERY, MAIN. . ANNE THOMSON, MAIN.

## Appendix K

Initial Site Analysis by the Garden Advisory Service July 1983. Page 2 of 3



## THE GARDEN ADVISORY SERVICE

TIT

(02) 449-5767

### + Liamma.

Hone . highing call increase the usefulness of the goden eg musical functions during summer months. Investigate lighting shuckures compatable actin keeping with style of goodon. og Close English londrom style even NOW. - railway lonterns.

### WATER

Well supplied with top fitting throughout godon. Problem would be the tobair intensiveness of hord watering -hilling tosed etc. and which longe and, Investigate on integrition system especially are on on automotic timer.

### VEGETATION .

Style of the godon is typical of many add alimate godone reminisant of the English Goden. Plotingo of Mary European trees and should should three in this proplected micro climate. Below list mory of plont species. Hagnolia IIII flora Hoghdia soulangiana grandi [bra Hagrolla

quillarls Gordonia palmalum K acor Japonica Comellia

saconqua Comellia

MARGARET DUNSTAN . SUE MONTGOMERY, MAIN . ANNE THOMSON, MAIN



## THE GARDEN ADVISORY SERVICE

TP

Veg withings TREAS Jacaranda mimosifolia Cedrus species Prunus blierana Prune persioq Iniperus spocles Holus epicies lysea sylvatica Hetrosideros exceleg Cechus allantica 'Glauca Rendula' Hibiscura ' apple Blosson' Ficus elostica Cectrus liboni Saplum sebiferum Cotoneonter species Taxadium alissectum Acer negundo Oureo Vorregata Eucalyphus scoporta Oter negurdo Chamacyports species Gryhrina crista-galli

Rhadoderdron species

MARGARET DUNSTAN . SUE MONTGOMERY, MAIN. . ANNE THOMSON, MAIN.

SHAURS Hybranden species Ozaleas Weigelia epocies Chaenomeles specifs Euonymus japonicus auter or legolus Queuba joponica. Humaya poniculata Viburnum apocles Dolura species. Roses Faitzia joponica Condyline stricta Nordina domestica Gordonia Florida

(02) 449-576)

PERMINALS Blue Bells Scillia Enginon IAIS vorehes

FERNS

Cyclhea aucholis cooperl

Adiantum aethlopicum CLIMBERS Wietora chosie

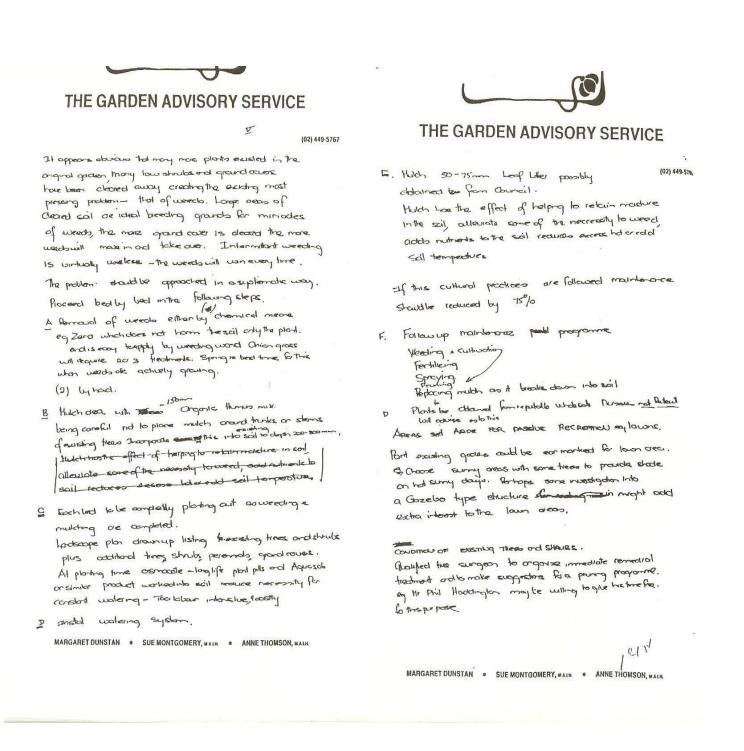
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Ku-ring-gai Council – Draft Landscape Master Plan for The Swain Gardens

## Appendix K

Initial Site Analysis by the Garden Advisory Service July 1983. Page 3 of 3



# The Swain Reserve

## Appendix L Title Deed – transfer of Lot A Stanhope Road from St Ives Development Pty. Ltd. to the National Trust 1960

" 6817 " 14	Vol. 0021 Fol. 214 Issued on Order No. 072514
BRUCE THOMAS DURLOP, of Killers, School Teacher	and JESSIE BARBOUR DUNLOP, his wife, are now the
proprietors of an Estate in Fee Simple as joint	
	ed in the Grants hereinafter referred to, and also subject to such encumbrances,
	te of land situated at Gordon
	Parish of Gordon , and County of Cumberland
	eing Lot A in plan lodged with Transfer No. 055693 and
	1889 by Crown Grant Volume 915 Folio 115 and part of
Portion 210 granted on 24th February 1891 by Gro	
EXCEPTING THEREOUT the minerals reserved by the	
In witness whereof I have hereunto signed my name and affixed my Seal,	, this Eleventh day of June , 19 July.
Signed in the presence of E. G. Toynton.	I WAN DE
Signed in the presence of $\mathcal{B}$ . $\mathcal{G}$ . $\mathcal{G}$	of Hells ( )E
	Registrar-General.
	There is a start of the
Stanhope Pd	The second se
	Herbert allman of Hillow, Company Director is
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Appendix L Title Deed – transfer of Lot A Stanhope Road from St Ives Development Pty. Ltd. to the National Trust 1960

Iver Devel maner: or of the National Trust of australia (New South Water Is nose the registered propriets. of the and within precioed, Thated 2nd august See TRANSFER No 1569378 60 Entered 25 Novauber 1960 REGISTRAR GENERA CA The Council of the Municipalit REGISTERED PROPR 21 CICTEAR GENERAL

Ku-ring-gai Council – Draft Landscape Master Plan for The Swain Gardens

the Sommerica MINUTES OF MEETING OF THE BUAL HATURAL BESERVE COMPLITIVE HILD AT 9.30 A.M. ON 7TH MAY 1961 AT THE RESERVE. M/s Sommerled, Swain, Baigont & Wyatt. PRESENT M/3 Wyndham and Mowbray. APOLOGIES (1) Mr. Wyatt advised Mr. Mowbray was preparing BUS INB33 a colour scheme for the atternal part of the cottage and would also list essential minor repairs. It was agreed this work should commence about late June or early July. (2) It was decided to seek asales gifts for the aloping bank near the entrance. (3) Er. Baigent was congratulated on the work to and and it was agreed no further privats sould be taken out at prosent except in pathways etc. The isportence of it being a natural bunhand area was stressed. (4) Decided to recommend to Trust Executive that the Official Opening be about mid September 1961, with afternoon tea by Wemen's Committee and possible inspections of certain nearby gordens as well as Mr. Swain's. (5) Cleaning of paths to be done during August. (6) Installation of garden-seats and notice-board to be considered later. The Secretary reported the 'phone was connected (JM5692) and a Victa mover had been purchased. (7) Mr. Sommerlod to liaison with Mr. M. Roberts re planting of native shrubs etc. NOTE Attached horswith please find copy of report from Mr. Roberts. In selecting shrubs thought must be given to types providing food for birds.

. .

1

I. F. WYATT. Hon. Scorotery. 22.5.61.

#### MATICHAL THUST RESERVE - KILLARA

#### USE OF MATIVE PLANTS.

#### 1. OENERALI

(a) There are enough trees - only ahrubs and smaller plants are required to provide the display sought.

(b) Most of the more level area is subject to excessive moisture, and drying out would be slow in winter months because of continuing seepage and lack of direct sunlight.

This is an all-important factor taken into consideration in the suggested list of plants that follows. The eres is shown as " $\Lambda$ ".

(c) The natural bushland on the eastern boundary which alopes to the drainage ensement provides a high degree of chade, but on the other hand offers quite good drainage (even scepare would be constantly moving) and excellent protection from frost and wind.

It is mugnested that initially plantings should be confined to within a few foot of the lower fringe of the timber. Access paths may be constructed later and subilitional plantings made then. Incidentally, these paths should be made serves and not down the contour to provent soil creation.

This area is marked "B".

(d) There is a more open space to the sout of the easement which finishes in an outcrop of rock a short distance from the tennis court.

Its two main features are reasonable drainage and da led sunlight. It is shown as area "C".

(e) Immediately in front of the tennis court is a high level platform which is the resting area for pakyers using the court.

This area is well drained and sunny and is marked "D".

(f) In front of (e) is a sloping bank nearor the house and on the left walking towards the court. This six is subject to sun and shade at difforent times of the day and contains a number of rock poskots no doubt of warying depth (no tests made). It is shown as area "5".

The area between the outerop of rock mentioned in (d) and (f) is low-lying and at the moment is used for burning off. As yet it is not ready for cultivation and is therefore not considered in this plan.

#### 2. FLANTING:

(a) In view of the general dampness and shade throughout the area it is sug-ested planting be deferred until September or October. No growth would be made and the small plants could be set back by being perpetually "cold"during the winter months.

(b) It is recommended that only small plants be purchased. Advanced plants generally prove unsatisfactory. Any in exposed positions can be protected in the summer by a crude improvised shalter.

-2-

(c) Hand-wood-don't cultivate with a fork.

(d) Keep young plants domp - NOT wet. As they grow stronger lot them fend for themselves but do not allow to "dry-out".

(e) As a general rule trim after flowering as necessary.

(f) Plants are sometimes subject to normal insect infestation. I use "Bug-Oetta" for normal leaf-cating and mucking insects and a mixture of "Cloncell" and white oil to prevent scale and mits. However, other agricultural sprays can be used according to directions.

(g) The whole principle of planting in this type of gardan is to plant haphasardly and not in any semblance of ordered formality.

#### 3. COSTI

The average scall plant will cost between 2/6 and 4/6.

Recommended nurseries are:

Mazelwood Bros. of Epping (limited nativo supply).

Nindethans Nursery Dripsions, N.3.T. (the largest range in Australia).

Floralands Nursery, Karlong, via Cosford.

### 4. PLANT SELECTION:

### AREA A.

Bottlebruahes - to be planted adjacent to the easement Callistemon salignus (1 only, to be planted an the lower ground between the house and easement). Callistemon citrimus (ayn. C. lanceolatus). Callistemon phoenicious (from W.s.t.). Callistemon linearis.

Melaleuca Wilsoni Melaleuca hypericifolia Melaleuca lateritia.

## (Tea tree)

Lept. squarrosum (ayn. L. scoparium var. peraiciflorum) Lept. rotundifelium.

NOTS: The hybrid tes trees commonly grown are NCT recommended.

Boronin megastigma - Brown Boronia.

Anigomanthos Manglesii - Common Red and Green Mangaroo Paw. " Bufus - Reddish " flavida war. - Yellowiah.

-3-

Blandfordis flammes - large Ocsford Christmas Bell - plant in groups of a dozen or more.

#### AREA D.

11

Sriontanan ayoporoides - white "crowei (ayn. Crowes saligna) - pink.

- Prostanthera incise -" rotundifolia -" denticulas -" incana -" alebori -) Dwarf Mint Buches - mostly purple
- Boronia heterophylls Red ) " denticulate - Fink ) from WaAs " ledifolia - Fink (right on edge of tree cover) " ledifolia - Fink (this one is highly reconneeded because conditions seeme as local habitat. Hard to got).

Disnella coerules - purple

Dilleynia ericifolia) "floribunda; - c.28 and bacon

Gompholobium intifolium - Golden pea flower grandiflorum.

Charizens cordatum - i.e.i. flame pea.

#### AREA CA.

Grovilles dailechiens Grovilles calpino Grovilles Caleyi (5 feat. Correa rubre Olesria Gunnisna Templetonia retusa Thebeltum squamilosum Telopen spoiceciscima Verticordia plumosa Acadia Drummondi

<sup>-</sup> pink and uhits - orange and red - reddlah brown - rare - red - red, somi prostroto. - nauve or pink. - red - S.A. - yellow - aratch - purplish - rare, from S.A. - lovely dwarf Sattle from S.A. - g lden.

(b) It is recompended that only small plants be purchased. Advanced plants generally prove unsatisfactory. Any in argomed positions can be protected in the summer by a crude improvised shaltar.

-2-

(c) Hand-weed-don't cultivate with a fork.

(d) Keep young plants damp - MOT wet. As they grow stronger let them fend for themselves but do not allow to "dry-out".

(e) As a general rule trim after flowering as necessary.

(f) Plonts are sometimes subject to normal insect infestation. I use "Bug-Getta" for normal leaf-cating and sucking insucts and a mixture of "Cloncell" and white oil to prevent scale and mite. However, other agricultural sprays can be used seconding to directions.

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Florslands Nursery, Karlang, vis Gosford.

### 4. PLANT BELECTION:

ARBA A.

Bottlebrushes to be planted adjacent to the easemont Callistemon salignus (1 only, to be planted an the lower ground between the house and eascnent). Callistanon citrinus (ayn. C. lanceolatus). Callistemon phoenicious (from Weste). Callistemon linearis. This genus generally is ideal for the damp conditions but not all Melaleucas are suitable, Melalencas -

plant in clusters of 6 plants in shade). (Melaleuca nodosa (Molalouon decussata (same areo as Callist. salignus). Melaleuga Wilsoni Welaleuca hypericifolia Welaleuon Interitia.

#### Leptosperum -(Ten tree)

Lept. squarrosum (syn. L. scoparium war. persiciflorum) Lept. retundifolium.

> MOTS: The hybrid tea trees commonly grown are NCT recommended.

Boronin megastigma - Brown Boronia.

Anigosanthos Manglesii - Common Red and Grean Kangaroo Paw. Rufus - Reddich flavida var. - Yellowish.

-3-

Blandfordis flammen - large Gosford Christmas Bell - plant in groups of a dozen or more.

AREA D.

11

Sriostanan myoporoides - white crowei (ayn. Crowes saligns) - pink.

Prostanthera inclas -

rotundifelia -..

....

- Dwarf Mint Buches mostly purple denticulata inonna -
- aleberi -

Boronia heterophylla - Red

- denticulate Pink from W.A.
- Fink (right on edge of tree cover) ledifolia -88
- mollis Pink (this one is highly recommended because
  - conditions same as local habitat. Hard to get).

Dianella coerules - purple

Dillwynia ericifolia) floribunda; - c 28 and bacon

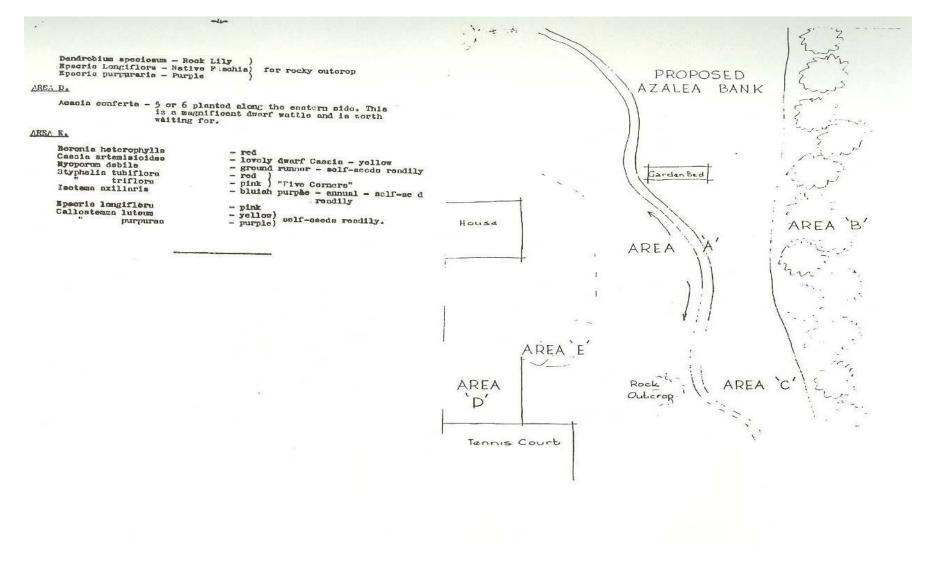
Gompholobium latifolium - Golden pea flower grandiflorum.

Charizens cordatum - heine flame pes.

#### AREA Ca.

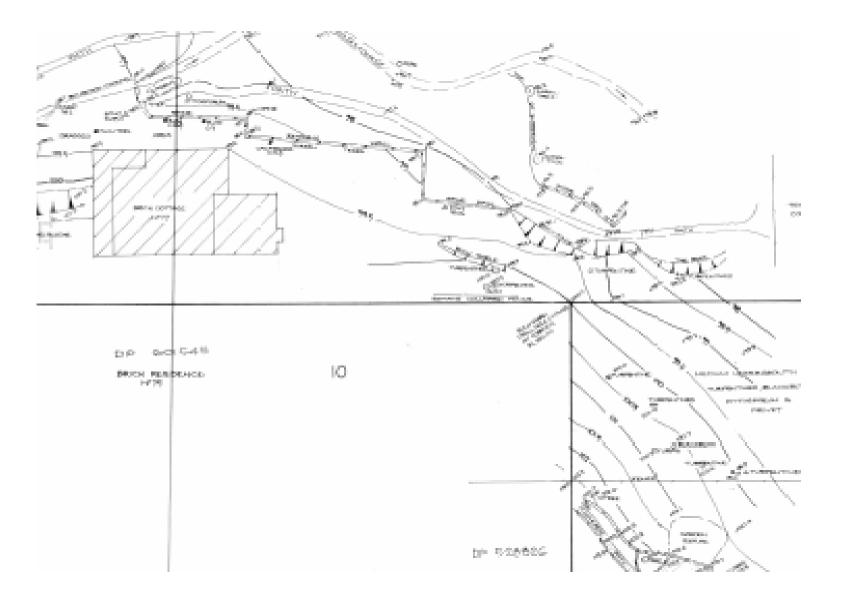
Grovilles dailochiene Grevilles siping Grevilles Caley1 (5 foot. Corres rubra Corrou doousbans Olearta Quantana Templetonia retusa Phobalium squamulosum Telopen speciosaissima Verticordia plumosa Acadia Drummondi

- pink and white
- orange and red
- rediah brown rare
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- nauve or pink. - red - Jak.
- yellow
- Jaratch
- purplish rare, from ..... c lden.



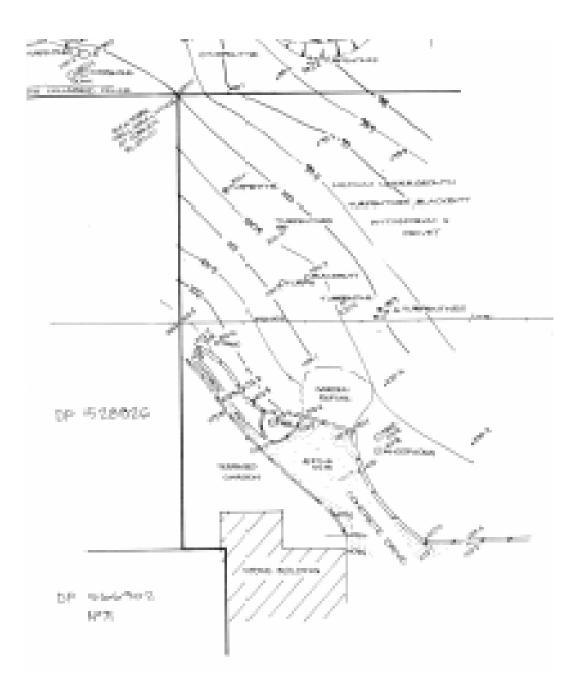
## Appendix N

The Swain Reserve, Council survey for proposed vehicular access from Stanhope road dated 28 October 1982 Showing the location of the original stone paths and retaining walls



## The Swain Reserve, Council survey for proposed vehicular access from Stanhope road dated 28 October 1982

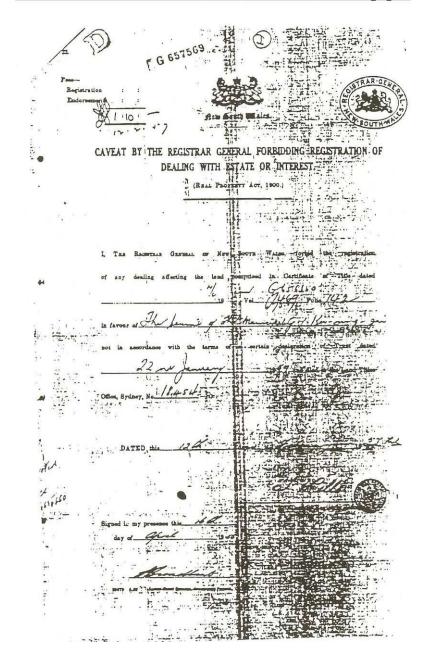
Showing the original concrete drive and turning area to the garage and, the turpentine forest planting.



# Wombin Reserve

## Appendix P

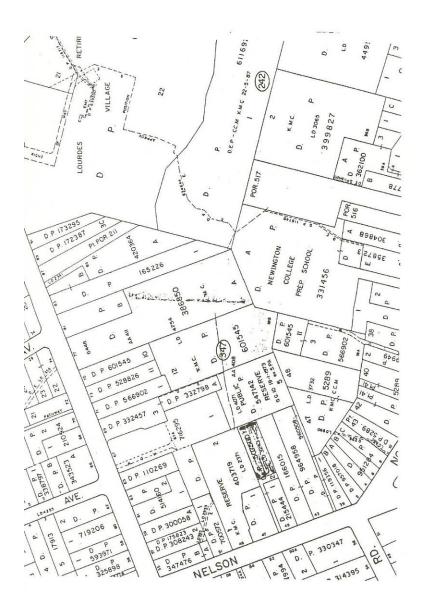
Deed between E J Bryce and The Council of the Municipality of Ku-ring-gai. Page 1 of 3.



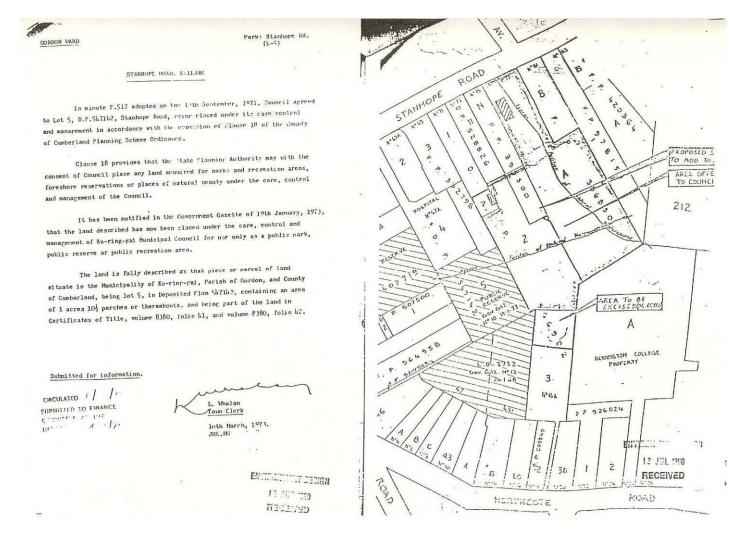
## Appendix P Deed between E J Bryce and The Council of the Municipality of Ku-ring-gai. Page 2 of 3.

licate from the same trees or shrubs of Privet, Camphorlaurel, hos Hultiflors and other non-native trees and shrubs which shall be or may become pests or may detrimentally affect the growth and development of Australian native flors growing on the said land and to keep in check the growth of Pittosporum trees thereon. 4. While not restricting access to the said land by members of the public the Council shall take all reasonable steps and measures to insure that the said land shall not be used for a playground or picnic ground or for other purposes or in a manner which might result in or cause the destruction of or damage to the Australian native plants and bird life within the same. IN WITNESS whereof the said Ernest John Bryce hath bereunto subscribed his name and affixed his seal and the Common Seal of the Council of the Municipality of Ku-ring-gai hath hereunto been affixed the day and year first hereinbefore written. SCHEDULE REFERRED TO. ALL THAT piece of land containing an area of about 1 acre 372 perches situated at Killars in the Municipality of Kuring-gai Parish of Gordon and County of Cumberland being the land shown in the plan annexed to Memorandum of Transfer \_\_\_\_\_1957 from bearing date the twentysecond \_\_\_\_\_ day of January\_\_\_ the Settlor to The Council Dealing No. C 656660 and being part of the land comprised in Certificate of Title Registered volume 6750 folio 3. SIGNED SEALED and DELIVERED by the said ERNEST JOHN BRYCE Ernest John Bryce in the presence of : John O. Maddox Solicitor Sydney THE COMMON SEAL of THE COUNCIL OF THE MUNICIPALITY OF EU-RING-GAI was hereto affixed by resolution of the Council on th the L.S. Thirty-first day of January 1957. MAYOR A. N. Campbell N. L. Griffiths TOWN CLERK. We, the undersigned Clerks to Messieurs Dowling Tayler Pratt & Nicol of Wingello House, Angel Place, Sychey, Solicitors, hereby cartify that the writing contained above and on the one preceding page is a true copy of the original Declaration of Trust the same having been examined therewith by us this fifth day of February in the year One thousand nine hundred and fifty seven. Tilm a. Herne M. Scandrett.

Appendix P Deed between E J Bryce and The Council of the Municipality of Ku-ring-gai. Page 3 of 3.



## Appendix Q Transfer of Lot 5 from the State Planning Authority to Council



## Garden descriptions from newspapers and magazines

Appendix R Trezize, J. L., *Swain's Garden, Killara*, Garden Journal, Dec 1985



## Swain's Garden, Killara

by J.L. Trezise

Walking along the carefully tended front gardens of Sydney's North Shore suburb, Killara, you may almost bypass the signs inviting you to enter an area of parkland and flowering reserve, introducing itself as Swain's Garden.

You would not expect that, right amidst that wealthy residential area, such an extensive piece of land — about three-and-a-half acres — could have remained set aside for the public's recreation, a charming oasis set in the middle of a luscious green environment.

The community is the beneficiary from the garden's founder, Arthur Newling (Mick) Swain, well-known in Sydney as the owner of one of the city's leading bookshops (now incorporated under the flag of Angus and Robertson). He and his charming wife, Alma, bought their Stanhope Street residence in 1928, greatly attracted by the wide sweep of natural bushland at the rear. Mick Swain was an ardent amateur photographer and was keenly interested in bird life, so he decided that this was the right place for the family settlement. He himself had not yet realised how his new possession would also bring out his talents as horticulturist and landscape gardener.

In years to come, he bought up more and more of the adjoining grounds as viewed from his back verandah, which meant more and more structural innovations. When he stopped working in his shop on Friday night he had to get ready for his home work over the week-end. He certainly had help from gardeners and stonemasons, but as the brain centre of all the major operations he had no remission from his duties. Under his directions a bridge had to be built across the creek right on the slope nearest his home; he used for it stone retrieved from the Tank Stream during excavations carried out beneath his shop in Pitt Street, next to the Angel Arcade.

All these developments took quite a few years, and it was not until the late 1940s and early 1950s that his dreams had turned into reality. A comfortable Garden Room was built, the headquarters of Mick Swain's favourite pursuits. He could indulge himself as photographer as well as ornithologist, but by then he also had become a proud horticulturist, keeping a watchful eye on the splendour of his plantings.

For a man without professional training, it is remarkable that he succeeded in laying out a garden with such spectacular effects and views. Focal points are several cedars which attract the eye from different angles across the beds. A stunning variety of camellias, including reticulatas (at present being catalogued by the Camellia Society), interspersed with magnolias and prunus provide colour in winter and spring. Autumn tints have a rich source in Japanese maples, several Gingkos and Nyssas.

When the land on the eastern side of the garden was about to be sub-divided for housing, Swain provided funds so that

DECEMBER 1985

it could become a reserve instead. The garden now lies tranquil and hidden, almost a secret garden, enclosed by the sheltering green of bushland reserves.

As Mick Swain wanted his treasured garden preserved in all its magic, he bequeathed it in its entirety to the National Trust. He died in 1973, not suspecting that his decision was not to work out in the way in which he had intended. To maintain an estate of this kind requires the loving care of a parent nearby and, what is more, a parent ready to fork out for enough working hands — conditions which could not be met by the National Trust which, after several years, abdicated and handed its precious ward over to Ku-ring-gai Council.

It was soon realised that the task of keeping Swain's Garden in its accustomed manner exceeded the available local government facilities; goodwill and active co-operation from the community was required to supplement the upkeep. This was an inspiring challenge and soon enthusiastic volunteers rallied round in this worthwhile task.

The neglect of the years in between was not easily rectified, and also the organization of helping hands was not a problem that could be solved overnight.

By now, a promising new phase has been reached, and in fullest co-operation with the Council everything is set to restore Swain's Garden to its former glory and to invite all citizens to enjoy the delights which Mick Swain had intended for them.

Ku-ring-gai Council – Draft Landscape Master Plan for The Swain Gardens

54

## Appendix S Caroline Etches finds enchantment under the shade of an old mulberry tree, Northern Life (date unknown).



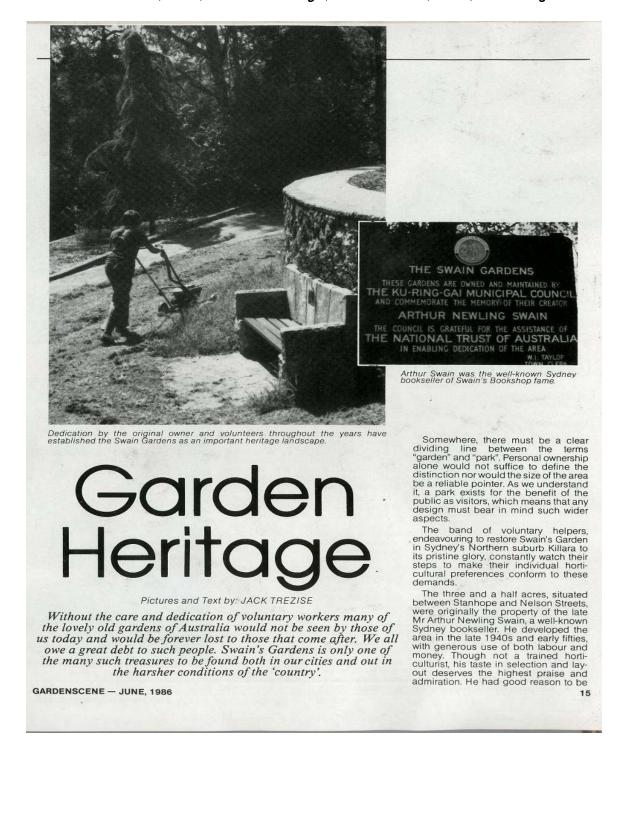
The two Stant

ciscly what gives the gardens their charm. They have an unusual atmeaphere, because they have evolved from one man's ideas." Mr Swain used the levels of the lash valley to full advantage. The terraced slopes are filled with a

The gardens

ope Road and Nelson

Ku-ring-gai Council – Draft Landscape Master Plan for The Swain Gardens



Appendix T Trezise, Jack, *Garden Heritage*, Gardenscene, June, 1986. Page 1 of 3.



Appendix T

Garden Heritage

Above: Mature trees and comfortable walking paths are a feature of Swain's Gardens.

proud of his achievement and wanted his efforts to benefit the community, hence he bequeathed the garden to the National Trust after his death.

Problems in administration and financial handling made the transfer to Ku-ring-gai Council necessary after a few years of comparative neglect. The excessive demands of the task have now proved too much, even for this very sympathetic authority and additional hands become an imperative need. A committee, working in close co-operation and consultation with the Council is now intent on replanting the various beds, curbing over-exuberant growth and shaping the vistas in keeping with the original concept.

Among the existing plantings is a fine specimen of *Cupressus macrocarpa* "Aurea Saligna", which makes a beautiful picture, when viewed across the valley in which the garden nestles.

Numerous magnolias, including mature trees of *Magnolia liliflora* x soulangeana, variety "Alexandrina" and also several plantings of *Magnolia* stellata make a spectacular show in late winter and early spring.

Winter colour is also provided by simple camellia plantings, both japonicas and reticulatas. Unfortunately, names have been lost of many varieties, 16

but they are gradually identified, as they are coming into flower. Among those already listed are: Hanafuki, Lady Loch, a very large plant of Jean Lyne.

An informal avenue of *Prunus* campanulata has been made a feature in the centre of the garden. In addition, there are both crabapples and flowering plums which extend the flowering season until later in the spring, when the rhododendrons take over.

An attractive landmark gracing the scenery is a stone bridge, crossing the quaintly named Shot Machine creek. The material used in its construction was excavated from underneath Swain's bookshop in Sydney's Pitt Street, as it was retrieved from the historic Tank Stream. There it stands now, surrounded by large Japanese maples which colour brilliantly in autumn.

In the lower section of the garden, at present still rather bare, before long there will spread out a carpet of daffodils and bluebells. Furthermore a large iris bed is going to unfold its joyous tones in that corner.

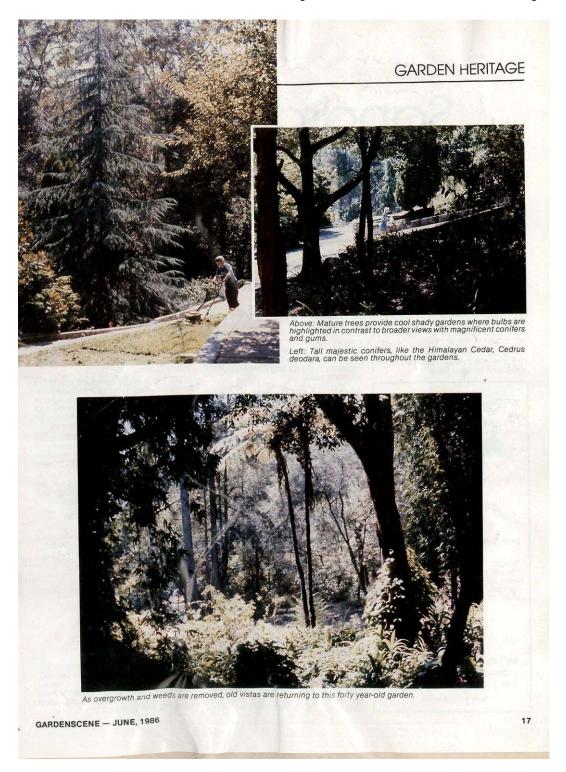
As the garden is bordered on two sides by native reserves, the area provides an ideal haven for bird life of great diversity. With a bit of luck, a visitor may even enjoy the rare spectacle of a lyre bird.



A creek flows through the gardens encouraging moisture-loving trees and ferns. JUNE, 1986 - GARDENSCENE

Ku-ring-gai Council – Draft Landscape Master Plan for The Swain Gardens

## Appendix T Trezise, Jack, *Garden Heritage*, Gardenscene, June, 1986. Page 3 of 3.



Appendix U Mundy, Jane, *Old World Enclave*, Your Garden 1989. Page 1 of 3.

ne man's dream — to tame a piece of Australian bush and transform it into an exotic paradise for future generations of garden lovers — has become a reality, thanks to his own generosity and to the doggedness of a hardworking band of disciples who share his vision. The Swain garden, covering nearly

A restored landscape stages a comeback and inspires visitors

10ha in suburban Killara on Sydney's North Shore, is a testament to the work of Arthur Newling (Mick) Swain, a city bookseller who put almost all his

time, money and creativity into developing a sanctuary for plants and birdlife that the surrounding community could enjoy.

An avid birdwatcher and photographer, Mick Swain designed his garden to attract birdlife from adjacent bushland now known as the Wombin Reserve. He built a garden room from which he could watch over the whole garden and its feathered visitors rainbow lorrikeets, king parrots, butcher birds, currawongs and bower birds.

Back in the mid-1940s 'going native' was not yet in vogue. Many people still found the Australian bush harsh and unyielding, and were much more in sympathy with European-style gardens filled with gentle prettiness.

Accordingly, all native plants were removed from the site. In their place. Mick Swain planted conifers, magnolias, maples, flowering fruit trees, camellias and rhododendrons. Intended as a spring garden, it is at its best when

YOUR GARDEN . AUGUST, 1989

Story by

Pictures by

JANE MUNDY

LORNA ROSE

86



the prunus species are in flower, the crepe myrtles and the crabapples are blooming, the daffodils and freesias are carpeting the beds and the camellias and magnolias are in their final flush.

The site Mick chose for his garden was both charming and difficult. Set into a gully, the land falls quite steeply on each side towards a ferny creek. Without tight terracing, the garden beds during heavy rain would have simply washed away. To deal with this problem, the pathways that weave through the garden are all bordered with stone walls that contain plantings and at the same time provide appealing visual detail.

Local materials were used for the stone walls and pathways. Sydney sandstone was dug out of a now disused quarry next to the garden and a team of



Appendix U Mundy, Jane, *Old World Enclave*, Your Garden 1989. Page 2 of 3.





30 gardeners, stonemasons and laborers altered the landscape to Mick Swain's own design.

A small bridge constructed across the creek uses stone retrieved from Sydney's Tank Stream during excavation carried out beneath the Pitt Street bookshop. Many would have considered the task of transporting it some 20km up the North Shore impossibly difficult but Mick's commitment to authenticity and atmosphere would not allow such a small obstacle to stand in his way.

His basic plantings remain intact with few exceptions. After 40 years, the conifers, including *Chamaecyparis obtusa* 'Crippsii' (golden hinoki cypress), *Thuja plicata* and *Cedrus deodara* are well established, with the jewel of the collection, a magnificent Metasequoia glyptostroboides (dawn redwood) rising some 25m.

Magnolias are well represented. The evergreen *M. grandiflora*, and the deciduous *M. liliflora* and *M. lilifora* 'Nigra', and *M. stellata* all enjoy the rich acid soil of the area, and, because the deciduous varieties are protected in the gully from hot and strong winds, they retain their blooms well after bright new green spring leaves appear.

Several huge maples, which turn color brilliantly in autumn, make a wide canopy under which spring flowering bulbs thrive, forming a border to a small, soft lawn of perennial rye grass.

Some large jacarandas herald summer with a startling splash of mauve. They're at their best, many say, after a dry winter. There is an *Eriobotrya japonica* (loquat), loved by parrots but)

YOUR GARDEN • AUGUST, 1989 87

Appendix U Mundy, Jane, *Old World Enclave*, Your Garden 1989. Page 3 of 3.

) not by those who fear its fruit may provide a winter harbor for fruit-fly larvae, and a knotty old mulberry with its black and juicy late-spring fruits the scourge of any playground.

The garden was originally known for its camellias and rhododendrons. The 50 or more different camellia varieties include many *C. reticulata*, and in the last year, more than 100 additional rhododendrons have been planted. These include 50 specimens of *Rhododendron vireya*, bred by a Wollongong nursery, especially for the temperate conditions of Sydney and featuring a wide range of colors, shapes and flowering periods.

The garden took a decade to complete and, when he wasn't selling books, it totally absorbed Mick Swain's imagination. So committed was he to preserving his oasis from intrusion that he purchased an adjacent property, threatened by a proposed housing development, in order to secure its privacy. On his death in 1973, Mick Swain bequeathed the entire garden to the public.

The task of maintaining the garden proved to be beyond the resources of its guardians, the National Trust, and it became derelict and overgrown. It was eventually transferred to its new custodians, Ku-ring-gai Council, who now manage it with the help of a voluntary committee.

Committee president Mary Haynes says the breakthrough came when the local council agreed to make a permanent,' full-time gardener available to look after the garden. John Jaja's efforts in restoring the garden to its former glory have been appreciated by all who have visited it since.

Because of the sloping terrain, the garden has always needed maintenance. Drainage has always been a problem. Heavy winter rains in Sydney recently flooded the creek and run-off constantly threatens to erode walls and cement paving. Topsoil is easily washed away and there is a running battle to control privet invasion from the adjacent bushland.

The garden needs a lot of fertiliser, mostly mushroom compost, and loads of it go on all the exhibition beds, especially the rose gardens. Swain Garden has two main rose beds and a third which is home to a rare collection of 'historic' roses, varieties bred 100 years ago, such as moss roses and the heavily perfumed tea roses.

The garden committee secretary, Mr



Jack Trezise, a former nurseryman in both Melbourne and Sydney, is an expert on perennials who had a frustrated desire to create his own perennial border. His involvement with the garden has enabled him to fulfil his wish, and the result is a wonderful mixture of Helleborus orientalis; italian aster, Aster amellis, japanese anemone, Anemone hupehensis; bonfire salvia, Salvia spendens; the crepey, poppy-like Ronneya coulteri, and statice, Limonium sinuatum.

Bulbs, including freesias, daffodils, ranunculus, grape hyacinths, *Iris japonica* and tritonias, as well as some annuals, such as primulas and violas, add color to spots where shrubs are not yet established and around grassed areas where people picnic or simply sit to take in the peace and beauty.

With help from Lions clubs and from camellia and orchid societies and a number of sympathetic garden clubs, the Swain Garden committee has worked hard for the preservation of this unique garden. Their reward is to see it today much as its creator, Mick Swain, would have wanted it to be - a charming and fascinating cottage-style garden, faithfully restored as a gift to all those who love gardens.

The Swain Garden is at 77 Stanhope



Top: Prunus and primula sparkle in the spring light. Above: A stone-edged pathway leads to the pergola.

Road, Killara. It is open seven days a week during daylight hours, and although on a slope, it is not demanding, even for the elderly. For those more energetic, a comfortable two-hour bushwalk from the east side of the garden will take you to the Roseville Bridge.

The committee is always in need of more keen garden helpers. If you are interested, please phone Jack Trezise on (02) 92 7421.

# Swain Gardens Plan of Management 1992

Appendix V Plant survey

Much of the plant material has altered over the years and this list is not necessarily Mr Swain's choice of plant material.

### Evergreen trees

- 1. Acacia elata Cedar Wattle
- 2. *Acacia melanoxylon* Blackwood
- 3. *Angophora costata* Sydney Red Gum/Smooth Barked apple
- 4. *Arbutus unedo* Irish Strawberry Tree
- 5. *Bambusa arundinacea* Giant Bamboo
- 6. Banksia serata Old Man Banksia
- 7. *Brachychiton acerifolium* Illawarra Flame
- 8. *Callicoma serratifolia* Black Wattle
- 9. *Callistris sp.* native conifer
- 10. *Allocasuarina torulosa* Forest Oak
- 11. Cedrus deodora
- 12. *Ceratopetalum gummiferum* NSW Christmas Bush
- 13. Chamaecyparis obtusa 'Crypsii'
- 14. *Cinnamomum camphora* Camphor Laurel
- 15. Cupressus sp
- 16. *Cupressus macrocarpa* 'Aurea Saligna'
- *16 a. Cupressus sempervirens* 'Swane's Golden'
- 17. *Cupressus tetragona* 'Aurea'
- 18. *Cyathea cooperii*. Coin Spot Tree Fern
- 19. *Dicksonia antartica* Soft Tree Fern
- 20. *Elaeocarpus reticulatus* Blueberry Ash
- 21. Eucalyptus sp.
- 22. *Eucalyptus gummifera* Red Bloodwood
- 23. *Eucalyptus pilularis* Blackbutt
- 24. *Exocarpus cupressiformis* Native Cherry
- 24a Gordonia axillaris Gordoniaia
- 25. *Hymenosporum flavum* Native frangipanni
- 26. Magnolia grandiflora
- 27. Metrosideros excelsa
- 28. Pittosporum undulatum
- 29. *Syncarpia glomulifera* Turpentine
- *30. Syqygium paniculatum*
- 31. Thuja orientalis
- 32. Thuja plicata
- 33. Unidentified possiblly *Laurus sp*.
- 34. Unidentified

### **Deciduous trees**

- 35. *Acer palmatum* Japanese Maple
- 36. Acer palmatum possibly Dissectum
- 37. Acer sp.
- 38. *Aesculus hippocastanum* Horse Chestnut
- 39. Alnus sp.
- 40. *Betula pendula* Silver Birch
- 41. *Betula pendula* standard form
- 42. *Erythrina variegata* (sny. Indica Coral Tree
- 43. *Ginkgo biloba* Maidenhair Tree
- 44. Jacaranda mimosifolia
- 45. *Lagerstroemia indica* Crepe Myrtle
- 46. *Liriodendron tulipifera* Tulip Tree
- *46a Liquidambar styraciflua* Liquidambar
- 47. Magnolia denudata
- 48. *Magnolia liliaflora* Nigra'
- 49. Magnolia soulangeiana
- 50. *Magnolia stellata* Star Magnolia
- 51. Malus floribunda Crab apple
- 52. Malus ioensis
- 53. *Malus purpurea* Purple Crab Apple
- 54. Morus nigra
- 55. *Prunus campanulata* Bell Flowered Cherry
- 56. *Prunus cerasifera*? (purple leaf, white flower)
- 57. *Prunus mume*? (apricot flower)
- 58. *Prunus persica* Peach
- 59. *Prunus yedoensis* Cherry
- 60. *Prunus sp*. Weeping Cherry
- 61. *Prunus sp.* (white flower)
- *62. Taxodium distichum* Swamp cypress or *Metasequoia glyptostroboides*
- 63. *Ulmus procera* 'Louis van Houlte' Golden Elm
- 64. Unidentified (Crab Apple or Plum)
- 65. Unidentified

### Evergreen shrubs

- *S1 Abutilon megapotamicum* 'Variegatum' (?)
- *S2 Artemisia abrotanum* Old Man, Southernwood
- *S3 Ardisia crispa* Coral Ardisia
- *S4 Aucuba japonica* 'Variegata' Gold Dust Plant
- S5 Azalea indica
- S6 Azalea kurume
- S6a Azalea sp.
- *S7 Buddleia sp.* Butterfly Bush
- *S8 Buxus sempervirens* 'Suffruticosa' Edging Box
- *S9 Camellia japonica*
- S10 Camellia reticulata
- S11 Camellia sasanqua
- *S12 Camellia sasanqua* (espaliered)
- *S12a Coleonema pulchrum* 'Nanum" –Dwarf Diosma

513	Coprosma kirkii
<i>S14</i>	Cotoneaster sp.
<i>S15</i>	Cotoneaster horizontalis
S15a	<i>Cuphea micropetala</i> – Cigar Flower
516	Daphne odora – Winter Daphne/Sweet Daphne
<i>S17</i>	<i>Datura suaveolens</i> – Angels Trumpet
<i>S18</i>	<i>Dodoneae triquetra</i> – Hop Bush
S18a	Epacris sp.?
S18b	<i>Eranthemum pulchellum</i> – Blue Sage Bush
519	<i>Euonymous japonicus</i> – Spindle Bush
<i>S20</i>	<i>Eupatorium megalophyllum</i> – Mist Flower
S20a	Fatsia japonicus – Aralia
<i>S21</i>	<i>Fuchsia arborescens</i> – Tree Fuchsia
<i>S22</i>	<i>Gardenia augusta</i> 'Florida'
<i>S23</i>	Hebe sp
<i>S24</i>	<i>Hibiscus rosa sinensis</i> 'Apple Blossom'
<i>S25</i>	<i>Hypericum sp</i> . – St John's Wort
<i>S26</i>	<i>Jasminum mesneyii</i> – Primrose Jasmine
<i>S27</i>	<i>Lonicera sp.</i> – Honeysuckle
S27a	<i>Monstera deliciosa</i> – Fruit Salad Plant
<i>S28</i>	Murraya paniculata - Mock Orange, Orange Jessamine
<i>S29</i>	<i>Nandina domestica</i> 'Nana' – Sacred Bamboo
530	<i>Osmanthus fragrans</i> – Sweet Osmanthus
531	<i>Pieris japonica</i> – Lily of the Valley Bush
S31a	<i>Plumbago auriculate</i> – Leadwort
<i>S32</i>	<i>Pyracantha sp</i> . – fire Thorn
533	Raphiolepis indica
<i>S34</i>	Rhododendron sp.
<i>S35</i>	<i>Sambucas nigra</i> – Elderberry
S35a	<i>Solanium mauritanum</i> – Tobacco Tree
536	<i>Streptosolen jamesonii</i> – Orange browallia
<i>S37</i>	<i>Strobilanthes anisophyllus</i> – Goldfussia
538	<i>Tibouchina urvilleana</i> dwarf form
539	<i>Tibouchina heteromalla</i> – Lasiandra/Glory Bush
<i>S40</i>	<i>Vitex trilobum</i> – Cranberry Viburnum
S40a	unidentified

## Deciduous shrubs

- S41 *Aloysia triphylla* Lemon Scented Verbena
- S41a *Chaenomeles speciosa* 'Japonica'
- S42 Exochorda racemosa Pearl Bush
- S42a Forsythia sp.
- S43 Hydrangea macrophylla
- S44 Pentas lanceolata
- S45 *Philadelphus coronarius* Mock Orange
- S46 Prunus glandulosa
- S47 *Punica granatum* Pomegranate
- S48 Rosa sp. Rose bush
- S49 *Spiraea* 'Anthony Waterer' Pink Flowering cotoneaster
- S50 *Spiraea cantoniensis* May Bush
- S51 Spiraea thumbergii
- S52 *Stachyurus praecox* Early Spiketail

S53	<i>Virbunum burkwoodii –</i> Burkwood Virburnum
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- S54 *Virbunum plicatum –* Japanese Snowball Bush
- S55 Weigelia sp.
- S56 unidentified

## Strap leaf shrubs

- S56a *Bambusa sp.* Common Bamboo (Gold/green stem, light yellow foliage)
- S57 *Cordyline stricta* Erect Palm Lily
- S58 Nandina domestica Sacred Bamboo
- S58a *Doryanthes excelsa* Gymea Lily

### Perennials

- P1 Acanthus mollis Oyster Plant
- P2 Alocasia indica Elephants Ear
- P3 Anemone hupehensis Japanese Wind Anemone
- P4 Anemone japonica syn. hupehensis Wind Anenome
- P5 Arctotis hybrida Aurora Daisy
- P6 *Artemisia sp.* 'absinthium' or 'lactiflora' wormwood
- P7 Aspidistra elatoir Cvast Iron Plant
- P8 Aster sp. Easter Daisy
- P9 *Campanula sp.* Canterburry Bells
- P10 Canna generalis Canna
- P11 *Cheiranthus semperflorens* Perennial Wall Flower
- P12 *Chrysanthemum frutescens* Marguerite Daisy
- P13 *Chrysanthemum maximum* Shasta Daisy
- P14 Cococasia esculenta- Taro
- P15 Crassula portulacea
- P16 Crinum moorei
- P16a *Ctenanthe lubbersiana* Bamburanta
- P17 Dahlia imperialis Tree Dahlia
- P17a Dianella sp.
- P18 Fuchsia corymbiflora
- P18a Fuchsia hybrid
- P19 *Gamolepis chrysanthemoides* Marguarite Daisy
- P20 Gazania hybrida
- P20a Geranium sp.
- P21 Hedychium flavum
- P21a *Helleborus sp. –* Winter Rose, Christmas Rose
- P21b Heuchera sp. Coral Bells
- P22 *Justicia carnea* syn. Jacobinia carnea Brazillian Plume Flower
- P23 *Hypericum calycinum* St. John's wort
- P24 Lavendula sp. Lavenda
- P25 *Mesembryanthemum sp.* Pig face
- P25a Osteospermum sp. African Daisy
- P26 *Pelargonium spp.* Geraniums
- P27 Penstemon sp. (prostrate habit)
- P28 *Plectranthus australis* Spur Flower
- P29 *Plectranthus oertendahlii* Brazilian Coleus
- P30 *Plectranthus parviflorus* (grey leaf)
- P31 *Rosmarinus lavandulaceus* sny. R. prostrates. (prostrate form)
- P32 Salvia sp. Sage
- P33 Salvia sp. Tree Sage

- P34 Salvia sp. age
- P34a Salvia leucantha Mexican Bush Sage
- P35 *Stachys byzantina* Lamb's Ears
- P36 Zantedschia aethiopicia Arum Lily

### Strap leaf perennials

- P37 *Agapanthus orientalis*
- P38 Clivea miniata and C. robusta
- P39 *Hemerocallis sp.* Day Lily
- P40 Iris germanica Bearded Iris
- P41 Iris kaempferi Japanese or Higo Iris
- P41a *Iris laevigata* (pale blue flower)
- P42 Iris louisiana Louisiana Iris
- P43 Iris unguicularis syn. Stylosa Algerian Iris
- P43a Iris xiphium hybrid Dutch Iris
- P44 *Liriope muscari* Liriope
- P45 *Ophiopogon japonicum* syn. Liriope japonica Mondo Grass
- P46 *Ophiopogon sp.* Giant Mondo Grass

### Ground covers

- G1 Adiantum aethiopicum Maidenhair Fern
- G2 *Ajuga reptans*
- G3 *Chlorophytum comosum* Spider Plant
- G4 *Convolvulus mauritanicus* Moroccan Glory Vine
- Gs Dichondra repens
- G6 *Duchesnea indica* Wild Strawberry
- G7 Erigeron karvinskianus
- G7a Ferns
- G8 Juniperus conferta
- G9 *Nephrolepis cordifolia* Fishbone Fern
- G9a Ranunculus sp. Butttercup
- G10 *Tradescantia albiflora* Wandering Dew
- G11 Vinca minor Small Leaf Periwinkle
- G11a Viola hederaceae Native Violet
- G12 *Viola odorata* English Violet
- G13 Viola sp. Parma Violet

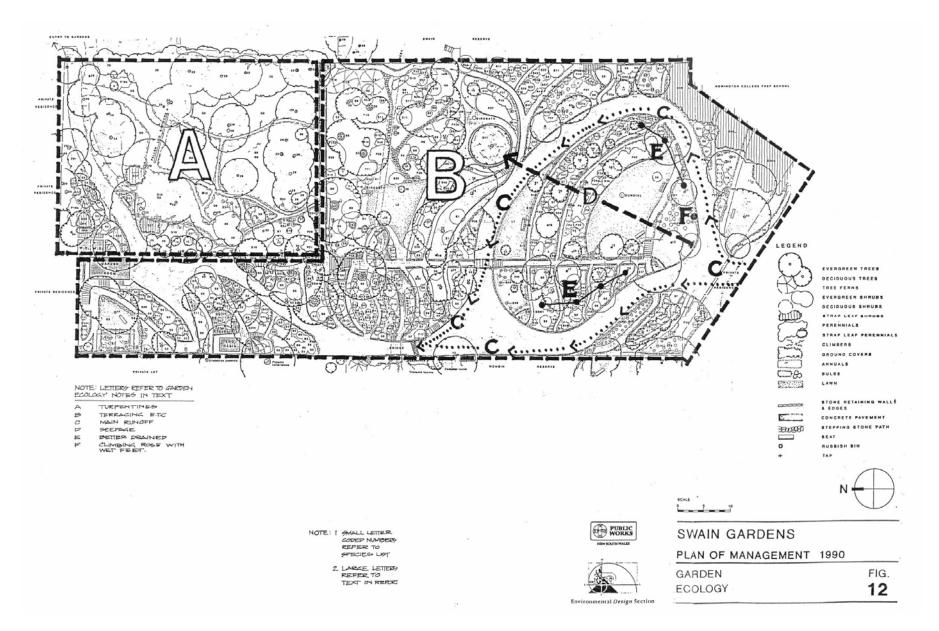
#### *1 Vicus pumila*

- 2 *Ipomoea indica* Morning Glory
- 3 *Jasminum polyanthum* Pink Jasmine
- 4 *Rosa banksii* Yellow Banksia Rose
- 5 Wisteria sinensis
- 6 Wisteria sinensis 'Alba' White Flowered Chinese Wisteria

### **Bulbs**

Climbers

- B1 Narcissus spp. Daffodils and Jonquils
- B2 Scilla peruviana Peruvian Lily
- B3 *Leucojum vernum* Snowflake



Appendix X Plantings by Jack Trezise, a former nurseryman and secretary of The Swain Gardens Committee.

Perennials

*Helleborus orientalis Aster amelisis Anemone hupeinenis Salvia spendens, Romneya coulteri Limonium sinatum* 

Bulbs: Freesias Daffodils Ranunculus Grape Hyacinths *Iris japonica* Tritonias.

## Appendix Y Community Consultation

Consultation included meetings with The Friends of Swain Gardens, discussion with local residents, and members of the Ku-ring-gai Historical Society. An Open Day for the Masterplan was held on site on Saturday 16 June and ten residents attended.

### Resident feedback

Friends of Swain Gardens 12 March, 2007 Open Day with local residents on 16 June, 2007

### The main activities undertaken at the Gardens/Reserve

- Passive recreation
- Picnics/barbeques x 3
- Walking x 5 enjoying the scenery, admiring the beautiful plants and meandering paths, reading on the carefully placed benches.
- Social functions children's parties (x2), weddings (x2)
- Informal play Children playing hide and seek, searching for the bower bird.
- Children exploring
- Morning tea with children in rotunda

### Activities that you would like to be available

- No more activities
- Garden walks identifying the plants
- Girl guides use
- Garden fair
- School garden encouragement days
- Jazz concerts
- Encourage more local community groups to visit the Gardens/Reserve to raise community awareness for its future survival
- We love the Gardens just as they are they are a peaceful, tranquil haven, an oasis away from the crowded, busy city-life.
- More rubbish bins, discretely placed and aesthetic regularly emptied.
- Consider an inclinator like Hornsby's Lisgar Gardens
- Advertise our flowering displays etc, in the Council column
- Label/ tag important trees and plants; number and map the Gardens layout

- Bring in school working groups and TAFE horticulture students to work on the Gardens seed bed and features
- Jack Trezise's book on the Gardens provided a tagged system of locating plants and trees in the Gardens

### Activities that you would not like to see happening at the Gardens or Reserve

- Activities involving HUGE numbers would take away the marvellous feeling of being able to 'drop out' in a super local garden
- Nothing too loud or intrusive
- I do not like the fact that some of the neighbours bordering Wombin Reserve have 'extended' their boundaries into the Reserve ... dogs from private homes wander freely in and out of the reserve...
- I wish that dog owners would not remove the leashes from their dogs the moment they enter Wombin Reserve --- I do not want it to become an official 'off-leash' area although it virtually is already.
- I would not like cars be able to drive in.
- I would not want crowds of people at once since this sometimes results in damage to the Gardens and creates lots of litter.
- Mass meetings/ rock concerts
- Off-leash dogs
- Night barbeques
- We would like them to be heritage listed and a wildlife sanctuary (especially for birds) echidnas, water dragons. Maybe there should be some signs about this, especially for dog owners.

### Values

- Quietness
- Old fashioned atmosphere
- Hidden away aspect
- Its tranquillity and the balance between Wombin Reserve with its natural flora and the formal gardens of Swain Gardens
- The serenity and tranquillity somewhere to collect ones thoughts, to admire the beauty of the Gardens amidst some native trees, the beautiful birds, especially the bower bird.
- Nature peace and quiet
- The combination of planned garden and bush

- I was brought-up with a professional gardener father of the same era in Killara and as a child spent many hours wandering around similar gardens of my father's friends. A magical experience as it also is for my grandchildren at Swains.
- The workmanship and layout of the gardens
- The plant selection is very good; it is a great marriage location
- Peaceful oasis in suburbia; but difficult for wheelchair access
- Unique and remarkable place peaceful and tranquil
- Unique only place like this in Ku-ring-gai quiet and well-located
- Quiet bushland with good plants and landscaping/ stonework
- It is a unique 1940's large scale, carefully landscaped garden area
- Introduced exotic species have been blended with natives in a good mix
- Size, space and birdlife
- Vistas of the garden are important eg. the Mulberry tree
- Historic things in the Gardens *like Annie Wyatt's seat*
- It is always going to be here and it won't change too much
- Bower-birds and others are very special
- Community interest and involvement to keep it special
- The upkeep, strolling, the bird life especially in summer, exotic plants, seeing three generations together enjoying a barbecue meal at the Old Tennis Court. Meeting so many people who <u>love</u> the gardens.

### What you least like

- Need to clean up Wombin encroachment of privet, bamboo etc. beyond the Gardens into surrounding bushland
- Unleashed dogs
- Vandals damaging the plants and releasing fireworks at night
- Dogs off-leash scaring the birds and some small children
- The use of noisy leaf blowers for several hours at a time could we go back to using rakes/brooms
- Dogs not on leash
- No disabled access
- Fire-prone pergola
- Being in the middle of suburbia is a double-edged sword
- At one stage the garden attracted a vagabond sleeping there at nights some of us gave him some food parcels
- Accessibility problems steepness of grades makes it difficult for some

- Steep terrain and high maintenance
- Water restrictions have changed the way the garden is managed
- Accessibility for garden club members some difficulty for ageing members to do gardening
- Gardens are an unknown even some locals don't know of it
- Surface drainage of BBQ area is poor the grading and soil does not promote grass growth
- Clarity of direction signs to visitors to the Gardens there is need for entry signs and for a map of the highlights of the garden.
- Need to replace species as they die eg. Crab-Apple
- Need to closely manage the gardens
- Heritage seed-stock bank needs to be maintained and developed
- Keep attracting local bird and possums and powerful owls
- Keep mulching the garden to tidy it up and conserve water
- In the longer term the creek area could be bridged etc
- Dam the creek and pump the water up higher in the creek to create a flow
- Document the history and background of the Gardens; then use it as a guide for what we will do.
- The problems of the Reserve, i.e. not being able to keep the paths in order.

# NOTICE OF MOTION

### **102 ROSEDALE ROAD, ST IVES**

#### Notice of Motion from Councillor T Hall dated 9 July 2007.

On 26 September 2006, Council resolved Minute No 386 to determine a course of action regarding the purchase of 102 Rosedale Road St Ives. The purchase is to ensure the ongoing protection of the significant ecological community contained within the land.

The General Manager has undertaken negotiations with the owners of the land within the delegated authority.

The owners of the land have refused all offers submitted by Council, and have now lodged a Development Application for a single residential development on the land.

Given the significance of the ecological community contained within the land, Council needs to consider an alternative course of action to effect the acquisition and conservation of the land.

This could be best achieved by Council authorising the General Manager to further negotiate with the owners of the land or their representatives to progress this matter and advise Council as a matter of urgency the results of discussions for its consideration.

I move:

"That Council authorise the General Manager to undertake further discussions with the owners of the land or their representatives and report the matter to Council.

The General Manager seeks further opportunities, commitment, resources and partnership from Commonwealth and State agencies in relation to the acquisition and conservation of this land and these matters are included in reporting to Council.

That consideration of this matter by Council be held in Confidential (Section 10A(2)(c) – Information that would confer a commercial advantage)".

### RECOMMENDATION

That the above Notice of Motion as printed be adopted.

Cr Tony Hall Councillor for St Ives Ward

# NOTICE OF MOTION

### **COMPLETION OF ENTRY SIGNS**

#### Notice of Motion from Councillor A Ryan dated 31 July 2007.

In February 2006, Council considered my Notice of Motion on the installation of entry signs.

Since that time, four (4) entry signs have been installed with three (3) large signs installed at Ryde Road, Mona Vale Road and Boundary Street, and one (1) small sign installed on the Pacific Highway at Roseville. Initial advice received indicated that the cost of installing one (1) large sign and two (2) smaller signs is approximately \$50,000.

I move:

- "A. That one (1) large entry sign be installed at the Pacific Highway, Wahroonga, and two (2) small signs be installed at Lady Game Drive, Lindfield, and the Comenarra Parkway at Wahroonga.
- B. That up-lighting be provided for the entry signs at the Pacific Highway, Wahroonga, Ryde Road, West Pymble and Boundary Road, Roseville.
- C. That funding for the work be made available from the revenue from the bus shelter advertising".

### RECOMMENDATION

That the above Notice of Motion as printed be adopted.

Cr Adrienne Ryan Councillor for Gordon Ward

# NOTICE OF MOTION

### **COUNCIL COMMITTEES**

#### Notice of Motion from Councillor E Malicki dated 1 August 2007.

I move that:

"All Council Committees, informal or community, and briefings involving all Councillors be open to Press and Public except for closure conditions of the Local Government Act.

I further move that Minutes be taken of every Council Committee and briefing as above and that these be available on Council's website."

### RECOMMENDATION

That the above Notice of Motion as printed be adopted.

Cr Elaine Malicki Councillor for Comenarra Ward

# NOTICE OF MOTION

### **CLIMATE CHANGE**

#### Notice of Motion from Councillor E Malicki dated 5 August 2007.

The NSROC Conference was based around the issue of Climate Change, with several Councils reporting on significant actions being taken to reduce greenhouse emissions in their Councils and communities.

While Ku-ring-gai Council is progressing well with Cities for Climate Protection initiatives, I feel we need to increase our commitment and set strong, serious policies that involve our community.

I move:

"That Council begin looking at Climate Change issues and initiatives in our Policy Committee as soon as possible, and that as a starting point, all the Councils in NSROC be approached for details of the actions they are taking on Climate Change, with a report to the earliest possible Policy Committee Meeting."

### RECOMMENDATION

That the above Notice of Motion as printed be adopted.

Cr Elaine Malicki Councillor for Comenarra Ward