

## ORDINARY MEETING OF COUNCIL TO BE HELD ON TUESDAY, 14 MARCH 2006 AT 7.00PM LEVEL 3, COUNCIL CHAMBERS

### **AGENDA**\*\* \*\* \*\* \*\* \*\*

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

### **APOLOGIES**

**DECLARATIONS OF INTEREST** 

### CONFIRMATION OF REPORTS TO BE CONSIDERED IN CLOSED MEETING

### ADDRESS THE COUNCIL

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

tape recorded.

### **DOCUMENTS CIRCULATED TO COUNCILLORS**

### **CONFIRMATION OF MINUTES**

### **Minutes of Ordinary Meeting of Council**

File: S02131

Meeting held 28 February 2006 Minutes numbered 34 to 60

### **Minutes of Ordinary Meeting of Council**

File: S02131

Meeting held 7 February 2006

Minute numbered 6

Memorandum by Senior Governance Officer dated 1 March 2006

### MINUTES FROM THE MAYOR

### **PETITIONS**

### **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.

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GB.1 5, 6, 7, 8 & 10 Sturt Place, 17 & 19 Memorial Avenue, 102-108 & 114-118 Killeaton Street, St Ives - Construction of Six Apartment Buildings including One Row of Townhouses Consisting of a Total of 223 Apartments, Basement Parking for 310 Vehicles & Strata Subdivision

File: DA0221/05-2

Ward: St Ives

Applicant: Meriton Apartments Pty Ltd

Owner: Meriton Property Management Pty Ltd

To determine development application No 221/05, which seeks consent for the construction of six apartment buildings and one row of townhouses consisting of 223 apartments, basement parking for 310 vehicles and strata subdivision.

### Recommendation:

Approval.

GB.2 36 Awatea Road, St Ives - Subdivision into Three (3) Lots & the Removal of part of the Structure & the Alterations & Additions to the Existing Dwelling House

File: DA1165/05

Ward: St Ives

Applicant: Mr & Mrs Ney Owner: Mr & Mrs Ney

To determine Development Application No 1165/05 which seeks consent for the subdivision into three (3) lots and the removal of part of the structure and the alterations and additions to the existing dwelling house.

### **Recommendation:**

**Approval** 

## GB.3 17-19 Powell Street & 4-6 Wallaroo Close, Killara - Demolition & Construction of Residential Flat Building (41 Units), Basement Car Parking, Landscaping & Strata Subdivision

141

File: DA0939/05

Ward: Gordon

Applicant: A V Jennings Limited

To determine development application No. 939/05 for demolition of existing structures and construction of a residential flat building containing 41 units, basement car parking, landscaping and strata subdivision.

### Recommendation:

Approval

# GB.4 1, 1A & 3 Heydon Avenue & 2 & 2A Eulbertie Street, Warrawee Demolition of Existing Structures & Construction of 4 Residential Flat Buildings Comprising 52 Residential Units, Basement Car Parking & Associated Landscaping

224

File: DA0549/05

Ward: Wahroonga

Applicant: Axis Learning Centre P/L

Owners: 1 Heydon Avenue - P Ewart-Brown & G L Ewart-Brown, 1A Heydon Avenue - Axis Learning Centre, 3 Heydon Avenue - J A Vipond, 2 Eulbertie Avenue - K F Alder & P M Alder. 2A Eulbertie Avenue - J A Germann

To determine development application No.549/05 which seeks consent for the demolition of existing structures and construction of 4 residential flat buildings comprising 52 residential units, basement car parking and associated landscaping.

### **Recommendation:**

Approval

### GB.5 7th International Cities, Town Centres & Communities Conference

302

File: S02217

To advise Council of the 7th International Cities, Town Centres & Communities Conference.

### Recommendation:

That any interested Councillors advise the Acting General Manager by 24 March 2006 if they wish to attend the Conference & that the General Manager and/or appropriate staff also accompany elected representatives to the Conference.

#### GB.6 **Environmental Levy Small Grants Scheme - Round One**

320

File: S04078

To seek Council's support to fund the first round of the community small grants scheme funded by the Environmental Levy.

### **Recommendation:**

That Council supports the decision to fund the three projects recommended by the small grants panel as part of the Environmental Levy.

### Bushland, Catchments & Natural Areas Reference Group - Minutes of 338 Meeting of 20 February 2006

File: S03448

To bring to the attention of Council the proceedings from the Bushland Catchments and Natural Areas Reference Group meeting held on Monday, 20 February 2006.

### **Recommendation:**

That the minutes of the Bushland Catchments and Natural Areas Reference Group meeting held on Monday, 20 February 2006 be received and noted.

#### GB.8 Transfer to Council of Lot 34 DP 1079802, being the rear of 38B Nelson 343 Street, Gordon

File: P53798

To advise Council of an offer from the NSW Department of Planning to transfer Lot 34 DP 1079802, being the rear of 38B Nelson Street, Gordon to incorporate this into the Ku-ring-gai Flying Fox Reserve.

### Recommendation:

That Council accepts the land transfer of Lot 34 DP 1079802 as community classified land.

#### GB.9 **Heritage Advisory Committee - Minutes**

369

File: S03816

For Council to receive and note the minutes from the Heritage Advisory Committee meeting held 29 November 2005.

### **Recommendation:**

That Council receive and note the minutes from the Heritage Advisory Committee meeting held 29 November 2005.

### GB.10 Report on Catchment Analysis for Lane Cove Catchment & Combined Works Program 376

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File: S03875

To report findings of the analysis and planning for the Lane Cove River catchment and seek endorsement of the combined drainage Capital Works Program 2006-2009.

### **Recommendation:**

That findings of the report be noted and that Council adopt the Capital Works Program for the next three years.

### **GB.11 Turramurra Centre Traffic Study**

398

File: S04037

The purpose of this report is to provide Council with further advice on the likely traffic generation associated with the preferred option for the redevelopment of the Turramurra Town Centre.

### **Recommendation:**

That the report be received and noted and that Council not incorporate the bridge over the railway in the draft LEP and DCP for the Turramurra Town Centre.

### GB.12 St Ives Centre Draft Local Environmental Plan - Review of Retail Floor Space 444

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File: S04019

To present to Council a revised floor space provisions for the St Ives Shopping Village to be incorporated into the Draft Local Environmental Plan for the St Ives Centre prior to its exhibition.

### **Recommendation:**

That the Draft Ku-ring-gai (Town Centres) Local Environmental Plan be amended prior to exhibition to include floor space ratio development standards applying to the St Ives Shopping Village site of Maximum Retail/Commercial - 1.45:1; Community Facilities - 0.07:1; Total Site 2.1:1.

### GB.13 Analysis of Land & Environment Court Costs, 2nd Quarter ended 31 December 2005

File: S02466

To provide information in relation to proceedings to which Council is a party in the Land & Environment Court for the second quarter ended 31 December 2005, including appeals commenced, costs incurred by Council and outcomes.

### Recommendation:

That the analysis of Land & Environment Court Costs for the quarter ended December 2005, be received and noted.

### **EXTRA REPORTS CIRCULATED AT MEETING**

MOTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN

BUSINESS WITHOUT NOTICE - SUBJECT TO CLAUSE 14 OF MEETING REGULATION

**QUESTIONS WITHOUT NOTICE** 

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

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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.

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5, 6, 7, 8 and 10 Sturt Place, 17 and 19 Memorial Avenue, 102-108 and 114-118 Killeaton Street, St Ives DA0221/05-2 28 February 2006

Item 1

### **DEVELOPMENT APPLICATION**

### **SUMMARY SHEET**

**REPORT TITLE:** 5, 6, 7, 8 AND 10 STURT PLACE, 17 AND 19

MEMORIAL AVENUE, 102-108 AND 114-118

KILLEATON STREET, ST IVES -

CONSTRUCTION OF SIX APARTMENT BUILDINGS INCLUDING ONE ROW OF TOWNHOUSES CONSISTING OF A TOTAL OF 223 APARTMENTS, BASEMENT

PARKING FOR 310 VEHICLES AND STRATA

**SUBDIVISION** 

WARD: St Ives DEVELOPMENT APPLICATION  $N^{O}$ : 221/05

SUBJECT LAND: 5, 6, 7, 8 and 10 Sturt Place, 17 and 19 Memorial

Avenue, 102-108 and 114-118 Killeaton Street, St

IvesDA0221/05-2 DA0221/05DA0221/05 DA0221/05DA0221/05DA0221/05DA0221/05D

A0221/05DA0221/05DA0221/05

APPLICANT: Meriton Apartments Pty Ltd

OWNER: Meriton Property Management Pty Ltd

DESIGNER: Group GSA Architects

PRESENT USE:ResidentialZONING:Residential 2(d3)

HERITAGE: No

PERMISSIBLE UNDER: Ku-ring-gai Planning Scheme Ordinance

COUNCIL'S POLICIES APPLICABLE: KPSO - LEP 194, DCP 31 - Access, DCP 55 -

Ku-ring-gai Multi-Unit Housing, DCP 40 - Waste Management, DCP 43 Car Parking, DCP 47 Water Management and Notification Policy

COMPLIANCE WITH CODES/POLICIES: No

GOVERNMENT POLICIES APPLICABLE: SEPP 10, SREP 20, SEPP 11, SEPP 55, SEPP 65

**COMPLIANCE WITH GOVERNMENT POLICIES:** Yes

**DATE LODGED:** 16 March 2005 **40 DAY PERIOD EXPIRED:** 25 April 2005

**PROPOSAL:** Construction of six apartment buildings including

one row of townhouses consisting of a total of 223 apartments, basement parking for 310 vehicles

and strata subdivision

**RECOMMENDATION:** Approval

Item 1

DEVELOPMENT APPLICATION N<sup>o</sup> 221/05

PREMISES: 5, 6, 7, 8 AND 10 STURT PLACE, 17 AND 19

**MEMORIAL AVENUE, 102-108 AND 114-118** 

**KILLEATON STREET, ST IVES** 

PROPOSAL: CONSTRUCTION OF SIX APARTMENT

BUILDINGS INCLUDING ONE ROW OF TOWNHOUSES CONSISTING OF A TOTAL

OF 223 APARTMENTS, BASEMENT PARKING FOR 310 VEHICLES AND

STRATA SUBDIVISION

APPLICANT: MERITON APARTMENTS PTY LTD

OWNER: MERITON PROPERTY MANAGEMENT PTY

LTD

DESIGNER GROUP GSA ARCHITECTS

### PURPOSE FOR REPORT

To determine development application No 221/05, which seeks consent for the construction of six apartment buildings and one row of townhouses consisting of 223 apartments, basement parking for 310 vehicles and strata subdivision.

### **EXECUTIVE SUMMARY**

**Issues:** Overshadowing, traffic, privacy, amenity

**Submissions:** 9 submissions (first notification)

3 submissions (second notification)

**Pre - DA Consultation:** Yes

**Land and Environment Court Appeal:** No

**Recommendation:** Approval

**HISTORY** 

Site history:

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

**Rezoning history:** 

### Item 1

The land at 5, 6, 7, 8 and 10 Sturt Place, 17 and 19 Memorial Drive and 102-108 and 114-118 Killeaton Street, St Ives was rezoned from Residential 2(c) to residential 2(d3) by LEP 194, gazetted on 28 May 2004.

In order to address the identified issues and constraints facing this site, the Memorial Avenue Precinct, Council incorporated specific nominated area controls to apply to the site into Part 7 of DCP 55. DCP 55 was adopted by Council on 14 December 2004 and came into effect on 22 December 2004.

### **Development application history:**

1635 1 2005

### 1. DA 911/04 - demolition of the existing structures

This application was approved under delegated authority by Council on 2 June 2005 for the demolition of all built structures on the subject site.

2. DA0221/05 - construction of six apartment buildings and one row of townhouses consisting of 223 apartments, basement parking for 310 vehicles and strata subdivision into 223 lots

16 March 2005	Application lodged.
23 March 2005	<ul> <li>Stop the clock letter sent requesting:</li> <li>A detailed landscape plan is required. Landscape plan is to detail all proposed planting for the site. Plan to detail/identify all existing trees on site - clearly showing if trees are to be retained or removed. Existing and proposed levels are to be shown. The plan submitted is conceptual only and does not have sufficient detail: and</li> <li>Submit an access report from a suitably qualified consultant. The report should address the requirements of AS1428.</li> </ul>
29 March 2005	DA notified to surrounding property owners for a period of 28 days in accordance with Council's Notification Policy.
30 March 2005	Submission of amended stormwater plan.
8 April 2005	Submission of model to Council. (Notification to commence once model had been submitted as advised to applicants for a period of 28 days.)
14 April 2005	Renotification of application to surrounding owners for a period of 28 days advising of the submission of the model for viewing at Council Chambers.
20 April 2005	Submission of arborist's report.

### Item 1

21 April 2005

11 May 2005

Advice from applicant that detailed landscape plan will not be submitted prior to list of final issues from Council.

Final list of issues sent to applicant identifying the following concerns:

- Proposed development is unclear whether it includes 210
  apartments and 3 townhouses or a total of 210 townhouses and
  strata subdivision into 213 lots as described on page 14 of the
  SEE.
- Proposed loading bay off Sturt Place is located within Council land.
- Traffic Committee comments to be provided after Traffic Committee Meeting on 31 May
- Comments from RTA and police to be provided once received by Council.
- Concern over the amenity afforded to the apartment of Block G (located in the centre of the site).
- Issues raised by Council's Landscape Officer.
- Issues raised by Council's Urban Design Consultant Clause 25i(2)
   Minimum standards for deep soil landscaping
- Non-compliance with definition of 'deep soil landscaping' as per LEP. The application is to be amended to delete the drainage easement from the deep soil calculations as the area is not capable of supporting trees as per the intent of the LEP.
- Deep soil calculations are to include areas proposed for through link road to Memorial Avenue from Sturt Place.
- Compliance with DCP 55 in particular:
- Section 3.3 Landscape character
  - O Development has not been designed to retain existing significant trees.
- Section 4.1 Landscape design
- Failure to provide at least 1 area of deep soil landscaping not less than 150m² per 1000m² = Minimum area of 3150m²
- Refer to landscape comments in relation to insufficient information.
- The driveways and basement carparks are located within setback zones along northern adjoining boundary with 21 Memorial Avenue and also the southern boundary with 15A Memorial Avenue and restrict ability for deep soil landscaping.
  - Sufficient fencing details have been provided to any street frontage or within the development site with regard to private courtyards.
- Section 4.2 Density

### Item 1

- O Calculations required to demonstrate compliance with FSR requirements for townhouses (0.8:1) and residential flat building (1.3:1).
- Section 4.3 Setbacks
  - Setback of Block E fails to proposed road along the southern boundary will not comply with requirements of the DCP and will not allow sufficient deep soil landscaping to screen the development from the streetscape.
  - Proposed setbacks of the basements to the southern boundary, Sturt Place, Memorial Avenue (beneath proposed townhouses) and along the northern and western boundaries adjoining 21 Memorial Avenue.
  - o Proposed covered entries to town houses on Memorial Ave are not permitted within setback to Memorial Avenue
  - o Block E fails to meet the minimum setbacks of 10-12m to Sturt Place.
  - o Blocks D and E provide insufficient setbacks to Sturt Place to allow for deep soil landscaping to be provided.
- Section 4.4 Built form and articulation
  - O Lengths of Blocks C and D exceed the maximum length specified in DCP with insufficient justification provided in the SEE for the variation proposed.
  - Additional articulation is required on the following elevations:
  - o Block B eastern elevation facing Killeaton Street
  - o Block C west elevation
  - o Block D south elevation
- Section 4.5 Residential amenity
  - o Insufficient information has been provided to determine whether the communal open space is provided with a minimum of 3hrs direct sunlight between 9am-3pm on June 21.
- Section 4.5.4 Internal amenity
  - Description Block B and D exceed the maximum number of dwellings per common corridor (13 and 15).
- Section 5.1 Parking and vehicular access
  - o Full engineering comments to be provided at a later date.
  - o Demonstration that:
  - o 42 bicycle spaces are provided for residents and
  - o 21 bicycle spaces for visitors

### Item 1

- Section 7.3.2 Design objectives
  - o Block E fails to meet minimum setback of 6m to proposed road along southern boundary of site.
  - Design of development does not allow for the retention of significant trees on the site.
  - o No details in relation to the creation of a vehicular link and pedestrian link through the site.

	pedestrian mik unough the site.
12 May 2005	Meeting with applicant to discuss issues raised following assessment.
17 May 2005	Submission of preliminary sketches by applicant.
8 August 2005	Meeting with applicant to discuss further amendments.
3 September 2005	Submission of amended plans and amended SEE.
13 September 2005	Notification of amended plans.
13 September 2005	Submission of amended arborist's report addressing amended plans.
23 September 2005	Preliminary planning comments to applicant on amended plans.
28 September 2005	Submission of detailed landscape plan.
17 October 2005	Submission of amended basement plan to provide a total of 308 car spaces as required by LEP 194.
18 October 2005	Applicant requested to modify the 5th floor to comply with Clause 25l(7) of LEP 194. Top floor greater than 60% of storey below.
21 October 2005	Amended architectural plans of top floor received.
2 November 2005	Urban design comments forwarded to applicant.
4 November 2005	Applicant requested to modify plans to comply with deep soil landscaping.
10 November 2005	Amended architectural plans received.
11 November 2005	Amended engineering plans received.
14 November 2005	Amended landscaping plans received.
15 November 2005	Amended engineering reports received.
17 November 2005	Applicant requested to provide strata subdivision numbers, strata plans and modified top floor area.
28 November 2005	Meeting held with applicant to advise of inconsistencies between architectural plans, landscape plans and engineering plans and LEP 194 requirements.
2 December 2005	Follow up meeting of 28 November 2005.
15 December 2005	Amended deep soil calculations received.

Item 1

23 December 2005 Amended basement layout received.
30 December 2005 Amended stormwater plans received.
24 January 2006 Heritage impact statement received.
27 January 2006 Amended landscape plans received.

### THE SITE AND THE SURROUNDING AREA

### The site

Zoning: Residential 2(d3)

Visual Character Study Category: 1945-68

Legal Descriptions: Street Address Legal Description

5 Sturt Place Lot 7 DP 1005293 6 Sturt Place Lot 8 DP 414125 7 Sturt Place Lot 6 DP 29578 8 Sturt Place Lot 2 DP 512730 10 Sturt Place Lot 5 DP 29578 17 Memorial Avenue Lot A DP 356679 19 Memorial Avenue Lot B DP 356679 102 Killeaton Street Lot 3 DP 1029830 104 Killeaton Street Lot 2 DP 1029830 106 Killeaton Street Lot 1 DP 1029830 108 Killeaton Street Lot 15 DP 17413 114 Killeaton Street Lot 1 DP 537209 116 Killeaton Street Lot 2 DP 537209 118 Killeaton Street Lot 1 DP 128334

Area: 21029m<sup>2</sup>

Side of Street: Southern side of Killeaton Street

Cross Fall: West to north-east
Stormwater Drainage: To drainage easement

Heritage Affected: The site is within the vicinity of a heritage item at 89

Killeaton Street, St Ives.

Integrated Development: Yes - Traffic generating - SEPP 11

Bush Fire Prone Land:

Endangered Species:

Urban Bushland:

Contaminated Land:

No

No

The site is known as 5, 6, 7, 8 and 10 Sturt Place, 17 and 19 Memorial Avenue and 102-108 and 114-118 Killeaton Street, St Ives and comprises fourteen (14) separate lots. The site has three road frontages; Sturt Place, Memorial Avenue and Killeaton Street. The Sturt Place frontage is a small cul-de-sac with left turn only access onto Mona Vale Road. The Memorial Avenue frontage faces directly across to the St. Ives Village Green and is located to the north of St Ives Village Shopping

### Item 1

Centre. The Killeaton Street frontage is a major road link to Mona Vale Road, St Ives from Burns Road, Turramurra.

The site is irregular in shape, with three separate road frontages and several adjoining boundaries. The site has a total area of 21,029m<sup>2</sup>, with a frontage of 67.055m to Memorial Avenue, 184m to Killeaton Street and 55.4m to Sturt Place.

The land has a slight fall towards the north-east. All existing structures on the site have been approved for demolition pursuant to the development consent to DA 911/04.

A partially open drainage easement is located across the centre of the site from Memorial Avenue through to Killeaton Street. The site is dominated by numerous trees, with the majority being exotics. The trees are scattered across the site among the existing dwellings and along the easement.

### **Surrounding development:**

St Ives Village Shopping Centre and local shops are located to the south of the site along Mona Vale Road. St Ives Village Green is directly opposite the site on the western side of Memorial Avenue and is zoned 6(a) Recreation. To the northern side of Killeaton Street, are a number of two storey SEPP Seniors Living developments. To the immediate east and south of the site are several single dwellings on land which has been rezoned to Residential 2(d3) under LEP 194.

### **Zoning:**

The site is zoned Residential 2(d3) under LEP 194. All surrounding properties bounded by Killeaton Street, Memorial Avenue and Sturt Place have also been rezoned Residential 2(d3). With the exception of KMC Reserve and Rotary Park located on the southern most corner of Mona Vale Road and Memorial Avenue. The KMC Reserve and Rotary Park are zoned 6(a) Recreation.

### THE PROPOSAL

The proposal is for the construction of five (5) strata subdivided residential flat buildings consisting of two hundred and twenty (220) apartments and three (3), two storey townhouses located along the Memorial Avenue frontage comprising a total of two hundred and twenty-three (223) dwellings. The dwellings would consist of 8 x 1 bedrooms, 186 x 2 bedroom and 26 x 3 bedroom units. A total of 308 parking spaces is provided in two separate basements over two levels.

Pedestrian access is provided to the front of each building from paths via Memorial Avenue, Killeaton Street and Sturt Place. Vehicular access to the site is provided at two entry points, along the Memorial Avenue frontage.

Painted masonry courtyard privacy fencing is proposed to a height of 1.8m within the front setback to Killeaton and Sturt Place, and at the front of the 3 townhouses facing Memorial Avenue.

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All ground floor courtyard fencing will be in colours that match the development and would be set back from the street frontage.

External finishes have been nominated on a sample board submitted and comprise:

- Painted masonry:
  - o Dulux Natural white
  - o Dulux Picaninny (red/ochre)
  - Dulux Asphalt Blue (charcoal)
- Metal roofing
- Aluminium louvers
  - o Dark grey
  - o Pearl
- Glass balustrading
- Timber battens natural oil stain

### Block A:

Block A is located on the Memorial Avenue frontage and consists of 3 x 2 storey townhouses. The townhouses are oriented towards the west. The townhouses each have 3 bedrooms.

One level of basement parking is provided directly below. Each townhouse has been allocated 2 car parking spaces in a tandem arrangement. Visitor parking is provided along with storage facilities.

### Block B:

Block B is located on the northern Killeaton Street frontage adjacent to Block A and Block C. Block B has a total of fifty six (56) apartments.

The apartment mix is:

2 bedroom apartments3 bedroom apartments8

One level of basement parking is provided directly beneath Block B, with seventy six (76) car spaces allocated for this block. Internal lift access is provided from Parking Level 1 through to the fifth floor.

### Block C:

Block C is located along the north-eastern Killeaton Street frontage. Block C has a total of fifty three (53) apartments located over five (5) levels.

The apartment mix is:

1 bedroom apartments 4

### Item 1

2 bedroom apartments3 bedroom apartments2

Two levels of basement parking are provided below Block C, with a total of fifty five (55) car spaces allocated for this block. Internal lift access is provided directly beneath Block C from Parking Level 2 through to the fifth floor.

### **Block D**

Block D is located along the south-western part of the site adjacent to the Sturt Place frontage. The block has a total of forty one (41) apartments located over five (5) levels. The apartments are generally north-facing.

The apartments are all 2 bedrooms.

Two levels of basement parking are provided beneath Block D, with seventy five (75) car spaces allocated below this block.

### Block E

Block E is located directly to the north-west of Block D, towards the Memorial Avenue frontage. The block has a total of forty two (42) apartments located over five (5) levels. The apartments in this block are generally orientated towards the north.

The apartment mix:

2 bedroom apartments3 bedroom apartments7

Two levels of basement parking are located directly beneath Block E. Sixty one (61) car spaces are allocated in for Block E. Lift access is provided to all five (5) residential levels of the block from the basement car park.

### **Block F**

Block F is located in the centre of the site and is surrounded Blocks B, C, D and E. The block has a total of twenty eight (28) apartments located over five (5) levels and a pool, spa, gym and sauna on the northern end of the building on the ground floor.

The apartment mix is:

1 bedroom apartments 4 2 bedroom apartments 15 3 bedroom apartments 9

#### Item 1

Block F has two levels of basement parking located directly below. Thirty three (33) car spaces are allocated for Block F. Lift access is provided to all five (5) residential levels of the block from the basement car park.

### **Parking:**

Due to the drainage easement cutting across the site from Killeaton Street to Memorial Avenue, the parking has been broken into two separate basement areas. The basement car parking for Blocks A and B is on one level, while basement car parking for Block C, D, E and F is on two levels. Access to the parking is provided from two entrances along Memorial Avenue to the south of the proposed townhouses. Bicycle racks and storage facilities are provided in the basement car parks.

### **CONSULTATION - COMMUNITY**

In accordance with Council's Notification Policy, owners of 174 surrounding properties were given notice of the application for a period of 28 days. In response, submissions for the following were received:

### Original scheme dated 16 March 2005

- 1. C & M Henderson 10 Kenthurt Road. St Ives
- 2. B & B Lorge 6/2 Stanley Street, St Ives
- 3. P Wu Level 3, 4 George Place, Artarmon
- 4. A Gregory 3 Murchison Street, St Ives
- 5. E Abbott 98 Killeaton Street, St Ives
- 6. K de Jonk 4 Sturt Place, St Ives
- 7. M Stokes-Hughes 13 Memorial Avenue, St Ives
- 8. A McJohn 15A Memorial Avenue, St Ives

The submissions made the following comments:

### Height of proposal in relation to potential loss of privacy to adjoining properties.

The properties adjoining the development site and most affected by the development in terms of privacy impacts include:

- 13 Memorial Avenue, St Ives
- 15A Memorial Avenue, St Ives
- 21 Memorial Avenue St Ives
- 3 Sturt Place, St Ives
- 4 Sturt Place, St Ives
- 222 Mona Vale Road, St Ives

The impacts on visual privacy are addressed as follows:

### Item 1

### Block A

There are no privacy issues resulting from the orientation and location of Block A.

### Block B

Part of Block B faces towards No.21 Memorial Avenue. There are only two small balconies facing towards No.21 Memorial Avenue.

### Block C

Part of Block C is orientated towards No.3 Sturt Place which is to the south-east of the proposed building. The majority of rooms facing No.3 Sturt Place are bedrooms. There is one balcony on Levels 2, 3 and 4 orientated towards No.3 Sturt Place. The balconies are set back some 24m from the boundary with No.3 Sturt Place. In addition to reasonable separation, screen planting to heights of between 3m and 18m will be provided along the common boundary with No.3 Sturt Place.

### Block D

Block D is orientated towards No.4 Sturt Place and No.222 Mona Vale Road which are to the south of the proposed building. Apart from one balcony on Levels 2, 3 and 4 orientated towards the rear open space of No.4 Sturt Place and No.222 Mona Vale Road, the majority of rooms facing both these properties are bedrooms with reasonable setbacks from the boundary and vegetative screen planting.

### Block E

Block E is orientated towards of Nos.13 and 15A Memorial Avenue which are to the south of the proposed building. Apart from one balcony on Levels 2, 3 and 4 orientated towards the rear private open space of No.13 Memorial Avenue, the majority of rooms facing both these properties are bedrooms with reasonable setbacks from the boundary.

### Block F

Block F is in the centre of the development site and has no potential for overlooking onto adjoining properties.

The proposed development has been designed to reduce the impact on privacy to adjoining residential development. The design features proposed to reduce impacts on the privacy of adjoining properties include:

- Setbacks in accordance with DCP 55
- Landscaping to heights of 3 to 18 metres along the boundaries with likely affected properties

#### Item 1

- Orientation of the living areas of apartments away from affected adjoining properties
- Enclosure of balconies to restrict the angle of vision

### Traffic congestion on Killeaton Street and Memorial Avenue.

Council's Development Engineering Assessment Team Leader, Kathy Hawken, Council's Traffic Committee and the RTA have reviewed the impact of the proposed development on the existing road network and all support the proposed development subject to conditions (**refer Condition Nos 43, 44, 49, 92 & 93**).

### Restriction on on-street parking along Memorial Avenue

There is currently on-street parking provided along both sides of Memorial Avenue. Off-street visitor parking will be provided in the basement of all the buildings proposed on the development site. In order to provide reasonable site lines from the driveways to the development, restrictions are to be imposed on parking in Memorial Avenue (**refer Condition No 121**).

### Overcrowding of the local schools with an increase in the area's density.

Under the provisions of s94 of the Environmental Planning and Assessment Act, contributions may be collected by Council from the developer to provide public infrastructure to accommodate increases in the population density as a result of urban consolidation. The contribution applicable for the proposed development is \$3,595,480.20 (**refer Condition No 73**). Issues specific to student numbers within local schools is a matter for consideration by the State Government.

### Increase in crime within the locality.

The development meets the requirement of security under SEPP 65. The development may lead to a reduction in potential crime as there will be a greater degree of casual surveillance of public space such as footpaths along Killeaton Street and Memorial Avenue.

### Adverse impact on the existing drainage system in the area.

The development site is bisected by a 2.44m wide drainage easement. The existing drainage pipe in the easement is to be upgraded to include a pipe with a diameter of 1650mm. In addition, water retention and detention systems are proposed to regulate the disposal of storm water into the drainage system.

### The development will appear bulky and out of character with the local landscape and built environment.

The subject site was rezoned Residential 2(d3) under LEP 194. This zoning allows for development up to five storeys. The site is located adjacent to other Residential 2(d3) zoned land and was considered an appropriate location in terms of its access to public transport and services.

### Item 1

Compliance with the required minimum side boundary setbacks, deep soil landscaping area and external materials and finishes ensures the development is appropriate in terms of its bulk and scale with regard to adjoining properties. Subject to the inclusion of substantial landscaping on the site, the general aims of DCP 55 as described in Section 1.6 will be met.

The development was also reviewed by Council's Urban Design Consultant, Russell Olssen, against the requirements of SEPP 65 and the Residential Flat Design Code in terms of bulk and scale. The Urban Design Consultant concluded that the design of the development is satisfactory in terms of bulk and scale.

### Council should only allow a maximum of 100 units on this site to be compatible with the St Ives area.

The proposed development will have a total of 223 units and will have a floor space ratio (FSR) of 1.16:1, which is less that the maximum permissible under clause 4 of DCP 55. The number of units proposed will not be an overdevelopment of the site as reasonable amenity can be provided to the majority of units. The proposal meets the objectives LEP 194 and DCP 55.

### Lack of pedestrian access and road crossings within the vicinity of the development.

There are pedestrian links along Memorial Avenue, Killeaton Street and Link Road. There are existing footpaths along the western side of Memorial Avenue, Killeaton Street and Link Road which connect with the footpath on the northern side of Mona Vale Road. The footpaths are generally in good condition, apart from a section of footpath constructed of asphalt along Killeaton Street. This section of footpath should be upgraded to a similar standard to that of the footpaths on Memorial Avenue, Link Road and Mona Vale Road.

There is a pedestrian crossing at the intersection of Killeaton Street and Memorial Avenue and several more along Mona Vale Road.

### Insufficient parking for the residents of the development.

The proposed development provides adequate parking for both residents and visitors. The LEP 194 requires 308 car parking spaces to be provided. The proposed development has allocated 310 car parking spaces in addition to 47 bicycle spaces.

### Additional services such as electricity, water and sewerage.

The application was referred to Energy Australia which raised no objections. A condition is recommended requiring the applicant to liaise with Energy Australia regarding their power supply requirements and to allocate space for a small 'kiosk' type substation. These requirements must be obtained prior to Construction Certificate issue (**refer Condition No 19**).

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The site was rezoned to permit multi-storey housing by the Minister for Planning and gazetted on 28 May 2004. The rezoning would have considered the cumulative impacts on water and sewerage supplies.

### Carpark access into Sturt Place is unacceptable and a risk to existing driveways within the area.

The original plans, dated 16 March 2005, were amended to delete access to the site from Sturt Place. Entry and egress for the site is via two driveways in Memorial Avenue.

### Overshadowing impacts.

Shadow diagrams were submitted with the development application identifying the extent of shading to adjoining properties for the winter solstice at 21 June. The impact on adjoining properties is as follows:

### At 9am:

- Approximately one-third of No.4 Sturt Place will be in shadow from Block D. North-eastern facing windows will not be shaded.
- Less than 20% of the rear open space to Nos. 120 and 122 Mona Vale Road will be in shadow from Block D.
- Approximately 80% of 13 Memorial Avenue will be shadowed from Block D and Block E.
- Almost all of No.15A Memorial Avenue will be in shadow from Block E.
- Approximately 40% of No.15 Memorial Avenue will be in shadow from Block E.

### At 12 noon

- Approximately 40% of No.4 Sturt Place will be in shadow from Block D.
- Approximately 10% of the rear open space of 122 Mona Vale Road will in shadow from Block D.
- Approximately 30% of the rear private open space of No.13 Memorial Avenue will be in shadow from Block E.
- Approximately 90% of the rear private open space of No.15A Memorial Avenue will be in shadow from Block E.

### At 3pm

- Approximately 85% of No.4 Sturt Place will be in shadow from Block D.
- Approximately 30% of the rear private open space of No.13 Memorial Avenue will be in shadow from Block E.
- Approximately 20% of the rear private open space of No.15A Memorial Avenue will be in shadow from Block E.
- Approximately 60% of No.3 Sturt Place will be in shadow from Block C.

### Item 1

All adjoining properties will receive reasonable levels (more than 3 hours) of solar access to living areas and private space between 9.00am and 3.00pm on 21 June.

### Amended plans dated 3 September 2005

In response to issues raised by Council Officers, amended plans were submitted on 3 September 2005. The amended plans were notified to all previously notified residents. These plans proposed the following amendments:

- The vehicular driveway to Sturt Place was deleted and all access and egress to the site is via Memorial Avenue.
- The number of buildings reduced from seven (7) to six (6)
- Redesign of Block C to retain the significant Himalayan Cedar.

Submissions from the following were received:

- 1. K de Jonk 4 Sturt Place, St Ives
- 2. A MacJohn 15A Memorial Avenue, St Ives
- 3. E Abbott 98 Killeaton Street, St Ives

### Concern over the additional traffic into Sturt Place and safety of additional vehicles.

The applicant deleted the vehicular access to the development from Sturt Place. Vehicular access to the site is provided from Memorial Avenue.

### Access road will add to noise levels.

As detailed on the amended plans, the vehicular access off Sturt Place has been deleted by the applicant due to concerns raised by Council following the original submission of plans.

### Whether solar access to 4 Sturt Place is compliant with appropriate controls.

The level of solar access to adjoining properties will comply with the controls in DCP 55.

### **CONSULTATION - WITHIN COUNCIL**

### **Urban Design Consultant**

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

"Principle 1: Context

**Existing Character:** 

### Item 1

Detached houses with large stands of tall trees predominantly towards the centre of lots.

### Desired Future Character:

Special Area 7 Masterplan (SA7) set the framework for access, built form, landscape etc for this site. The original Development Application (DA) departed from the SA7 in certain detailed respects. However, it was noted in the review in May 2005, that the DA did satisfy the major design principles contained within the Masterplan, which were:

- 12m building setbacks to Killeaton Street
- the creation of an extension to Sturt Place as a new street through the block
- north-south pedestrian link through the site
- the creation of 2 large communal courtyards.

It should be noted that the revised design further departs from the original Special Area 7 Masterplan, as it:

- Deletes the creation of an extension to Sturt Place as a new street through the block;
- Deletes the north-south pedestrian link through the site; and
- Weakens the spatial clarity of the original two large communal courtyards, with two smaller courtyards and a wide opening facing Killeaton Avenue.

The amended design straightens the drainage easement line, and retains some trees on Killeaton Avenue, and in so doing re-arranges the buildings. The revised buildings are larger and fewer in number (6 instead of 7). The only design improvement in the revised design is the provision of the large open space facing Killeaton Street. It is recommended that, if the large open space facing Killeaton Street is to be retained, that it is very well landscaped, with the drainage easement becoming a water feature / swale at ground level, with detailed hard and soft landscaping, furniture and a range of planting including large trees.

### Principle 2: Scale

The scale is acceptable in terms of building height, as the building heights comply with LEP 194 and the siting of buildings comply with the master plan design principles of:

- locating 2.6 storey townhouses on Memorial Avenue
- locating 4.6 storey buildings elsewhere.

### Principle 3 - Built form

The building setbacks from street and side boundaries are acceptable. The proposed front setback of the 2.6 storey townhouses from Memorial Avenue are less that the 12m in the Masterplan. This proposed 8.5m is acceptable given the relatively small scale of the townhouses.

### Principle 4 - Density

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The density is acceptable, as it complies with LEP 194.

### Principle 5 - Resources, energy and water efficiency

Natural cross ventilation of apartments is acceptable, with greater than 60% of apartments being cross ventilated. The lift lobbies and common corridors are naturally lit and ventilated. Solar access to living rooms is acceptable, with greater than 70% of apartments achieving 2 hours sunlight access between 9am and 3pm in midwinter.

### Principle 6 - Landscape

Landscaping is satisfactory, however I would like to see more formal facilities provided such as a water feature at the Killeaton Street end of the drainage easement/overland flow plath.

### Principle 7 - Amenity

Amenity is generally good throughout the development, with acceptable levels of sun access to living areas, cross ventilation and visual and acoustic amenity for apartments.

### Principle 8 - Safety and security

There are no apparent issues of safety and security.

### Principle 9 - Social dimensions

The development offers a range of apartment types, including cross-over and cross-through apartments. It also offers a range of apartment sizes. This diversity of choice should provide for a range of household needs. The design amendments since the first DA propose that the communal open spaces are more open to traffic noise and pollution from Killeaton Street, are less generous and less well defined, and will consequently offer less amenity for the occupants of the development.

### Principle 10 - Aesthetics

*The aesthetics of this proposal are acceptable.* 

### Recommendations

It is recommended that-

- the large open space facing Killeaton Street is very well landscaped, with the drainage easement becoming a water feature / swale at ground level, with detailed hard and soft landscaping, furniture and a range of planting including large trees; and
- Further detail is to be provided regarding hard and soft landscape design.

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**Comment:** Amended landscape plans were received identifying both hard and soft landscaping. Council's Landscape Officer has reviewed the landscape design and raises no issues.

### Heritage

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

### Existing buildings on site

There are a 14 existing houses on the site, all one of two storey houses built in the Post War period. Unlike other areas in Ku-ring-gai, St Ives retained its rural character up to the 1950s. Ku-ring-gai Council acquired this land for residential development in 1946. The name Memorial Avenue was chosen to remember St Ives citizens killed in the war.

The existing houses are not considered to have any heritage significance however the evidence of the subdivision undertaken by Council is of some historical interest. There is no objection to demolition of the buildings however, it is recommended to record all buildings on the site prior to demolition.

### Nearby heritage items

There are few heritage items in St Ives, mainly comprising remnant farm houses and some early modern buildings designed by noted architects particularly the evidence of early project house development. The closest heritage item is 23 Memorial, which is opposite the subject site on the corner of Memorial & Killeaton. The former timber cottage burned down about 10 years ago and only a small later fibro garage remains on the site. Council recently finalised draft LEP No 33 to remove the listing from the land and forwarded the draft plan to the Department in January 2006 for gazettal. Other nearby items include 89 Killeaton Street, which is on the opposite side of Killeaton Street and visually isolated form the development site. The setting of 89 Killeaton Street is limited to its site.

The Camellia Grove nursery was identified as a potential item and Council prepared a heritage assessment in 2004. The report concluded that the buildings were of no significance, but the early camellias, mainly around the perimeter of the site were significant and recommended retaining them on site in nay future development/reuse.

The St Ives village Green is classified by the National Trust and was identified in the 1987 heritage study, but Council has not listed it. It should be noted that Council has not proceeded to list any landscape items recommended items the original heritage study. Given the heritage objectives and guidelines in DCP 55, the heritage issues are satisfactory.

**UCA** 

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The subject site is a considerable distance from UCA 16, the Pymble Golf Course Precinct which includes Pentecost Avenue. Consideration of impacts on the UCA is not a relevant issue for this site.

### Conclusion and recommendations

There is no objection to demolition of the existing buildings on the subject site, however archival recording is recommended.

Given the heritage objectives and guideline in DCP 55, there is no impact on nearby heritage items or UCAs and the application is considered satisfactory.

### **Comment: Refer to Condition No.74A**

### Landscaping

Council's Landscape Officer, Geoff Bird, commented on the revised landscape plan as follows:

### The site

It is proposed to construct five, five storey residential flat buildings and three townhouses with basement parking on the amalgamated site area of 21,029sqm, with vehicular access proposed via Memorial Ave. The site is characteristic of the broader landscape character with mature plantings of primarily exotic trees and shrubs within formal garden beds and grassed expanses. There are numerous visually significant trees scattered throughout the site.

### *Tree impacts/tree removal/Tree replenishment*

The proposed development will result in the removal of a large number of trees and existing vegetation over the site, effectively clearing the core of the site. Existing trees being retained are primarily around the perimeter site boundaries outside of the development works. After numerous revisions and ongoing discussions with the applicant, Landscape Services subject to adequate tree replenishment throughout the site, can support the nominated tree removal. The most visually significant trees being removed include a substantial exotic tree grouping that fronts Memorial Ave directly opposite St Ives Village Green. The subject trees are located above the existing drainage easement and within the proposed footprint of the upgrading of the drainage easement that runs through the site. Although the removal of these trees will have a significant visual impact on the existing streetscape character, and their removal is not a preferred option, Landscape Services can support their removal due to the required infrastructure works and the proposed tree replenishment being undertaken with native endemic tree species.

### Deep soil

By the applicant's revised and most recent calculations, the proposed development will result in a deep soil area of 10,749sqm or 51.11% of the site area. A revised deep soil compliance

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diagram/plan has been submitted. Landscape Services is in agreement with the areas shown/included within the deep soil landscape area calculations.

### Landscape plan

The landscape plan by Guy Sturt and Assoc dated 20/01/2006 with specific conditions can be supported. No levels have been shown on the plan so it is difficult to ascertain what impacts there may be to existing trees being retained. It is required (conditioned) that existing levels and grades be maintained beneath the canopy drip lines of existing trees to be retained.

Screen planting for the site as proposed will result in a layered landscape, with dense understorey shrub planting reaching heights up to 3-4m beneath overhead canopies of intermediate and tall 'canopy' trees capable of attaining heights up to 15-18m. In time as the landscape matures this will result in the development being adequately screened from adjoining properties, while broader views to and from the development (particularly the upper floors) will be filtered through the canopies of existing and proposed trees.

It should be noted that proposed screen planting adjacent to existing single residential properties will consist of both native and exotic tree, shrub and groundcover plantings. The proposed shrub layer will typically consist of small and medium evergreen shrubs able to attain heights up to 3.0m which will provide privacy at ground level. Smaller feature trees capable of attaining heights up to approximately 8.0m, once mature, will provide filtered screening to the intermediate floors, while the upper canopy, or tall tree planting, will in time provide filtered views to and from the development. It is not anticipated that this will occur in the short term, but is a medium to long term establishment timeframe.

### **Setbacks**

The proposed vehicular entry/exit to the southern basement car parking has a setback of approximately 5.0m to the southern site boundary with the exception of the pedestrian exit/entry point which has a setback of approximately 2.5m from the site boundary. This reduced setback excludes this area for tall trees, but is sufficient for small trees and screening shrubs. As no building is proposed in this immediate area, Landscape Services raises no objection to the non compliance as it is demonstrated that appropriate landscaping can be achieved.

### Drainage

Previous concerns regarding drainage works and bio retention basins and the adverse impacts to the landscape amenity of the site have been satisfactorily addressed. Landscape Services can support the proposed drainage works.

Subject to conditions, Landscape services can support the application.

Comment: Refer Conditions Nos 57 to 66, 87 to 87, 94 to 100 & 122 to 125.

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### **Engineering**

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

The application is supported subject to conditions.

### Stormwater management

An underground Council stormwater pipe and easement crosses the property. The stormwater report states: "The site is located along the main flow-path draining to Ku-Ring-Gai Creek, and although it is at the top of the Ku-ring-gai Creek Catchment, it has significant surface flows running through it in 100 year average recurrence interval storms."

The proposed layout for the development depends on an augmented pipe system and a new flowpath. The report proposes a new 1650mm diameter pipe and special intake and surcharge pits.

The design is a concept at this stage, and Council's approval is required to relocate the easement and pipe. If this approval is not forthcoming, then the development cannot proceed. Therefore a deferred commencement consent is appropriate.

Internal stormwater management is proposed to consist of 1000 litres rainwater retention per unit, with detention storage of 75% of the site storage requirement, in accordance with the current May 2005 edition of DCP 47. The retained roofwater is required to be used for toilet flushing and clothes washing. Water quality objectives, as outlined in Chapter 8 of DCP 47, are intended to be achieved by provision of a series of bioretention basins to receive surface runoff

### **Traffic generation**

The application was considered at the RTA's Sydney Regional Development Advisory Committee on 25 May and the Ku-ring-gai Traffic Generating Developments Committee on 26 May 2005.

The development is expected to generate about 100 additional weekday peak hour vehicle trips, a relatively small impact on the road network.

The TGD Committee did recommend the restriction of on street parking along the site frontage and 20 metres to the south, to maintain sight lines. The applicant will be required to liaise with Council and seek Traffic Committee approval to these restrictions.

### Vehicular access and parking

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The amended plans show the correct number of parking spaces (now 310).

The traffic report contains several recommendations for amendments to the carparking layout to comply with AS2890. These amendments can be made on the Construction Certificate plans, which has been included in the recommended conditions.

### Waste collection

Internal waste collection is required, and one central waste collection area is provided in each upper basement, with ready access for the small waste collection vehicle. No doors or gates are shown on the plans which would obstruct access for the waste collection vehicle.

### **Geotechnical investigation**

A subsurface investigation was not carried out for this large development. Instead, a walkover and desk study were done only, and therefore the letter report contains few detailed recommendations. Residual clays and shale are expected to be encountered in the basement excavation, and for the short term, the batter slopes shown on the Meriton drawing "Bulk Excavation" (Appendix 15) will most likely be appropriate (except that the drawing shows a sandstone bedrock). Temporary anchors will be required where excavation is close to adjoining properties, and existing trees or services.

Dilapidation reporting of adjacent structures at 3 and 4 Sturt Place and 15a and 21 Memorial Avenue will be required.

### Contamination assessment

The report by Urban Environmental Consultants concludes that the potential exists for the site to be contaminated due to its past history as orchards and market gardens. A detailed Phase 2 assessment, comprising drilling, sampling and testing, is recommended. This is included in the recommended conditions.

Comment: Refer Conditions Nos 31 to 50, 74 to 84 & 101 to 121.

### **Traffic Committee:**

"The Strategic Traffic Engineer informed the Committee the application was considered by the Roads and Traffic Authority at its meeting of the Sydney Regional Development Advisory Committee (SRDAC) on 25 May 2005.

At the SRDAC meeting, the representative for the applicant advised that the exit onto Sturt Place would be removed, with access to be provided entirely from Memorial Avenue.

Further to the discussion at the SRDAC, the Committee discussed the proposed road through the site (as shown in DCP55) and the potential for this road to be realised. The Strategic Traffic

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Engineer advised the Committee that non-compliance with the geometric design of the car park area could be overcome by condition of consent and re-design. There was discussion about the non-compliance of the southern access point off Memorial Avenue, and the Strategic Traffic Engineer advised that this was also raised at the SRDAC meeting on Wednesday. The applicant had advised that a Category 3 driveway (6m entry, 4m-6m exit, 1m-3m separation) would occupy a significant portion of the frontage and may impact on the road and site drainage, as the driveway would be located in close proximity to a sag point in the road. It was agreed that a Category 2 driveway could be maintained, but made wider than the 6.5m wide driveway shown on the plan. It was recommended that a driveway width closer to 9m would be more appropriate, to provide smooth entry and exit into the southern basement car park.

The location of the visitor parking behind the security point in the northern basement was discussed. The applicant advised, at the SRDAC meeting, that a median with an intercom would be included outside the security point, enabling visitors to contact residents prior to accessing the visitor spaces.

The Strategic Traffic Engineer advised the Committee that the applicant's representative would be submitting revised plans to address the issues raised at the SRDAC meeting.

### Conclusion:

- 1. "The resident and visitor parking provision satisfies the minimum requirements of LEP194
- 2. The bicycle parking provision does not comply with DCP55 and AS2890.3.
- 3. The resident and parking space dimensions generally comply with the requirements of DCP43, however there are a number of spaces that have structures impacting on the design envelope.
- 4. The aisle width between the car park exhaust and space no.67/68 (Block D on Basement Levels 1 and 2) would be 5.8m, which does not comply with DCP43.
- 5. There would be vehicle swept path conflicts in some of the circulating areas.
- 6. The majority of visitor spaces in the Northern Basement Level 1 are located behind a security point, which does not comply with the requirements of DCP55 for visitor parking locations.
- 7. The access point for the northern basement would be satisfactory, but a fence/barrier adjacent could impact on sight lines to pedestrians.
- 8. The access point for the southern basement (off Memorial Avenue) does not comply with the access point type required by DCP43.
- 9. The access point for the southern basement (off Sturt Place) could be impacted by development of amalgamated site B (see site specific controls in DCP55).
- 10. On-street parking on the site's frontage, and 20m further to the south, should be restricted to maintain sight lines. This would be subject to Ku-ring-gai Traffic Committee consideration.
- 11. The applicant should demonstrate that the waste collection areas are satisfactory for the manoeuvring of a 6.0m long waste collection vehicle, as used by Council's contractor.

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- 12. The loading bay off Sturt Place would be of adequate size, but would be partly located within the road reserve. It is considered that further loading bays would be required to service other parts of the site, and these should be located on-site.
- 13. In isolation, the traffic impacts to the surrounding road network would be relatively small, however the impacts of other LEP194 sites in the St Ives Town Centre would result in significant deterioration of the Level of Service of the intersection of Mona Vale Road and Memorial Avenue/Rosedale Road, and the intersection of Mona Vale Road with Link Road.
- 14. The site is serviced well by bus services to Gordon Railway Station during the AM peak. Services from Gordon Railway Station in the pm peak and services to/from North Ryde would require improvement to reduce private vehicle dependence.

As noted in the traffic assessment, items 1-12 above could be conditioned to comply with the geometric requirements of the relevant DCP or standard, which would make the proposal acceptable. There is, however, concern that the impacts of this development, along with other LEP194 development in St Ives, will require additional capacity improvements at key signalised intersections in Mona Vale Road. As a result, the applicant should be required to contribute towards the cost of improving the capacity of those intersections so that the existing Levels of Service are not further eroded."

**Comment:** Council has no power to request monetary contributions for the upgrade of existing traffic facilities outside the provisions of the Ku-ring-gai Section 94 Contributions Plan: 2004 – 2009 and s94 of the *Environmental Planning and Assessment Act*.

Council is undertaking the St Ives Town Centre Study, which aims to identify and assess future development options for the centre. The study identifies existing and future development traffic generation including LEP 194 (Stage 1), and the potential traffic demands brought about by the proposed commercial and residential growth of the study area (Stage 2. The study will consider the impact of new residential development within the town centre which will result in increased residential density, and guides Council on the provision of infrastructure in the Town Centre.

The car parking amendments can be satisfactorily made via conditions of consent (**refer Conditions Nos 49 & 121**).

### **CONSULTATION - OUTSIDE COUNCIL**

### **Energy Australia:**

Energy Australia has commented on the proposal as follows:

"It will be necessary to establish an electrical substation on the development and an area to satisfy EnergyAustralia's conditions for a kiosk type substation will need to be provided, or arrange for the constructon of a building type substation that the developer may consider more appropriate. The developer should be made aware within the DA condition of EnergyAustralia requirements and space should be allocated that meets all the necessary

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statutory requirements. Final supply arrangements cannot be assessed until a comprehensive list of the electrical loading for the development is provided. EnergyAustralia request the Council to add advice into the Development Application that early notification to all service providers be required to ensure supply can be made available at a suitable location to all parties.

Further to the State Government's investigation into the installation of underground cables to replace overhead construction where is was considered that developers and individuals would be responsible for bearing the cost of this work where appropriate. Where large developments such as these, the development should be requested to arrange the undergrounding of any overhead construction near their development or at the minimum install conduits within the footway along the property line of the development to accommodate future underground facilities."

### **Comment: Refer Condition No 19.**

### RTA:

The RTA has commented on the proposal as follows:

"I wish to advise that the Sydney Regional Development Advisory Committee considered the traffic impact of this application at its meeting on 25 May 2005 and the following comments are provided for Council's consideration in determining the application.

- 1. It is noted that the applicant indicated at the meeting of the committee the intention to delete the proposed egress from the basement car park to Sturt Place. The Committee supports this action.
- 2. Council is to refer the application to the Local Traffic Committee for consideration parking restrictions on the local roads in the area as a result of the development.
- 3. It would be desirable for the waste collection to occur on site. Council may wish to require the applicant to ensure that access and clearance is provided on the site to allow for waste collection.
- 4. The cumulative impact of development in this area is likely to have a detrimental effect on the operation of the surrounding regional road network. It is noted that Council is undertaking a study to determine the extent of the impact. Council is encouraged to prepare a S94 Contributions Plan in consultation with the Authority to allow works to be undertaken to maintain or improve the current level of service of the arterial roads. In this regard it is recommended that Council negotiate a suitable contribution from this developer toward likely works.
- 5. The proposed development should be designed such at that road traffic noise from Mona Vale Road is mitigated by durable materials, in accordance with EPA criteria for

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new land use developments (The Environmental Criteria for Road Traffic Noise, May 1999). The RTA's Environmental Noise Management Manual provides practical advise in selecting noise mitigation treatments.

Where the EPA external noise criteria would not practically or reasonably be met, the RTA recommends that Council applies the following internal noise objectives for all habitable rooms under ventilated conditions complying with the requirements of the Building Code of Australia:

- All habitable rooms other than sleeping rooms: 45dB(A) Leq (15hr) and 40dB(A) Leq (9hr); and
- Sleeping rooms: 35 dB(A) Leq (9hr).
- 6. Off-street parking associated with the proposed development (including driveways, aisle widths, aisle lengths, ramp grades, parking bay dimensions, sight distances and loading bays etc) should be designed in accordance with AS 2890-1-2004, AS 2890.2-2002 and AS 2890.3.
- 7. All works associated with the development are to be at no cost to the RTA."

Comment: Refer Conditions Nos 31 to 50, 74-84 & 101 to 121.

### STATUTORY PROVISIONS

### State Environmental Planning Policy No 11 - Traffic Generating Developments

The proposal is classified as "schedule 2' development under State Environmental Planning Policy 11 and was referred to the RTA and the Ku-ring-gai Local Traffic Committee for comments. A copy of the report dated 26 May 2005, is included in Council's Engineering comments in Consultation within Council'.

### The report concludes:

- 1. The resident and visitor parking provision satisfies the minimum requirements of LEP194.
- 2. The bicycle parking provision does not comply with DCP55 and AS2890.3.
- 3. The resident and parking space dimensions generally comply with the requirements of DCP 43, however there are a number of spaces that have structures impacting on the design envelope.
- 4. The aisle width between the car park exhaust and space no.67/68 (Block D on Basement Levels 1 and 2) would be 5.8m, which does not comply with DCP43.
- 5. There would be vehicle swept path conflicts in some of the circulating areas.
- 6. The majority of visitor spaces in the Northern Basement Level 1 are located behind a security point, which does not comply with the requirements of DCP55 for visitor parking locations.
- 7. The access point for the northern basement would be satisfactory, but a fence/barrier adjacent could impact on sight lines to pedestrians.

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- The access point for the southern basement (off Memorial Avenue) does not comply with 8. the access point type required by DCP43.
- 9. The access point for the southern basement (off Sturt Place) could be impacted by development of amalgamated site B (see site specific controls in DCP55).
- 10. On-street parking on the site's frontage, and 20m further to the south, should be restricted to maintain sight lines. This would be subject to Ku-ring-gai Traffic Committee consideration.
- 11. The applicant should demonstrate that the waste collection areas are satisfactory for the manoeuvring of a 6.0m long waste collection vehicle, as used by Council's contractor.
- *12*. The loading bay off Sturt Place would be of adequate size, but would be partly located within the road reserve. It is considered that further loading bays would be required to service other parts of the site, and these should be located on-site.
- In isolation, the traffic impacts to the surrounding road network would be relatively small, 13. however the impacts of other LEP194 sites in the St Ives Town Centre would result in significant deterioration of the Level of Service of the intersection of Mona Vale Road and Memorial Avenue/Rosedale Road, and the intersection of Mona Vale Road with Link Road.
- The site is serviced well by bus services to Gordon Railway Station during the AM peak. Services from Gordon Railway Station in the pm peak and services to/from North Ryde would require improvement to reduce private vehicle dependence.

As noted in the traffic assessment, items 1-12 above could be conditioned to comply with the geometric requirements of the relevant DCP or standard, which would make the proposal acceptable. There is, however, concern that the impacts of this development, along with other LEP194 development in St Ives, will require additional capacity improvements at key signalised intersections in Mona Vale Road. As a result, the applicant should be required to contribute towards the cost of improving the capacity of those intersections so that the existing Levels of Service are not further eroded."

**Comment:** Council has no power to request monetary contributions for the upgrade of existing traffic facilities outside the provisions of the Ku-ring-gai Section 94 Contributions Plan: 2004 -2009 and s94 of the Environmental Planning and Assessment Act.

The car parking amendments can be satisfactorily made via conditions of consent (refer Conditions Nos 44 & 121).

### State Environmental Planning Policy No 55 - Remediation of Land

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

The site is currently used for residential purposes and prior to this as an orchard and market garden. A contamination report identifies the potential for contamination due to the past history of the site. A detailed assessment of the site comprising drilling, sampling and testing will be required as a

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condition of consent. If remediation work is required, it is to be completed prior to the issue of the Occupation Certificate (**refer Condition No 91**).

### State Environmental Planning Policy No 65 - Design quality of residential flat development

The application includes a design verification statement by the Managing Director of GSA Architects, Mark Sheldon. Mr Sheldon verifies that he is a qualified designer and member of the NSW Architects Registration Board and has designed the proposal in accordance with the design quality principles set out in Part 2 of SEPP 65.

The application has been assessed in terms of the Design Quality Principles set out in SEPP 65. The design quality principles do not generate design solutions, but provide a guide to achieving good design and the means of evaluating the merits of the proposal. The assessment follows:

### **Context:**

The existing character of the subject site is detached single housing located in close proximity to the St Ives commercial area consisting of the St Ives Shopping Village and various other commercial and retail premises, public open space and public transport. The desired future character of adjoining properties is in the form of medium density housing that is permissible within the 2d(3) zone.

### Scale:

The scale is acceptable as the building heights comply with LEP 194 and the siting of buildings complies with the master plan design principles of:

- locating 2.6 storey townhouses on Memorial Avenue
- locating 4.6 storey buildings elsewhere.

There is good separation between the buildings, particularly along Killeaton Street and Sturt Place.

### **Built form:**

The development has been broken into six (6) apartment blocks, including the 3 apartment townhouses facing Memorial Avenue. The use of a number of apartment blocks across the site allows for good levels of amenity and landscaping to be provided between the blocks and along the boundaries. Facing Memorial Avenue are three (3) attached, two storey townhouses. The lower scale of this development facing Memorial Avenue ensures that the landscaping will dominate the frontage and provide a good visual association with the St Ives Village Green across the western side of Memorial Avenue.

### **Density:**

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The development has a density of 1.16:1 or 24,514m<sup>2</sup> which is below the maximum FSR of 1.3:1 provided for in DCP 55, for residential flat buildings on sites greater than 2400m<sup>2</sup>.

The proposal is consistent with the envisaged future density of the site.

# Resource, energy and water efficiency:

The proposal achieves a 4.5star+ NatHERS rating for 90% (202 out of 225) of the apartments, with all apartments achieving a minimum standard of 3.5 stars.

65% of the apartments have been provided with cross-ventilation.

#### Landscape:

The proposal provides for 51.11% deep soil landscaping which complies with the minimum requirements of clause 251(2) of LEP 194. Substantial areas for landscaping have been provided throughout the site to ensure the landscaping can be integrated into the layout of the apartment blocks.

Particular attention has been paid, where possible, to the retention of existing significant trees and existing trees located on the perimeter of the site. Apartment Block E has been redesigned to ensure the retention of a significant Himalayan cedar in the south-eastern corner of the site. Generous setbacks along Killeaton Street and Link Road and separation of Apartment Blocks B and C has ensured that sufficient planting may be provided in order to create a development in which tree canopy will soften the buildings and contribute to the existing and future character of the area.

## **Amenity:**

The proposed development provides for a mix of 1, 2 and 3 bedroom apartments, 90% of which attain a NatHERS rating of 4.5stars. The development has been designed so that the majority of the apartments have been orientated to the north or east, with the addition of cross over apartments to ensure good levels of solar access and minimal overlooking of the adjoining properties to the south and east.

The development also provides good levels of private (balconies and courtyards) and communal open space areas which have been centrally located so as to minimise impacts on adjoining properties. This further assists in the useability of the site and improves privacy and general amenity for the development and surrounding properties.

#### Safety and security:

The proposed development provides good levels of safety and security through the following design measures:

- Security parking for residents beneath the apartment blocks.
- The raising of all units above natural ground.

- Security for each apartment building requiring keyed access for entry.
- The provision of pedestrian access paths across the site linking each building to the main pedestrian entrances off Memorial Avenue, Killeaton Street and to a lesser extent, Sturt Place.
- Maximising opportunities for surveillance of public spaces facing Memorial Avenue, Killeaton Street and Sturt Place from the orientation of apartments and balconies and also internal observation of the open space areas within the development.
- Use of courtyard walls for those ground floor apartments facing Killeaton Street and Memorial Avenue.

#### **Social dimensions:**

The development provides a good mix of apartment styles, with 1, 2 and 3 bedroom apartments catering to a variety of community needs. The development also meets the minimum requirements of Clause 25N 'Manageable housing' of LEP 194, with the provision of 23 (10% of apartments) which is in accordance with AS 42990-1995 Adaptable Housing.

The development site is also located within close proximity to public transport, with bus stops located along Mona Vale Road, Killeaton Street and Link Road.

#### **Aesthetics:**

The external design of the six (6) apartment blocks has used a variety of materials and finishes which reflect materials common in the surrounding built environment.

The setbacks to Memorial Avenue and Killeaton Street allow for the retention of significant trees on site and the planting of replacement trees and landscaping in deep pockets between Block B and C on Killeaton Street and in front of Block E, facing towards Memorial Avenue. Block C has also been designed to allow for the retention of the existing Himalayan Cedar located at the northern end of the Sturt Place frontage.

A large central landscaped area has been provided through the development, along the easement, which runs from the north-eastern corner of Killeaton Street through to Memorial Avenue. This area will be planted with significant canopy trees to assist in the linking of the St Ives Village Green.

The development is acceptable with regard to the future character of the area and is consistent with the aims of SEPP 65.

#### **Residential Flat Design Code:**

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

# Relating to the local context

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The development consists of six (6) separate apartment buildings, including the two storey townhouse. The buildings have been strategically located across the site to allow for the retention of significant trees and provide for sufficient setbacks from the street frontages. The design of six apartment buildings allows for the break up of bulk and scale when viewed from the public domain and adjoining properties and the inclusion of substantial landscaping areas that further assist in reducing the apparent bulk and scale of the development to relate to the local context.

The development is proposed over fourteen (14) existing allotments and will require consolidation. Council's Engineering Assessment Team Leader, Kathy Hawken has recommended a suitable condition (refer Condition No 74).

The building envelopes proposed differ substantially from those shown on the Master Plan in Section 7.33, figure 25 of DCP 55. The variations to these envelopes have been necessitated by the deletion of the through road from Sturt Place to Memorial Avenue and to retain significant vegetation on the site. The variations to this building envelope have been addressed elsewhere in this report and are considered to meet the aims of the control.

The height, building depth, separation, setbacks, floor space ratio and landscaping are also satisfactory and have been assessed in more detail under DCP 55 assessment of this report.

#### Site analysis

A satisfactory site analysis was submitted, indicating the merits of the development in regards to the design layout, landscape response, access and parking and overall building performance in respect of energy sustainability. These requirements have also been supported by specialist reports addressing impacts of the proposed development on the subject site and surrounding locality.

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

The orientation of the development ensures adequate solar access to habitable areas and private open space, both internally and to adjoining residential development. The proposal will also provide appropriate frontages to Memorial Avenue, Killeaton Street and Sturt Place.

#### **Building design**

The proposed development is satisfactory in terms of its internal layout, natural ventilation and solar access. Up to 90% of the apartments receive a minimum of 3 hours solar access during the winter solstice, with 100% of the common open space receiving at least 3 hours solar access during this period. Some 90% of apartments also achieve a NatHERS rating of 4.5 stars.

The design of each of the six apartment buildings has encouraged the use of multiple entrances and lifts to minimise long, dark lobbies, which allows the apartments to receive good levels of natural daylight and adequate ventilation.

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

# Sydney Regional Environmental Plan - Hawkesbury-Nepean River

The aim of this plan is to protect the environment of the Hawkesbury-Nepean River system. The proposed development will have no impact on the Hawkesbury-Nepean River System.

# Ku-ring-gai Planning Scheme Ordinance (KPSO) - LEP 194

	COMPLIANCE TABLE	
Development standard	Proposed	Complies
Site area (min): 2400m²	21029m²	YES
Deep soil landscaping (min):		
50%	51.11%	YES
Street frontage (min): 30m	184m to Killeaton Street	YES
	67m to Memorial Avenue	YES
Number of storeys (max): 5	Buildings B, C, D, E and F: 5 storeys	YES
	Building A: 2 storeys	YES
Site coverage (max): 35%	32.4%	YES
<b>Top floor area(max):</b> 60% of the	Block B: 59.974%	YES
level below	Block C: 59.956%	YES
	Block D: 59.927%	YES
	Block E: 60%	YES
	Block F: 60%	YES
Storeys and ceiling height (max) (not inclusive of 5 <sup>th</sup> floor): 4 storeys and 13.4m	4 storeys and < 13.4m	YES
Car parking spaces (min):		
• 1 resident car space per dwelling if site >400m from railway station = 252 resident spaces	254 resident spaces	YES
<ul> <li>1 visitor car space per 4</li> <li>dwelling = 56 visitor</li> <li>spaces</li> </ul>	56 visitor spaces	YES
<b>Zone interface setback (min):</b> 9m for the 3 <sup>rd</sup> and 4 <sup>th</sup> storey on land zoned 2(d3) to land that is not zoned 2(d3)	N/A	N/A
Manageable housing (min): 10% = 23 apartments	A minimum of 23 apartments will meet the requirements of AS 4299-1995 – Adaptable Housing.	YES
<b>Lift access:</b> required if greater	Provided to all buildings from basement levels to	YES

than three storeys	fifth floor, including the Memorial Avenue	
	townhouses	

# **POLICY PROVISIONS**

# Development Control Plan No 55 - Railway/Pacific Highway Corridor and St Ives Centre

	COMPLIANCE TABLE				
Development control Proposed					
_	Part 4.1 Landscape design:				
Deep soil landscaping (min)  • 150m² per 1000m² of	10,767.6m <sup>2</sup>	YES			
site area = $3,154.35$ m <sup>2</sup>					
No. of tall trees required					
(min): 1 per 300m² of site area = 70 trees	116	YES			
- 70 trees	Part 4.2 Density:				
<b>Building footprint (max):</b>					
• 35% of total site area	32.4%	YES			
Floor space ratio (max):	1.16:1	YES			
• 1.3:1					
	Part 4.3 Setbacks:				
Street boundary setback					
(min):					
• 10-12m (<40% of the	Block A - 8.5m	NO			
zone occupied by	Block B, C E and F (includes basement carpark) 12-	YES			
building footprint)	14m	NO			
	Block D (5.4m)(31.25)%				
Rear boundary setback	N/A (due to a number of street frontages the	N/A			
( <b>min</b> ): 6m	development is not considered to have a rear				
	boundary, all setbacks to adjoining properties have				
	been assessed as side boundaries under the				
Cide houndamy getherdr (min)	requirements of DCP 55)	VEC			
Side boundary setback (min): 6m	Block A: 6.0m Block B: 6.0m	YES YES			
UIII	Block C: 11.0m	YES			
	Block D:8.0m-10.0m	YES			
	Block E: 5.0m	NO			
Setback of ground floor	Block E. S.om	110			
terraces/courtyards to street	8m-10.6m to courtyard wall on Blocks B and C	YES			
boundary (min): 8m	facing Killeaton Street				
% of total area of front					

setback occupied by private		
courtyards (max):  • 15%	5.7%	YES
	rt 4.4 Built form and articulation:	
• Wall plane depth >600mm	Wall plane depth >600mm	YES
• Wall plane area <81m²	Wall plane area <81m <sup>2</sup>	YES
Built form:		
Building width <36m	Block A - 19.1m Block B: 67m Block C: 48.4m	YES NO NO
Balcony projection     <1.2m	Block A: 1.2m Balconies have a minimum width of two (2) metres and balconies form part of the building façade.	YES YES
	Part 4.5 Residential amenity:	
Solar access:  • >70% of units receive 3+ hours direct sunlight	79%	YES
<ul> <li>during winter solstice</li> <li>&gt;50% of the principle common open space of the development received 3+ hours direct</li> </ul>	50%	YES
sunlight during the winter solstice  • <15% of the total units are single aspect with a western orientation:	3.58% (8 in 223)	YES
Visual privacy: Separation b/w windows and balconies of a building and any neighbouring building on site or adjoining site:		
Storeys 1 to 4  • 12m b/w habitable	12.0m+ between all Blocks	YES
rooms • 9m b/w habitable and	12.0m+ between all blocks	YES

non-habitable rooms		
• 6m b/w non-habitable	12.0m+ between all blocks	YES
rooms		
5 <sup>th</sup> storey		
• 18m b/w habitable	18.0m-32.2m	YES
rooms		
• 13m b/w habitable and	15.0m+ between all blocks	YES
non-habitable rooms		
• 9m b/w non-habitable	15.0m+ between all blocks	YES
rooms		
Internal amenity:		
Habitable rooms have a	2.7m	YES
minimum floor to		
ceiling height of 2.7m	25.04	TITIG
Non-habitable rooms	Min 2.4m	YES
have a minimum floor		
to ceiling height of		
2.4m	2 (f11 41 1 - 4	N/E/C
• 3+ bedroom units have	3m+ (for all three bedrooms)	YES
a minimum plan		
dimension of 3m in at		
least two bedrooms		
• Single corridors:	Block B: Ground - 14	NO
- serve a maximum of 8	Block B: Ground - 14 Block B: Level 3 - 14	NO NO
units	Block D: Ground - 14	NO
	Block D: Ground - 14 Block D: Level 3 - 14	NO
	Block E: Ground - 14	NO
	Block E: Level 3 - 14	NO
	Block E. Bever 3	110
- >1.5m wide	Min 1.5m wide corridors	YES
- >1.5m wide - >1.8m wide at lift	Min 1.8m wide lift lobby	YES
lobbies	ř	
Outdoor living:		
Ground floor	Block A: min 45.5m <sup>2</sup>	YES
apartments have a	Block B: min 36.8m <sup>2</sup>	YES
terrace or private	Block C: min 36m <sup>2</sup>	YES
courtyard greater than	Block D: min 28m <sup>2</sup>	YES
25m <sup>2</sup>	Block E: min 36m <sup>2</sup>	YES
	Block F: min 33.6m <sup>2</sup>	YES
		~
Balcony sizes:		
- 10m <sup>2</sup> - 1 bedroom	Block A: N/A	N/A

unit	Block B:	YES
-	Block C: Min 9m <sup>2</sup> (2 apartments undersized)	NO
-	Block D: Block E:	YES YES
-	Block E: Block F: N/A	YES
-	DIOCK F. IV/A	IES
-		
- 12m <sup>2</sup> - 2 bedroom	Block A: N/A	N/A
unit	Block B: 7 - 11m <sup>2</sup> (23 apartments undersized)	NO NO
unit	Block C: 10m <sup>2</sup> (23 apartments undersized)	NO NO
-	Block D: 8 - 10m <sup>2</sup> (8 apartments undersized)	NO NO
_	Block E: 7 - 11m <sup>2</sup> (12 apartments undersized)	NO NO
-	Block F: 10 - 11m <sup>2</sup> (10 apartments undersize)	NO NO
-	Block F. 10 - 11111 (10 apartments undersize)	NO
-		
- 15m <sup>2</sup> - 3 bedroom	Block A: N/A	N/A
unit	Block A: N/A Block B: 9 - 10m <sup>2</sup> (3 apartments undersized)	N/A NO
unit	Block C: 15m <sup>2</sup>	YES
	Block C: 13111  Block D: 15m <sup>2</sup>	YES
	Block E: 15m <sup>2</sup>	YES
	Block F: 9 - 12m <sup>2</sup> (6 apartments undersized)	NO
	block F. 9 - 12m (6 apartments undersized)	NO
NB. At least one space >10m² • Primary outdoor space has a minimum dimension of 2.4m	Min 2.4m <sup>2</sup>	
difficusion of 2.4m	Part 4.7 Social Dimension:	
Visitable units (min):	Ture in Social Difficultion.	
• 70% = 157 apartments	75% (169 apartments)	YES
Housing mix:	T	
<ul><li>Mix of sizes and types</li></ul>	1, 2 and 3 bedroom apartments	YES
• • • • • • • • • • • • • • • • • • • •	Resource, energy and water efficiency:	
Energy efficiency:		
• >65% of units are to	65%	YES
have natural cross		
ventilation		
<ul> <li>Single aspect units are</li> </ul>	Max 10m depth	YES
to have a maximum	•	
depth of 10m		
• 25% of kitchens are to	49%	YES
have an external wall		
for natural ventilation		
and light		

90% of units are to have a 4.5 start NatHERS rating with 10% achieving a 3.5 star rating	4.5 star rating = 90% 3.5 star rating = 10%  art 5 Parking and vehicular access:	YES YES
Car parking (min):		
252 resident spaces	254 spaces	YES
56 visitor spaces	56 spaces	YES
TOTAL 308 spaces	310 spaces	YES
Bicycle storage: 57	46	YES
Service vehicles		YES
	7.3 Memorial Avenue Precinct, St Ives	
Site location and site analysis:		~~~
<ul> <li>Pedestrian links to the</li> </ul>	Pedestrian links have been provided in the design of	YES
north, east and west of	the development to link Sturt Place through to	
the site are desirable.	Memorial Avenue and also to Killeaton Street.	MEG
		YES
Vehicular and		
pedestrian addresses		
should be provided to		
all future buildings in the centre of the block.		
Design Objectives:		
New buildings in Mona	Sufficient landscaping setbacks have been provided	YES
Vale Road and	to all the street frontages. Sufficient setbacks have	1125
Killeaton Street/Link	been provided between the apartment buildings on	
Road are placed in a	the site which meet or exceed the requirements of	
landscape setting with	SEPP 65.	
appropriate breaks	22.1 00.	
between buildings		
		YES
<ul> <li>Character of Memorial Avenue as a prestigious address is reinforced by</li> </ul>	Memorial Avenue is identified as the main address of the development, with the entrances to both basement car parks and the main pedestrian	- <del></del> ~
the development of 3 storey terrace type	entrance. The townhouse development along Memorial Avenue is a maximum height of 2 storeys	
buildings	which is less than the three storey height limit. The	
	Memorial Avenue frontage is designed to provide a landscaping link to the St Ives Village Green park to the west of the site.	
	the west of the site.	YES
Retention of significant	Significant trees along the edge of the precinct and	113

trees along the edge of the precinct and internally	internally will be retained (refer Conditions Nos 59 to 64 & 86, 87).	
Existing stormwater easements retained	The existing stormwater easement shall be retained.	YES
Car and pedestrian access to the centre of the site, and to the west, north and east of the site.	Pedestrian access for occupants has been provided throughout the site from Sturt Place to Memorial Avenue and also from Killeaton Street. No public pedestrian access from Sturt Street to Memorial Avenue is provided. Council has abandoned the proposed road through the site as shown in <b>Figure 25</b> in DCP 55.	YES
A new east-west link through the site providing vehicular access.	The proposed internal road has been abandoned by Council and the applicant has amended the design of application to reflect this.	N/A
• Southern side of the through link is addressed by 3 storey terrace type buildings	N/A	N/A
Interconnected underground carparking provided under buildings that avoids excessive loss of deep soil area.	Basement parking has been provided beneath the building envelope. The basement parking area does not compromise deep soil areas.	YES
Existing driveways removed from Mona Vale Road and access to underground car parks along Mona Vale Road are gained from the new through site link.	N/A	N/A
	Two access points are provide along Memorial	YES

Access to underground car parks along     Memorial Avenue gained from the northwest and south-west corner of the block.	Avenue	
• Figure 25 specifies lot amalgamations, building envelope controls, setbacks, basement parking locations and pedestrian and vehicular access.  The controls are Council's preferred scheme for achieving the design objectives for the precinct and any variation to this should be supported by documentation demonstrating how the alternative solution achieves the objectives.	Proposed development provides suitable justification addressing amendment to building envelope in relation to providing appropriate carparking layout and provision of suitable landscaping along side boundaries, between apartment buildings and around existing easement.	YES

#### Part 4.3 Setbacks:

#### Street boundary setbacks

A small part of the proposal fails to comply with the numerical standard of the DCP which requires a 10-12m street boundary setback. The setback of Apartment Block A to the Memorial Avenue street boundary is 8.5m. The reduction in setback is justified as Apartment Block A comprises three, two-storey townhouses. The setback for the bulk and scale of the townhouses is consistent with the established building line for existing single and two storey dwellings in Memorial Avenue.

A corner section of Block D encroaches the minimum specified 10-12m setback to Sturt Place. The south-eastern corner of Apartment Block D has a setback of 5.4m to Sturt Place, however less than 40% of the zone will be occupied by the building envelope. The encroachment involves a minor portion of the building, measuring some  $16m^2$  in area. The encroachment is justified due to the small area of the building that encroaches. The front setback and the orientation of the south-eastern corners of the building to Sturt Place will present the building in a less dominant form. There is adequate area within the Sturt Place setback to facilitate reasonable deep soil plantings.

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#### Side boundary setbacks

A small part of the proposed development fails to comply with the numerical controls of the DCP which requires that side setbacks for buildings be a minimum of 6m. The basement car park along the southern boundary of the site running from Memorial Avenue to the eastern end of Block E has a setback of 5m. However, this is only non-compliant below ground. The aim of this control is to ensure adequate space is provided between sites to enable effective landscaping, tree planting between buildings. Effective landscaping and tree planting can be provided (**refer Condition No 58**).

#### Part 4.4 Built form and articulation

## **Building** width

Two of the six apartment blocks exceed with the maximum building width control of 36m. Blocks B and C exceed this control by some 12.4m and 31m, respectively.

Both apartment Blocks B and C have generous setbacks complying with the minimum standards of the DCP and use a variety of building materials such as painted masonry, glass balustrading and timber to assist in the integration of the development with the surrounding residential land. Effective landscaping and tree planting can be provided to soften the length of each apartment block.

## Part 4.5 Residential amenity

#### Internal amenity

Blocks B, D and E fail to comply with the numerical controls of DCP 55 for the maximum number of apartments serviced by one corridor. The non-compliance relates only to the ground and third floors. The servicing of 14 apartments by a single corridor for two storeys will not compromise the design objectives for residential amenity. The corridor widths are reasonable and provide good amenity as a result of access to natural light and ventilation.

#### Balcony sizes

A total of eighty-seven (87) apartments out of the proposed 223 fail to comply with the minimum balcony size requirements under the DCP. The majority of these non-compliances are minor, being 1-2m<sup>2</sup> short of the minimum required balcony size. The balconies have a minimum width of at least two metres to make them functional despite their non-compliance with the DCP.

# Part 5 Parking and vehicular access

#### Bicycle storage

The total of forty-six (46) bicycle storage racks falls somewhat short of the required minimum of 57 under DCP 55. The departure is minor and the provision of (46) bicycle racks will still promote alternative methods of transport.

# **Development Control Plan No 31 - Access**

Matters for assessment under DCP 31 have been taken into account in the assessment of this application against DCP 55 and the proposal is satisfactory in this regard.

# **Development Control Plan No 40 - Construction and Demolition Waste**

Matters for assessment under DCP 40 have been taken into account in the assessment of this application against DCP 55 and the proposal is satisfactory in this regard.

# **Development Control Plan No 43 - Car Parking**

Matters for assessment under DCP 43 have been taken into account in the assessment of this application against DCP 55 and the proposal is satisfactory in this regard.

# **Development Control Plan No 47 - Water Management**

Matters for assessment under DCP 47 have been taken into account in the assessment of this application against DCP 55 and the proposal is satisfactory in this regard.

## Section 94 Plan

The development attracts a section 94 contribution of \$3,595,480.20 which is required to be paid by **Condition No 73.** 

The figure is calculated on the following basis, utilising Ku-ring-gai Section 94 Contributions Plan 2004-2009 Residential Development, adopted 30 June 2004.

Block	Small Under 75m²	Medium 75-110m²	Large 110-150m <sup>2</sup>	Very Large 150m² or more	Total
S94					
A	0	0	0	3	27
В	0	37	16	0	27
C	4	43	6	1	14
D	0	39	3	0	36
E	0	34	5	1	14
F	4	13	9	0	18
Sub total	8	167	42	6	223
	(\$94,271.20)	(\$2,827,235.30)	(\$927,364.23)	(\$161,620.00)	(\$4,048,016.20)
Credit					
Existing				14	209 (452,536.00)

TOTAL					\$3,595,480.20
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#### STRATA SUBDIVISION

The application also proposes strata subdivision of the apartments, parking area and comment space after the completion of the development.

## Relationship to adjoining development

The proposed strata subdivision will not alter the site's relationship to adjoining properties. The proposal will permit the units to be independently owned but will not alter their form, capacity or the facilities available to each. The impact of the strata subdivision on the amenity of the adjoining properties is considered acceptable.

## State Environmental Planning Policy No 10 - Low Cost Rental Accommodation

The existing housing on the site is not defined as being affordable housing under the provisions of State Environmental Planning Policy No 10 (SEPP No 10) - Low Cost Rental Accommodation as it does not constitute any of the following;

- a. A boarding house
- b. A hostel
- c. A residential flat building containing a low-rental dwelling.

Therefore, the application is not required to be referred to the Director General of DIPNR in accordance with the requirements of Clause 7(3) of SEPP No. 10.

#### Statutory controls

The subject site is zoned Residential 2(d3) under the provisions of KPSO. Development for the purposes of strata subdivision is permissible with the consent of Council. The proposed strata subdivision is considered to be consistent with the aims and objectives of the zone. A number of conditions in relation to strata subdivision have been recommended (**refer Conditions Nos 101 to 106**).

## 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**

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

#### PUBLIC INTEREST

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

## ANY OTHER RELEVANT MATTERS CONSIDERATIONS NOT ALREADY ADDRESSED

There are no other matters for assessment.

#### CONCLUSION

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

#### RECOMMENDATION

Pursuant to Section 80(3) of the Environmental Planning and Assessment Act, 1979

THAT the Council, as the consent authority, grant deferred commencement development consent to DA 221/05 for the Construction of six apartment buildings, including one row of townhouses, consisting of a total of 223 apartments, basement parking for 310 vehicles and strata subdivision into 223 lots on land at 5, 6, 7, 8 and 10 Sturt Place, 17 and 19 Memorial Avenue, 102-108 and 114-118 Killeaton Street, St Ives, for a period of two (2) years from the date of the Notice of Determination, subject to the following conditions:

#### SCHEDULE A

- 1. In order to activate the consent, the Applicant shall obtain a resolution from Ku-ring-gai Council that it will consent to the relocation/ augmentation of the pipe and easement(s) for drainage which currently burden the subject property. Council's Technical Services department will be responsible for preparing the necessary report to Council, subject to payment of the adopted fee for the preparation of such reports. A detailed hydraulic design for the new works is to be submitted with the application.
- NOTE: The matters referred to in Schedule A must be completed to Council's satisfaction within two years from the date of this deferred commencement consent before the consent operates.
- NOTE: It is the applicant's responsibility to check the title of the subject land to establish if the application is affected by any easements, covenants or restrictions on the use of the land that may affect the proposed structure.

This consent will be issued subject to conditions of approval as specified hereunder in Schedule B.

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This consent shall be read in conjunction with the approved plans and specifications.

The following conditions specified in Schedule B are to be imposed.

## **SCHEDULE B**

#### **GENERAL CONDITIONS**

The issue of this consent does not permit any construction work to commence on the site until such time as a construction certificate has been obtained.

Detailed working drawings and specifications, which are consistent with the Development Consent and conditions, must be submitted for consideration of the issue of a construction certificate.

Alterations, modification or variations to this consent can only be effected where Council approves an application to modify the Consent under Section 96 of the Environmental Planning and Assessment Act.

This consent shall lapse and be void if the building work or use to which it refers is not physically commenced prior to the date of expiry of the consent.

1. The development to be in accordance with Development Application No 252/05 and Development Application plans prepared by Group GSA Pty Ltd, reference numbered:

Drawing No:

04-134-0002-Issue 6 dated 7 November 2005 04-134-003-Issue 2 dated 21 October 2005 04-134-2001 Issue 13 dated 15 December 2005 04-134-2002 Issue 17 dated 15 December 2005 04-134-2003 Issue 14 dated 7 November 2005 04-134-2004 Issue 9 dated 5 October 2005 04-134-2005 Issue 7 dated 5 October 2005 04-134-2006 Issue 6 dated 5 October 2005 04-134-2007 Issue 8 dated 19 October 2005 04-134-2008 Issue 5 dated 20 October 2005 04-134-3001 Issue 5 dated 20 October 2005 04-134-3002 Issue 4 dated 27 September 2005 04-134-3003 Issue 4 dated 27 September 2005 04-134 -3004 Issue 5 dated 20 October 2005 04-134-3005 Issue 4 dated 27 September 2005 04-134-3006 Issue 5 dated 20 October 2005 04-134-3007 Issue 5 dated 20 October 2005 04-134-3008 Issue 5 dated 20 October 2005 04-134-3009 Issue 5 dated 20 October 2005 04-134-3010 Issue 5 dated 20 October 2005 04-134-3011 Issue 5 dated 20 October 2005 04-134-3101 Issue 4 dated 20 October 2005

- 2. All building works shall comply with the Building Code of Australia.
- 3. The submission of the approved plans to Sydney Water, before any work is commenced to ensure that the proposed structure meets that Authority's By-Laws. Failure to submit these plans before commencing work will render the owner liable to a penalty and may result in the demolition of work.
- 4. For the purpose of ensuring the compliance with the terms of the approval, an approved copy of the plan and this Consent and Construction Certificate shall be kept on site at all times.
- 5. For the purpose of safety and amenity of the area, no building materials, plant or the like are to be stored on the road or footpath without the written approval being obtained from the Council beforehand. The pathway shall be kept in a clean, tidy and safe condition during building operations. Council reserves the right, without notice, to rectify any such breach and to charge the cost against the applicant/owner/builder, as the case may be.
- 6. HOURS OF WORK: For the purpose of residential amenity, noise generating work carried out in connection with building and construction operation, including deliveries of building materials and equipment, is restricted to the following hours: Mondays to Fridays inclusive: 7.00am to 5.30pm. Saturdays: 8.00am to 12.00 noon. Sundays and Public Holidays: Not Permitted. The use of the following items of plant on the site is also restricted to the abovementioned hours: compressors, bulldozers, power operated woodworking machines, excavators and loaders, jackhammers, Ramset guns, concrete mixers and concrete delivery wagons, hoists, winches, welding and riveting plant.
  - Whilst work on Saturdays may be performed until 5.30pm, such work or any associated activities shall not involve the use of any noise generating processes or equipment.
- 7. For the purpose of public safety, a sign shall be erected on the site prior to any work commencing which is clearly visible from a public place stating that unauthorised entry to the site is not permitted and showing the name of the builder or another person responsible for the site and a telephone number for contact outside working hours. The sign may only be removed on satisfactory completion of the works.
- 8. A sign shall be erected in a prominent position on the site which states the name and contact details of the Principal Certifying Authority.
- 9. All excavations shall be properly guarded and protected with hoardings or fencing to prevent them from being dangerous to life and property.
- 10. Compliance with the notations overdrawn on the consent plans.
- 11. Any excavation of rock involving hydraulic or compressed air rock hammers or other excavation equipment shall comply with the requirements of Council's Code for the Control and Regulation of Noise on Building Sites.
- 12. 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.
- 13. With regard to the proposed rock breaking the following conditions are to be observed:
  - a. The Geotechnical Engineer shall supervise the works in progress.
  - b. A dilapidation report on adjoining or nearby properties shall be prepared prior to any excavation, rock breaking, or associated work commencing and shall be submitted to the Principal Certifying Authority.
  - c. All material removed from or imported to the site shall be loaded, unloaded or conveyed in such a manner that will minimise nuisance. Trucks shall be covered and site controls shall include shaker grids at the exits of the site. All materials falling to any part of the road or footpath or any public place shall be immediately cleaned up.
  - d. All material removed from or imported to the site shall be loaded, unloaded or conveyed in such a manner that will minimise nuisance. Trucks shall be covered and site controls shall include shaker grids at the exits of the site. All materials falling to any part of the road or footpath or any public place shall be immediately cleaned up.
- 14. All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.
  - All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.
- 15. If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:
  - a. must preserve and protect the building from damage, and
  - b. if necessary, must underpin and support the building in an approved manner, and
  - c. must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

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

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

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

If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.

The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.

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

- 19. The developer shall submit to Council a letter from the energy supply authority and either Telstra or Optus, confirming that satisfactory arrangements have been made for the provision of underground telephone and power services, prior to the release of the Subdivision Certificate or Occupation. Application may be made to Energy Australia Phone No. 13 1525 and either Optus, Network Operations, Facsimile No 9837 9060, Phone No 9837 9010, or Telstra Phone No 12 455.
- 20. All noise generating equipment associated with any proposed mechanical ventilation system/s shall be located and/or soundproofed so the equipment is not audible within a habitable room in any other residential premises before 7am and after 10pm Monday to Friday and before 8am and after 10pm Saturday, Sunday and Public Holidays. Furthermore, the operation of the unit outside these restricted hours shall emit a noise level of not greater than 5dbA above the background when measure at the nearest adjoining boundary.
- 21. The fence and footings shall be constructed entirely within the boundaries of the property.
- 22. The demolition is to be carried out in accordance with the guidelines contained in Australian Standard 2601-1991: The Demolition of Structures.
- 23. Access to demolition sites shall be protected as directed by the Principal Certifying Authority by the use of suitable fences or hoardings.

- 24. Existing stormwater lines on the site are to be blocked and made inoperable after buildings are demolished so as to prevent the conveyance of silt or sediments into the gutter or street drainage system.
- 25. All combustible material shall be removed from the site on a daily basis. Material shall not be burnt on the site.
- 26. Adequate precautions shall be taken to ensure the protection of adjoining premises and persons therein from damage and injury during the process of demolition.
- 27. Buildings built prior to the 1970's may contain lead based paint. Lead dust is a hazardous substance. You are advised to follow the attached WorkCover guidelines to prevent personal and environmental contamination.
- 28. The applicant or builder/developer is responsible for the cost of making good any damage that may be caused to any Council property as a result of work associated with the demolition.
- 29. A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
  - a. stating that unauthorised entry to the work site is prohibited, and
  - b. showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.

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

This clause does not apply to:

- a. building work carried out inside an existing building, or
- b. building work carried out on premises that are to be occupied continuously (both during and outside working hours) while the work is being carried out.
- 30. All demolition materials of value for re-use either on-site or elsewhere, shall be separated and made available for re-cycling.
- 31. Stormwater runoff from all hard surfaces generating runoff or landscaped areas that are not at natural ground level shall be piped and connected to the Council drainage system within the site.
- 32. A mandatory rainwater re-use tank system comprising stormwater tanks and rainwater tanks of minimum volume required in chapter 6 of Councils Water Management Development Control Plan 47 (DCP47), must be provided for the development. Retained water must be made available for garden irrigation, car washing, all toilet flushing and laundry use within each unit. A mains top-up shall be provided for periods of low rainfall, with a void space left for runoff storage purposes. If a BASIX Certificate demonstrating a Water score of 40% is submitted to justify some other rainwater re-use regime, then the retention component of site water management is to be in accordance with those commitments.

- 33. For stormwater control, 200mm wide grated channel/trench drains with heavy-duty removable galvanised grates are to be strategically placed to collect driveway runoff and must be connected to the main stormwater drainage system. The channel drain shall have an outlet of minimum diameter 150mm to prevent blockage by debris.
- 34. A maintenance period of six (6) months shall apply to all works in the public road reserve carried out by the applicant after works have been completed to Council's satisfaction. In that period, the applicant shall be liable for any section of the work which fails to perform in the manner outlined in Council's specifications, or as would reasonably be expected under the operating conditions.
- 35. Where required, the adjustment or additions of any utility service facilities must be carried out by the applicant and in accordance with the requirements of the relevant utility authority. These works shall be at no cost to Council. It is the Applicants responsibility to ascertain impacts of the proposal upon utility services and Council accepts no responsibility for any matter arising from its approval to this application involving an influence upon utility services provided by another authority.
- 36. All public footways and accessways fronting and adjacent to the site are to be maintained in a safe condition at all times during the course of the development works. A safe pedestrian circulation route and a pavement/route free of trip hazards must be maintained at all times on or adjacent to the public access ways fronting the construction site. Where public infrastructure is damaged, repair works must be carried out when and as directed by Council officers. Where circulation is diverted on to the roadway, clear directional signage and protective barricades must be installed in accordance with AS1742-3 1996 "Traffic Control Devices for Work on Roads". If pedestrian circulation is not satisfactorily maintained, and action is not taken promptly to rectify the defects, Council may undertake proceedings to stop work.
- 37. The provision of temporary sediment and erosion control facilities and measures are to be installed, prior to the commencement of any works on the site to eliminate unnecessary erosion and loss of sediment. These facilities must be maintained in working order during construction works and up to the completion of the maintenance period. All sediment traps must be cleared on a regular basis and after each major storm, and/or as directed by the Principal Certifying Authority and Council officers.
- 38. Driveways and access ramps must be designed not to scrape the underside of cars. In all respects, the proposed vehicle access and accommodation arrangements must be designed and constructed to comply with Australian Standard 2890.1 2004 "Off-Street car parking" as a minimum requirement.
- 39. For the purpose of any further plan assessment and works inspections by Council engineers, the corresponding fees set out in Councils adopted Schedule of Fees and Charges are payable to Council. A re-inspection fee per visit may be charged where work is unprepared at the requested time of inspection, or where remedial work is unsatisfactory and a further inspection is required. Engineering fees must be paid in full prior to any final sign-off from Council.

- 40. The Applicant must obtain a **Section 73 Compliance Certificate** under the *Sydney Water Act* 1994. An application must be made through an authorised Water Servicing Coordinator. Applicant shall refer to "Your Business" section of Sydney Water's web site at <a href="https://www.sydneywater.com.au">www.sydneywater.com.au</a> then the "e-developer" icon or telephone 13 20 92. Following application a "Notice of Requirements" will detail water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.
- 41. During construction, stormwater runoff must be disposed in a controlled manner that is compatible with the erosion and sediment controls on the site. Immediately upon completion of any impervious areas on the site (including roofs, driveways, paving) and where the final drainage system is incomplete, the necessary temporary drainage systems shall be installed to control runoff as far as the approved point of stormwater discharge. Such measures shall be to the satisfaction of the Principal Certifying Authority (PCA).
- 42. The geotechnical and hydrogeological works implementation, inspection, testing and monitoring program for the construction works must be in accordance with the report prepared prior to commencement of excavation. Over the course of the works a qualified Geotechnical/hydrogeological Engineer must complete the following:
  - Further geotechnical investigations and testing recommended in the above report(s) and as determined necessary,
  - Further monitoring and inspection at the hold points recommended in the above report(s) and as determined necessary,
  - Written report(s) including certification(s) of the geotechnical inspection, testing and monitoring programs.
- 43. Approval is to be obtained from Ku-ring-gai Council Traffic Committee for any temporary public road closures and/or placement or cranes on public land.
- 44. All construction traffic control and management measures shall be implemented in accordance with an approved *Construction Traffic Management Plan* to be submitted and approved by Council prior to the commencement of works. The Principal Certifying Authority shall monitor the traffic control and management situation over the course of construction works, and shall pay particular attention to traffic control during school drop off and collection hours. Where it is found that the Traffic control and management measures may be improved, this shall be undertaken under the supervision of qualified traffic control persons and in consultation with Council.
- 45. In order to allow unrestricted access for Council waste collection vehicles to the basement garbage storage/collection area, no doors or gates shall be provided in the access driveways to the basement carpark which would prevent this service.

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- 46. All new public utility services, or appropriate conduits for the same, including electricity, gas, telephone, water and sewerage shall be provided underground by the developer in accordance with the specifications of the supply authorities.
- 47. Staging of trunk drainage diversion works must take place in the following sequence:
  - Ku-ring-gai Council approves through resolution the relocation of the Council drainage 1. easement through the site (in accordance with schedule A condition).
  - 2. Plans for the relocation of the pipeline are approved (under Schedule A) and stamped by Council Technical Services Department prior to commencement of any works within site (except demolition) and prior to issue of the Construction Certificate by the Principal Certifying Authority. Plan assessment and inspection fees paid to Council.
  - 3. The new pipeline is installed by the Applicant in accordance with the approved drawings and any conditions required by Council and in conjunction with basement excavation works. A flowpath through the site is maintained during pipelaying works.
  - The redundant Council drainage line is decommissioned and the new drainage line 4. made operative.
- The proposed development should be designed such that road traffic noise from Mona Vale Road is mitigated by durable materials, in accordance with EPA criteria for new land use developments (The Environmental Criteria for Road Traffic Noise, May 1999). The RTA's Environmental Noise Management Manual provides practical advice in selecting noise mitigation treatments.

Where the EPA external noise criteria would not practically or reasonably be met., the RTA recommends that Council applies the following internal noise objectives for all habitable rooms under ventilated conditions complying with the requirements of the Building Code of Australia:

- All habitable rooms other than sleeping rooms: 45 dB(A) Leq(IShr) and 40 dB(A) Leq(9hr) and
- Sleeping rooms: 35dB(A) Leq(9hr)
- 49. Off-street parking associated with the proposed development (including driveways, aisle widths, aisle lengths, ramp grades, parking bay dimensions sight distances and loading bays etc) should be designed in accordance with AS 2890.1-2004, AS 2890.2-2002 and AS 2890.3.
- 50. All works associated with the development are to be at no cost to the RTA.
- For the purpose of health and amenity, the disposal of backwash and/or the emptying of a swimming pool into a reserve, watercourse, easement or stormwater drainage system is prohibited. These waters are to discharge via a permanent drainage line into the Sydney Water's sewer. Permission is to be obtained from the Sydney Water prior to the emptying of any pool to the sewer.
- 52. To ensure compliance with the relevant standards, an effective and approved safety fence with self closing gate complying with the minimum requirements of Australian Standard 1926-1986 "Fences and Gates for Private Swimming Pools" shall be provided to the Principal

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

- 53. For stormwater control, provision shall be made for the collection and disposal of all run-off surface waters from paved areas, recontoured areas, pool overflow and higher levels. All collected waters are to be dispersed without causing nuisance to the adjoining properties.
- 54. For safety purposes, depth markers shall be provided at both ends of the pool.
- 55. For safety purposes, prior to the pool being filled a weather resistant poster detailing expired air resuscitation (mouth to mouth) methods shall be affixed within plain sight of the pool. A sign/notice with the words "YOUNG CHILDREN SHOULD BE SUPERVISED WHEN USING THIS SWIMMING POOL" shall be erected in clear view and in close proximity to the pool.
- 56. All filtration equipment shall be located in the position as shown on plan, unless as varied by this consent. Where the filtration and electrical equipment is located near a boundary, such equipment shall be positioned not closer than 150mm from the boundary fencing, if any, and electrical conduits and fittings or circulation pipes shall not be attached to any part of the fencing. Filtration or other equipment shall not be installed in the area of the side boundary setback of the dwelling or outbuilding unless that side boundary setback is greater than 1500mm. For the purpose of residential amenity, the filtration motor pump unit shall be housed in a sound attenuating enclosure and located where indicated on the approved plans or as varied by this consent.
- 57. The trees to be retained shall be inspected, monitored and treated when necessary by a qualified Arborist before, during and after completion of development works to ensure their long term survival. Regular inspections and documentation from the Arborist to the Principal Certifying Authority are required at the following times or phases of work.

Tree/location
All existing trees located on site being retained

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

- 58. Landscape works shall be carried out in accordance with Landscape Drawing No DA-0435-03 and DA-0435-04, prepared by GSA and dated 20/01/06 submitted with the Development Application, except as amended by the following:
  - An additional three native endemic tree species capable of attaining a minimum height of 13.0m is to be planted within the grassed area on the southern side of Block C between

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the Sturt Pl site frontage. The trees are to be spaced so that their mature canopies do not meet.

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

Tree/Location #6231 Syzigium paniculatum (Bush Cherry) Adjacent to southern site boundary	Tree Works 3.0m
#6055 <i>Cedrus deodar</i> (Himalayan Cedar) Adjacent to south-east site corner	10.0m
#7618 Nyssa sylvatica (Tupelo) Adjacent to northern/Killeaton Street site boundary	5.0m
#5582 <i>Jacaranda mimosifolia</i> (Jacaranda mimosifolia) Adjacent to northern/21 Memorial Ave site boundary	5.0m

- 60. If tree roots are required to be severed for the purposes of constructing the approved works they shall be cut cleanly by hand, by an experienced Arborist/Horticulturist with a minimum qualification of the Horticulture Certificate or Tree Surgery Certificate.
- 61. No tree roots of 30mm or greater in diameter located within the specified radius of the trunk/s of the following, tree/s shall be severed or injured in the process of any site works during the construction period.

Tree/Location  Corymbia maculata (Lemon Scented Gum)  Adjacent to western site boundary in neighbouring property (21 Memorial Ave)	Radius From Trunk 5.0m
#6458 <i>Platanus x hybrida</i> (London Plane Tree) Adjacent to western site boundary	5.0m
#6327 Syzigium paniculatum (Bush Cherry) Adjacent to western site boundary	5.0m
#6293 Syzigium paniculatum (Bush Cherry) Adjacent to south-west site corner	9.0m
#6259 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to southern site boundary	10.0m
#6255 Syzigium paniculatum (Bush Cherry) Adjacent to southern site boundary	5.0m
#6231 Syzigium paniculatum (Bush Cherry) Adjacent to southern site boundary	3.0m
#5826 Chamaecyparis lawsoniana (Cypress)	5.0m

Adjacent to southern site boundary in neighbouring property	
#5814 <i>Magnolia soulangeana</i> (Soul's Magnolia) Adjacent to southern site boundary in neighbouring property	3.0m
#5813 <i>Camellia japonica</i> (Japanese Camellia) Adjacent to southern site boundary	3.0m
#5808 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to southern site boundary	5.0m
#5493 <i>Camellia sasanqua</i> (Chinese Camellia) Sturt Pl nature strip	3.0m
#5950 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to southern site boundary	4.0m
#5831 Franklinia axillaris (Gordonia) Adjacent to southern site boundary	3.0m
#5482 <i>Camellia sasanqua</i> (Chinese Camellia) Sturt Pl nature strip	5.0m
#5481 <i>Camellia sasanqua</i> (Chinese Camellia) Sturt Pl nature strip	5.0m
#5478 <i>Camellia sasanqua</i> (Chinese Camellia) Sturt Pl nature strip	3.0m
#5951 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to southern/Sturt Pl site boundary	6.0m
#5472 <i>Camellia sasanqua</i> (Chinese Camellia) Sturt Pl nature strip	2.0m
#5469 Araucaria hetrophylla (Norfolk Island Pine) Sturt Pl nature strip	3.0m
#5468 Araucaria hetrophylla (Norfolk Island Pine) Sturt Pl nature strip	3.0m
#5791 <i>Jacaranda mimosifolia</i> (Jacaranda) Sturt Pl nature strip	4.0m
#5792 <i>Jacaranda mimosifolia</i> (Jacaranda) Sturt Pl nature strip	4.0m
#5464 <i>Melaleuca quinquenervia</i> (Broad leaf Paperbark) Sturt Pl nature strip	6.0m
#5465 <i>Melaleuca quinquenervia</i> (Broad leaf Paperbark) Sturt Pl nature strip	6.0m
#6054 Banksia integrifolia (Banksia) Adjacent to southeast site boundary	3.0m

#6055 Cedrus deodar (Himalayan Cedar) Adjacent to south-east site corner	10.0m
#6079 Ceratopetalum gummiferum (NSW Xmas Bush) Adjacent to south-east site corner	3.0m
#6080 Michelia figo (Port Wine Magnolia) Adjacent to south-east site corner	5.0m
#6082 <i>Camellia japonica</i> (Japanese Camellia) Adjacent to south east site corner	4.0m
#7798 <i>Ulmus parvifolia</i> (Chinese Elm) Adjacent to north-east/Killeaton St site boundary	6.0m
#7965 Nyssa sylvatica (Tupelo) Adjacent to north east/Killeaton St site boundary	6.0m
#7994 <i>Cedrus deodar</i> (Himalayan Cedar) Adjacent to north-east/Killeaton St site boundary	7.0m
# 7616 Nyssa sylvatica (Tupelo) Adjacent to northern/Killeaton St site boundary	7.0m
#7617 Nyssa sylvatica (Tupelo) Adjacent to northern/Killeaton St site boundary	5.0m
#7618 <i>Nyssa sylvatica</i> (Tupelo) Adjacent to northern/Killeaton St site boundary	5.0m
#7584 <i>Pseudopanax lessonii</i> (Coastal Five Finger) Adjacent to northern/Killeaton St site boundary	5.0m
#5582 <i>Jacaranda mimosifolia</i> (Jacaranda mimosifolia) Adjacent to northern/21 Memorial Ave site boundary	5.0m
#5588 Camellia sasanqua (Chinese Camellia) Adjacent to northern/21 Memorial Ave site boundary	4.0m
#5605 Camellia sasanqua (Chinese Camellia) Adjacent to northern/21 Memorial Ave site boundary	3.0m
#5600 <i>Melaleuca quinquenervia</i> (Broad leaf Paperbark) Adjacent to northern/21 Memorial Ave site boundary	5.0m
#5599 <i>Calodendron capense</i> (Cape Chestnut) Adjacent to northern/21 Memorial Ave site boundary	6.0m
#5606 Eucalyptus ficifolia (Red Bloodwood) Adjoining north east site corner within neighbouring property (21 Memorial Ave)	6.0m

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62. No mechanical excavation for the approved residential flat buildings shall be undertaken within the specified radius of the trunk/s of the following tree/s until root pruning by hand along the perimeter line of such works is completed:

Tree/Location #6231 Syzigium paniculatum (Bush Cherry) Adjacent to southern site boundary	Radius From Trunk 4.0m
#6055 <i>Cedrus deodar</i> (Himalayan Cedar) Adjacent to south-east site corner	12.0m
#7798 <i>Ulmus parvifolia</i> (Chinese Elm) Adjacent to north-east/Killeaton St site boundary	6.0m
#7994 <i>Cedrus deodar</i> (Himalayan Cedar) Adjacent to north-east/Killeaton St site boundary	8.0m
# 7616 Nyssa sylvatica (Tupelo) Adjacent to northern/Killeaton St site boundary	8.0m
#7618 Nyssa sylvatica (Tupelo) Adjacent to northern/Killeaton St site boundary	8.0m
#5582 <i>Jacaranda mimosifolia</i> (Jacaranda mimosifolia) Adjacent to northern/21 Memorial Ave site boundary	7.0m

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

Tree/Location	Radius From Trunk
Corymbia maculata (Lemon Scented Gum) Adjacent to western site boundary in neighbouring property (21 Memorial Ave)	5.0m
#6458 <i>Platanus x hybrida</i> (London Plane Tree) Adjacent to western site boundary	5.0m
#6327 Syzigium paniculatum (Bush Cherry) Adjacent to western site boundary	5.0m
#6293 Syzigium paniculatum (Bush Cherry) Adjacent to south-west site corner	9.0m
#6259 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to southern site boundary	10.0m
#6255 Syzigium paniculatum (Bush Cherry) Adjacent to southern site boundary	5.0m
#6231 Syzigium paniculatum (Bush Cherry) Adjacent to southern site boundary	3.0m
#5826 Chamaecyparis lawsoniana (Cypress)	5.0m

Adjacent to southern site boundary in neighbouring property	
#5814 Magnolia soulangeana (Soul's Magnolia) Adjacent to southern site boundary in neighbouring property	3.0m
#5813 <i>Camellia japonica</i> (Japanese Camellia) Adjacent to southern site boundary	3.0m
#5808 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to southern site boundary	5.0m
#5493 <i>Camellia sasanqua</i> (Chinese Camellia) Sturt Pl nature strip	3.0m
#5950 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to southern site boundary	4.0m
#5831 Franklinia axillaris (Gordonia) Adjacent to southern site boundary	3.0m
#5482 <i>Camellia sasanqua</i> (Chinese Camellia) Sturt Pl nature strip	5.0m
#5481 <i>Camellia sasanqua</i> (Chinese Camellia) Sturt Pl nature strip	5.0m
#5478 <i>Camellia sasanqua</i> (Chinese Camellia) Sturt Pl nature strip	3.0m
#5951 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to southern/Sturt Pl site boundary	6.0m
#5472 <i>Camellia sasanqua</i> (Chinese Camellia) Sturt Pl nature strip	2.0m
#5469 <i>Araucaria hetrophylla</i> (Norfolk Island Pine) Sturt Pl nature strip	3.0m
#5468 Araucaria hetrophylla (Norfolk Island Pine) Sturt Pl nature strip	3.0m
#5791 <i>Jacaranda mimosifolia</i> (Jacaranda) Sturt Pl nature strip	4.0m
#5792 <i>Jacaranda mimosifolia</i> (Jacaranda) Sturt Pl nature strip	4.0m
#5464 <i>Melaleuca quinquenervia</i> (Broad leaf paparebark) Sturt Pl nature strip	6.0m
#5465 <i>Melaleuca quinquenervia</i> (Broad leaf paparebark) Sturt Pl nature strip	6.0m
#6054 Banksia integrifolia (Banksia) Adjacent to south-east site boundary	3.0m

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#6055 Cedrus deodar (Himalayan Cedar) Adjacent to south-east site corner	10.0m
#6079 Ceratopetalum gummiferum (NSW Xmas Bush) Adjacent to south-east site corner	3.0m
#6080 Michelia figo (Port Wine Magnolia) Adjacent to south-east site corner	5.0m
#6082 <i>Camellia japonica</i> (Japanese Camellia) Adjacent to south-east site corner	4.0m
#7798 <i>Ulmus parvifolia</i> (Chinese Elm) Adjacent to north-east/Killeaton St site boundary	6.0m
#7965 Nyssa sylvatica (Tupelo) Adjacent to north-east/Killeaton St site boundary	6.0m
#7994 <i>Cedrus deodar</i> (Himalayan Cedar) Adjacent to north-east/Killeaton St site boundary	7.0m
# 7616 Nyssa sylvatica (Tupelo) Adjacent to northern/Killeaton St site boundary	7.0m
#7617 Nyssa sylvatica (Tupelo) Adjacent to northern/Killeaton St site boundary	5.0m
#7618 Nyssa sylvatica (Tupelo) Adjacent to northern/Killeaton St site boundary	5.0m
#7584 <i>Pseudopanax lessonii</i> (Coastal Five Finger) Adjacent to northern/Killeaton St site boundary	5.0m
#5582 <i>Jacaranda mimosifolia</i> (Jacaranda mimosifolia) Adjacent to northern/21 Memorial Ave site boundary	5.0m
#5588 <i>Camellia sasanqua</i> (Chinese Camellia) Adjacent to northern/21 Memorial Ave site boundary	4.0m
#5605 <i>Camellia sasanqua</i> (Chinese Camellia) Adjacent to northern/21 Memorial Ave site boundary	3.0m
#5600 <i>Melaleuca quinquenervia</i> (Broad leaf paperbark) Adjacent to northern/21 Memorial Ave site boundary	5.0m
#5599 Calodendron capense (Cape Chestnut) Adjacent to northern/21 Memorial Ave site boundary	6.0m
#5606 Eucalyptus ficifolia (Red Bloodwood) Adjoining north-east site corner within neighbouring property (21 Memorial Ave)	6.0m

64. Excavation for the installation of CONDUITS/SEWER/STORMWATER/GAS within the specified radius of the trunk/s of the following tree/s shall be carried out using the thrust

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boring method. Thrust boring shall be carried out at least 600mm beneath natural ground level to minimise damage to tree/s root system

-	
Tree/Location  Corymbia maculata (Lemon Scented Gum)  Adjacent to western site boundary in neighbouring property (21 Memorial Ave)	Radius From Trunk 5.0m
#5808 Jacaranda mimosifolia (Jacaranda) Adjacent to southern site boundary	5.0m
#5493 <i>Camellia sasanqua</i> (Chinese Camellia) Sturt Pl nature strip	3.0m
#5950 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to southern site boundary	4.0m
#5482 <i>Camellia sasanqua</i> (Chinese Camellia) Sturt Pl nature strip	5.0m
#5481 <i>Camellia sasanqua</i> (Chinese Camellia) Sturt Pl nature strip	5.0m
#5478 Camellia sasanqua (Chinese Camellia) Sturt Pl nature strip	3.0m
#5951 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to southern/Sturt Pl site boundary	6.0m
#5464 <i>Melaleuca quinquenervia</i> (Broad leaf Paperbark) Sturt Pl nature strip	6.0m
#5465 <i>Melaleuca quinquenervia</i> (Broad leaf Paperbark) Sturt Pl nature strip	6.0m
#6055 <i>Cedrus deodar</i> (Himalayan Cedar) Adjacent to south-east site corner	10.0m
#7798 <i>Ulmus parvifolia</i> (Chinese Elm) Adjacent to north-east/Killeaton St site boundary	6.0m
#7965 Nyssa sylvatica (Tupelo) Adjacent to north-east/Killeaton St site boundary	6.0m
#7994 <i>Cedrus deodar</i> (Himalayan Cedar) Adjacent to north-east/Killeaton St site boundary	7.0m
# 7616 Nyssa sylvatica (Tupelo) Adjacent to northern/Killeaton St site boundary	7.0m
#7617 Nyssa sylvatica (Tupelo) Adjacent to northern/Killeaton St site boundary	5.0m
#7618 Nyssa sylvatica (Tupelo)	5.0m

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Adjacent to northern/Killeaton St site boundary

#5582 Jacaranda mimosifolia (Jacaranda mimosifolia)

5.0m

Adjacent to northern/21 Memorial Ave site boundary

- 65. The applicant shall ensure that at all times during the site works no activities, storage or disposal of materials shall take place beneath the canopy of any tree protected under Council's Tree Preservation Order.
- 66. The following tree species shall be planted, at no cost to Council, in the nature strip fronting the property along Killeaton St as an evenly spaced formal avenue planting. The tree/s used shall be a minimum 25 litre container size specimen/s trees:

Tree Species Quantity Syncarpia glomulifera (Turpentine) 20

67. The following tree species shall be planted, at no cost to Council, in the nature strip fronting the property along Memorial Ave as an evenly spaced formal avenue planting. The tree/s used shall be a minimum 25 litre container size specimen/s trees:

Tree Species Quantity Syncarpia glomulifera (Turpentine) 10

- 68. 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.
- 69. The canopy replenishment trees to be planted shall be maintained in a healthy and vigorous condition until they attain a height of 5.0 metres whereby they will be protected by Council's Tree Preservation Order. Any of the trees found faulty, damaged, dying or dead shall be replaced with the same species.

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

70. The Long Service Levy is to be paid to Council in accordance with the provisions of Section 34 of the Building and Construction Industry Payments Act 1986 prior to the issue of the Construction Certificate.

Note: Required if cost of works exceed \$25,000.00.

71. The Infrastructure Restorations Fee calculated in accordance with the Council's adopted schedule of Fees and Charges is to be paid to the Council prior to any earthworks or construction commencing. The applicant or builder/developer will be held responsible for and liable for the cost any damage caused to any Council property or for the removal of any waste bin, building materials, sediment, silt, or any other article as a consequence of doing or not doing anything to which this consent relates. "Council Property" includes footway, footpath paving, kerbing, guttering, crossings, street furniture, seats, litter bins, trees, shrubs, lawns mounds, bushland, and similar structures or features on road reserves or any adjacent

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public place. Council will undertake minor restoration work as a consequence of the work at this site in consideration of the "Infrastructure Restorations Fee" lodged with the Council prior to the release of the Construction Certificate. This undertaking by the Council does not absolve the applicant or Builder/developer of responsibility for ensuring that work or activity at this site does not jeopardise the safety or public using adjacent public areas or of making good or maintaining "Council property" (as defined) during the course of this project.

- 72. Prior to commencing any construction or subdivision work, the following provisions of the Environmental Planning & Assessment Act, 1979 (the 'Act') are to be complied with:
  - a. A Construction Certificate is to be obtained in accordance with Section 81A(2)(a) of the Act.
  - b. A Principal Certifying Authority is to be appointed and Council is to be notified of the appointment in accordance with Section 81A(2)(b) of the Act.
  - c. Council is to be notified in writing, at least two (2) days prior to the intention of commencing buildings works, in accordance with Section 81A(2)(c) of the Act.
  - d. Should the development be certified by a Principal Certifying Authority other than Council, a fee for each Part 4A Certificate is to be paid to Council on lodgement of those Certificates with Council.
- 73. 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 209 ADDITIONAL DWELLINGS IS CURRENTLY \$3,595,480.20. The amount of the payment shall be in accordance with the Section 94 charges as at the date of payment. The charges may vary at the time of payment in accordance with Council's Section 94 Contributions Plan to reflect changes in land values, construction costs and the consumer price index.

This contribution shall be paid to Council prior to the release of the Construction Certificate and the amount payable shall be in accordance with the Council's adopted Section 94 Contributions Plan for Residential Development, effective from 30 June 2004, calculated for additional person as follows:

1.	Community Facilities	\$1 117.76
2.	Park Acquisition and Embellishment Works - St Ives	\$6 574.28
3.	Sportsgrounds Works	\$1 318.32
4.	Aquatic / Leisure Centres	\$27.82
5.	Traffic and Transport	\$150.28
6.	Section 94 Plan Administration	\$100.04

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

## OCCUPANCY RATES FOR DIFFERENT DWELLING SIZES

Small dwelling (under 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

74. Prior to issue of the Construction Certificate the Applicant must consolidate the existing Torrens lots which will form the development site. Evidence of lot consolidation, in the form of a plan registered with Land and Property Information, must be submitted for approval of the Principal Certifying Authority prior to issue of the Construction Certificate. This condition is imposed to ensure continuous structures will not be placed across separate titles.

# 74A. 1. Demolition of a non-heritage item or not in a UCA

A report is to be submitted and approved to the heritage officer's satisfaction prior to commencement of the work and prior to issue of a Construction Certificate.

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

The report is to be a bound A4 report. Three copies of the report must be submitted, one copy with negatives.

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

- All elevation of houses to be demolished and selected interiors.
- All structures on site such as sheds, outhouses and significant landscape features
- Several photographs of house from public streets or laneways including several views showing relationship to neighbouring buildings.

#### Minimum requirements:

- Title page
- Statement of reasons the recording was made
- Copy of site Survey
- Sketches of the floor plans showing the location of the camera for each photograph.
- Black & White archival quality photographs, contact prints with negatives and selected prints (one copy of negatives other copies with contact sheets and selected prints)

Digital images and CDs may be submitted as supplementary information but are not considered suitable for archival purposes.

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- 75. Prior to issue of the Construction Certificate any security gate, grille or door shown on the DA plans, which would prevent unrestricted access for Council waste collection vehicles to the basement garbage storage/collection area, must be deleted from the plans to be approved with the Construction Certificate. Such details shall be to the satisfaction of the Principal Certifying Authority (PCA).
- 76. Prior to issue of the Construction Certificate, a plan detailing services trenches in accordance with the relevant supply authorities (including electricity, gas, telephone, water and sewerage), shall be submitted for approval by the Principal Certifying Authority (PCA). The notice of requirements for Sydney Water must be obtained prior to issue of the Construction Certificate.
- 77. Prior to issue of the Construction Certificate the Applicant shall contact Energy Australia regarding power supply for the subject development. A written response detailing the full requirements of Energy Australia (including cabling, need for substations or similar within the development) shall be submitted to the Principal Certifying Authority (PCA) for approval prior to Construction Certificate issue. Any structures or requirements of Energy Australia shall be reflected on the plans issued with the Construction Certificate to the satisfaction of the PCA. The requirements of the utility provider shall be met in full prior to issue of the Occupation Certificate.
- 78. Prior to issue of the Construction Certificate, footpath and driveway levels for the required driveway crossing between the property boundary and road alignment must be obtained from Council. Such levels are only able to be issued by Council under the *Roads Act 1993*. All footpath crossings, laybacks and driveways are to be constructed according to Council's specifications "Construction of Gutter Crossings and Footpath Crossings" or as specified by Council. These are issued with alignment levels after completing the necessary application form at Customer Services and payment of the adopted fee.

The grading of such footpaths or driveways outside the property shall comply with Council's standard requirements. The suitability of the grade of such paths or driveways inside the property is the sole responsibility of the applicant and the alignment levels fixed by Council may affect these. Approval of this Development Application is for works wholly within the property. DA consent does not imply approval of footpath or driveway levels, materials or location within the road reserve regardless of whether this information is shown on the application documents. The construction of footpaths and driveways outside the property, in materials other than those approved by Council, is not permitted and Council may require immediate removal of unauthorised installations. When completing the request for driveway levels application from Council, the applicant must attach a copy of the relevant Development Application drawing which indicates the position and proposed level of the proposed driveway at the boundary alignment. Failure to submit this information may delay processing.

79. Prior to issue of the Construction Certificate the applicant shall submit, for approval by the Principal Certifying Authority (PCA), a Soil and Erosion Control Plan prepared in accordance

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with the LANDCOM document "Soils and Construction" (2004). A suitably qualified and experienced civil/environmental engineer or surveyor shall prepare this plan in accordance with the above guidelines and section 8.2.1 of Councils Water Management DCP 47 (available on the Council website).

- 80. Prior to issue of the Construction Certificate the applicant shall submit, for approval by the Principal Certifying Authority (PCA), construction details and specifications for the proposed overland flow conveyance structures through the site. The plans, with all supporting documentation, are to be prepared by a qualified and experienced civil/hydraulic engineer who shall recommend an appropriate design storm event (1:100 year storm as an absolute minimum) in order to reasonably protect all ground floor units from inundation over the life of the development. Inlet pits for the system on the upstream side of the basement must be located on common property.
- 81. Prior to issue of the Construction Certificate the applicant shall submit, for approval by the Principal Certifying Authority (PCA), construction details for the proposed method of achieving Council requirements for the mandatory re-use of water on the property. The necessary plumbing components for re-use, including pumps and back up power supply in the event of blackout, shall be shown on these plans to a detail suitable for installation by the plumbing services contractors. The plans, with all supporting documentation, are to be prepared by a qualified and experienced civil/hydraulic engineer.
- 82. Prior to issue of the Construction Certificate the applicant shall submit, for approval by the Principal Certifying Authority (PCA), full construction drawings for the proposed method of achieving Council storage volume requirements for the on-site stormwater retention/ detention system. The minimum storage volumes and design s shall comply with Councils Water Management DCP 47 (available on the Council website and at Council customer services), any manufacturers' specifications and the relevant plumbing codes. If a BASIX Certificate demonstrating a Water score of 40% is submitted to justify some other rainwater re-use regime, then the retention component of site water management is to be in accordance with those commitments. Rainwater tank(s) shall be designed to capture and retain runoff from the entire roof area as a minimum. Overflow shall revert to the main drainage system. Water quality measures to treat runoff from landscaped and paved areas are to be included. The design and construction plans, with all supporting documentation, are to be prepared by a qualified and experienced civil/hydraulic engineer. The design is to be in accordance with the Stormwater Plans, X04391, dated 22/12/05, by Brown Consulting submitted with the development application, and advanced as necessary for construction issue purposes.
- 83. Prior to issue of the Construction Certificate the applicant shall submit, for approval by the Principal Certifying Authority (PCA), construction design drawings and calculations for the property drainage system components. The property drainage system (including but not limited to gutters, downpipes, pits, joints, flushing facilities and all ancillary plumbing) shall be designed for a 235mm/hour rainfall intensity for a duration of five (5) minutes (1:50 year storm recurrence) and shall be compatible with the necessary retention and detention devices. Plans and calculations are to be prepared by a suitably qualified and experienced

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civil/hydraulic engineer in accordance with Councils Water Management Development Control Plan 47. New connection points to the Council drainage system must be shown accurately on the plan and shall be made in accordance with the General Specification for the Construction of Road and Drainage Works in Ku-ring-gai Council, dated November 2004.

- 84. Prior to issue of the Construction Certificate the Applicant shall submit, for approval by the Principal Certifying Authority (PCA), a scale dimensioned layout plan for all aspects of the vehicle access and accommodation arrangements. A qualified civil/traffic engineer must provide specific written certification with these parking layout plans that:
  - All parking space dimensions, driveway and aisle widths, grades, transitions, circulation ramps, blind aisle situations and trafficked areas comply with Australian Standard 2890.1 2004 "Off-street car parking".
  - A height clearance of 2.5 metres headroom requirement under DCP40 for waste collection trucks over the designated garbage collection truck manoeuvring areas.
  - No doors or gates are to be provided in the access driveways to the basement carpark
    which would prevent unrestricted access for internal garbage collection from the
    basement garbage storage area.
  - The recommendations made by Masson Wilson Twiney in Appendix D of their report dated September 2005 have been incorporated into the design.
- 85. Paving works within the specified radius of the trunk/s of the following tree/s shall be of type and construction to ensure that existing water infiltration and gaseous exchange to the tree/s root system is maintained. Details for the paving shall be prepared by a suitably qualified professional and submitted to and approved by the Principal Certifying Authority prior to the release of the Construction Certificate:

Tree/Location	Radius From Trunk
#6231 Syzigium paniculatum (Bush Cherry)	3.0m
Adjacent to southern site boundary	
#5826 Chamaecyparis lawsoniana (Cypress)	5.0m
Adjacent to southern site boundary in neighbouring prope	rty
#5814 Magnolia soulangeana (Soul's Magnolia)	3.0m
Adjacent to southern site boundary in neighbouring prope	rty
#5808 Jacaranda mimosifolia (Jacaranda)	5.0m
Adjacent to southern site boundary	
#5493 Camellia sasanqua (Chinese Camellia)	3.0m
Sturt Pl nature strip	
#5950 Jacaranda mimosifolia (Jacaranda)	4.0m
Adjacent to southern site boundary	.,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,
#5951 Jacaranda mimosifolia (Jacaranda)	6.0m
Adjacent to southern/Sturt Pl site boundary	0.0III
· ·	
#5464 Melaleuca quinquenervia (Broad leaf paparebark)	6.0m

Sturt Pl nature strip	
#5465 <i>Melaleuca quinquenervia</i> (Broad leaf paparebark) Sturt Pl nature strip	6.0m
#6054 Banksia integrifolia (Banksia) Adjacent to south-east site boundary	3.0m
#6055 Cedrus deodar (Himalayan Cedar) Adjacent to south-east site corner	10.0m
#7994 <i>Cedrus deodar</i> (Himalayan Cedar) Adjacent to north-east/Killeaton St site boundary	7.0m
# 7616 Nyssa sylvatica (Tupelo) Adjacent to northern/Killeaton St site boundary	7.0m
#7617 Nyssa sylvatica (Tupelo) Adjacent to northern/Killeaton St site boundary	5.0m
#7618 Nyssa sylvatica (Tupelo) Adjacent to northern/Killeaton St site boundary	5.0m
#5582 <i>Jacaranda mimosifolia</i> (Jacaranda mimosifolia) Adjacent to northern/21 Memorial Ave site boundary	5.0m

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

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

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

87. A CASH BOND/BANK GUARANTEE of \$29,000.00 shall be lodged with Council prior to the release of the Construction Certificate to ensure that the following trees are maintained in the same condition as found prior to commencement site development work.

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

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

	paniculatum (Bush Cherry) th west site corner	Bond Value \$1 000.00
	da mimosifolia (Jacaranda) thern site boundary	\$2 000.00
	paniculatum (Bush Cherry) thern site boundary	\$1 000.00
	la mimosifolia (Jacaranda) thern site boundary	\$1 000.00
	la mimosifolia (Jacaranda) thern site boundary	\$1 000.00
#5482 Camellia Sturt Pl nature s	sasanqua (Chinese Camellia) strip	\$1 000.00
#5481 Camellia Sturt Pl nature s	sasanqua (Chinese Camellia) strip	\$1 000.00
#5478 Camellia Sturt Pl nature s	sasanqua (Chinese Camellia) strip	\$1 000.00
	<i>la mimosifolia</i> (Jacaranda) thern/Sturt Pl site boundary	\$1 000.00
#5464 <i>Melaleuc</i> Sturt Pl nature s	ca quinquenervia (Broad leaf Paperbark) strip	\$2 000.00
#5465 Melaleuc Sturt Pl nature s	ca quinquenervia (Broad leaf Paperbark) strip	\$2 000.00
	leodar (Himalayan Cedar) th east site corner	\$4 000.00
•	arvifolia (Chinese Elm) th east/Killeaton St site boundary	\$2 000.00
#7965 Nyssa syl Adjacent to nort	<i>lvatica</i> (Tupelo) th east/Killeaton St site boundary	\$2 000.00
	leodar (Himalayan Cedar) th east/Killeaton St site boundary	\$2 000.00
	vlvatica (Tupelo) thern/Killeaton St site boundary	\$2 000.00

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#7617 Nyssa sylvatica (Tupelo) \$2 000.00
Adjacent to northern/Killeaton St site boundary

#7618 Nyssa sylvatica (Tupelo) \$2 000.00
Adjacent to northern/Killeaton St site boundary

#5582 Jacaranda mimosifolia (Jacaranda mimosifolia) \$1 000.00
Adjacent to northern/21 Memorial Ave site boundary

#### CONDITIONS TO BE COMPLIED WITH PRIOR TO WORK COMMENCING

- 88. Prior to the commencement of **any** excavation works the applicant must submit, for approval by the Principal Certifying Authority (PCA), a Geotechnical/Civil Engineering report which addresses (but is not limited to) the following:
  - The type and extent of substrata formations by the provision of a minimum of three (3) representative bore hole logs which are to provide a full description of all material from ground surface to 1.0m below the finished basement floor level and include the location and description of any anomalies encountered in the profile. The surface and depth of the bore hole logs shall be related to Australian Height Datum.
  - The appropriate means of excavation/shoring in light of point (a) above and proximity to
    adjacent property and structures. Potential vibration caused by method of excavation and
    potential settlements affecting nearby footings/foundations shall be discussed and
    ameliorated.
  - The proposed method to temporarily and permanently support the excavation for the basement adjacent to adjoining property, structures and road reserve if nearby (full support to be provided within the subject site).
  - The existing groundwater levels in relation to the basement structure, where influenced.
  - The drawdown effects on adjacent properties (including road reserve), if any, the basement excavation will have on groundwater together with the appropriate construction methods to be utilised in controlling groundwater. Where it is considered there is the potential for the development to create a "dam" for natural groundwater flows, a groundwater drainage system must be designed to transfer groundwater through or under the proposed development without a change in the range of the natural groundwater level fluctuations. Where an impediment to the natural flowpath is constructed, artificial drains such as perimeter drains and through drainage may be utilised.
  - Recommendations to allow the satisfactory implementation of the works. An implementation program is to be prepared along with a suitable monitoring program (as required) including control levels for vibration, shoring support, ground level and groundwater level movements during construction. The implementation program is to nominate suitable hold points at the various stages of the works for verification of the design intent before sign-off and before proceeding with subsequent stages.

The geotechnical report must be prepared by a consulting geotechnical/hydrogeological engineer with previous experience in such investigations and reporting. It is the responsibility of the engaged geotechnical specialist to undertake the appropriate investigations, reporting

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and specialist recommendations to ensure a reasonable level of protection to adjacent property and structures both during and after construction. The report shall contain site specific geotechnical recommendations and shall specify the necessary hold/inspection points by relevant professionals as appropriate. The design principles for the geotechnical report are as follows:

- No ground settlement or movement is to be induced which is sufficient enough to cause an adverse impact to adjoining property and/or infrastructure.
- No changes to the ground water level are to occur as a result of the development that are sufficient enough to cause an adverse impact to the surrounding property and infrastructure.
- No changes to the ground water level are to occur during the construction of the development that are sufficient enough to cause an adverse impact to the surrounding property and infrastructure.
- Vibration is to be minimised or eliminated to ensure no adverse impact on the surrounding property and infrastructure occurs, as a result of the construction of the development.
- Appropriate support and retention systems are to be recommended and suitable designs prepared to allow the proposed development to comply with these Design Principles.

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

- 89. Prior to the commencement of any works on site the applicant shall submit to Council a full dilapidation report on the visible (including photos) and structural condition of the following public infrastructure:
  - Full road pavement width, including kerb and gutter, of Memorial Avenue and Sturt Place, and Killeaton/ Link Road eastbound over the site frontage, including full intersections.
  - All driveway crossings and laybacks in Sturt Place.

The report must be completed by a consulting structural/civil engineer. Particular attention must be paid to accurately recording (both via photo and in written format) existing damaged areas on the aforementioned infrastructure so that Council is fully informed when assessing any damage to public infrastructure caused as a result of the development.

A second dilapidation report, recording structural conditions of all structures originally assessed prior to the commencement of works, must be carried out at the completion of the works and be submitted to Council.

90. Prior to the commencement of any works on the site, the applicant shall submit, for approval by the Principal Certifying Authority (with a copy forwarded to Council) a full dilapidation report on the visible and structural condition of the adjoining structures at 15a and 21 Memorial Avenue and 3 & 4 Sturt Place. The report must be completed by a consulting structural/geotechnical engineer. A second dilapidation report, recording structural conditions of <u>all</u> structures originally assessed prior to issue of the Construction Certificate, must be carried out at the completion of the works and be submitted to Council. If a structure has

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been demolished in the meantime under a separate Development Approval then no such report is required.

- 91. Prior to the commencement of any works on the site, a Phase 2 environmental assessment is to be carried out in accordance with the recommendation of New Urban Environmental in their report of 6 October 2004. The findings of the assessment are to be submitted to the Principal Certifying Authority and Council. If remediation is required to make the site suitable for residential development, then a Remediation Action Plan is to be prepared in accordance with the requirements of NSW EPA and Council's Contaminated Land Policy. Any remediation works required are to be completed to the satisfaction of the Principal Certifying Authority prior to issue of an Occupation Certificate.
- 92. Prior to the commencement of *any* works on site the applicant must submit, for review by Council Engineers, a *Construction and Traffic Management Plan*. The following matters must be specifically addressed in the Plan:

# 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 any 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 any Work Zones in the frontage roadways,
- Location of proposed crane standing areas
- A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries
- Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected.
- The provision of an on-site parking area for employees, tradesperson and construction vehicles where possible

# Traffic Control Plan(s) for the site

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

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

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

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

The *Construction and Traffic Management Plan* shall be submitted to and reviewed by Council, attention Development Engineer. A written acknowledgment from Council shall be obtained and submitted to the Principal Certifying Authority prior to the commencement of any works on site. The Plan shall be prepared by a suitably qualified and experienced traffic consultant and be certified by this person as being in accordance with the requirements of the abovementioned documents and the requirements of this condition. 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.

- 93. If a Works Zone is proposed, the Applicant must make a written application to the Ku-ringgai Local Traffic Committee to install the 'Work Zone'. The application must be made at least 15 days prior to the commencement of any works on site approved under this consent. Works Zones are provided specifically for the set down and pick up of materials and not for the parking of private vehicles associated with the site. Works Zones will generally not be approved where there is sufficient space on-site for the setting down and picking up of goods being taken to or from a construction site. If the Works Zone is approved by the Committee, the Applicant must obtain a written copy of the related resolution from the Ku-ring-gai Local Traffic Committee and submit a copy of this to the Principal Certifying Authority for approval prior to commencement of any works on the site. Where approval of the 'Work Zone' is resolved by the Committee, the necessary 'Work Zone' signage shall be installed (at the cost of the Applicant) and the adopted fee paid prior to commencement of any works on the site. Further, at the expiration of the Works Zone approval, the Applicant is required to remove the Works Zone signs and reinstate any previous signs, all at the Applicant's cost.
- 94. To preserve the following tree/s, no work shall commence until the area beneath the canopy of the following tree/s is fenced off at the specified radius from the trunk/s to prevent any activities, storage or the disposal of materials within the fenced area. The fence/s shall be maintained intact until the completion of all demolition/building work on site.

Tree/Location Radius in Metres

Corymbia maculata (Lemon Scented Gum) 5.0m

Adjacent to western site boundary in neighbouring property (21 Memorial Ave)

#6458 Platanus x hybrida (London Plane Tree) 5.0m

Adjacent to western site boundary

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#6327 Syzigium paniculatum (Bush Cherry) Adjacent to western site boundary	5.0m
#6293 Syzigium paniculatum (Bush Cherry) Adjacent to south-west site corner	9.0m
#6259 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to southern site boundary	10.0m
#6255 Syzigium paniculatum (Bush Cherry) Adjacent to southern site boundary	5.0m
#6231 Syzigium paniculatum (Bush Cherry) Adjacent to southern site boundary	2.0m
#5826 Chamaecyparis lawsoniana (Cypress) Adjacent to southern site boundary in neighbouring property	5.0m
#5814 Magnolia soulangeana (Soul's Magnolia) Adjacent to southern site boundary in neighbouring property	3.0m
#5813 <i>Camellia japonica</i> (Japanese Camellia) Adjacent to southern site boundary	3.0m
#5808 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to southern site boundary	4.0m
#5493 <i>Camellia sasanqua</i> (Chinese Camellia) Sturt Pl nature strip	3.0m
#5950 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to southern site boundary	4.0m
#5831 Franklinia axillaris (Gordonia) Adjacent to southern site boundary	3.0m
#5482 <i>Camellia sasanqua</i> (Chinese Camellia) Sturt Pl nature strip	5.0m
#5481 <i>Camellia sasanqua</i> (Chinese Camellia) Sturt Pl nature strip	5.0m
#5478 <i>Camellia sasanqua</i> (Chinese Camellia) Sturt Pl nature strip	3.0m
#5951 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to southern/Sturt Pl site boundary	6.0m
#5472 <i>Camellia sasanqua</i> (Chinese Camellia) Sturt Pl nature strip	2.0m
#5469 Araucaria hetrophylla (Norfolk Island Pine) Sturt Pl nature strip	3.0m
#5468 Araucaria hetrophylla (Norfolk Island Pine)	3.0m

Sturt Pl nature strip		
#5791 <i>Jacaranda mimosifolia</i> (Jacaranda) Sturt Pl nature strip	4.0m	
#5792 <i>Jacaranda mimosifolia</i> (Jacaranda) Sturt Pl nature strip	4.0m	
#5464 <i>Melaleuca quinquenervia</i> (Broad leaf paparebark) Sturt Pl nature strip	6.0m	
#5465 <i>Melaleuca quinquenervia</i> (Broad leaf paparebark) Sturt Pl nature strip	6.0m	
#6054 Banksia integrifolia (Banksia) Adjacent to south-east site boundary	3.0m	
#6055 Cedrus deodar (Himalayan Cedar) Adjacent to south-east site corner	9.0m	
#6079 Ceratopetalum gummiferum (NSW Xmas Bush) Adjacent to south-east site corner	3.0m	
#6080 Michelia figo (Port Wine Magnolia) Adjacent to south east site corner	5.0m	
#6082 <i>Camellia japonica</i> (Japanese Camellia) Adjacent to south-east site corner	4.0m	
#7798 <i>Ulmus parvifolia</i> (Chinese Elm) Adjacent to north-east/Killeaton St site boundary	6.0m	
#7965 Nyssa sylvatica (Tupelo) Adjacent to north-east/Killeaton St site boundary	6.0m	
#7994 <i>Cedrus deodar</i> (Himalayan Cedar) Adjacent to north-east/Killeaton St site boundary	6.0m	
# 7616 <i>Nyssa sylvatica</i> (Tupelo) Adjacent to northern/Killeaton St site boundary	6.0m	
#7617 Nyssa sylvatica (Tupelo) Adjacent to northern/Killeaton St site boundary	5.0m	
#7618 Nyssa sylvatica (Tupelo) Adjacent to northern/Killeaton St site boundary	5.0m	
#7584 <i>Pseudopanax lessonii</i> (Coastal Five Finger) Adjacent to northern/Killeaton St site boundary	4.0m	
#5582 <i>Jacaranda mimosifolia</i> (Jacaranda mimosifolia) Adjacent to northern/21 Memorial Ave site boundary	4.0m	
#5588 Camellia sasanqua (Chinese Camellia) Adjacent to northern/21 Memorial Ave site boundary	4.0m	

#5605 Camellia sasanqua (Chinese Camellia) Adjacent to northern/21 Memorial Ave site boundary	3.0m
#5600 <i>Melaleuca quinquenervia</i> (Braod leaf paperbark) Adjacent to northern/21 Memorial Ave site boundary	5.0m
#5599 Calodendron capense (Cape Chestnut) Adjacent to northern/21 Memorial Ave site boundary	5.0m

- 95. The tree protection fence shall be constructed of galvanised pipe at 2.4 metre spacings and connected by securely attached chain mesh fencing to a minimum height of 1.8 metres prior to work commencing.
- 96. Prior to works commencing tree protection signage is to be attached to each tree Protection Zone and displayed in a prominent position and the sign repeated at 10m intervals or closer where the fence changes direction. Each sign shall advise in a clearly legible form, the following minimum information:
  - 1. Tree Protection Zone
  - 2. This fence has been installed to prevent damage to the trees and their growing environment both above and below ground, and access is restricted.
  - 3. If encroachment or incursion into this Tree Protection Zone is deemed to be essential the consulting Arborist should be informed prior to the undertaking of such works.
  - 4. Name, address, and telephone number of the developer/principal certifying authority.
- 97. Prior to works commencing the area of the Tree Protection Zone is to be mulched to a depth of 100mm with composted organic material being 75% Eucalyptus leaf litter and 25% wood. The depth of mulch and type as indicated, to be maintained for the duration of the project & Principal Certifying Authority.
- 98. To preserve the following tree/s, no work shall commence until temporary measures to avoid soil compaction (eg rumble boards) beneath the canopy of the following tree/s is/are installed if vehicular access or repeated pedestrian traffic is required:

Tree/Location	Radius in Metres
Corymbia maculata (Lemon Scented Gum) Adjacent to western site boundary in neighbouring property (21 Memorial Ave)	5.0m
#6458 <i>Platanus x hybrida</i> (London Plane Tree) Adjacent to western site boundary	5.0m
#6327 Syzigium paniculatum (Bush Cherry) Adjacent to western site boundary	5.0m
#6293 Syzigium paniculatum (Bush Cherry) Adjacent to south-west site corner	9.0m
#6259 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to southern site boundary	10.0m

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#6255 Syzigium paniculatum (Bush Cherry) Adjacent to southern site boundary	5.0m
#6231 Syzigium paniculatum (Bush Cherry) Adjacent to southern site boundary	3.0m
#5826 <i>Chamaecyparis lawsoniana</i> (Cypress) Adjacent to southern site boundary in neighbouring property	5.0m
#5814 <i>Magnolia soulangeana</i> (Soul's Magnolia) Adjacent to southern site boundary in neighbouring property	3.0m
#5813 <i>Camellia japonica</i> (Japanese Camellia) Adjacent to southern site boundary	3.0m
#5808 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to southern site boundary	5.0m
#5493 <i>Camellia sasanqua</i> (Chinese Camellia) Sturt Pl nature strip	3.0m
#5950 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to southern site boundary	4.0m
#5831 Franklinia axillaris (Gordonia) Adjacent to southern site boundary	3.0m
#5482 <i>Camellia sasanqua</i> (Chinese Camellia) Sturt Pl nature strip	5.0m
#5481 <i>Camellia sasanqua</i> (Chinese Camellia) Sturt Pl nature strip	5.0m
#5478 <i>Camellia sasanqua</i> (Chinese Camellia) Sturt Pl nature strip	3.0m
#5951 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to southern/Sturt Pl site boundary	6.0m
#5472 <i>Camellia sasanqua</i> (Chinese Camellia) Sturt Pl nature strip	2.0m
#5469 <i>Araucaria hetrophylla</i> (Norfolk Island Pine) Sturt Pl nature strip	3.0m
#5468 <i>Araucaria hetrophylla</i> (Norfolk Island Pine) Sturt Pl nature strip	3.0m
#5791 <i>Jacaranda mimosifolia</i> (Jacaranda) Sturt Pl nature strip	4.0m
#5792 <i>Jacaranda mimosifolia</i> (Jacaranda) Sturt Pl nature strip	4.0m
#5464 Melaleuca quinquenervia (Broad leaf Paperbark)	6.0m

Sturt Pl nature strip	
#5465 <i>Melaleuca quinquenervia</i> (Broad leaf Paperbark) Sturt Pl nature strip	6.0m
#6054 Banksia integrifolia (Banksia) Adjacent to south-east site boundary	3.0m
#6055 Cedrus deodar (Himalayan Cedar) Adjacent to south-east site corner	10.0m
#6079 Ceratopetalum gummiferum (NSW Xmas Bush) Adjacent to south-east site corner	3.0m
#6080 Michelia figo (Port Wine Magnolia) Adjacent to south-east site corner	5.0m
#6082 <i>Camellia japonica</i> (Japanese Camellia) Adjacent to south-east site corner	4.0m
#7798 <i>Ulmus parvifolia</i> (Chinese Elm) Adjacent to north-east/Killeaton St site boundary	6.0m
#7965 Nyssa sylvatica (Tupelo) Adjacent to north-east/Killeaton St site boundary	6.0m
#7994 <i>Cedrus deodar</i> (Himalayan Cedar) Adjacent to north-east/Killeaton St site boundary	7.0m
# 7616 <i>Nyssa sylvatica</i> (Tupelo) Adjacent to northern/Killeaton St site boundary	7.0m
#7617 Nyssa sylvatica (Tupelo) Adjacent to northern/Killeaton St site boundary	5.0m
#7618 Nyssa sylvatica (Tupelo) Adjacent to northern/Killeaton St site boundary	5.0m
#7584 <i>Pseudopanax lessonii</i> (Coastal Five Finger) Adjacent to northern/Killeaton St site boundary	5.0m
#5582 <i>Jacaranda mimosifolia</i> (Jacaranda mimosifolia) Adjacent to northern/21 Memorial Ave site boundary	5.0m
#5588 Camellia sasanqua (Chinese Camellia) Adjacent to northern/21 Memorial Ave site boundary	4.0m
#5605 Camellia sasanqua (Chinese Camellia) Adjacent to northern/21 Memorial Ave site boundary	3.0m
#5600 <i>Melaleuca quinquenervia</i> (Broad leaf paperbark) Adjacent to northern/21 Memorial Ave site boundary	5.0m
#5599 Calodendron capense (Cape Chestnut) Adjacent to northern/21 Memorial Ave site boundary	6.0m

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#5606 Eucalyptus ficifolia (Red Bloodwood) Adjoining north-east site corner within neighbouring property (21 Memorial Ave) 6.0m

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

Tree/Location Radius in Metres

Corymbia maculata (Lemon Scented Gum)

Adjacent to western site boundary in neighbouring property (21 Memorial Ave)

#6458 *Platanus x hybrida* (London Plane Tree)

Adjacent to western site boundary

#6327 Syzigium paniculatum (Bush Cherry)

Adjacent to western site boundary

#6293 Syzigium paniculatum (Bush Cherry)

Adjacent to south-west site corner

#6259 Jacaranda mimosifolia (Jacaranda)

Adjacent to southern site boundary

#6255 Syzigium paniculatum (Bush Cherry)

Adjacent to southern site boundary

#6231 Syzigium paniculatum (Bush Cherry)

Adjacent to southern site boundary

#5808 Jacaranda mimosifolia (Jacaranda)

Adjacent to southern site boundary

#5951 Jacaranda mimosifolia (Jacaranda) 6.0m

Adjacent to southern/Sturt Pl site boundary

#5464 Melaleuca quinquenervia (Broad leaf Paperbark) 6.0m

Sturt Pl nature strip

#5465 Melaleuca quinquenervia (Broad leaf Paperbark) 6.0m

Sturt Pl nature strip

#6054 Banksia integrifolia (Banksia) 3.0m

Adjacent to south-east site boundary

#6055 Cedrus deodar (Himalayan Cedar) 10.0m

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Adjacent to south-east site corner	
#6079 Ceratopetalum gummiferum (NSW Xmas Bush) Adjacent to south-east site corner	3.0m
#6080 <i>Michelia figo</i> (Port Wine Magnolia) Adjacent to south east site corner	5.0m
#7798 <i>Ulmus parvifolia</i> (Chinese Elm) Adjacent to north-east/Killeaton St site boundary	6.0m
#7965 <i>Nyssa sylvatica</i> (Tupelo) Adjacent to north-east/Killeaton St site boundary	6.0m
#7994 <i>Cedrus deodar</i> (Himalayan Cedar) Adjacent to north-east/Killeaton St site boundary	7.0m
# 7616 Nyssa sylvatica (Tupelo) Adjacent to northern/Killeaton St site boundary	7.0m
#7617 Nyssa sylvatica (Tupelo) Adjacent to northern/Killeaton St site boundary	5.0m
#7618 Nyssa sylvatica (Tupelo) Adjacent to northern/Killeaton St site boundary	5.0m
#5582 <i>Jacaranda mimosifolia</i> (Jacaranda mimosifolia) Adjacent to northern/21 Memorial Ave site boundary	5.0m
#5588 Camellia sasanqua (Chinese Camellia) Adjacent to northern/21 Memorial Ave site boundary	4.0m
#5605 Camellia sasanqua (Chinese Camellia) Adjacent to northern/21 Memorial Ave site boundary	3.0m
#5600 Melaleuca quinquenervia (Braod leaf Paperbark) Adjacent to northern/21 Memorial Ave site boundary	5.0m
#5599 Calodendron capense (Cape Chestnut) Adjacent to northern/21 Memorial Ave site boundary	6.0m

100. Upon completion of the installation of the required tree protection measures you are required to arrange for an inspection of the site by the Principal Certifying Authority to verify that tree protection measures comply with all relevant conditions. Following the carrying out of a satisfactory inspection and subject to the payment of all relevant monies and compliance with any other conditions of approval, work may commence.

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

101. The applicant shall create a Positive Covenant and Restriction on the Use of Land under Section 88B of the Conveyancing Act 1919, burdening the property with the requirement to

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maintain the on-site stormwater retention/ detention facilities on the property. The terms of the instruments are to be generally in accordance with the Council's draft terms of Section 88B instruments for protection of retention/ detention facilities - to the satisfaction of Council.

- 102. The applicant shall create a Positive Covenant and Restriction on the Use of Land under Section 88B of the Conveyancing Act 1919, burdening the property with the requirement to maintain the overland flow path conveyance infrastructure provisions on the site. The restriction on use shall be worded to prevent any future interference with the overland flow infrastructure provisions to the written satisfaction of Council.
- 103. For endorsement of the linen plan/issue of the subdivision certificate, the Applicant shall submit an original plan of subdivision plus six (6) copies, suitable for endorsement by the consent authority. The following details **must** be submitted with the plan of Subdivision and its (5) copies, where Council is the consent authority:
  - a. The endorsement fee current at the time of lodgment.
  - b. The 88B Instruments plus six (6) copies,
  - c. A copy of the Occupation Certificate,
  - d. The Consulting Engineer's certification of the on-site stormwater detention facility. This must be on the standard Council on-site detention certification sheet, available from Councils customer services.
  - e. A copy of all works-as-executed plans required under the consent,
  - f. All Surveyor's and/or Consulting Engineer's certification(s) required under this consent,
  - g. The Section 73 (Sydney Water) Compliance Certificate.

Council officers will check the consent conditions on the subdivision. Failure to submit the required information will delay endorsement of the linen plan, and may require payment of rechecking fees.

- Note 1: Plans of subdivision and copies must not be folded.
- Note 2: Council will not accept bonds in lieu of completing subdivision works.
- Note 3: If the certifying authority is not Council, then a copy of all of the above must be provided to Council
- 104. For endorsement of the linen plan / subdivision certificate issue, the Applicant shall submit an original instrument under Section 88B of the Conveyancing Act with the plan of subdivision, plus six (6) copies. This is to create any required easements, rights-of-carriageway, positive covenants, restrictions-on-use or other burdens/benefits as may be required. Ku-ring-gai Council must be named as the authority whose consent is required to release, vary or modify the same.
- 105. Prior to release of the linen plan/issue of the subdivision certificate, the applicant shall create all burdens including but not limited to drainage easements, easements for services and rights-of-carriageway, as required. A registered surveyor is to certify, prior to release of the linen

plan/issue of the subdivision certificate, that all existing interallotment drainage lines, services and/or driveways are fully contained within the proposed burdens and/or that future provision of such are fully covered by the proposed burdens. Alternatively, where the surveyor is of the opinion that no interallotment easements or rights-of-carriageway are required, then certification to this effect must be submitted to the Principal Certifying Authority (PCA).

106. An easement for waste collection is to be created. This is to permit legal access for Council, Council's contractors and their vehicles over the subject property for the purpose of collecting waste from the property. The terms of the easement are to indemnify Council and Council's contractors against damages to private land or property whilst in the course of carrying out waste collection services. The terms of the easement are to be generally in accordance with Council's draft terms for an easement for waste collection.

# CONDITIONS TO BE COMPLIED WITH PRIOR TO OCCUPATION

- 107. Prior to the release of any occupation certificate, a compliance certificate must be obtained from an accredited certifier, certifying that the building works for the building to be occupied comply with the plans and specifications approved by this development consent; and any construction certificate associated with this consent for the buildings to be occupied. If the PCA is not the Council, then this compliance certificate must be submitted to the Council at the same time as the occupation certificate is submitted to the Council in accordance with Clause 151(2) of the E P & A Act regulations.
- 108. To ensure compliance with the consent, a final report from a Registered Surveyor shall be submitted to Council confirming floor/ceiling levels and boundary setbacks prior to occupation.
- 109. The relocation of the Council stormwater pipeline is to be completed in accordance with the approved plans and any conditions imposed by Council. Works-as-executed drawings are to be prepared by a registered surveyor and the designing engineer is to certify that the works have been carried out in accordance with the design. Council's approval of the works is to be obtained and submitted to the Principal Certifying Authority prior to issue of the Occupation Certificate.
- 110. Prior to issue of the Occupation Certificate, the applicant is to submit documentary evidence that the relocated easement has been registered on the title of the property. A registered surveyor is to certify that the pipe is wholly contained within the easement.
- 111. Prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate (and at the completion of the works) the Applicant shall submit to the Principal Certifying Authority (PCA) a follow up dilapidation report on the visible and structural condition of the existing structures originally assessed at 15a and 21 Memorial Avenue and 4 Sturt Place. The report must be completed by a consulting structural/geotechnical engineer. If a structure has been demolished in the meantime under a separate Development Approval then no such report is required.

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- 112. Prior to issue of an Occupation Certificate, the applicant shall submit to Council a follow-up dilapidation report on the visible (including photos) and structural condition of the following public infrastructure:
  - Full road pavement width, including kerb and gutter, of Memorial Avenue and Sturt Place, and Killeaton/Link Road eastbound over the site frontage, including full intersections.
  - All driveway crossings and laybacks in Sturt Place.

The report must be completed by a consulting structural/civil engineer. Particular attention must be paid to accurately recording (both via photo and in written format) existing damaged areas on the aforementioned infrastructure so that Council is fully informed when assessing any damage to public infrastructure caused as a result of the development.

- 113. Prior to issue of the Occupation Certificate, a complete record of geotechnical inspections, testing and monitoring, with certifications as specified in the report prepared prior to commencement of excavation, and the professional geotechnical input over the course of the works, must be compiled in report format and submitted to the Principal Certifying Authority for approval.
- 114. Prior to issue of an Occupation Certificate the following works must be completed to the satisfaction of Council Engineers:
  - Completion of the new driveway crossings in accordance with levels and specifications issued by Council.
  - Removal of all redundant driveway crossings and kerb laybacks (or sections thereof). Full reinstatement of these areas to footway, turfed verge and upright kerb and gutter to the satisfaction of Council. Reinstatement works shall match surrounding adjacent infrastructure with respect to integration of levels and materials.
  - Full repair and resealing of any road surface damaged during construction.
  - Full replacement of damaged sections of grass verge with a non-friable turf of native variety to match existing.

All works must be completed in accordance with the General Specification for the Construction of Road and Drainage Works in Ku-ring-gai Council, dated November 2004. Any damaged public infrastructure caused as a result of construction works on the subject site (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub contractors, concrete vehicles, crane use) must be fully repaired to the satisfaction of Council Engineers. This shall be at no cost to Council.

- 115. Prior to issue of an Occupation Certificate the Section 73 Sydney Water compliance certificate must be obtained and submitted to the Principal Certifying Authority (PCA).
- 116. Prior to issue of an Occupation Certificate a suitably qualified consulting civil/hydraulic engineer is to provide engineering certification for approval by the Principal Certifying Authority (PCA). The certification is to address each of the following aspects of the installed overland flow conveyance infrastructure:

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- That the overland flow conveyance infrastructure through the site has been constructed to convey the design storm through the development site.
- That the necessary overland flow inlet systems, cut-off structures, regrading of landscaped areas on the upstream and downstream sides of the basement structure are suitable to convey the overland flows through the site and back into the trunk drainage system downstream
- That all enclosed floor areas, including habitable and basement levels, are safeguarded from outside stormwater runoff ingress by suitable differences in finished levels, gradings and provision of the suitable stormwater collection devices.
- 117. Prior to issue of an Occupation Certificate a suitably qualified consulting civil/hydraulic engineer is to provide engineering certification for approval by the Principal Certifying Authority (PCA). The certification is to make specific reference to each of the following aspects of the installed drainage and stormwater management measures:
  - That construction of the stormwater drainage and management systems has been carried out by a contractor licensed to do so.
  - That all necessary Sydney Water approvals have been obtained for the domestic use of reticulated water.
  - That the as-built retention systems achieve the design storage volumes approved by the Principal Certifying Authority with the Construction Certificate (engineer must complete the form in the appendices of DCP47 in relation to the system).
  - The as-built drainage layout (including pits, pipes and ancillary plumbing) is in accordance with the relevant stormwater management and drainage plans approved by the Principal Certifying Authority with the Construction Certificate,
  - The overall as built drainage and stormwater management systems will achieve the discharge control intent of the approved construction plans and Councils Water Management DCP47.
- 118. Prior to issue of an Occupation Certificate the applicant shall submit a Works-as-Executed (WAE) drawing(s) to the Principal Certifying Authority in relation to the installed stormwater drainage and managements systems. These plans shall show:
  - As built location and indicative internal dimensions of the retention structures on the property (plan view) and horizontal distances to nearest adjacent boundaries and buildings on site
  - As built locations of all access pits and grates in the retention systems, including dimensions.
  - The achieved capacity of the retention storages and derivative calculations.
  - Top water levels of storage areas and indicative RL's through the escape flow path in the event of blockage of system.
  - Size, depth and location of the overland flow path inlet pits, together with surface levels, invert levels and indicative grading levels in surrounding landscaped area.
  - Location and dimensions of overland flow conveyance culverts through the basement structure.
  - As built surface and invert levels for all drainage pits and junction points.

- Gradients of drainage lines, materials and sizes.
- As built level(s) at the approved point of discharge to the public drainage system. The WAE(s) is to be prepared by a **registered surveyor** and shall show all critical constructed levels, materials and dimensions in comparison to those shown in the relevant designs approved by the Principal Certifying Authority with the Construction Certificate. All relevant details indicated must be denoted **in red** on the Principal Certifying Authority stamped construction certificate stormwater drawings. The plan shall not be prepared until final surfaces (such as landscaping) are laid.
- 119. Prior to issue of the Occupation Certificate, a qualified civil/traffic engineer must undertake a site inspection of the completed basement vehicle access and accommodation areas which shall include full dimension measurements as necessary. At the completion of this site inspection, this engineer shall provide certification to the Principal Certifying Authority that:
  - Vehicle access and accommodation arrangements (including but not limited to space dimensions, aisle, ramp and driveway widths and grades, height clearances and the like) comply with Australian Standard 2890.1 2004 "Off-Street car parking" and
  - The revisions to the vehicle access and accommodation arrangements necessary under this consent, shown on the relevant approved Construction Certificate drawings, have been constructed, and
  - No security doors, grilles or gates are provided which would prevent access to the garbage storage area by Councils waste collection vehicle, including the truck manoeuvring area for forward egress.
  - The recommendations made by Masson Wilson Twiney in Appendix D of their report dated September 2005 have been incorporated.
- 120. Prior to issue of the Occupation Certificate the provision of separate underground electricity, gas, phone cable, sewer and water services shall be provided for the development in accordance with those utility providers. A suitably qualified and experienced engineer or surveyor is to provide certification to the Principal Certifying Authority that the development has ready underground access to the services of electricity, gas, phone cable, sewer and water. Alternatively a final compliance letter from the respective supply authorities may be supplied for approval.
- 121. The applicant is to liaise with Council to arrange for the restriction of on street parking along the site frontage and for 20 metres to the south to maintain sight lines, as recommended in the report of the Traffic Generating Developments Committee. A report is to be prepared for the Ku-Ring-Gai Local Traffic Committee by Council's Strategic Traffic Engineer. All costs are to be met by the applicant. Signs are to be installed at the applicant's full expense prior to issue of the Occupation Certificate.
- 122. Excavation for the installation of CONDUITS/SEWER/STORMWATER/GAS within the specified radius of the trunk/s of tree/s shall be carried out using the thrust boring method. Documentary evidence of compliance with conditions of consent in this regard shall be submitted to the Principal Certifying Authority prior to issue of the Occupation Certificate.

- 123. The trees to be retained shall be inspected, monitored and treated as required by a qualified Arborist before, during and after completion of development works to ensure their long term survival. Documentary evidence of compliance with the required inspections and the work undertaken shall be submitted to the Principal Certifying Authority prior to issue of the Occupation Certificate.
- 124. The landscape works, shall be installed in accordance with the approved plan/s and/ or conditions of consent, be completed prior to release of Occupation Certificate and be maintained in a healthy and vigorous condition at all times.
- 125. The Principal Certifying Authority shall ensure that the landscape works, have been installed correctly, consistent the approved landscape plan(s), specification and the conditions of consent prior to release of the Occupation Certificate.

#### BUILDING CONDITIONS

- 126. The following are required details and must be submitted to the Principal Certifying Authority *prior to issue of the Construction Certificate*. Any matter listed below must have a Certificate attached from a suitably qualified person to the effect that the design or matter complies with the relevant design Standard or Code which the Certificate must identify.
  - a. Details prepared by a practicing structural engineer for all or any reinforced concrete, structural steel or timber framing.
- 127. The building works are to be inspected during construction by the Council, an accredited certifier or other suitably qualified person/s (as applicable) and a Compliance Certificate shall be issued prior to proceeding to the subsequent stages of construction, encompassing not less than the following stages:
  - a. All sediment and erosion control and tree protection measures and installations in place on the site prior to the commencement of any earthworks, excavations or other work.
  - b. Any pier holes and/or foundation material.
  - c. Any steel reinforcement prior to placement of concrete. This includes all reinforcement of floors, slabs, trenches, columns, beams and stairs (if components of this structure).
  - d. Any structural components (i.e. timber framework, structural steelwork or the like) before fixing any lining or covering.
  - e. Any stormwater drainage works prior to covering.
  - f. The completed landscape works in accordance with the approved plans.
  - g. The completed structure prior to occupation.

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

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

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

S Cox M Prendergast M Miocic
Team Leader Manager Director
Development Assessment Overlopment & Services Regulation

M Miocic
Director
Development & Regulation

Attachments: Locality plan - 589407

Zoning extract – 589410 Compliance plans – 589412

Basement and roof plans - 589414

Elevations Part 1 – 589416 Elevations Part 2 – 589418

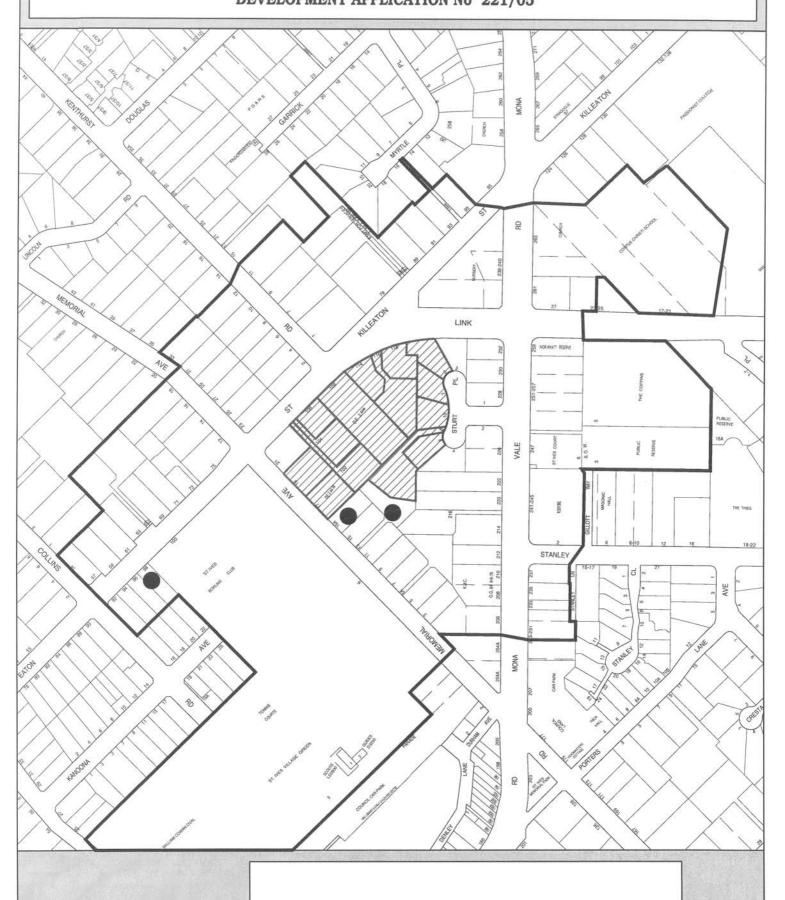
**Sections - 589421** 

Shadow Diagram - 589427 Stormwater Plan - 589428 Site Analysis Plan - 589429 Landscape Plan -589432

# **LOCATION SKETCH**

5-10 Sturt Pl, 17-19 Memorial Ave, 102-118 Killeaton St St Ives.

DEVELOPMENT APPLICATION No 221/05





Scale: 1:3500

16-02-2006



OBJECTION



SUBJECT LAND



**PETITION** 



SUBMISSION

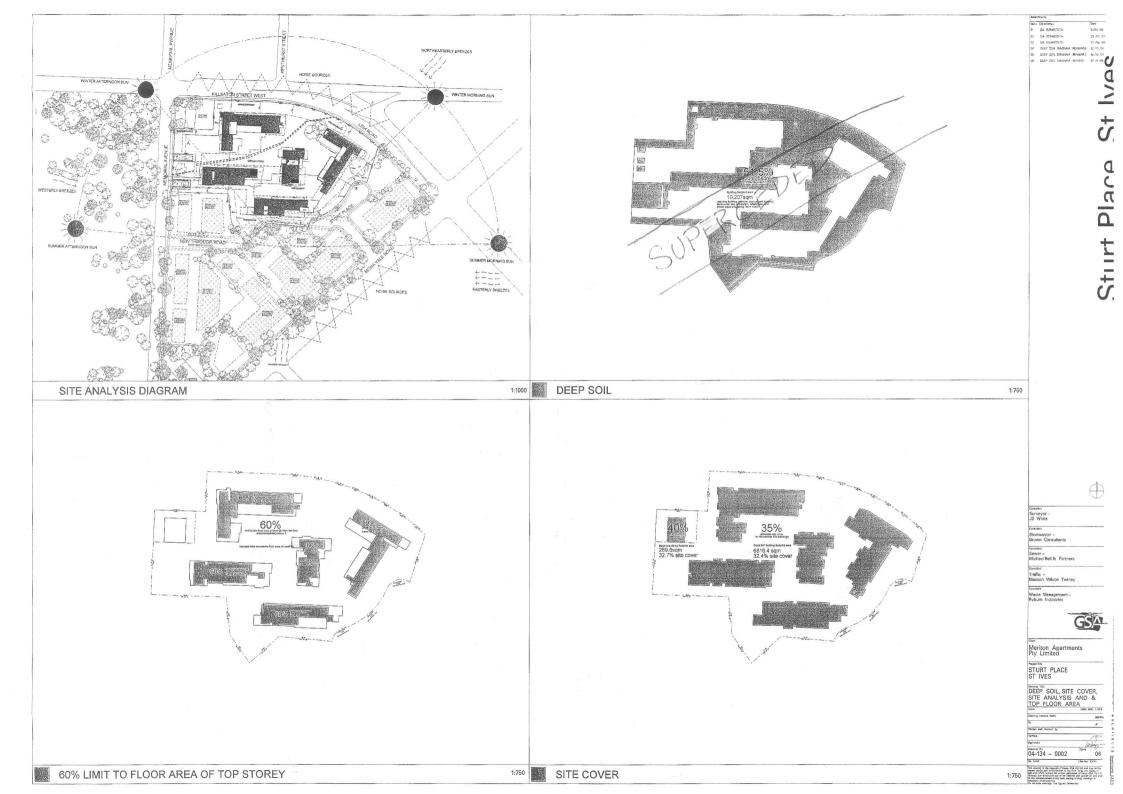


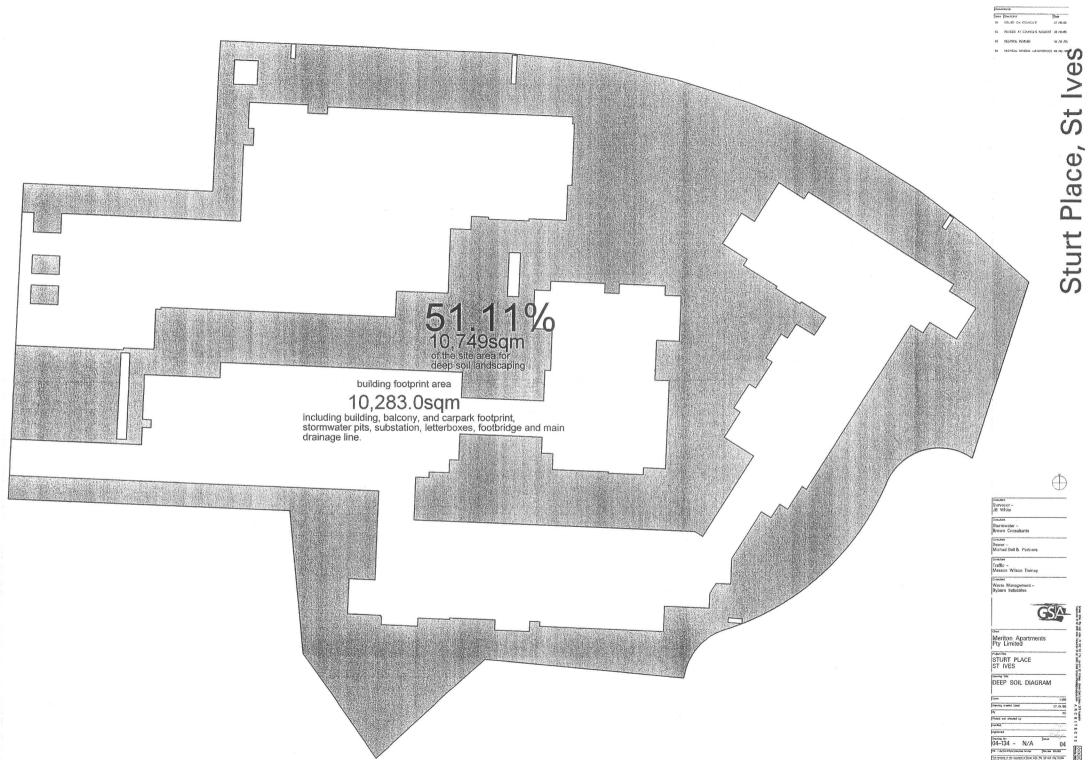


# **Zoning Extract**

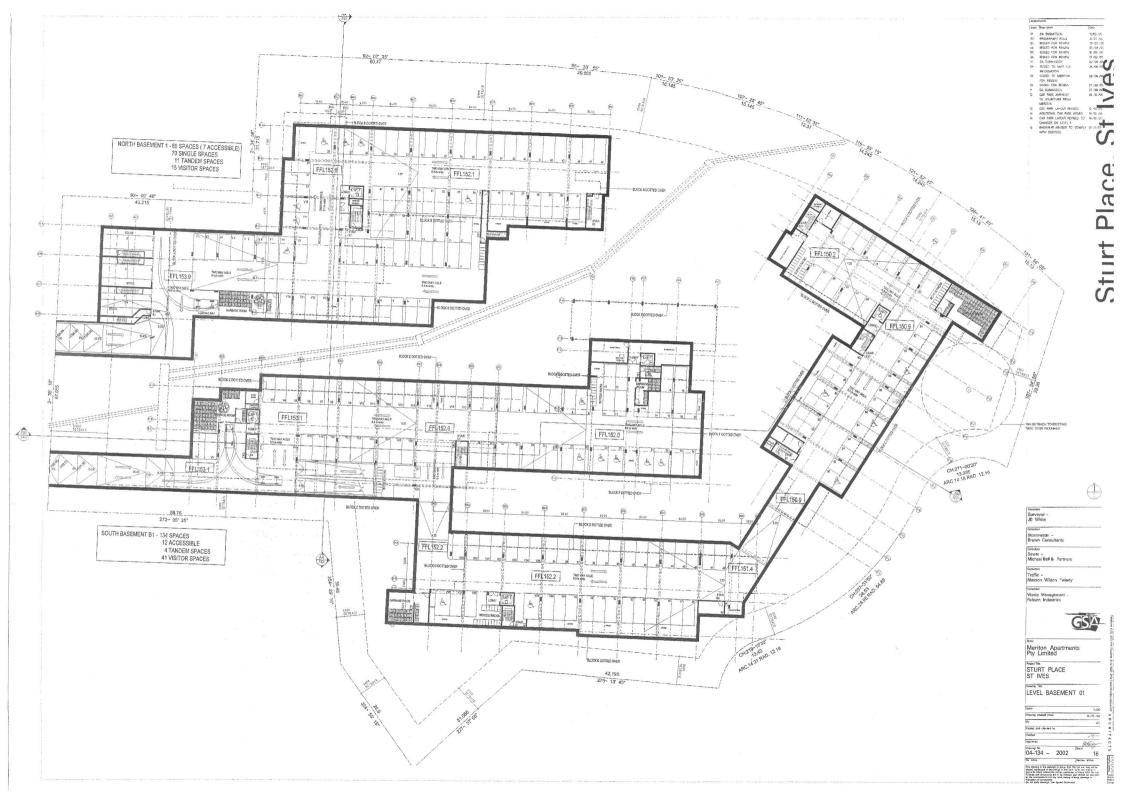
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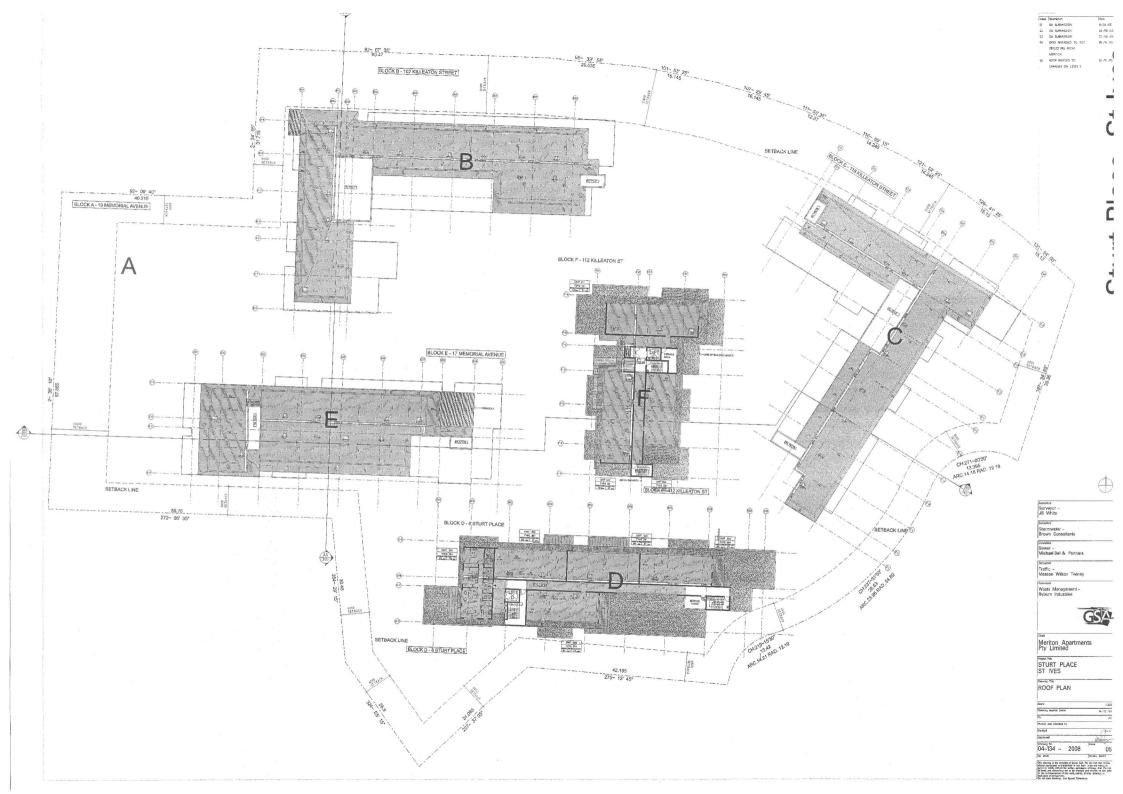












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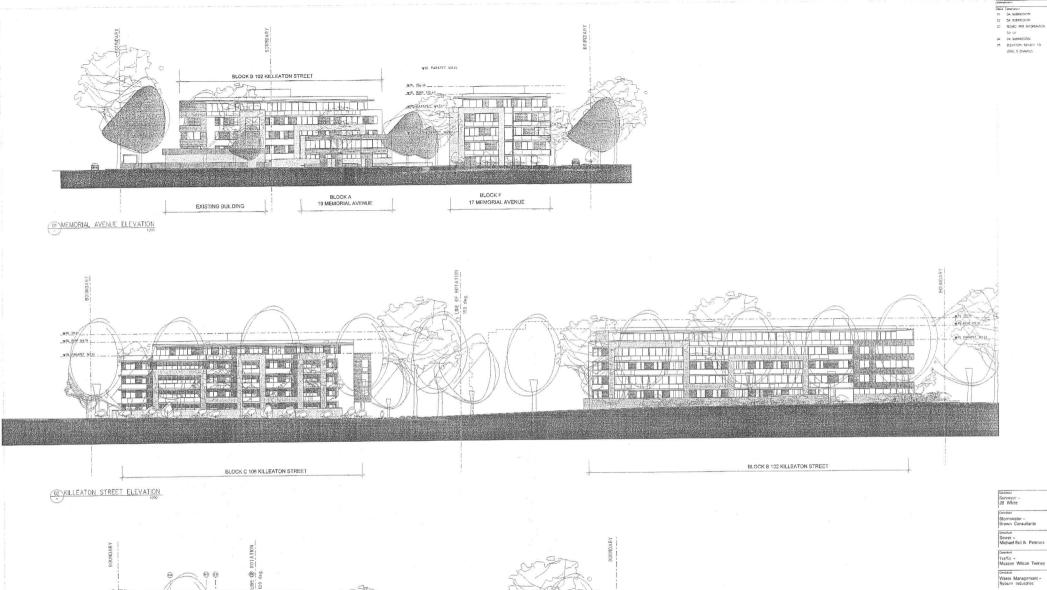
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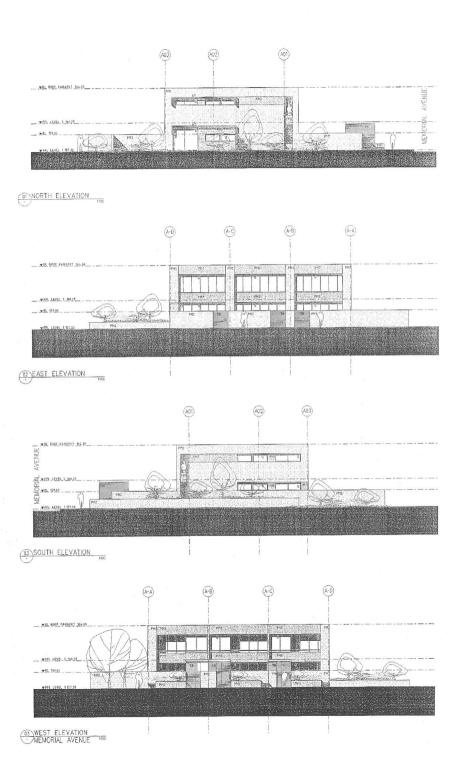
Meriton Apartments Pty Limited

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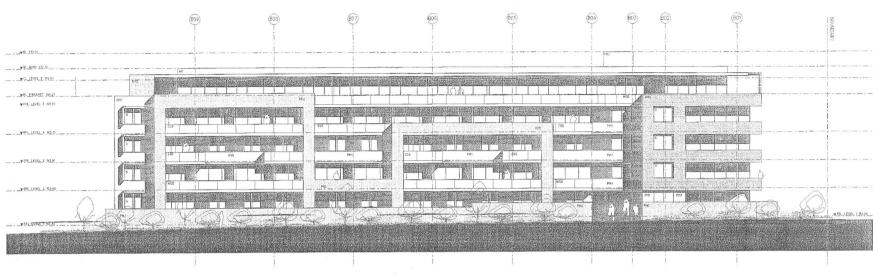
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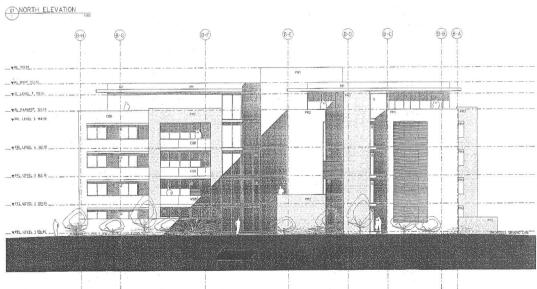
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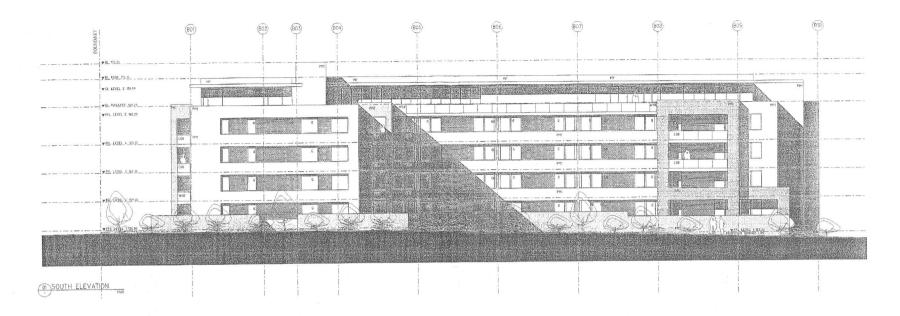
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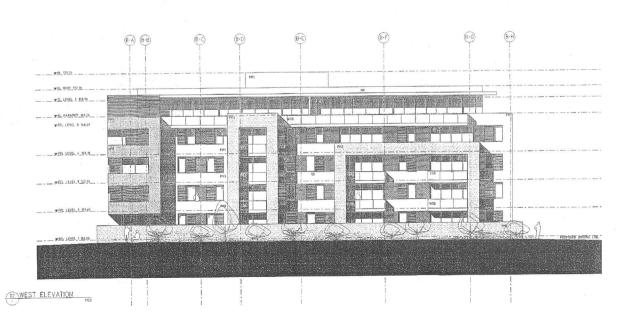
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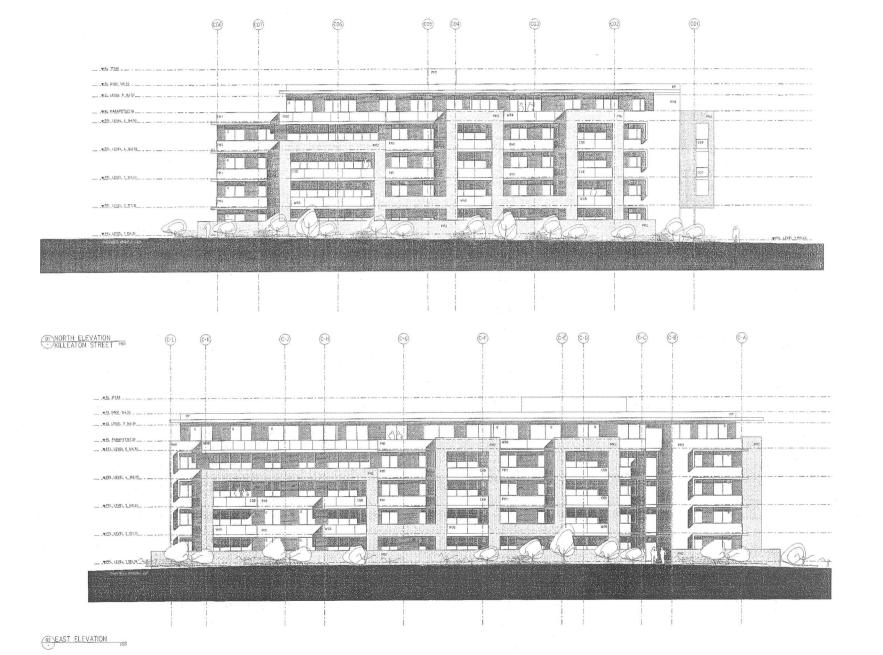
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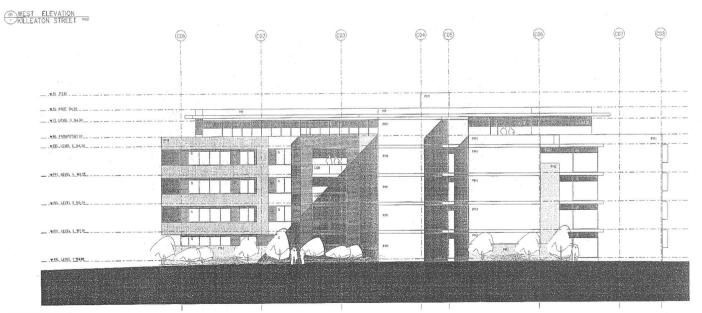
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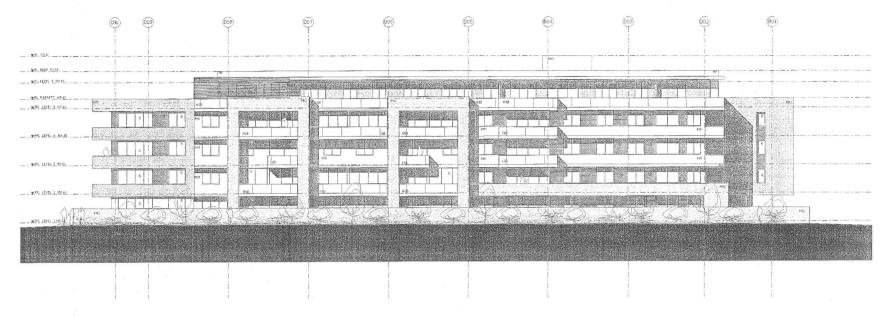
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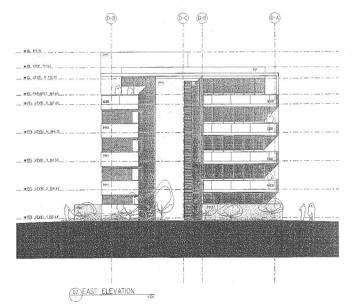
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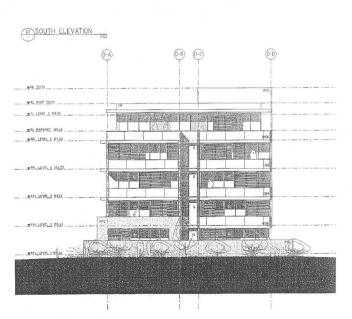
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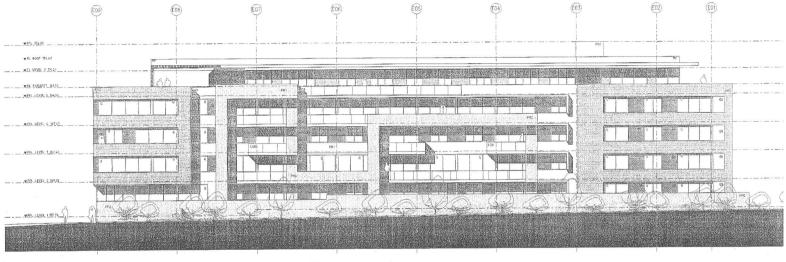
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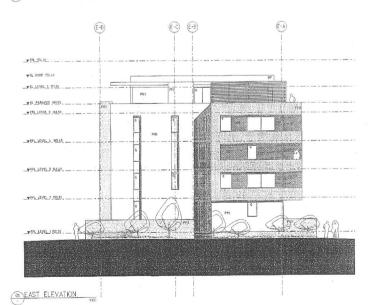
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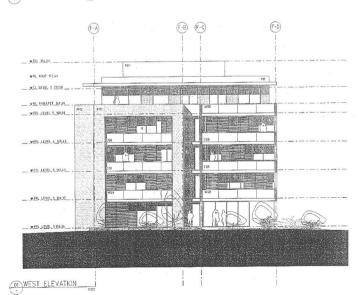
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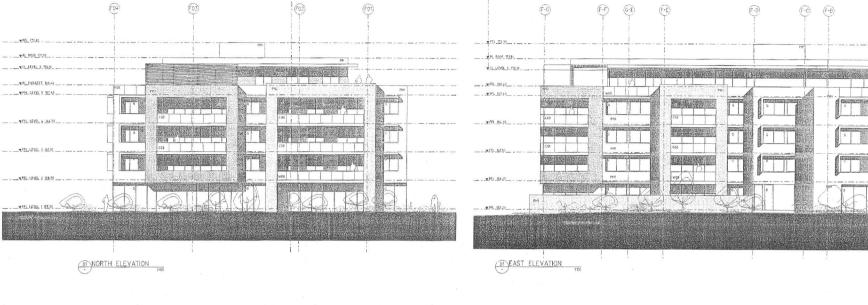
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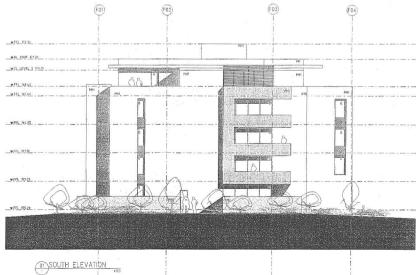
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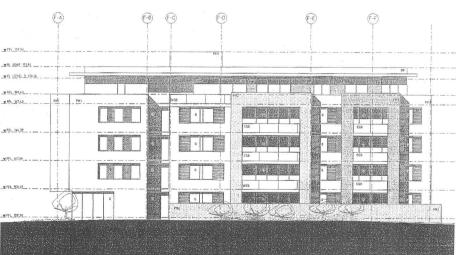
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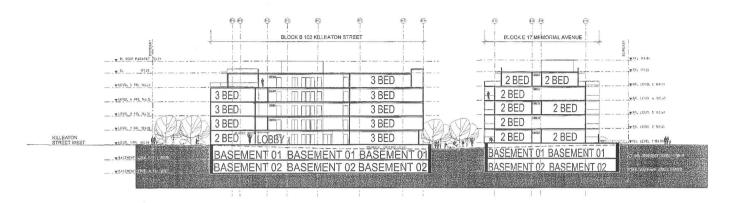
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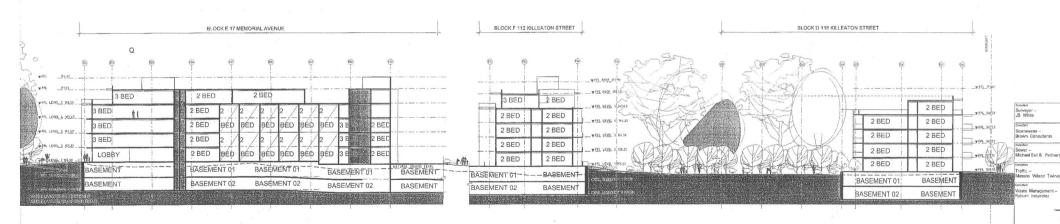




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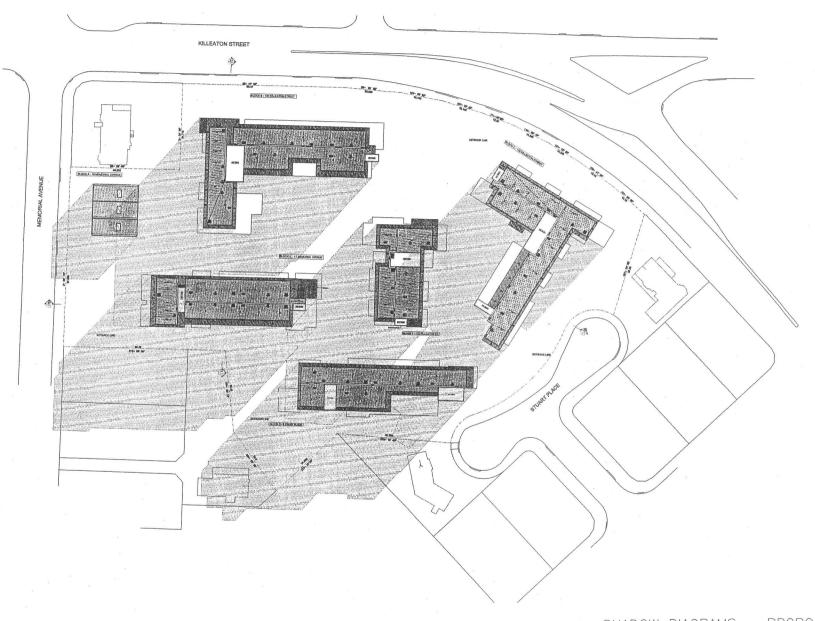
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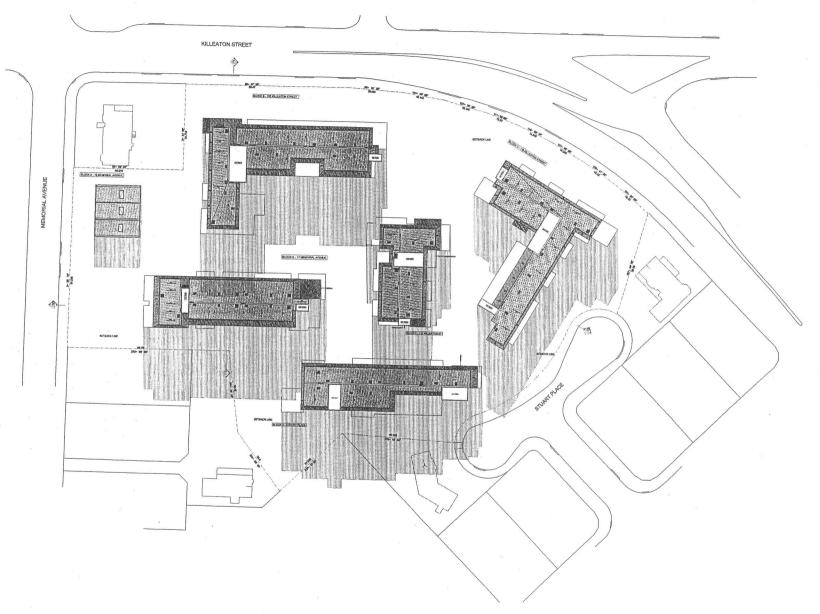
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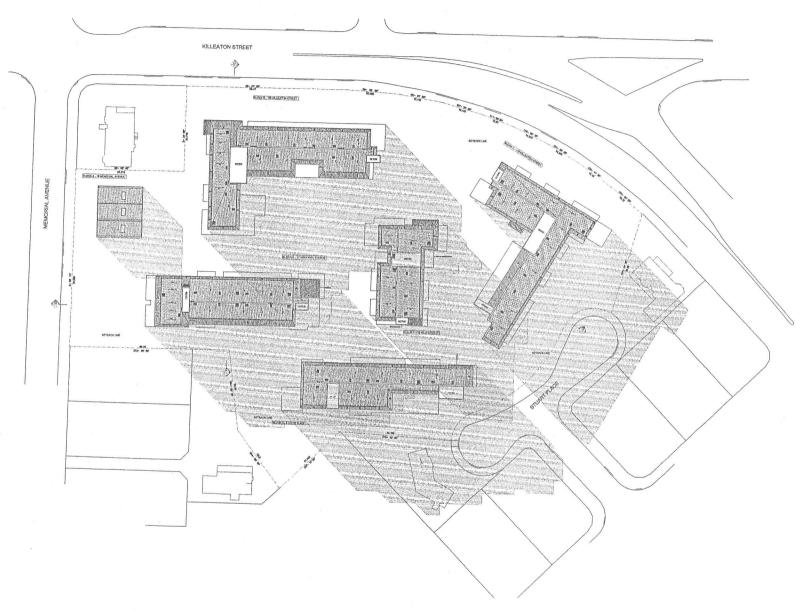
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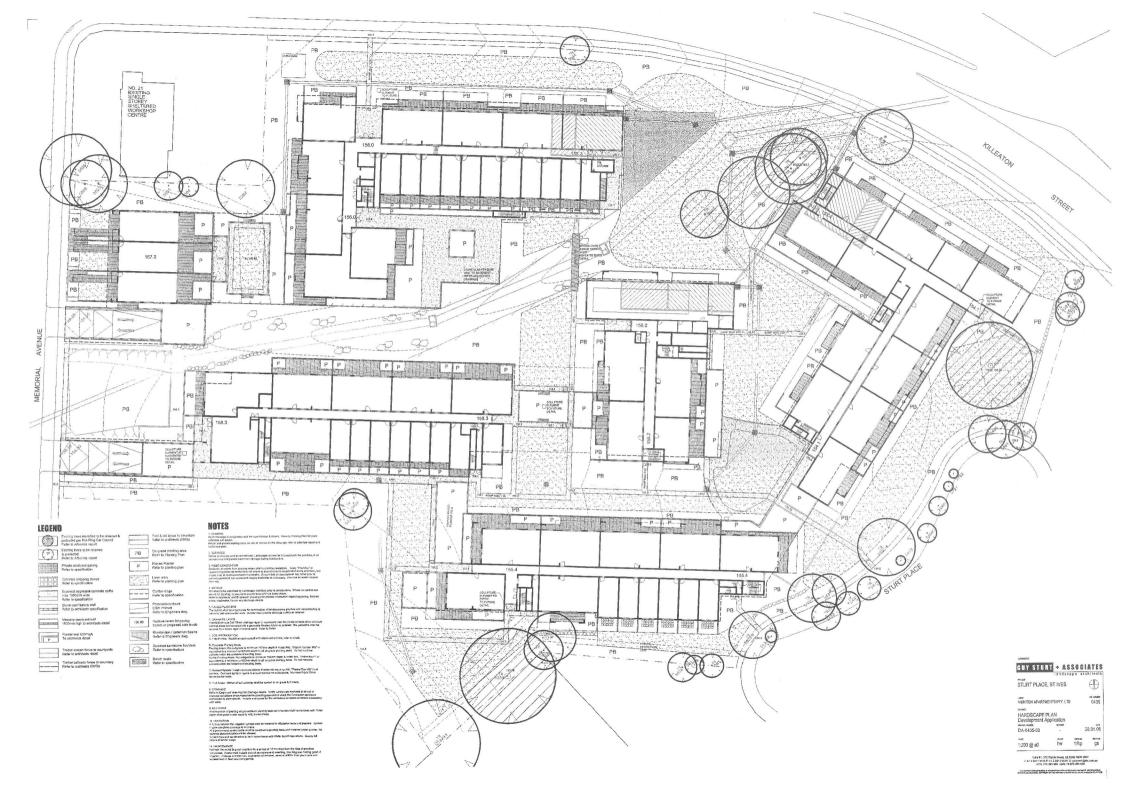
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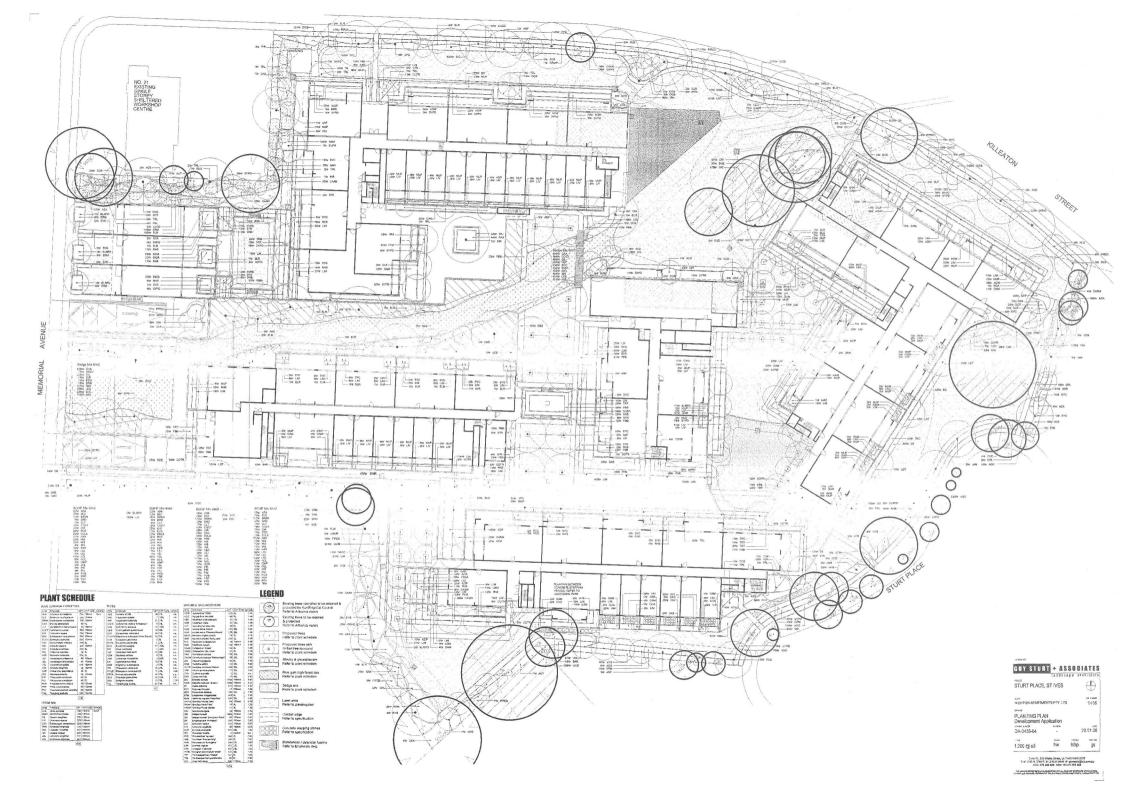


SHADOW DIAGRAMS - PROPOSED WINTER SOLSTICE - 3 PM 1:500









# **DEVELOPMENT APPLICATION**

# **SUMMARY SHEET**

**REPORT TITLE:** 36 AWATEA ROAD, ST IVES -

SUBDIVISION INTO THREE (3) LOTS AND THE REMOVAL OF PART OF

THE STRUCTURE AND THE

ALTERATIONS AND ADDITIONS TO THE EXISTING DWELLING HOUSE

WARD: St Ives

**DEVELOPMENT APPLICATION**  $N^{o}$ : 1165/05

SUBJECT LAND: 36 Awatea Road, St Ives

APPLICANT: Mr and Mrs Ney

OWNER: Mr and Mrs Ney

**DESIGNER:** Jackson Architects

**PRESENT USE:** Residential

**ZONING:** Residential 2(c)

**HERITAGE:** No

**PERMISSIBLE UNDER:** Ku-ring-gai Planning Scheme Ordinance

COUNCIL'S POLICIES APPLICABLE: KPSO, Subdivision Code, DCP 38

COMPLIANCE WITH CODES/POLICIES: No

GOVERNMENT POLICIES APPLICABLE: SEPP1, SEPP 55

**COMPLIANCE WITH GOVERNMENT POLICIES:** Yes

DATE LODGED: 18 October 2005

40 DAY PERIOD EXPIRED: 27 November 2005

**PROPOSAL:** Subdivision into three (3) lots and the

removal of part of the structure and the alterations and additions to the existing

dwelling house

**RECOMMENDATION:** Approval

Item 2

**DEVELOPMENT APPLICATION N<sup>o</sup>** 1165/05

PREMISES: 36 AWATEA ROAD, ST IVES

PROPOSAL: SUBDIVISION INTO THREE (3) LOTS AND

THE REMOVAL OF PART OF THE STRUCTURE AND THE ALTERATIONS AND ADDITIONS TO THE EXISTING

DWELLING HOUSE

APPLICANT: MR AND MRS NEY OWNER: MR AND MRS NEY

DESIGNER JACKSON ARCHITECTS

# PURPOSE FOR REPORT

To determine Development Application No 1165/05 which seeks consent for the subdivision into three (3) lots and the removal of part of the structure and the alterations and additions to the existing dwelling house.

# **EXECUTIVE SUMMARY**

**Issues:** • Located within bushfire prone land.

• Allotment width.

**Submissions:** Two submissions received.

**Land & Environment Court** N/A

Appeal:

**Recommendation:** Approval

# **HISTORY**

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

# **Development application history**

The current application (DA1165/05) was made following the refusal of the previous DA (418/04) by Council for the same development on 16 June 2005. The previous development application was refused by Council for reasons relating to the failure by the applicant to gain the consent of the RFS (Rural Fire Services) to the proposed subdivision under section 100B of the Rural Fires Act. Subsequent to the first determination, a number of discussions and on site meetings were held between the applicant and the RFS. The RFS had no issues with the subject application.

# THE SITE AND SURROUNDING AREA

#### Item 2

#### The site

Zoning: Residential 2(c) Visual Character Study Category: 1945-1968

Lot Number: 232
DP Number: 752031
Area: 4,789m²
Side of Street: Western
Stormwater Drainage: To the street

Heritage Affected: No

Required Setback: 12 metres Integrated Development: Yes - RFS

Bush Fire Prone Land: Yes
Endangered Species: No
Urban Bushland: No
Contaminated Land: No

The subject property is known as 36 Awatea Road, Pymble and is described as Lot 232 in DP 752031. The site is rectangular in shape, with a frontage to Awatea Road of 40.235 metres, a southern boundary of 122.7 metres, a northern boundary of 115.9 metres and a rear boundary of 40.5 metres. The site has a total area of 4,789 m<sup>2</sup>·

Vehicular access to the site is via a circular gravel driveway to Awatea Road. A third driveway access exists adjacent to the northern site boundary.

The site shares a common rear boundary with land zoned residential 2(c) that is under both private and crown ownership.

The site has an east-west orientation and falls from a point forward of the existing house to the north-eastern corner, and from the rear of the house to the rear boundary. The RL's for the corners of the site are:

North-eastern corner: RL 161.10
South-eastern corner: RL 164.25
North-western corner: RL 145.87
South-western corner: RL 146.39

Existing vegetation upon the site is located along the street frontage, along the northern boundary and within the rear yard area.

The subject site is improved by a two storey rendered brick dwelling, detached metal carport, detached weatherboard caretakers cottage, detached brick cottage, in-ground swimming pool and timber pergola.

# **Surrounding development**

The surrounding properties generally comprise a mix of both single storey and two storey dwelling houses on allotments of land generally the same size as those proposed to be created by this application.

# THE PROPOSAL

The proposal is for the torrens title subdivision of one lot into three. The application also includes the demolition and removal of a number of structures from the site as indicated on the plans submitted with the application. It is also proposed to carry out alterations and additions to the existing dwelling house so as to allow it to be retained upon proposed Lot 1.

#### Lot 1

The allotment will comprise land within the south-eastern corner of the subject site. The proposed allotment will have an area of 959m<sup>2</sup>. The proposed allotment will have a northern boundary of 53.125m, western boundary of 19.57m, southern boundary of 49.5m and an eastern boundary of 18m (Awatea Road frontage).

Vehicular access to this property will be provided directly from Awatea Road.

The existing dwelling house is proposed to be retained upon Lot 1 as part of this application. This will necessitate the demolition of a small section of the ground floor of the dwelling as detailed on the plans. The existing double carport and associated driveway to the south of Lot 1, servicing the existing dwelling house, will remain unchanged.

# Lot 2

This allotment will comprise land within the north-eastern corner of the subject site. The proposed allotment will have an area of 934.8m<sup>2</sup>. The proposed allotment will have a northern boundary of 57m, western boundary of 16.99m, southern boundary of 53.9m and an eastern boundary of 17.62 (Awatea Road frontage). A SEPP 1 Objection has been prepared in support of the non-compliant allotment width.

Vehicular access to this property will be provided directly from Awatea Road.

The existing swimming pool that exists upon the site is proposed to be retained upon this allotment.

# Lot 3

This allotment will comprise land within the rear (western) portion of the subject site. The proposed allotment of a battle-axe configuration and will have an area of 2,896m<sup>2</sup> (2,650m<sup>2</sup> excluding access handles). The proposed allotment will have a northern boundary of 58.59m, western boundary of 40.53m, southern boundary of 73.275m and a combined eastern boundary of 41.175m and will have a frontage to Awatea Road of 4.615m.

#### Item 2

Vehicular access to this property will be provided directly to Awatea Road via an access handle with a width of 4.615m

The site indices for the proposal are:

Site Area 4,789m<sup>2</sup>

Proposed Lot 1: 959m<sup>2</sup> Proposed Lot 2: 934.8m<sup>2</sup>

Proposed Lot 3 2,896m<sup>2</sup> (2,650m2 excl access handle)

# **CONSULTATION - COMMUNITY**

In accordance with Council's Notification DCP, owners of surrounding properties were given notice of the application.

In response, two submissions were received from the following:

• C and C Comino, 25 Awatea Road

Mr. and Mrs. Comino state: "We hereby confirm that we are in support of the application."

M and M Chow, 47 Waipori Road

The following issues were raised:

# "Bushfire safety"

The RFS wrote to Council on 9 December 2005 and stated:

"based upon an assessment of the plans and documentation received for the proposal, the NSW Rural Fire Service is prepared to grant a Bush Fire Safety Authority with no specific conditions."

Any development application for the additional dwellings will have to be referred back to the RFS for their further comments.

"As residents of 47 Waipori Street we suffered for many years from stormwater running down from 34, 36 and 28 Awatea Road. After our complaints were made, Council built a special drainage system which has now re-directs the stormwater away from our property. To avoid the same problem from reoccurring, we would like to see the clear provisions be made to the subdivision with regard to stormwater from any new dwellings."

Council's engineers have stated that deposited plans for the area indicate some interallotment drainage pipes in the vicinity, but little is known of their condition or capacity, so it is considered at this stage that on site dispersal will be the most appropriate way of draining a residence on Lot 3. New dwellings for Lot 2 and 3 will require separate development applications which will be assessed by Council's engineers, with particular regard to the properties situated on Waipori Street.

The owner of 36-38 Awatea once proposed to put their sewage through our land. We declined this request. We would like to receive Council's assurance that our land will not be disturbed by the sewage system of any of the new 3 subdivided lots."

Council's engineers have assessed the provision of sewage for the site and concluded that an easement will not be required over 47 Waipori Road.

# **CONSULTATION - WITHIN COUNCIL**

# **Engineering:**

Council's Engineers have commented as follows:

"The application is for the subdivision of one lot into three, and for alterations to the existing dwelling.

The existing residence is on proposed Lot 1, the southern front lot. Proposed Lot 2, the northern front lot, appears to have slight fall to Awatea Road, so it is expected that a new dwelling on that lot could drain to the street drainage system.

The large Lot 3 at the rear will have an area of  $2896m^2$  and because of the likely bushfire conditions, will have a built-upon area well below 30% of the site area. Deposited plans for the area indicate some interallotment drainage pipes in the vicinity but little is known of their condition or capacity, so it is considered at this stage that on site dispersal will be the most appropriate way of draining a residence on Lot 3.

Therefore the only works associated with the subdivision will be the construction of an access driveway in the handle to Lot 3. The area of the driveway will be about 90m<sup>2</sup>, not sufficient to attract a requirement for on site detention under Section 6.9.4 of DCP 47.

There are no objections to the proposed subdivision. Engineering conditions have been recommended."

(Refer Conditions Nos 7-12, 24, 27-30 and 34-45).

# Landscape:

Council's Landscape Assessment Officers have commented as follows:

"The application is substantially the same as subdivision application DA0418/04 which was refused due to non-compliances with bushfire protection controls and failure to gain RFS endorsement of the application.

From a landscape perspective, comments regarding the proposal remain unchanged from those prepared by Robyn Askew dated 29 June 2004. An updated version of these comments is provided below.

# Impact on trees & bushfire hazard

#### Lot 1

Lot 1 will include the existing dwelling and driveway. No trees within the subject lot will be affected by the proposal.

# Lot 2

Lot 2 will include the existing pool, timber pergola and entertainment area. There are no significant trees within the proposed lot that would be affected by any future development however there are several trees located on the adjoining property No. 40 Awatea Road that may be affected.

As these trees are located on the adjoining property it is not practical to impose a Section 88B to restrict the use of the land however, this issue can be adequately addressed by imposing a minimum building setback along a portion of the northern boundary.

To preserve the following trees located on the adjoining property No. 40 Awatea Rd a minimum building setback of 4 metres shall be imposed along the northern boundary of Lot 2 extending 30 metres from the rear (western) boundary. No changes in soil levels, paving or drainage works are permitted except with the approval of Council.

# Tree/Species

119 / Syncarpia glomulifera (Turpentine)

122 / Syncarpia glomulifera (Turpentine)

154 / Eucalyptus crebra (Narrow leafed Ironbark)

359 / Eucalyptus crebra (Narrow leafed Ironbark)

Note: The tree numbers refer to the numbers indicated on the Tree Site Analysis Plan by Footprint Green, dated 8th July 2004.

# Lot 3

Lot 3 will be accessed via Awatea Road down a battle-axe driveway between Lots 1 & 2. The lower portion of Lot 3 which adjoins bushland has been classified as Category 1 High Bushfire Prone Vegetation while the remaining is classified as Category 2 Bushfire Prone Vegetation.

Due to the above Bushfire Classification the application has been referred to the RFS for comment. A positive recommendation from RFS has been received (9 December 2005) and from the documentation submitted states that discussions with RFS has determined that an asset protection zone of 50 metres be provided from the north-west corner of the property.

The only possible location for a future dwelling on Lot 3 is the relatively flat area at the eastern end of the site.

A Chamaecyparis sp. (Cypress) 10 metres high in fair condition and a Eucalyptus sieberi (Silvertop Ash) 12 metres high in fair condition are located within the proposed battle-axe driveway and will require removal. No objection is raised to the removal of these trees.

There are no significant trees located in the eastern portion of the site which would be affected by future development.

The Landscape Section will support the application, subject to conditions."

(Refer Conditions Nos 25, 26 and 45-48)

# **CONSULTATION - OUTSIDE COUNCIL**

# **NSW Rural Fire Services (RFS)**

The RFS commented on 9 December 2005 as follows:

"I refer to your letter seeking our general Terms of Approval for the above proposal in relation to the requirement for a bush fire authority under section 100B of the rural fires Act 1997.

Based upon assessment of the plans and documentation received for the proposal and further information received from the applicant's bushfire consultant, the NSW Rural Fire Service is prepared to grant a Bush Fire Safety Authority with no specific conditions.

This response is to be deemed the Bush Fire Safety authority as required under section 100B of the Rural Fires Act 1997."

# STATUTORY PROVISIONS

# State Environmental Planning Policy No 55 - Remediation of Land

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

# Sydney Regional Environmental Plan No 20 - Hawkesbury-Nepean River

The site is within the catchment of the Hawkesbury River and, as such, the development is subject to the provisions of this environmental planning instrument. The aim of SREP 20 is to "protect the environment of the Hawkesbury-Nepean River system by ensuring that the impacts of future land uses are considered in a regional context."

The SREP requires consideration of a number of matters such as water quality, flora and fauna, wetlands and heritage etc.

The proposed development meets the general strategies of the SREP. A condition is recommended to control runoff and sediment from the site during construction (**refer Condition 15**).

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

Development Standard	Proposals Numeric Compliance	Complies
Site Area: 4,789m <sup>2</sup>		
Subdivision for dwelling		
houses		
• Site area (street frontage):	Lot 1:959m <sup>2</sup>	YES
929m <sup>2</sup> (min)	Lot 2: 934.8m <sup>2</sup>	YES
• Site area (battle axe): 1,300m <sup>2</sup> (min)	Lot 3: 2,650m <sup>2</sup>	YES
• Site width: 18.0m (min) at a distance of 12.2m from the street alignment	Lot 1: 18.0m Lot 2: 17.62m	YES NO
Battle Axe-Min width of access way – 4.6m	Lot 3: 4.615m	YES

# Site width

Lot 2 is non-compliant with Council's minimum site width development standard specified in the KPSO. The extent of the non-compliance is 0.38m. The applicant has lodged a SEPP 1 objection seeking variation of the development standard. Discussion of the SEPP 1 is as follows:

The intent of this development standard is to ensure that allotments resultant from subdivision are of sufficient size to reasonably accommodate residential development in accordance with the objectives and policies for residential zones as set out in Schedule 9 of the KPSO. Likewise, the development standard aims to ensure subsequent residential development will be consistent with the design requirements set out in Development Control Plan (DCP) 38.

The applicant has provided the following reasons to justify the non-compliance:

- The departure from the standard sough is 0.38m or 2% and is considered a minor non-compliance;
- It is our opinion that such a minor non-compliance will not restrict any future development being constructed in a manner that is consistent with the requirements of Council;
- The proposed allotment will achieve the perceived objectives of this standard given that the departure from this standard is extremely minor;

#### Item 2

- The subdivision pattern will achieve the perceived objectives of this standard given that the departure form this standard is extremely minor;
- The subdivision pattern is consistent with the subdivision layout within the immediate vicinity of this site, particularly, the adjoining properties at Nos 34,34A and 34B Awatea Road, opposite the site in Awatea Road and to the west of the site in Waipori Street;
- The streetscape will not be affected by this subdivision proposal as the reduced width will not be perceived from the public domain.

It is considered that the requested variation to the minimum allotment width standard for Lot 2 is minor and will have no material effect on the character or amenity of the area nor will it conflict with Council's objectives for residential development as detailed in Schedule 9 of the KPSO. It can be demonstrated that an adequate area of soft landscaping for gardens, lawns and trees can be provided and that a house design for the site which would comply with DCP 38 is achievable.

The SEPP No 1 objection has demonstrated that the relevant planning objectives of the minimum allotment width requirements of Clause 58B(c)(i) have not been compromised by the proposed development. Strict application of these development standards would not result in any greater benefits in terms of character and streetscape of the locality and would result in the loss of an existing dwelling which makes a positive contribution to this existing attractive character.

The requested variation is relatively minor and does not result in the creation of allotments which are inconsistent to any noticeable extent, with the existing subdivision pattern in the locality. The nature of the variation requested and the circumstances that exist in this case ensure that an approval of the variations to the development standards will not create an undesirable precedent or undermine the subject development standards.

Strict application of the development standard in this case would not result in the most appropriate subdivision design, having regard to the benefits of the retaining the existing dwelling on the existing Lot 11 nor would it contribute to the achievement of the objectives of section 5(a)(i) and (ii) of the EPA Act, particularly in relation to the orderly and economic development of the land. In the circumstances, it is recommended that the requested variation to Clause 58B(c)(i) minimum width standard for one allotment, being proposed Lot 2, be supported.

Under these circumstances, strict compliance with the development standard is considered unnecessary and unreasonable.

# **POLICY PROVISIONS**

#### Subdivision code

COMPLIANCE TABLE		
<b>Development Standard</b>	Proposals Numeric Compliance	Complies
Site Area: 4,334m <sup>2</sup>		
Subdivision		

COMPLIANCE TABLE		
<b>Development Standard</b>	Proposals Numeric Compliance	Complies
• Site area (street frontage): 929m² (min)	Lot 1:959m <sup>2</sup> Lot 2: 934.85m <sup>2</sup>	YES YES
• Site area (battle axe: 1,300m² (min)	Lot 3: 2,896m <sup>2</sup>	YES
• Site width: 18.29m (min) at a distance of 12.2m from the street alignment	Lot 1:18.0m Lot 2:17.62m	NO NO
Battle Axe access 4.57	Lot 3: 4.625m	YES

Lot 1 complies with the minimum width in accordance of the KPSO. The subdivision code at 18.29m compared to the 18.0 m of the KPSO is a minor variation. The non-compliance with the minimum site width requirement for Lot 2 has been assessed under the KPSO provisions above and is supported. There will not be an undue impact on soft landscaping or residential character and sufficient area of appropriate dimension is provided for the three lots, to enable the construction of dwellings that could be reasonably expected to meet the objectives and policies of Schedule 9 of the KPSO and the design requirements of Development Control Plan 38.

# Ku-ring-gai Residential Design Manual - Development Control Plan No 38

An assessment is made of the compliance of the proposed lot which will contain the existing dwelling house (Lot 1) relative to all the requirements of DCP 38.

# Proposed Lot 1 (existing house at 36 Awatea Road, St Ives)

The DCP 38 assessment is as follows:

COMPLIANCE TABLE		
<b>Development Control</b>	Proposals Numeric Compliance	Complies
5.1 Streetscape:		
Building setbacks (s.5.1.3)		
• Front setback:		
12m	22.00m	YES
• Side setback: Ground floor: 1.5m(min)	Southern 4m Northern 1.5 - 2m	YES NO
• Rear setback: 12m(min)	12m	YES
Front fences (s.5.1.5)		
Low front fences or hedges	1.5m hedge	YES
Side & rear fences (s.5.1.5)		

	COMPLIANCE TABLE	
<b>Development Control</b>	Proposals Numeric Compliance	Complies
	-	
• Height (behind building line):		
1.8m (max)	1.8m	YES
5.2 Building form:		1
<b>FSR</b> ( <b>s.5.2.1</b> ) 0.37:1 (360sqm max)	0.31:1	YES
Height of building (s.5.2.2)		
• 2 storey (max) and	1 storey & rooms in the roof	YES
7m (site <20 <sup>0</sup> slope)	3.4m to ridge	YES
<b>Building height plane (s.5.2.3)</b>		
45 <sup>0</sup> from horizontal at any point 3m	complies	YES
above boundary		
First floor (s.5.2.4)		
• FSR: < 40% total FSR	35%	YES
<b>Roof line (s.5.2.6)</b>		
Roof height		
(5m – single storey)	3m	YES
$(3m - two^+ storey)$		
• Roof Pitch 35 <sup>0</sup> (max)	$28^{0}$	YES
<b>Built-upon area (s.5.2.7)</b>	12.70/ (1202)	* TEN
54% (518m²) (max)	43.7% (420m²)	YES
Unrelieved wall length (s.5.2.8)	14.5m	NO
12m (min)		
Solar access (5.2.11)	41 1 . 11	T/EC
4h solar access to adjoining	4hours to dwelling and adjoining properties	YES
properties between 9am to 3pm		
Energy efficiency (5.2.12)		T.T.C
Thermal Assessment Score 60%	4 stars	YES
External noise sources (s.5.2.13)	N	<b>N</b> T/A
14m Setback to main roads or	Not a main road	N/A
40dba compliance		
Cut & fill (s.5.2.15)	400	MEG
• max cut 900mm	400mm	YES
5.3 Open space & landscaping:		1
<b>Soft landscaping area (5.3.3)</b> 46% (441 m <sup>2</sup> ) (min)	56 204 (520m²)	VEC
Tree replenishment (s.5.3.6)	56.3% (539m²)	YES
7 Trees Required	12 trees provided	YES
Landscaping cut & fill (5.3.7)	12 trees provided	1123
• max cut or fill 500mm relative to	400mm	YES
natural ground	<del>1</del> 00111111	1123
0 0111 111 0 0		YES
no cut & fill within 2m of boundary		1123
Useable open space (s.5.3.8)		
Min depth 5m and min area 50m <sup>2</sup>	Depth 9m Area 150m <sup>2</sup>	YES
5.5 Access & parking:	Depui iii Alea 150iii	1 LS
No. of car parking spaces (s.5.5.1)		
2 spaces behind building line	2 spaces behind building line	YES
2 spaces belind building line	2 spaces belling bullding line	1123

COMPLIANCE TABLE		
<b>Development Control</b>	Proposals Numeric Compliance	Complies
Size of car parking space (s.5.5.2)		
10.8m x 6.2m	11m x 6.2m	YES
Driveway Width (s.5.5.6) 3.5m	3.6m	YES

The existing house at 36 Awatea Road, St Ives (proposed Lot1) complies with the requirements of DCP 38, except in the following areas:

# 1. Building line (side setback-northern)

A minimum of 1.5 metres is required for a side setback for a single storey dwelling. The subject property is essentially single storey but it has rooms in the roof. If the two storey dwelling requirement is applied, a 2.0 metres setback is required. As the northern side setback is 1.5 metres, it would not comply. Part of the dwelling to the north will be removed so that it would be set back at least 1.5 metres from the northern boundary. This is considered sufficient, as there is the proposed 4.615m access way between Lot 1 and proposed Lot 2.

# 2. Unrelieved wall length.

As a small part of the existing dwelling house to the north is to be demolished to make way for the access way to proposed Lot 3 to the rear of the subject property, the northern facade will have an unrelieved length of 14.5m. This is, however, broken with some windows and a door and can't be directly viewed from the street. The existing dwelling house is reasonably modest and is well below the FSR and coverage requirements.

# Section 94 Plan

The development attracts a section 94 contribution of \$64,648.00 (2 x \$32,324.00), which is required to be paid by **Condition No 33**.

# 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 to be in the in the public interest.

# ANY OTHER RELEVANT MATTERS CONSIDERATIONS NOT ALREADY ADDRESSED

There are no other matters for consideration.

#### CONCLUSION

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

#### RECOMMENDATION:

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

THAT the Council, as the consent authority, being satisfied that the objection under SEPP No. 1 is well founded and also being of the opinion that the granting of consent to DA 1165/05 is consistent with the aims of the Policy, grant development consent to DA 1165/05 for subdivision of one allotments into three, including the removal of part of the structure and the alterations and additions to the existing dwelling house on Lot 232 of DP 752031 at 36 Awatea Road, St Ives, for a period of two (2) years from the date of the Notice of Determination, subject to the following conditions:

# **GENERAL**

- 1. The development must be carried out in accordance with plan numbered A01, Subdivision Plan, Revision A, dated 1 April 2004, drawn by Jackson Architects, lodged with Council on the 18 October 2005 and endorsed with Council's approval stamp, except where amended by the following conditions:
- 2. The works set forth in the plans and specifications and approved under this consent, once commenced, shall be completed within two (2) years from the date of commencement.
- 3. For the purpose of ensuring the compliance with the terms of the approval, an approved copy of the plan and this Consent and Construction Certificate shall be kept on site at all times.
- 4. The submission of the approved plans to Sydney Water, before any work is commenced to ensure that the proposed structure meets that Authority's By-Laws. Failure to submit these plans before commencing work will render the owner liable to a penalty and may result in the demolition of work.
- 5. A Tree Preservation Order exists within the Ku-ring-gai Council area whereby the removal, lopping or destruction of any tree exceeding 5.0 metres in height or 4.0 metres in canopy spread (except where exempt as defined under Council's Tree Preservation Order) without prior written consent of Council is prohibited.
- 6. The applicant shall ensure that at all times during the demolition period no activities, storage or disposal of materials shall take place beneath the canopy of any tree protected under Council's Tree Preservation Order.

- 7. All public footways and roadways fronting and adjacent to the site are to be maintained in a safe condition at all times during the course of the development works. A safe pedestrian circulation route and a pavement/route free of trip hazards must be maintained at all times on or adjacent to the public access ways fronting the construction site. Where public infrastructure is damaged, repair works must be carried out when and as directed by Council officers. Where circulation is diverted on to the roadway, clear directional signage and protective barricades must be installed in accordance with AS1742-3 1996 "Traffic Control Devices for Work on Roads". If pedestrian circulation is not satisfactorily maintained, and action is not taken promptly to rectify the defects, Council may undertake proceedings to stop work.
- 8. Where required, the adjustment of any utility service facilities must be carried out by the applicant and in accordance with the requirements of the relevant utility authority. These works shall be at no cost to Council. It is the Applicants responsibility to ascertain impacts of the proposal upon utility services and Council accepts no responsibility for any matter arising from its approval to this application involving an influence upon utility services provided by another authority.
- 9. The provision of temporary sediment and erosion control facilities and measures are to be installed, prior to the commencement of any works on the site to eliminate unnecessary erosion and loss of sediment. These facilities must be maintained in working order during construction works and up to the completion of the maintenance period. All sediment traps must be cleared on a regular basis and after each major storm, and/or as directed by the Principal Certifying Authority and Council officers.
- 10. The Applicant must obtain a **Section 73 Compliance Certificate** under the *Sydney Water Act* 1994. An application must be made through an authorised Water Servicing Coordinator. Please refer to "Your Business" section of Sydney Water's web site at <a href="https://www.sydneywater.com.au">www.sydneywater.com.au</a> then the "e-developer" icon or telephone 13 20 92. Following application a "Notice of Requirements" will detail water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.
- 11. For the purpose of safety and amenity of the area, no building materials, plant or the like are to be stored on the road or footpath without the written approval being obtained from the Council beforehand. The pathway shall be kept in a clean, tidy and safe condition during demolition operations. Council reserves the right, without notice, to rectify any such breach and to charge the cost against the applicant/owner/builder, as the case may be.
- 12. For the purpose of public safety, a sign shall be erected on the site prior to any work commencing which is clearly visible from a public place stating that unauthorised entry to the site is not permitted and showing the name of the builder or another person responsible for the site and a telephone number for contact outside working hours. The sign may only be removed on satisfactory completion of the works.

- 13. The demolition is to be carried out in accordance with the guidelines contained in Australian Standard 2601-1991: The Demolition of Structures.
- 14. Demolition work, including removal of material or debris from the site, on any building in a residential area shall only be carried out during the following hours: Mondays to Fridays inclusive: 7.00am to 5.30pm. Saturdays: 8.00am to 12.00 noon. Sundays and Public Holidays: Not Permitted.
- 15. Erosion control measures shall be provided on demolition sites to prevent the siltation of watercourses and drainage systems.
- 16. Dust control measures shall be taken on all demolition sites so as to avoid a nuisance to adjoining properties and harm to the environment.
  - a. A person taking down or demolishing or causing to be taken down or demolished any building or portion of any building shall:
    - i. cause the windows or other openings in the external walls to be close boarded or otherwise covered;
    - ii. cause screens of canvas, hessian, boards, mats or other suitable material to be fitted in appropriate locations;
    - iii. cause areas, components and debris to be wetted down; in such a manner as to minimise, as far as practicable, the nuisance arising from the escape of dust during such taking down or demolition.
  - b. Such person shall not chute, throw or let fall or cause to chute, throw or let fall from the floor to floor or into any basement of such building any building materials or any other matter so as to cause dust to escape from the building or cause any such material to fall or cast upon a public way to the annoyance, inconvenience, or danger of persons using such public way.
- 17. A temporary construction exit and sediment trap to reduce the transport of sediment from the site onto public roads shall be provided before demolition commences.
- 18. Existing stormwater lines on the site are to be blocked and made inoperable after buildings are demolished so as to prevent the conveyance of silt or sediments into the gutter or street drainage system.
- 19. All combustible material shall be removed from the site on a daily basis. Material shall not be burnt on the site.
- 20. Materials salvaged from a demolition may be stored on site provided they are non combustible, neatly and safety stockpiled and not likely to become a harbourage for vermin.
- 21. Trees and vegetation on a site shall not be disturbed except with the approval of the Council.
- 22. A sign must be erected in a prominent position on any work site on which work involved in the demolition of a works is being carried out:

- a. stating that unauthorised entry to the work site is prohibited, and
- b. showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.

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

This clause does not apply to:

- a. building work carried out inside an existing building, or
- b. building work carried out on premises that are to be occupied continuously (both during and outside working hours) while the work is being carried out.
- 23. All demolition materials of value for re-use either on-site or elsewhere, shall be separated and made available for re-cycling.
- 24. Construction of a driveway within the access handle to proposed Lot 3. The driveway crossing shall have a minimum width of 3.7 metres to comply with Council's Specification. The driveway is to have a minimum width of 3.0 metres and to be designed so that it is structurally adequate for design vehicles up to a fully laden concrete truck.
- 25. Release of the Construction Certificate gives automatic approval to the removal only of those trees located on the subject property within the footprint of an approved new building/structure or within 3.0 metres of an approved new residence, measured from the centre of the trunk of the tree to the external wall of the residence. Where this application is for a building/structure other than a residential building then only trees within the area to be occupied by this building/structure may be removed.
- 26. The following performance criteria must be addressed by future development of the lots:
  - Any dwelling shall be designed to minimise loss of trees:
  - Any dwelling should aim to preserve those trees considered most worthy of retention in a tree report prepared by a qualified Arborist.
  - The dwelling shall be designed to minimise excavation, however no excavation would be preferred.
  - The design of the dwelling shall have regard for its bushland setting ie: the scale and form of the building, as well as colours, building materials and landscape design shall be appropriate for, and harmonise with, the bushland character of the area.

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

27. Submission for approval by the Principal Certifying Authority prior to issue of the Construction Certificate of design documentation for the driveway to the proposed Lot 3. The designing engineer is to certify that the proposed driveway is structurally adequate for design vehicles up to a fully laden concrete truck, and complies with Australian Standard 2890.1 –

2004 "Off-street car parking" in terms of passing opportunities, ramp grades and driveway width.

28. Prior to issue of the Construction Certificate footpath and driveway levels for any fully new, reconstructed or extended sections of driveway crossings between the property boundary and road alignment must be obtained from Council. Such levels are only able to be issued by Council under the *Roads Act 1993*. All footpath crossings, laybacks and driveways are to be constructed according to Council's specifications "Construction of Gutter Crossings and Footpath Crossings" or as specified by Council. These are issued with alignment levels after completing the necessary application form at Customer Services and payment of the adopted fee.

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

- Note 1: The construction of footpaths and driveways outside the property, in materials other than those approved by Council, is not permitted and Council may require immediate removal of unauthorised installations.
- Note 2: When completing the request for driveway levels application from Council, the applicant must attach a copy of the relevant Development Application drawing which indicates the position and proposed level of the proposed driveway at the boundary alignment. Failure to submit this information may delay processing.

# CONDITIONS TO BE COMPLIED WITH PRIOR TO WORK COMMENCING

- 29. Prior to the commencement of any work, the Principal Certifying Authority shall be notified in writing of the name and contractor license number of the owner/builder who intends to carry out the approved works.
- 30. Prior to commencing any demolition or subdivision work, the following provisions of the Environmental Planning & Assessment Act, 1979 (the 'Act') are to be complied with:
  - a. A Construction Certificate is to be obtained in accordance with Section 81A(2)(a) of the Act.
  - b. A Principal Certifying Authority is to be appointed and Council is to be notified of the appointment in accordance with Section 81A(2)(b) of the Act.
  - c. Council is to be notified in writing, at least two (2) days prior to the intention of commencing buildings works, in accordance with Section 81A(2)(c) of the Act.
  - d. Should the development be certified by a Principal Certifying Authority other than Council, a fee for each Part 4A Certificate is to be paid to Council on lodgement of those Certificates with Council.

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

- 31. The Long Service Levy is to be paid to Council in accordance with the provisions of Section 34 of the Building and Construction Industry Payments Act 1986 prior to the issue of the Construction Certificate.
- 32. The Infrastructure Restorations Fee calculated in accordance with the Council's adopted schedule of Fees and Charges is to be paid to the Council prior to any earthworks or demolition commencing. The applicant or builder/developer will be held responsible for and liable for the cost any damage caused to any Council property or for the removal of any waste bin, building materials, sediment, silt, or any other article as a consequence of doing or not doing anything to which this consent relates. "Council Property" includes footway, footpath paving, kerbing, guttering, crossings, street furniture, seats, litter bins, trees, shrubs, lawns mounds, bushland, and similar structures or features on road reserves or any adjacent public place. Council will undertake minor restoration work as a consequence of the work at this site in consideration of the "Infrastructure Restorations Fee" lodged with the Council prior to the release of the Construction Certificate. This undertaking by the Council does not absolve the applicant or Builder/developer of responsibility for ensuring that work or activity at this site does not jeopardise the safety or public using adjacent public areas or of making good or maintaining "Council property" (as defined) during the course of this project.
- 33. 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 TWO (2) ADDITIONAL ALLOTMENTS IS CURRENTLY \$64,648.00. The amount of the payment shall be in accordance with the Section 94 charges as at the date of payment. The charges may vary at the time of payment in accordance with Council's Section 94 Contributions Plan to reflect changes in land values, construction costs and the consumer price index.

This contribution shall be paid to Council prior to the release of the Construction Certificate and the amount payable shall be in accordance with the Council's adopted Section 94 Contributions Plan for Residential Development, effective from 30 June 2004, calculated for additional person as follows:

1.	Community Facilities	\$1,117.76
2.	Park Acquisition and Embellishment Works - St Ives	\$6,574.28
3.	Sportsgrounds Works	\$1,318.32
4.	Aquatic / Leisure Centres	\$27.82
5.	Traffic and Transport	\$150.28
6.	Section 94 Plan Administration	\$100.04

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

# OCCUPANCY RATES FOR DIFFERENT DWELLING SIZES

Small dwelling (under 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	1.3 persons

- 34. The linen plan release fees set out in Councils adopted Schedule of Fees and Charges is payable to Council, prior to issue of the Subdivision Certificate.
- 35. Construction of the driveway access to the proposed Lot 3 is to be supervised and upon completion certified by the designing engineer that the works have been constructed in accordance with the approved plans. A Work-as-executed plan of the as-constructed driveway is to be prepared by a registered surveyor. Certification and the WAE plans are to be provided to the Principal Certifying Authority for approval prior to issue of a Subdivision Certificate.
- 36. For endorsement of the linen plan/ issue of the subdivision certificate, the applicant shall submit an original plan of subdivision plus six (6) copies, suitable for endorsement by Council. The following details **must** be submitted with the plan of subdivision and copies:
  - Council's Subdivision Lodgement Form, available from Council's Customer Services.
  - The endorsement fee current at the time of lodgement,
  - The 88B Instruments plus six (6) copies,
  - All Surveyor's and/or Consulting Engineer's certification(s) required under this consent,
  - A copy of all works-as-executed plans required under the consent,
  - The Section 73 (Sydney Water) Compliance Certificate for the subdivision.

Council will check the consent conditions on the subdivision. Failure to submit the required information will delay endorsement of the linen plan, and may require payment of rechecking fees.

- Note 1: Plans of subdivision and copies must not be folded.
- Note 2: Council will not accept bonds in lieu of completing subdivision works.
- 37. For endorsement of the linen plan / issue of the subdivision certificate, the Applicant shall submit an original instrument under Section 88B of the Conveyancing Act with the plan of subdivision, plus six (6) copies. This is to create any required easements, rights-of-carriageway, positive covenants, restrictions-on-use or other burdens/benefits as may be required. Ku-ring-gai Council must be named as the authority whose consent is required to release, vary or modify the same.
- 38. Prior to release of the linen plan/issue of the subdivision certificate, the applicant shall create all burdens including but not limited to drain age easements, easements for services and rights-of-carriageway, as required. A registered surveyor is to certify, prior to release of the

linen plan/issue of the subdivision certificate, that all existing interallotment drainage lines, services and/or driveways are fully contained within the proposed burdens and/or that future provision of such are fully covered by the proposed burdens. Alternatively, where the surveyor is of the opinion that no interallotment easements or rights-of-carriageway are required, then certification to this effect must be submitted to the Principal Certifying Authority (PCA).

- 39. Creation of suitable drainage easements if required, with minimum widths in accordance with Council's Water DCP 47.
- 40. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Coordinator. Please refer to "Your Business" section of Sydney Water's web site at <a href="https://www.sydneywater.com.au">www.sydneywater.com.au</a> then the "e-developer" icon or telephone 13 20 92.

Following application a "Notice of Requirements" will detail water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

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

- 41. The developer shall submit to Council a letter from the energy supply authority and either Telstra or Optus confirming that satisfactory arrangements have been made for the provision of underground telephone and power services, prior to the issue of the Subdivision Certificate.
- 42. The provision of separate underground electricity, gas, Telstra, sewer and water services, or appropriate conduits for the same, to each allotment. The certifier to verify that these services are provided to every lot prior to the issue of the Subdivision Certificate. The provision of these measures is to be certified by a consulting engineer or a registered surveyor prior to the issue of a Subdivision Certificate.
- 43. Prior to release of the linen plan/issue of the subdivision certificate, the following works must be completed:
  - a. Construction of the new driveway crossing and layback in accordance with the levels and specifications issued by Council,
  - b. Removal of all redundant driveway crossings, pipe crossing and/or kerb laybacks. Full reinstatement of these sections to footway, and/or turfed verge and/or kerb and gutter to the satisfaction of Council. Reinstatement works shall match surrounding adjacent infrastructure with respect to marrying of levels and materials.
  - c. Any sections of damaged grass verge are to be replaced with a non-friable turf of native variety to match existing.
- 44. Any damaged public infrastructure caused as a result of construction works on the subject site (including damage caused by, but not limited to, delivery vehicles, waste collection,

contractors, sub contractors, concrete vehicles) must be fully repaired to the satisfaction of Council - at no cost to Council.

- 45. Lot number/s 1 shall support a minimum number of 5 trees that will attain 13.0 metres in height on the site, to preserve the tree canopy of Ku-ring-gai, in accordance with Council's policy of Tree Retention/Replenishment on Residential Allotments adopted 26 April 1988. The existing trees, and additional trees to be planted, shall be shown on the Landscape Plan/Site Plan. The plan shall be submitted to the Principal Certifying Authority and approved by a qualified horticulturist. Tree planting shall be completed prior to release of the Certificate of Subdivision.
- 46. The 3 tree/s to be planted shall be maintained in a healthy and vigorous condition until they attain a height of 5.0 metres whereby they will be protected by Council's Tree Preservation Order. Any of the trees found faulty, damaged, dying or dead shall be replaced with the same species.
- 47. To preserve the following trees located on the adjoining property No. 40 Awatea Rd a minimum building setback of 4 metres shall be imposed along the northern boundary of Lot 2 extending 30 metres from the rear (western) boundary. No changes in soil levels, paving or drainage works are permitted except with the approval of Council.

# Tree/Species

- 119 / Syncarpia glomulifera (Turpentine)
- 122 / Syncarpia glomulifera (Turpentine)
- 154 / Eucalyptus crebra (Narrow leafed Ironbark)
- 359 / Eucalyptus crebra (Narrow leafed Ironbark)

Note: The tree numbers refer to the numbers indicated on the Tree Site Analysis Plan by Footprint Green, dated 8th July 2004.

48. An amended Subdivision Plan indicating the building setback on Lot 2 shall be submitted to the Principal Certifying Authority for approval prior to the release of the Certificate of Subdivision.

# **BUILDING CONDITIONS**

- 49 The building works are to be inspected during construction by the Council, an accredited certifier or other suitably qualified person/s (as applicable) and a Compliance Certificate shall be issued prior to proceeding to the subsequent stages of construction, encompassing not less than the following stages:
  - a. All sediment and erosion control and tree protection measures and installations in place on the site prior to the commencement of any earthworks, excavations or other work.
  - b. Any pier holes and/or foundation material.
  - g. The completed structure prior to occupation.

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

Item 2

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

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

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

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

S Segall S Cox

**Executive Assessment Officer**Team Leader

**Development Assessment - Central** 

M Prendergast M Miocic
Manager Director

Development Assessment Services Development & Regulation

Attachments: Location sketch - 589379

Zoning extract - 589381 Survey plan - 589382 Subdivision plan - 589383

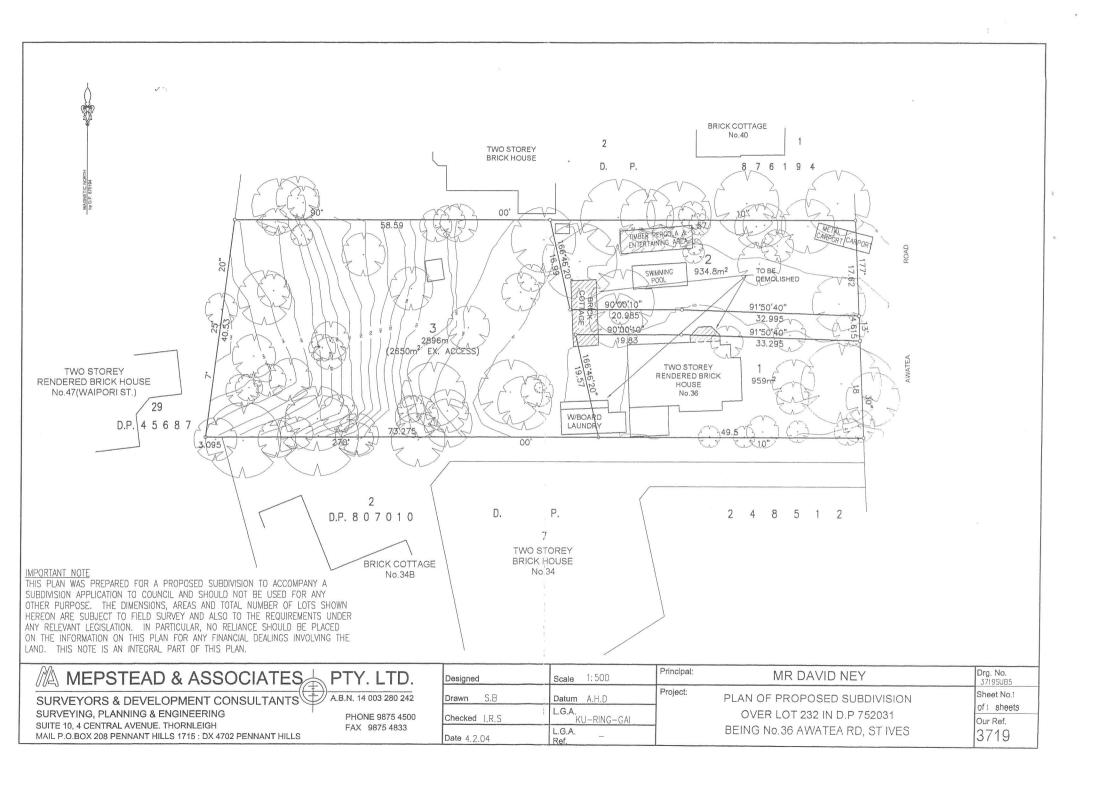
# Zoning Extract 36-38 Awatea Rd St Ives Chase DA 1165/05

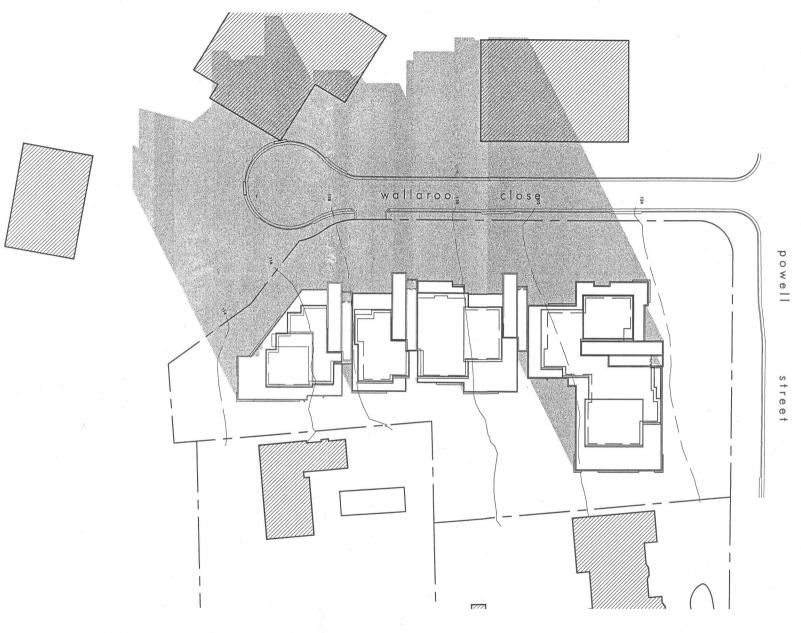


# **LOCATION SKETCH**

36-38 Awatea Road, ST IVES CHASE DEVELOPMENT APPLICATION No 1165/05



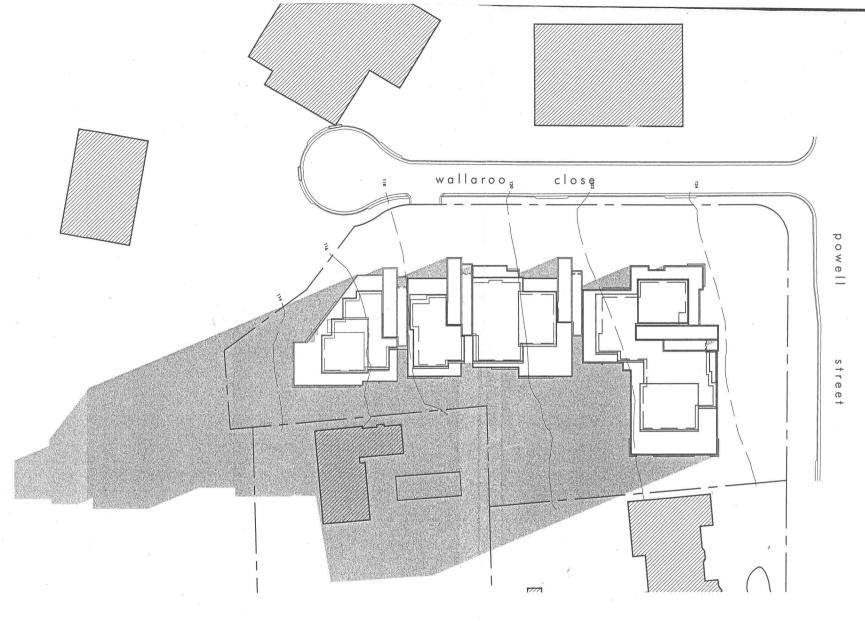




JUN 21 - 9.00 AM



JUN 21 - 12.00 AM



JUN 21 - 3.00 PM

Close

Shadow Diagrams - June
Scale 1:500 @ A1; 1:1000 @ A3
Date 12 August 2005

2944\_DA\_52\_01

50



# **DEVELOPMENT APPLICATION**

# **SUMMARY SHEET**

**REPORT TITLE:** 17-19 POWELL STREET & 4-6 WALLAROO

CLOSE, KILLARA - DEMOLITION AND CONSTRUCTION OF RESIDENTIAL FLAT BUILDING (41 UNITS), BASEMENT CAR PARKING, LANDSCAPING AND STRATA

**SUBDIVISION** 

*WARD:* Gordon *DEVELOPMENT APPLICATION N* $^{o}$ : 939/05

SUBJECT LAND: 17-19 Powell Street & 4-6 Wallaroo Close,

Killara

APPLICANT: A V Jennings Limited

*OWNERS:* D.M.D., D.T., H.A., M.T. & P.S. Phan; J.A. &

K.L. Grose; P. L. & S.U. Pickles Nettletontribe Partnership Pty Ltd

DESIGNER:Nettletontribe Partnership Pty LtdPRESENT USE:Dwelling houses and ancillary facilities

**ZONING:** 2(d3)

**HERITAGE:** No's 17 & 19 Powell Street located in Killara

Urban Conservation Area (12); Heritage item directly opposite - No.10 Powell Street Ku-ring-gai Planning Scheme Ordinance

PERMISSIBLE UNDER:Ku-ring-gai Planning Scheme OrdinanceCOUNCIL'S POLICIES APPLICABLE:Ku-ring-gai Planning Scheme OrdinanceKPSO - LEP 194, DCP 55 - Railways Pacific

Highway Corridor, DCP 31 - Access, DCP 40 - Waste Management, DCP 43 - Car Parking, DCP

47 - Water Management

**COMPLIANCE WITH CODES/POLICIES:** No

GOVERNMENT POLICIES APPLICABLE: SEPP 55, SEPP 65, SREP – Sydney Harbour

Catchment 2005.

COMPLIANCE WITH GOVERNMENT Yes

**POLICIES:** 

*DATE LODGED:* 29 August 2005

Amended Plans – 28 November 2005 Concept Plans – 28 February 2006

40 DAY PERIOD EXPIRED: 8 October 2005

**PROPOSAL:** Demolition and construction of residential flat

building (41 units), basement car parking,

landscaping and strata subdivision

**RECOMMENDATION:** Approval

3 / 2 17-19 Powell Street & 4-6 Wallaroo Close, Killara DA0939/05 14 March 2006

Item 3

DEVELOPMENT APPLICATION NO 939/05

PREMISES: 17-19 POWELL STREET & 4-6 WALLAROO

**CLOSE, KILLARA** 

PROPOSAL: DEMOLITION AND CONSTRUCTION OF

**RESIDENTIAL FLAT BUILDING (41 UNITS),** 

BASEMENT CAR PARKING, LANDSCAPING AND STRATA

**SUBDIVISION** 

APPLICANT: A V JENNINGS LIMITED

OWNERS: D.M.D., D.T., H.A., M.T. & P.S. PHAN; J.A. &

K.L. GROSE; P. L. & S.U. PICKLES

DESIGNER NETTLETONTRIBE PARTNERSHIP PTY

**LTD** 

## PURPOSE FOR REPORT

To determine development application No. 939/05 for demolition of existing structures and construction of a residential flat building containing 41 units, basement car parking, landscaping and strata subdivision.

## **EXECUTIVE SUMMARY**

**Issues:** Streetscape, setbacks, impact on heritage item, privacy,

bulk and scale, parking, vehicular access, length of

building to Wallarro Close

**Submissions:** Fifteen (15) submissions

Land & Environment Court Appeal: N/A

**Recommendation:** Approval

HISTORY

**Site history:** 

The site is used for residential purposes and there is no site history that is relevant to the subject development application.

# **Development application history:**

14 July 2005 Pre-DA meeting held with applicant, their consultants and

Council Officers. The following matters were discussed at

the meeting:

Bulk and scale to Powell Street and Wallaroo Close

in particular the western elevation

- Percentage of deep soil landscaping
- Height of building, including number of storeys
- Setbacks
- Compliance with the permissible floor area for the top storey
- Impacts of development for adjoining properties especially privacy and overshadowing
- Provision of manageable housing

29 August 2005 Subject application lodged with Council

21 November 2005 Council Officers met with applicant to address the

following issues and non-compliances:-

Deep soil zone

- Height
- Number of storeys
- Setbacks
- Length of building to Wallaroo Close
- Top floor areas
- Stormwater disposal
- Privacy

23 November 2005 On site meeting with objectors.

28 November 2005 Amended plans received.

28 February 2006 Concept plans received providing an additional setback to

Wallaroo Close for unit No. G-06

# Land and Environment Court appeal history

Not applicable

## THE SITE AND SURROUNDING AREA

Zoning: 2(d3)

Visual Character Study Category: Between 1920-1945

Lot & DP Number: Lot C, DP 410784, Lots 61 & 63, DP 247718

Heritage Affected: No's 17 & 19 Powell Street located in Killara Urban

Conservation Area (12); Heritage item directly opposite -

No.10 Powell Street

Bush Fire Prone Land: No

Endangered Species: Blue Gum High Forest

Urban Bushland: No Contaminated Land: No

The subject site is located at the south-eastern corner of Powell Street and Wallaroo Close, being of irregular configuration with a north-south slope (RL126.72 - RL113.27). The site has a frontage to Powell Street of approximately 46m and a western frontage to Wallaroo Close of 77m. Given the current residential use, there is a range of native and exotic trees and shrubs, including 68 large trees, of which 34 are in good condition.

Currently located at No. 19 Powell Street, is a part one / part two storey dwelling with a pool and double garage in the rear garden. At No. 17 Powell there is a large two storey dwelling also with a pool adjacent to the eastern boundary. Behind No. 17 Powell Street there is a tennis court and carport on lot 62 DP 247718 that is part of nos. 4-6 Wallaroo Close. On lot 63 DP 247718 there is a part one / part two storey dwelling with a pool located adjacent to the eastern boundary and a smaller brick dwelling at the corner of lot 63 DP 247718.

## **Surrounding development:**

Nearby development is residential in nature, consisting of medium to large detached dwelling houses on relatively large allotments. On the northern side of Powell Street, directly opposite the subject site, there are federation dwellings that also form part of the Killara Urban Conservation Area (12). No. 10 Powell Street is a heritage item that is zoned 2(b). The balance of dwellings are zoned residential 2(c2). (See zoning extract)

There are also dwelling houses to the west of the subject site, with No. 11 Powell Street having been identified as another contributory item within the conservation area on land zoned 2(c2). The other dwellings within Wallaroo Close, a cul-de-sac, consist mostly of part one / part two storey dwellings on land that has been zoned 2(d3).

Traffic flows to the development site would be off Powell Street from Pacific Highway to the west or from Culworth and Werona Avenues to the east. Wallaroo Close is a narrow cul-de-sac (approximately 9 metres wide in road reserve) providing access to approximately five (5) dwellings. The subject site is in close proximity to Killara Railway Station to the east (approximately 450 m away).

## THE PROPOSAL

The applicant is seeking development consent for demolition of existing structures on the site and construction of a residential flat building consisting of:-

- 41 units (33 x 3 bedroom, 8 x 2 bedroom) with a small study in some units
- Basement car parking with 86 car spaces, including five (5) car spaces for disabled people and eleven (11) visitor spaces.
- Two way driveway off Wallaroo Close
- Pedestrian entry off Powell Street also three (3) pedestrian entries off Wallaroo Close
- Storage within some garages and two larger storage areas within basement level 2
- Four lifts to provide access to each level as well as internal staircases

• Landscaping within the front, side and rear setbacks with a mixture of native species and on the Powell Street frontage more typical and/or characteristic landscaping for that street

The proposed residential flat building is divided into three separate components, with each component connected by a common wall. Facing Powell Street, there would be five (5) levels of units of varying sizes and layouts with a lift and staircase to provide access to the floors below, front entry to Powell Street and basement parking. The second and third components have three lifts and three staircases providing access also to lower floors, basement carpark and Wallaroo Close.

The proposed building, (above and below ground levels), is set back at least 13 metres from Powell Street and a minimum of ten (10) metres from Wallaroo Close. Some of the ground floor private courtyards project into the front setbacks to Wallaroo Close and Powell Street. It is also proposed to provide a minimum side setback of six (6) metres from the eastern and southern boundaries.

A rainwater tank (41m³) and on site detention tank (28 m³) are proposed at basement level, below the southern component of the proposed development. Also proposed, are permeable detention/bio-retention basins at the eastern corner of the site and another permeable detention/bio-retention basin in the south-eastern corner of the site.

### **CONSULTATION - COMMUNITY**

In accordance with Council's Notification DCP, owners of surrounding properties were given notice of the application on 16 September 2005. In response, fifteen (15) submissions were received from the following:

- 1. S. Harding, Willana Associates Pty Ltd, 209 Avoca Street, Randwick
- 2. S & K Ellis, 7 Powell Street, Killara
- 3. J & V Fabbro, 3 Powell Street, Killara
- 4. R Nash, 6 Powell Street, Killara
- 5. Mr & Mrs Hackney, 8 Wallaroo Close, Killara
- 6. Mr B Wen, 7 Wallaroo Close, Killara
- 7. Mr B War, 50 Culworth Avenue, Killara
- 8. Mr & Mrs Blake, 5 Wallaroo Close
- 9. A Carroll, President, Friends of Ku-ring-gai Environment Inc. PO Box 403, Killara
- 10. Dr I Lin, 16-18 Powell Street, Killara
- 11. D. Barnes & J Cathels, 8 Powell Street, Killara
- 12. J & C L'Estrange, 12 Powell Street, Killara
- 13. M.T. Soper, 5 Powell Street, Killara
- 14. Mr & Mrs D H Dreyfus, 14 Powell Street, Killara (Letters dated 25/10/05 & 15/12/05)
- 15. Mrs. H Brown, 20 Powell Street, Killara

The following matters were raised in the submissions:-

The proposal should be integrated with and be subordinate to the existing landscape setting, with advanced tree plantings to minimise bulk and scale; and

Loss of significant gum trees, causing a detrimental impact upon any bird and/or mammal habitat, and

the street trees should remain to minimise bulk and scale to the streetscape.

Council's Landscape Development Officer is satisfied that the applicant has provided sufficient landscaping which is characteristic of the Killara locality. Furthermore, the development proposes to retain the following thirteen (13) existing and substantial trees on the development site:

- Two (2) Jacarandas, London Plane tree and Golden Ash within front setback
- Within the western setback, the London Plane Tree, Japanese Maple
- On the southern boundary, the beech tree, White Cloud Tree and the two Sydney Blue Gums
- Within the eastern setback the Jacaranda and Holly bush, Illawarra Flame Tree and three (3) transplanted Bangalow Palms

Most of these trees would provide immediate screening for adjoining properties and minimise impacts of the development on the public domain.

The existing street trees are in a poor state due to severe pruning to accommodate overhead wires. These trees are not considered to be characteristic of Powell Street so Council's Landscape Development Officer recommends that these trees be removed and replaced with more characteristic jacaranda trees. The London Plane Tree and the Golden Ash, in close proximity to the front boundary, are required to be retained to provide some amenity in the short term for the dwellings to the north and west of the development site.

Whilst the mature gum trees in the central part of the site are in fair condition, they are all low in vigour according to the arborist's report submitted with the application. These trees are gradually declining due to changes to their growing environment, in particular, the build up of soil (approx. 1.5 metres) around the tree trunks associated with the construction of the nearby tennis court. The current growing environment is causing a gradual degradation of the root system of each tree and is likely to have a detrimental effect on their structural integrity, making them unstable and hazardous in the long term. Consequently, Council's Landscape Development Officer supports their removal.

The proposed building would have a length of 61m exceeding the permitted length of 36m as specified in DCP 55, and

The building, in particular the western elevation, should have been broken up to minimise bulk and scale to Wallaroo Close.

The building would exceed the specified building length control. However, the non-compliance is considered acceptable in the circumstances for the reasons stated in the assessment of DCP 55 controls below.

This proposal will change the character of Powell Street and should be reduced to two or three storeys, and

## The proposal would have an adverse impact upon nearby heritage items & conservation area

The site has been zoned 2(d3) which permits residential flat buildings to a height of five (5) storeys. The proposal has been assessed by Council's Urban Design Consultant and Council's Heritage Advisor . The Urban Design Consultant was satisfied that the proposal complied with SEPP 65 criteria and concluded that there would be no unreasonable impacts on the conservation area. The Heritage Advisor came to a similar conclusion.

# Inappropriate materials, with an emphasis on bricks and stone rather than aluminium and concrete

In Appendix B of DCP 55, the character statement indicates that walls of render and iron roofs as proposed by the applicant are characteristic materials in the Ku-ring-gai Area. Furthermore, the applicant has chosen earthy, recessive colours for the masonry walls to reduce the apparent bulk and scale to Powell Street and Wallaroo Close.

Also proposed, are stone clad blade walls that cover the entry staircases to the building. This exterior finish adds architectural interest to the building and is compatible with surrounding properties, many of which feature low stone fences, sandstone base courses, stone garden bed markers, driveways and garden paths. In summary, the proposed materials, colours and external finishes are satisfactory in the context.

## The irregular shape of the land should limit the FSR provided on the site

As indicated in the comments from Council's Urban Design Consultant and Heritage Advisor, the applicant has provided an acceptable design for the site context that complies with the permitted FSR in DCP 55 (1.3:1) as well as the permissible site coverage in accordance with LEP 194 (35%).

The vertical design elements, especially the blade walls, accentuate the height of the building, and

# The height of development on either side of the subject site should be lower to ensure residential amenity.

The external design of the building is a carefully balanced mixture of horizontal and vertical lines with the windows on each elevation providing a horizontal expression in contrast to the vertical lines created by the entry stairwells. This approach to the external design of the building adds architectural detail and relief to the exterior walls on Powell Street and Wallaroo close which helps to break up and modulate each elevation. In addition, there would be a mixture of materials, textures and colours and varying setbacks to provide further articulation to each elevation, thus reducing bulk and scale to the streetscape and adjoining properties.

The development complies with the height limit in the KPSO and there would be adequate setbacks from the front, side and rear boundaries to minimise impacts on adjoining properties and the streetscape.

## Increased overshadowing of adjoining properties

Shadow diagrams submitted with the application indicate that there will be increased overshadowing of dwellings to the west (Nos. 11 Powell Street, nos. 5 & 8 Wallaroo Close) at 9am; No. 7 Wallaroo Close at midday (over the house and front garden) and the pool area of No. 7 Wallaroo close in the afternoon. However, each property would still receive three (3) hours of solar access during different parts of their gardens and living areas as required by DCP 55.

# The proposal will increase crime and vandalism

Safety by design principles have been integrated into the overall design of the building where it was found that there were no significant entrapment areas and most units overlook community areas to maintain natural surveillance. In addition, there are separate entries to the building and carpark that will have a security system (**Condition No. 144**).

## Insufficient car parking

The proposal provides adequate and compliant parking in accordance with the KPSO and DCP 55.

## Increased traffic flows and parking demand

Council's Development Engineer has considered the traffic report which concluded that the development would generate a relatively low increase in the flow of traffic to and from the development site during peak times with one additional vehicle every three to four minutes. This low level of additional traffic is unlikely to have a detrimental impact on vehicular movements to and from Wallaroo Close or Powell Street. Furthermore, the development would provide the required parking for residents and visitors to the site.

# Cars parked on either side of Wallaroo Close would cause a traffic hazard and limit access for emergency and waste collection vehicles

Given that the proposal provides the required parking under the KPSO and DCP 55, it is unlikely that there would be an unreasonable demand for parking in Wallaroo Close to cause a traffic hazard.

# Limited pedestrian access along Wallaroo Close necessitates the need for a pedestrian pathway to allow separation between vehicles and pedestrians

Council's Development Engineer has reviewed pedestrian and vehicular access to and from the proposed development. It was considered reasonable in the site context to have a shared pedestrian and vehicular zone given the low level of traffic generation.

Parking restrictions would disadvantage current dwellings by reducing on-street parking for visitors, trades people etc.

The development provides adequate parking for future residents and visitors so it is anticipated there would be no unreasonable demand for on street parking in either Powell Street and/or Wallaroo Close. The proposal would not give rise to any parking restrictions.

It would be more desirable to include each lot within Wallaroo Close in the development to achieve better pedestrian and vehicular access

Council does not have the power to insist upon the inclusion of other 2(d3) sites within Wallaroo Close within this application.

Approval of this DA is likely to reduce development opportunities in Wallaroo Close due to inadequate vehicular access

Development of the subject sites would not cause the isolation of other 2(d3) sites in Wallaroo Close nor would it unduly impact on vehicular access there to.

The proposed development would create a precedent for future development with limited access

Access to the proposed development has been assessed by Council's Development Engineer and found to be satisfactory.

Loss of privacy for adjoining properties, in particular, Nos. 5, 7, 8 Wallaroo Close

There would be sufficient separation between the proposal and Nos. 5 and 8 Wallaroo Close provided by the road reserve (approximately nine metres wide) to minimise privacy loss to those dwellings. In addition, overlooking between the buildings would be further reduced by the proposed landscaping within the front setback to Wallaroo Close as well as existing vegetation.

The proposed residential flat building would potentially overlook two windows on the northern side of No. 7 Wallaroo Close (combined dining room/study & an additional study) and the pool area adjacent to the northern boundary. There is, however, significant vegetation along the common boundary, including mature native species, boundary fencing and a compliant setback on the southern boundary of the proposed development so as not to cause an unreasonable loss of privacy. Privacy impacts are discussed in more detail in the section of this report where the proposal is considered against the requirements of DCP 55.

Noise nuisance during and after the construction phase, with open balconies and windows

Whilst there would be some noise from the development site during demolition, excavation and construction, Council can control through recommended conditions of consent. (Condition Nos. 8, 13, 25, 28). The level of noise generated by future residents of the development would be normal domestic levels associated with medium density environments.

## **AMENDED PLANS**

To achieve compliance with the KPSO controls, the applicant has amended the plans to provide more deep soil landscaped areas and a reduction in the height (500mm) and number of storeys for the southern component of the development. Given that the amended plans would reduce the impact of the building, notification of the amendments was not required.

At the request of the Director, further concept plans were submitted to Council to provide greater articulation on the western elevation facing Wallaroo Close. The proposed amendment to the plans would not cause any non-compliance with the relevant controls in LEP 194 and DCP 55 and impacts for adjoining properties would be similar to the original plans so it was considered unnecessary to notify the amendment.

## **CONSULTATION - WITHIN COUNCIL**

## **Urban Design Consultant**

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

## Principle 1: Context

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

## Comment:

The site is on the corner of Powell Street and Wallaroo Close, Killara.

The existing built form context for this development is comprised of detached houses.

The site is zoned for 2 (d3) development, as are the adjoining sites. There are no zoning transitions required.

The natural environment is an important characteristic of Powell Street and Wallaroo Close. The proposed development retains 14 existing trees on the site and transplants 3 trees. The development proposes a streetscape inside the boundary on Powell of a high native canopy and a deciduous mid-level canopy, which will reinforce the existing landscape character of Powell Street. Large scale trees (michellia champaca) are also proposed in the front setback along Wallaroo Close, which will enhance the landscape context.

The primary objective of DCP 55 is for buildings to be viewed in their landscaped setting, and this proposal achieves that objective, by providing sufficient landscape within acceptable building setbacks.

## 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:

The scale of the building is acceptable, as it complies with the height limit in LEP 194. The development also proposes relatively slender and well articulated built forms, which reduce the apparent bulk of the development.

## 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.......

## **Comments**

The building complies with the DCP 55 setback controls to the lower levels and the top storey. The front setback from Powell Street is 13m-15m and the setback from Wallaroo Close is 10m-12m. the building frontages step between 13m and 15m and 10m and 12m, with well articulated building facades. The overall building form is acceptable.

## Principle 4: Density

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

## Comment:

The density is acceptable as it complies with LEP 194.

## Principle 5: Resource, energy and water efficiency

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

## Comment:

The proposed development scores 45 for the water component in the BASIX system (40 is the minimum score), and scores 32 for the energy component (25 is the minimum score).

More than 70% of the living rooms/balconies gain 3 hours of sunlight between 9am and 3pm in mid-winter. More than 60% of apartments are cross ventilated. These proposals satisfy the SEPP 65 – Residential Flat Design Code Guidelines.

## Principle 6: Landscape

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

### Comment:

The landscape design retains 14 trees and transplants 3 trees. The landscape character of high canopy native trees and mid-rise deciduous trees along Powell Street and high canopy trees in the setback along Wallaroo Close, provide a substantial landscape setting for the development.

## Principle 7: Amenity

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

## Comment:

The amenity is acceptable in terms of natural ventilation, sun access, privacy, storage and ease of access.

## 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 lighting appropriate to the location and desired activities, and clear definition between public and private spaces.

## Comment:

Safety and security is not an issue in this development.

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

#### Comment:

The mix of apartments is acceptable.

# Principle 10: Aesthetics

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

## Comment:

The building is well articulated along the two street frontages, with vertical proportioned facades which step backward and forward from the boundary. The street corner is addressed with corner windows. A good range of materials is provided with stone cladding and rendered masonry. The mid-tonal range of browns and greys, relieved by white highlights, creates a colour palette which relates well to the colours of the landscaped setting.

## Conclusion and recommendations:

In relation to the SEPP 65 design principles, it is recommended that this development is approved in its current form.

## Heritage

Council's Heritage Advisor, Paul Dignam, made the following comments:-

## Demolition of existing houses and built elements

17 Powell Street is a recent building, constructed in 1994. It is also known as 2 Wallaroo Close. It is graded a neutral in the UCA. It is not considered to have any heritage significance and demolition is acceptable. Photographic recording should be undertaken before demolition.

19 Powell Street is c1960 brick house. It was most likely built after demolition and subdivision of the earlier house on the land which took place in 1960. It is most likely that all evidence of the former house was removed from the site during construction of the present house. Alterations were undertaken in 1984 and the pool added in 1992.

4 Wallaroo Street contains a tennis court associated with the adjoining residence at 6 Wallaroo Close. It is assumed the tennis court was constructed with the existing house at 6 Wallaroo and has no heritage significance. Demolition is acceptable.

6 Wallaroo Street was built c 1974. It is shown on the 1974 subdivision plan which created Wallaroo Close. There is a pool and second building (studio) on the site. It appears to be a well designed building with a distinctive curved façade facing the street and a curving synthetic shingle roof with a large and distinctive roof lantern. It may have some aesthetic/architectural significance but as little information is available its significance can not be assessed in nay meaningful way. The pool filter structure is constructed with sandstone indicating it may have been a remnant for a former building but is not shown on the 1974 subdivision plan. Demolition is acceptable, but all structures on the site should be recorded prior to demolition.

## Archaeology

A large house on the corner of Powell and Culworth Avenue was subdivided into several lots in 1958 and demolished in 1960 and then was further subdivided. Wallaroo Crescent was formed in 1974 with six new lots created. As the site contained an earlier building, there is some ability for the site to contain relics that may provide information on the early development of the site The applicant's heritage report states:

"No further action in this regard is warranted by the archaeological potential of the site."

From the information at hand, it is not clear whether the site has any archaeological potential. There is no obvious evidence of above ground relics, but there are stone retaining walls and there is some possibility of below ground relics being uncovered during excavation works. I recommend that a standard archaeological condition be included in any approval issued by Council (attached condition).

## Impact on nearby heritage items

No 10 is a fine Federation house featuring intricate brick and timber detail on the front façade. Approval was recently given for a large rear addition. It is located opposite the development site and sited on slightly higher ground. It is considered that the proposed development would have a minor impact on its heritage significance as views to or from it would not be affected and it would not visually dominate it. The main negative impact is limited to changes in the immediate context and streetscape of Powell Street.

No 7 Powell Street is separated from the subject site by several lots. The item is a large Federation two storey house which has a high masonry wall along Powell Street. It is considered that given the controls in DCP 55, the physical separation is sufficient to reduce any impact the development would have on the context and streetscape of Powell Street and the heritage item.

There are several other heritage items in Powell Street, including Nos 3,4, 23, 24, 27, 40, 42 & 46 but they are sufficiently removed and impacts would be minimal.

Given the requirements in DCP 55, it is considered that the nearby heritage items have sufficient physical separation from the development site not to be adversely affected by the proposed development.

## Impact on UCA

The subject site is included in the National Trust UCA No 12 – Greengate. It is a small precinct that includes part of Cecil Street, Bruce Avenue, Greengate Road and Powell Street. About half of the UCA has been rezoned for unit development and there will be considerable change it its character and built form as the sites are developed. Greengate Avenue and part of Powell Street has not been rezoned and the existing character of high quality streetscapes, exhibiting collections of architecturally notable house set in fine gardens can largely be retained. All buildings on the subject site are graded as non-contributory.

## Compliance with heritage requirements in DCP 55

The proposed development is a contemporary design and does not draw reference from the surrounding buildings for its massing, style, complexity, roof pitches or fenestration. The colours are neutral with a mix of masonry and painted render. It is considered to be a completely new element in the streetscape. Its style is not related to nearby buildings.

The building is L-shaped and although continuous, is articulated and responds to the site, which slopes down from Powell Street. It would appear as several pavilions rather that one continuous façade.

The massing of the façade is broken down which helps to break down its scale and the Powell Street elevation presents as a discrete building with the majority of the building receding along Wallaroo Close.

There is a variety of materials including painted render, stone and metal louvers. All those materials a evident in the surrounding area and the muted colours help its fit into the existing streetscape context.

Existing fencing in Powell Street is mixed. No 17 Powell has a high masonry and steel fence which is considered intrusive. No 19 has a low stone and metal fence, while No 6 Wallaroo Close has no fence. The proposed fence is considered acceptable and would not have adverse impact on the UCA or nearby heritage items.

Given the heritage requirements in DCP 55, the proposed development is considered satisfactory.

As the site contained earlier buildings it is possible that below ground relics are contained on the site and a standard archaeological condition requiring management of relics if found is recommended.

Archival recording or all building on the site is recommended.

## Landscaping

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

### The site

It is proposed to demolish the existing dwellings and associated structures and construct a residential flat building with basement parking on the amalgamated site area of 4 634.6sqm with vehicular access from Wallaroo Cl. The site is characterised by an established landscape setting with mature trees and shrubs within formal garden beds and lawn expanses. The site is dominated by a tall grouping of Eucalypts centrally located on site and numerous other trees, both native and exotic around the perimeter site boundaries.

## Trees to be removed/tree replenishment

The proposed development will result in the removal of numerous trees on site, including the centrally located Eucalypt grouping. A total of fifty four trees have been identified as being located on or associated with the site, as detailed in the submitted Arborists Report by Urban Tree Management. Of these it is nominated to remove twenty five, due their location within the proposed building footprint, poor form, or species. Overall, Landscape Services raises no objections to the nominated tree removal subject to adequate tree replenishment. Some trees shown to be removed, will be conditioned to be retained as they are in good health and outside of the development work zone. These include tree #'s 9a Fraxinus excelsior 'Aurea' (Golden Ash), 19a Platanus x hybrida (London Plane Tree) and 49 Lophostemon confertus (Brushbox). The trees in question contribute positively to the broader landscape character and are worthy of retention. Two significant Eucalyptus saligna (Bluegum) located adjacent to the southern site boundary are being retained with minimal impacts as setbacks proposed have taken into account the subject trees.

As proposed the development will result in an additional thirteen trees capable of growing a minimum height of 13.0m. These trees in addition to the existing trees retained on site, exceed council's DCP55 minimum requirements for tree replenishment.

## Deep soil

By the applicant's calculations, the proposed development will result in a deep soil landscape area of 2322.7 sqm or 50.1% of the site. Landscape Services is in agreement with the areas included within the deep soil landscape area calculations, as defined by LEP194.

## Landscape plan

Subject to conditions requiring the retention of additional existing trees, changes to the proposed planting to increase screening shrubs adjacent to the southern and eastern site boundaries, and the addition of street tree planting, the landscape plan can be supported.

Screen planting as proposed is inadequate and will not satisfactorily screen and soften the development from adjoining properties. It will be conditioned for additional screening shrubs and small trees to be planted along with the retention of additional existing trees to satisfy screening requirements.

# Drainage plan

## **Bio Retention Basins**

No details or cross sections have been provided by the applicant for the bio retention basins.

Concern is raised to the proposed location of the southern detention/bio retention basin (BRB2) as shown on the Storm Water Management Plan. It is required that the location of BRB2 take into consideration the location of tree #49 Lophostemon confertus (Brushbox) to ensure that excavation and regrading of the ground plane not adversely impact upon the tree's root system. This will be conditioned.

## Pipe locations

To minimise adverse tree impacts and to maintain viability of deep soil landscape areas, it is required that the proposed stormwater pipes be strapped to the underground walls of the basement car park. This will take away the need for additional trenching within the critical root zones of significant trees nominated for retention. This can and will be conditioned. (Condition No. 90)

# Swale

The proposed drainage swale adjacent to the western side of the building is incompatible with the proposed landscape works/plan. It is recommended that the applicant's landscape and drainage consultants confer to ensure compatibility between plans. The issue can be resolved by piping the proposed swale on the south western side of the driveway and strapping the pipe as mentioned to the basement wall. (Condition no. 86)

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

The applicant has subsequently submitted a cross section of the detention/bio-retention basin on the eastern side of the proposed building which indicates that the basins would be permeable to allow for the natural absorption of stormwater runoff to achieve the principles of sustainable development.

## **Engineering**

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

## Stormwater management

The site is made up of Lots 61, 62 and 63 of DP247718 as well as Lot C DP410784. The downstream drainage system consists of an easement through 7 Wallaroo Close (benefitting Lot 63 only), then a Council pipe through 5a and 3 Lorne Avenue and 36 Culworth Avenue. There does not seem to be an easement at all over the pipe within 3 Lorne Avenue. For the application to be approved, a legal means of stormwater drainage must exist as far as the public drainage system (Culworth Avenue). A deferred commencement consent would be appropriate with the applicant to demonstrate that such legal rights exist prior to the operation of the consent. Council's consent is also required to amend the terms of its easements and this is obtained by the preparation of a report by Technical Services.

It is not clear if a pipe exists within 7 Wallaroo Close or not, so either a design or confirmation of the capacity of the existing system would be required as part of Schedule A.

Internal water management is to be by means of a large rainwater tank for toilet flushing, clothes washing and irrigation, detention in an 18m3 tank supplemented by bioretention swales and basins which also achieve the water quality objectives of Chapter 8 of DCP 47. These swales and basins are to be unlined to "allow infiltration to the surrounding soils and assist in maintaining natural soil moisture levels." These areas can then be included in the deep soil landscaping area. The proposal is satisfactory and complies with DCP 47.

# Traffic generation

The development is expected to generate some 20 to 26 vehicles per peak hour, two way, with a split of about 70%, i.e. 14 to 18 vehicles outbound and 6 to 8 inbound in the morning peak and the reverse in the evening peak. This is approximately one vehicle every three to four minutes, a relatively low number, and not expected to have a significant impact on traffic flows in Wallaroo Close or Powell Street.

Vehicular access to the development is to be from Wallaroo Close, since it is at the lowest level and minimises excavation and ramp grades. The road reserve is 9 metres wide and there are very narrow verges on each side. The road pavement may be shared by vehicles and pedestrians with this low traffic generation, however the landscape plan submitted indicates that the Wallaroo Close setback is to be grassed, so there will be adequate width for pedestrians (the majority of whom will be associated with the subject development) to walk off the road.

Adequate visitor parking is provided, and with pedestrian entry available from Powell Street, the development is not expected to generate kerbside parking in Wallaroo Close.

## Vehicular access and parking

The property is more than 400 metres from Killara Station, so under LEP 194 74 resident and 11 visitor spaces are required. The development includes 86 spaces and therefore complies.

A 5.5 metres wide entry/exit from Wallaroo Close is proposed, with sufficient space for the small waste collection vehicle to enter the site, collect the garbage and leave the property in a forward direction. The security door is past the area required for the manoeuvre.

The layout of the parking spaces is compliant with AS2890.1:2004. The grade of the street at the entry drive is quite steep and a longitudinal section will be required with the Construction certificate plans to confirm that the design levels at the boundary will be consistent with a suitable vehicular crossing.

## Construction management

The traffic report contains a discussion of construction —related issues. There is adequate space along the Powell Street frontage for a Works Zone. If construction vehicles are to enter the site from Wallaroo Close, it is expected that a traffic controller and warning signs will be required at the Powell Street intersection as well as at the site entrance.

A detailed Construction and Traffic Management Plan will be required prior to commencement.

## Geotechnical and Environmental Investigation

The preliminary environmental site assessment indicated localised filling across the site, with the potential for imported fill to contain contaminants, and the presence of asbestos structures on site. The report contains a recommendation for further work following demolition which has been included in the engineering conditions.

The geotechnical investigation included Culworth Avenue properties. Boreholes 1, 2 and 6 are most relevant to the subject application. Shale of low strength was encountered at 2 to 3 metres depth, with the boreholes discontinued at a maximum depth of 8.3 metres (Borehole 2). The report was prepared on the basis of an excavation depth of 3 metres however the sections indicate that a depth of about 12 metres is proposed at the Powell Street frontage.

Discussion of excavation methods, support and groundwater issues is included but is incomplete due to the actual depth of excavation proposed. If the strength of the shale increases with depth, as would be expected, then vibration monitoring may be required. The depth of excavation may also necessitate the use of rock anchors, which may extend into the road reserve. The recommended conditions include a requirement for more work once structures are demolished.

Dilapidation survey of adjoining structures 21 Powell Street and 44 Culworth Avenue will be required, however it is noted that these properties are also zoned 2(d3), so it is possible that they will be redeveloped at some stage. If the structures have been demolished, no follow-up dilapidation survey will be required.

The application can be supported by Development Engineers subject to recommended engineering conditions. (**Deferred commencement Conditions Nos 1-4, and Conditions Nos 47** - **59, 80 - 88, 104** - **110, 119** - **123, 126** - **140**)

## STATUTORY PROVISIONS

# State Environmental Planning Policy No 65 - Design quality of residential flat development

The application includes a design verification statement by the project architect, Jeremy Bishop of Nettletontribe Architects. Mr Bishop has verified that he is a qualified architect having designed the proposal in accordance with the Design Quality Principles set out in Part 2 of SEPP 65.

## **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."

In accordance with the desired future character of Ku-ring-gai as identified in part 3.2 of DCP 55, the applicant has provided residential development albeit in a different form to what is currently evident in Powell Street. However, the southern side of Powell Street has been zoned to accommodate residential flat buildings that will, over time have a similar built form to what is proposed in the subject application.

A garden setting is proposed, with large indigenous and exotic trees within the substantial setbacks to the front, side and rear boundaries as is characteristic of the surrounding development. The development also follows the natural topography in accordance with the character statement in DCP 55.

### 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."

The scale of the development is consistent with what is permissible on the land. When the surrounding properties on the southern side of Powell Street that are zoned 2(d3) are developed, the buildings on similarly zoned sites would be consistent with the subject site in terms of their built form and height. Furthermore, the visual mass of the building would be minimised with appropriate plantings, varying setbacks and changes in materials, colours and textures.

## **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....."

The built form follows the irregular shape of the land by providing a staggered "L shape" to minimise impacts to adjoining properties, within the development site and to the streetscape. Furthermore, the varying heights of different components of the proposed building would follow the natural topography of the land which also reduces the bulk and scale of the development to the public domain. By providing an "L shaped" building on the site, the architect has created an attractive and useable open space area for future residents in the south-eastern corner of the site. This area is to be suitably landscaped and will provide good separation between the proposed development and adjoining properties.

# **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 development complies with the specified FSR of 1.3:1 and comprises units that have varying layouts to cater for different household types.

# Resource, energy and water efficiency:

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

Building orientation and internal layouts within individual units have been arranged to maximise solar access as required by SEPP 65 and DCP 55. A rainwater tank is proposed for the reuse of roof water for toilets, laundry washing machines and for garden irrigation purposes. Moreover, a high percentage of native species is proposed within the deep soil zones to achieve the principles of sustainable development.

## 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".

The applicant has provided sufficient soft landscaping within deep soil zones, with a mixture of native species and exotics within the front, side and rear setbacks. In addition, the landscape plan provides a feature garden and outdoor recreation area adjacent to the eastern boundary which will provide a high level of amenity for future residents.

# **Amenity:**

3 / 22 17-19 Powell Street & 4-6 Wallaroo Close, Killara DA0939/05 14 March 2006

Item 3

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

The development provides units with varied layouts and relatively generous living areas that are likely to provide good solar access, natural light and ventilation. Storage has also been provided within each unit as well as within the basement level. Most of the units and garden areas are visitable.

## 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 privates spaces".

Most units within the development would overlook public areas to promote natural surveillance. Safety by Design principles have been achieved with a development that is unlikely to provide potentially dark and/or non-visible areas. A condition of consent is recommended requiring a card operated security system (not key operated) to further promote site security. (Condition No. 144)

## 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 provisions 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 character".

There is a mix of unit sizes (2 & 3 bedrooms) with a variety of layouts. The site is not far from Killara Railway Station and has good access to the Gordon Town Centre. The development also provides manageable housing, disabled access; with lifts to the upper floors, the basement car park and car spaces for disabled residents and/or visitors.

## **Aesthetics:**

"SEPP 65: Quality aesthetics require the appropriate composition of building elements, textures, materials and colours and refect 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 schedule of materials features an interesting palette of colours, textures and finishes, including a blade wall of stone cladding, serving as a feature element that adds architectural interest. The

earthy, recessive tones of the external walls would allow the development to blend into the landscape setting provided by the existing and proposed trees.

## Residential Flat Design Code

The considerations in the Residential Flat Code are as follows:

## **Relating to the local context:**

The proposal, sited over four separate allotments which will need to be consolidated. This amalgamation will result in a site of 4634 square metres which is capable of accommodating the proposed density of five storeys. (**Refer Condition No. 81**)

The development complies with the prescribed building envelope controls within LEP 194 and DCP 55. In particular, maximum building height, number of storeys, top floor percentage, site coverage, FSR and setbacks to Powell Street and is therefore of a scale and density anticipated for the area within these planning instruments and policy documents.

Surrounding sites have also been zoned for multi-unit development and the development is satisfactory having regard to the anticipated future character of the locality.

## Site analysis:

A satisfactory site analysis was submitted, indicating how the proposal performs in terms of building edges, landscape response, access, parking and overall building performance in respect of overall energy sustainability.

In terms of site configuration, the proposal provides adequate areas for private and common open space and deep soil landscaping.

The orientation of the development ensures adequate solar access habitable areas and private open space, both internally and to adjoining residential development. The proposal also provides appropriate frontages to Powell Street and Wallaroo Close.

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

## **Building design:**

The proposal is satisfactory in terms of its internal configuration and achieves the objectives of the Residential Flat Code by providing functional and organised spaces, with a high level of residential amenity. The proposal provides good habitable spaces, with a majority of the units having a northerly and/or easterly aspect to optimise solar access, natural light and ventilation.

All other relevant matters under "Building Design" are considered to be satisfactory.

# State Environmental Planning Policy No 55 - Remediation of Land

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

# SREP – Sydney Harbour Catchment 2005

The aforementioned Sydney Regional Environmental Plan applies to the site. The development site, however, is well away from the foreshores of Sydney Harbour so as not to have any affectation on marine vegetation, water quality, aquatic species and/or views to and from Sydney Harbour.

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

COMPLIANCE TABLE				
Development standard	Proposed	Complies		
Site area (min): 1200m <sup>2</sup>	4634m <sup>2</sup>	YES		
Deep landscaping (min):				
$50\%/2317\text{m}^2$	50.1%/2322.7m <sup>2</sup>	YES		
Street frontage (min): 30m				
Powell Street	>30m	YES		
Wallaroo Close	>30m	YES		
Number of storeys (max): 5	5	YES		
Site coverage (max): 35%	35%	YES		
<b>Top floor area (max):</b> 60% of	60%	YES		
level below				
Storeys and ceiling height (max):	5 & 13.4m	YES		
5 and 13.4m				
Car parking spaces (min):				
• 10 (visitors)	11 (including 1 disabled space)	YES		
• 74 (residents)	75 (includes 4 disabled spaces)	YES		
• 84 (total)	86	YES		
Zone interface setback (min): 9m	Not required as land adjoins 2(d3) + road reserve	N/A		
Manageable housing (min): 4	5	YES		
Lift access: required if greater	4 lifts	YES		
than three storeys				

# Residential zone objectives (cl.25D):

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

# Impact on heritage (cl.61E):

Directly opposite the development site there is a heritage item (No. 10 Powell Street). For the reasons stated in the comments from Council's Heritage Advisor, the proposal is unlikely to have an unreasonable impact upon the significance of the heritage item.

# **POLICY PROVISIONS**

# Development Control Plan No 55 - Railway/Pacific Highway Corridor & St Ives Centre

COMPLIANCE TABLE				
Development control	Proposed	Complies		
Part 4.1 Landscape design:		·		
Deep soil landscaping (min)				
• 150m <sup>2</sup> per 1000m <sup>2</sup> of site				
$area = 694.5m^2$	$2180.52m^2$	YES		
No. of tall trees required				
( <b>min</b> ): 15 trees	> 15 trees	YES		
Part 4.2 Density:				
<b>Building footprint (max):</b>				
• 35% of total site area	35%	YES		
Floor space ratio (max):				
• 1.3:1	1.3:1	YES		
Part 4.3 Setbacks:		·		
Street boundary setback				
(min): Powell Street				
• 13 - 15 metres (<40% of	13m-20.6m	YES		
the zone occupied by	48% encroachment	NO		
building footprint)				
• Private terraces - 11m	11m	YES		
• 15% of setback with				
private courtyards	21%	NO		
Street boundary setback				
(min): Wallaroo Close				
• $9-7$ metres (<40% of	10m -18.58m	YES		
the zone occupied by	No encroachment	YES		
building footprint)				
• Private terraces – 8m min.	10m	YES		
• 15% of setback with	No encroachment	YES		
private courtyards				
Rear boundary setback				
(min): Southern boundary				
• 6m	бт	YES		
Side boundary setback				
(min): Eastern boundary				
• 6m	6m	YES		

Part 4.4 Built form and articulation:			
Façade articulation:			
Wall plane depth	400mm	YES	
>600mm	•		
• Wall plane area <81m <sup>2</sup>	<81m <sup>2</sup>	YES	
Built form:			
• Building width < 36m	35.4m	YES	
(Powell Street)			
• Building width < 36m	77m	NO	
(Wallaroo Close)			
<ul><li>Balcony projection &lt;</li></ul>	<1.2m	YES	
1.2m			
Part 4.5 Residential amenity			
Solar access:			
• >70% of units receive 3+	>70%	YES	
hours direct sunlight in			
winter solstice			
• >50% of the principle	>50%	YES	
common open space of			
the development receives			
3+ hours direct sunlight in			
the winter solstice			
• <15% of the total units are	<15%	YES	
single aspect with a			
western orientation			
Visual privacy:			
Separation b/w windows and			
balconies of a building and			
any neighbouring building on			
site or adjoining site:			
Storeys 1 to 4			
• 12m b/w habitable rooms	To No. 11 Powell Street > 12 m	YES	
	To No. 21 Powell St. – 8m average	NO	
	To No. 46, 48 Culworth Ave >12m	YES	
	To No. 44 Culworth Ave - 8 – 9m	NO	
	To No. 7 Wallaroo Close - < 12m	NO	
	Within development site – 9m	NO	

5th Storey  18m b/w habitable rooms	To No. 11 Powell Street - > 18m To No. 21 Powell - 12.8m-13.6m (windows) & 9.4m-8.4m (balcony) To No. 46, 48 Culworth Ave >18m To No. 44 Culworth - 11m (windows) & 8.4m - 9m (balcony) To No. 7 Wallaroo Close - <18m	YES NO YES NO
Internal amenity:		
Habitable rooms have a	2.7m	YES
minimum floor to ceiling height of 2.7m		
Non-habitable rooms have	2.7m	YES
a minimum floor to		
ceiling height of 2.4m	22	VEC
1-2 bedroom units have a minimum plan dimension	>3m	YES
of 3m in all bedroom		
3+ bedroom units have a	>3m	YES
minimum plan dimension		
of 3m in at least two		
bedrooms Single corridores		
Single corridors: - serve a maximum of 8	< 8 units	YES
units		
->1.8m wide at lift	1.8m	YES
lobbies		
Outdoor living:	25 2	N/E/C
ground floor apartments have a terrace or private	>25m <sup>2</sup>	YES
courtyard greater than		
25m <sup>2</sup> in area		
Balcony sizes:		
- 10 m <sup>2</sup> – 1 bedroom unit	$10 \text{ m}^2 - 1 \text{ bedroom unit}$	YES
$-12m^2 - 2$ bedroom unit	$12m^2 - 2$ bedroom unit	YES
$-15m^2 - 3 \text{ bedroom unit}$	$15\text{m}^2 - 3$ bedroom unit	YES
NB. At least one space >10m <sup>2</sup> primary outdoor space has	>2.4m	YES
a minimum dimension of	<i>&gt;</i> 2.4III	1 63
2.4m		
Part 4.7 Social dimensions:		
Visitable units (min):		
70%	>70%	YES

Mix of sizes and types	Mixture of 2 & 3 bedroom units & layouts	YES
Part 4.8 Resource, energy and v	vater efficiency:	
Energy efficiency:		
• >65% of units are to have	>65%	YES
natural cross ventilation		
• single aspect units are to	No single aspect units	YES
have a maximum depth of		
10m		
• 25% of kitchens are to	>25%	YES
have an external wall for		
natural ventilation and		
light		
• >90% of units are to have	41.5% at $4.5 - 5$ stars	
a 4.5 star NatHERS rating		NO
with 10% achieving a 3.5	48.8% at $3.5 - 4$ stars	
star rating	Average rating – 3.94 stars	
Part 5 Parking and vehicular ac	ccess:	
Car parking (min):		
• 10 (visitors)	11 (including 1 disabled space)	YES
• 74 (residents)	75 (includes 4 disabled spaces)	YES
• 84 (total)	86	YES

## Part 4.3 Setbacks:

# Powell Street

The non-compliant (8%) encroachment into the front setback from Powell Street by the building footprint is acceptable for the following reasons:-

- The non-compliant areas provide articulation for the front façade to minimise bulk and scale to Powell Street.
- There is adequate soft landscaping in the front setback to reduce the visual impact of the proposal on the public domain.
- The front setback is consistent with the adjoining property.
- There would be no unreasonable impacts for adjoining properties as a result of the non-compliance in terms of overshadowing, view and/or privacy loss.
- The area of non-compliance is relatively small (8% or 34m²) given the scale of the proposed development.

The private courtyards for the ground floor units (G-07 & G-09) also encroach into the front setback more than what is permitted under section 4.3 in DCP 55 that is also acceptable given that it is a minor non-compliance  $(6\%/36\text{m}^2)$  and there would be adequate deep soil landscaping within the front setback to minimise bulk and scale to the streetscape. The proposed landscaping within the front setback would also be sufficient to minimise overlooking of adjoining properties.

## Part 4.4 Built form and articulation:

## Building width to Wallaroo Close

The proposal exceeds the permitted building length (36m) to Wallaroo Close. However, this is considered to be satisfactory in the circumstances for the following reasons:-

- The vertical glass elements connecting the three components of the building would have the effect of breaking up the building façade to Wallaroo Close.
- The southern component of the development has been reduced in height by 500mm to comply with the height controls in the KPSO to reduce bulk and scale to Wallaroo Close.
- No wall planes exceed 81 square metres in area.
- There is sufficient articulation on the western façade with the varying setbacks and changes in materials to minimise the visual mass of the building when viewed from the public domain.
- There is ample soft landscaping within the more than compliant western setback pursuant to clause 4.3, C-1, (c) in DCP 55 to provide screening at maturity.
- An amendment providing for an increased setback off Wallaroo Close (2.6m) for G-06 and the units above from ground level to level 3 to provide further articulation on the western elevation.

## Part 4.5 Residential amenity:

## **Privacy**

There are some non-compliances with the required separation distances between the windows and balconies as proposed for the residential flat building and similar openings on the adjoining properties.

## Eastern elevation

A separation of between 7.6m and 9m (not 12m as required by DCP 55) is proposed between the windows and balconies between the subject site and No. 21 Powell Street. There would, however, be no loss of privacy for No. 21 Powell Street as the windows on the western elevation of that dwelling are small, secondary, windows fitted with obscure glazing. In addition, the windows on the eastern elevation of the Powell Street component (Levels 1 to 4) of the proposed residential flat building are narrow, horizontal, windows to bedrooms and bathrooms that are unlikely to cause significant overlooking. The outdoor recreation area of No. 21 Powell Street is located within the front garden of that dwelling where there is an in-ground swimming pool with high boundary fencing and existing vegetation to minimise privacy loss.

There are a number of existing substantial mature trees, within the subject site at the south-eastern corner of No. 19 Powell Street and within No. 48 Culworth Avenue which provide adequate screening for those properties. There are also two (2) mature trees (Brushbox and Illawarra Flame Tree) along the eastern boundary of the subject site as well as larger feature trees proposed along the eastern boundary to adequately screen the proposed building and minimise overlooking into the rear gardens of Nos 44 & 46 Culworth Avenue.

Planter boxes are also recommended for the outer edges of the larger terraces on the eastern elevation on Levels 2, 3 and 4. (Condition No. 98).

The western elevation of No. 44 Culworth Avenue contains three windows to a family room, kitchen and lower level rumpus room. There would be no unreasonable loss of privacy for No. 44 Culworth Avenue because of a combination of; a six (6) metres wide setback between the proposed residential flat building with screen plantings, a boundary fence in close proximity to the western elevation of No. 44 Culworth Avenue (see **Condition no. 99**), the existing trees and the recommended planter boxes on the outer perimeter of the larger terraces. Furthermore, the window in the kitchen is too small to cause any unreasonable loss of privacy and the boundary fence would also limit any overlooking into the rumpus room located at a lower level.

# Western elevation

The compliant setbacks, the separation created by the road reserve and the existing mature trees and under storey vegetation in No. 11 Powell Street would reduce any privacy impacts. There would also be additional plantings along the western boundary of the subject site to further reduce overlooking to No.11 Powell Street.

## Northern elevation

There is sufficient separation between the proposed windows and balconies on the northern elevation of the proposal created by the front setbacks within the subject site and No. 12 Powell Street as well as the road reserve to minimise privacy loss. Any overlooking into properties to the north of the subject site would be further minimised by the existing and proposed trees on the subject property and on the verge.

## Southern elevation

There would also be no unreasonable privacy loss to No. 7 Wallaroo Close due to the following:

- A compliant side boundary setback of six (6) metres to No. 7 Wallaroo Close
- The conifer hedge on the northern side of the pool area within No. 7 Wallaroo Close would minimise overlooking into this area
- The two (2) existing and significant blue gums along the south-western boundary would reduce direct overlooking into the rear garden of No. 7 Wallaroo Close from the higher units
- The recommended planter boxes along the outer perimeters of the larger terraces (Condition No. 98)
- Screen planting within the southern setback of the subject site would minimise overlooking into the study and combined dining room/study on the northern side of No. 7 Wallaroo Close.
- The recommended boundary fencing along the common boundary between No. 7 Wallaroo Close and the subject site would also minimise any privacy loss.

The road reserve within Wallaroo Close, existing and proposed vegetation within the setbacks of the properties facing Wallaroo Close would minimise any privacy loss to Nos. 5 & 8 Wallaroo Close.

## Within the proposed development

Overlooking within the proposed development has been minimised through the careful placement of windows, balconies, planter boxes on the larger terraces and the provision of privacy screens where necessary.

In light of these measures, privacy levels within the proposed development will be acceptable given the site context and zoning.

# Part 4.6 Safety and security:

Windows and balconies will afford overlooking public areas within the development, providing natural surveillance. Security lights must be provided in the garden areas, in particular to the communal outdoor area (**Condition No. 144**). Entries to the building would also be clearly visible from both Powell Street and Wallaroo Close to further ensure site security.

## Part 4.7 Social dimensions:

Whilst there are no one (1) bedroom units proposed, there is a mixture of two and three bedrooms units on each level, with different layouts and sizes to satisfy the intent of part 4.7 in DCP 55. The applicant has also provided four (4) lifts to ensure equitable access for disabled visitors/residents within the development. In addition, the pathways within the landscaped setting provide disabled access to the common outdoor area adjacent to the eastern boundary.

## Part 4.8 Resource, energy and water efficiency:

Whilst only 41.5% the development achieves a 4.5 star rating, it should be noted that 78% of the units would achieve a rating of 4 stars. Furthermore, the applicant has submitted an ABSA Certificate No. 20047 and a voluntary BASIX Certificate No. 20729M wherein the development achieved a rating for water of 45 (target 40), thermal comfort: pass and energy: 32 (target 25) indicating that the development would achieve the intent of part 4.8 in DCP 55.

## Part 6 Isolated sites:

The development would result in any isolated sites.

## **Development Control Plan 31 - Access**

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

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

Matters for assessment under DCP 40 have been taken into account in the assessment of this application against DCP 55 and, subject to conditions, the proposal would be satisfactory.

# **Development Control Plan No 43 - Car Parking**

Matters for assessment under DCP 43 have been taken into account in the assessment of this application against DCP 55, and the proposal is satisfactory.

# **Development Control Plan 47 - Water Management**

Matters for assessment under DCP 47 have been taken into account in the assessment of this application against DCP 55, and the proposal is satisfactory.

# **Section 94 Plan**

The development attracts a section 94 contribution of \$860,580.81 which is required to be paid by **Condition No. 97**.

# Likely impacts

The likely impacts of the development have been considered and are found to be satisfactory.

# Suitability of the site

The subject site is zoned to accommodate residential flat buildings pursuant to the provisions contained within the KPSO and DCP 55 and as such the proposal is considered to be suitable for the site.

## Any submissions

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

## **Public interest**

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

# Any other relevant matters not already addressed

There are no other matters for consideration.

## CONCLUSION

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

#### RECOMMENDATION

Pursuant to Section 80(3) of the Environmental Planning and Assessment Act, 1979

THAT the Council, as the consent authority, grant deferred commencement development consent to DA0939/05 for demolition and construction of a residential flat building, containing 41 units, landscaping & strata subdivision on land at 17 – 19 Powell Street & 4-6 Wallaroo Close, Killara, for a period of two (2) years from the date of the Notice of Determination subject to the following conditions:

## SCHEDULE A

- 1. Prior to the operation of the consent, the applicant is to obtain a resolution from Council to amend the terms of the drainage easement(s) through the downstream properties where necessary to permit the passage of private property runoff. This requires the preparation of a report by Council's Technical Services Department upon payment of the appropriate fee. The applicant may be required to confirm that the system has the capacity to accept flow from the development. Council's approval is not guaranteed. If approval is obtained, the applicant will be required to effect the amendment(s) at their own expense and in accordance with any conditions imposed by Council.
- 2. The applicant is to submit written consent from the owners of the downstream properties to grant a drainage easement or amend the terms of existing easements to permit the passage of runoff from all lots of the subject development. Documentary evidence that such consent has been obtained is to be submitted to Council.
- 3. To activate the consent, the applicant must submit evidence to Ku-ring-gai Council that the subject development site will have a legal means of stormwater drainage **as far as the point of discharge in the nearest downstream road reserve**. This is likely to consist of title and instrument documents for the downstream properties, 7 Wallaroo Close, 3 and 5A Lorne Avenue and 36 Culworth Avenue demonstrating the benefit and burdens, together with the instruments describing the terms of necessary drainage easement (s). A written acknowledgment from Ku-ring-gai Council must be obtained attesting to this condition being satisfied.
- 4. The applicant is to submit certification from a suitably qualified and experienced civil/hydraulic engineer that:
  - a. The existing pipes within the interallotment drainage easement system to be utilised, not to be reconstructed, are in satisfactory condition and
  - b. The existing pipes to be utilised have hydraulic capacity to carry design flowrates and/or detention system overflows (where detention systems are to be provided) from the subject property as far as the approved point of discharge to the public drainage system.

Where it is found that the existing pipes are in disrepair or will have insufficient hydraulic capacity to carry additional flows from the approved development the Applicant shall submit full design documentation for an upgraded interallotment drainage system from the subject property to the approved point of discharge. This design documentation shall be approved by Council prior to operation of the consent. Plans are to be prepared by a suitably qualified and experienced consulting civil/hydraulic engineer in accordance with in accordance with Council's Water Management DCP 47 (available on Councils website and at Customer Services) and the Plumbing and Drainage Code (AS3500). New pipes within the downstream easement drainage system must be sized to have adequate capacity to carry design flowrates, or detention system overflows where detention systems are to be provided, from the subject property. The following details must be included:

- a. Plan view of interallotment system to scale showing dimensions, location and reduced levels of all pits, grates, pipe inverts, flushing facilities and exact point of discharge,
- b. The contributing catchment calculations and supporting pipe sizing information,
- c. Longitudinal section showing existing ground levels and proposed pipe invert levels, grades and flow capacities,
- d. Surrounding survey detail including all trees within seven (7) metres of the proposed drainage system,
- e. Means to preserve the root systems of trees within seven (7) metres of the drainage system.

# SECHEDULE B

## **GENERAL**

- 1. The development to be in accordance with Development Application No 939/05 and the following Development Application plans Nos:-
  - 2944 DA 03 02 Site Plan dated 24 November 2005 received 28 Nov 2005
  - 2944\_DA\_18\_02 Level 4 Plan dated 24 November 2005 received 28 Nov 2005
  - 2944 DA 17 02 Level 3 Plan dated 24 November 2005 received 28 Nov 2005
  - 2944 DA 16 02 Level 2 Plan dated 24 November 2005 received 28 Nov 2005
  - 2944\_DA\_15\_02 level 1 Plan dated 24 November 2005 received 28 Nov 2005
  - 2944\_DA\_14\_02 Ground Level Plan dated 24 November 2005 received 28 Nov 2005
  - 2944\_DA\_13\_02 Lower Ground Plan dated 24 November 2005 received 28 Nov 2005
  - 2944 DA 12 02 Level B1 dated 24 November 2005 received 28 Nov 2005
  - 2944\_DA\_11\_02 Level B2 dated 24 November 2005 received 28 Nov 2005
  - 2944 DA 19-02 Roof Plan dated 24 November 2005 received 28 Nov 2005
  - 2944\_DA\_32\_02 Sections dated 24 November 2005 received 28 Nov 2005
  - 2944 DA-31 02 Sections dated 24 November 2005 received 28 Nov 2005
  - 2944\_DA\_21\_03 Elevations dated 24 November 2005 received 31 Jan 2006, &
  - 2944\_DA\_22\_03 elevations dated 24 November 2005 received 31 Jan 2006 all prepared by Nettletontribe Architects
  - Landscape Plan no. L0-5 Rev C prepared by Knox & Partners received on 28 Nov 2005

- Landscape Plan no. L0-1 Rev H prepared by Knox & Partners received on 28 Nov 2005
- Strata Plan no.
- Schedule of external finishes 2944-DA-61-01 (with stone cladding finish for stairwells as featured in attachment D of statement of environmental effects Vol.A), 2944-DA-61-01
- Strata subdivision plan sheets 1-10 prepared by Graham J Hall dated 5 August 2005 received at Council on 29 August 2005.
- As amended by the Concept Plan (2944\_Sk-08, 2944\_Sk-09) received on 28/2/06 prepared by Nettletontribe dated 27/2/06.
- 2. All building works shall comply with the Building Code of Australia.
- 3. The submission of the approved plans to Sydney Water, before any work is commenced to ensure that the proposed structure meets that Authority's By-Laws. Failure to submit these plans before commencing work will render the owner liable to a penalty and may result in the demolition of work.
- 4. The approved building shall not be occupied unless the development has been completed in accordance with all conditions of consent and the approved plans and a Occupation Certificate has been issued.
- 5. The opening of any footway, roadway, road shoulder or any part of the road reserve shall not be carried out without a Road Opening Permit being obtained from the Council (upon payment of the required fee) beforehand.
- 6. For the purpose of ensuring the compliance with the terms of the approval, an approved copy of the plan and this Consent and Construction Certificate shall be kept on site at all times.
- 7. For the purpose of safety and amenity of the area, no building materials, plant or the like are to be stored on the road or footpath without the written approval being obtained from the Council beforehand. The pathway shall be kept in a clean, tidy and safe condition during building operations. Council reserves the right, without notice, to rectify any such breach and to charge the cost against the applicant/owner/builder, as the case may be.
- 8. HOURS OF WORK: For the purpose of residential amenity, noise generating work carried out in connection with building and construction operation, including deliveries of building materials and equipment, is restricted to the following hours: Mondays to Fridays inclusive: 7.00am to 5.30pm. Saturdays: 8.00am to 12.00 noon. Sundays and Public Holidays: Not Permitted. The use of the following items of plant on the site is also restricted to the abovementioned hours: compressors, bulldozers, power operated woodworking machines, excavators and loaders, jackhammers, Ramset guns, concrete mixers and concrete delivery wagons, hoists, winches, welding and riveting plant.

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

- 9. For the purpose of public safety, a sign shall be erected on the site prior to any work commencing which is clearly visible from a public place stating that unauthorised entry to the site is not permitted and showing the name of the builder or another person responsible for the site and a telephone number for contact outside working hours. The sign may only be removed on satisfactory completion of the works.
- 10. A sign shall be erected in a prominent position on the site which states the name and contact details of the Principal Certifying Authority.
- 11. All excavations shall be properly guarded and protected with hoardings or fencing to prevent them from being dangerous to life and property.
- 12. Any excavation of rock involving hydraulic or compressed air rock hammers or other excavation equipment shall comply with the requirements of Council's Code for the Control and Regulation of Noise on Building Sites.
- 13. 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.
- 14. With regard to the proposed rock breaking the following conditions are to be observed:
  - a. The Geotechnical Engineer shall supervise the works in progress.
  - b. A dilapidation report on adjoining or nearby properties shall be prepared prior to any excavation, rock breaking, or associated work commencing and shall be submitted to the Principal Certifying Authority.
  - c. All material removed from or imported to the site shall be loaded, unloaded or conveyed in such a manner that will minimise nuisance. Trucks shall be covered and site controls shall include shaker grids at the exits of the site. All materials falling to any part of the road or footpath or any public place shall be immediately cleaned up.
  - d. All material removed from or imported to the site shall be loaded, unloaded or conveyed in such a manner that will minimise nuisance. Trucks shall be covered and site controls shall include shaker grids at the exits of the site. All materials falling to any part of the road or footpath or any public place shall be immediately cleaned up.
- 15. For the purpose of maintaining visual amenity, no permanent electricity supply poles are to be erected forward of the building setback without the prior Consent of Council. It is the onus of the applicant to consult with the authorised statutory electricity provider prior to construction commencing to ensure that direct connection to the building is possible. Details of any proposed permanent pole must be submitted to and approved by Council prior to installation.

- 16. The applicant is advised that the Construction Certificate plans and specifications must comply with the provisions of the Building Code of Australia.
- 17. All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.
  - All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.
- 18. If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:
  - a. must preserve and protect the building from damage, and
  - b. if necessary, must underpin and support the building in an approved manner, and
  - c. must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

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

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

- 19. Toilet facilities are to be provided, within the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.
- 20. To maintain residential amenity, all electrical services to the site are to be provided underground and must not disturb the root system of any trees. Please contact the energy supply authority's local customer service office to obtain documentary evidence that the authority has been consulted and that their requirements have been met. This information is to be submitted to Council prior to the release of the Subdivision Certificate.
- 21. If the work involved in the erection or demolition of a building:
  - a. is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
  - b. building involves the enclosure of a public place, a hoarding or fence must be erected between the work site and the public place.

If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.

The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.

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

- 22. The developer shall submit to Council a letter from the energy supply authority and either Telstra or Optus, confirming that satisfactory arrangements have been made for the provision of underground telephone and power services, prior to the release of the Subdivision Certificate or Occupation. Application may be made to Energy Australia Phone No. 13 1525 and either Optus, Network Operations, Facsimile No 9837 9060, Phone No 9837 9010, or Telstra Phone No 12 455.
- 23. All noise generating equipment associated with any proposed mechanical ventilation system/s shall be located and/or soundproofed so the equipment is not audible within a habitable room in any other residential premises before 7am and after 10pm Monday to Friday and before 8am and after 10pm Saturday, Sunday and Public Holidays. Furthermore, the operation of the unit outside these restricted hours shall emit a noise level of not greater than 5dbA above the background when measure at the nearest adjoining boundary.
- 24. The fence and footings shall be constructed entirely within the boundaries of the property.
- 25. The demolition is to be carried out in accordance with the guidelines contained in Australian Standard 2601-1991: The Demolition of Structures.
- 26. Access to demolition sites shall be protected as directed by the Principal Certifying Authority by the use of suitable fences or hoardings.
- 27. Where a new development is not commencing immediately following demolition, the demolition shall be limited to the extent of the footprint of the building/s on the site and no excavation shall be carried out.
- 28. Demolition work, including removal of material or debris from the site, on any building in a residential area shall only be carried out during the following hours: Mondays to Fridays inclusive: 7.00am to 5.30pm. Saturdays: 8.00am to 12.00 noon. Sundays and Public Holidays: Not Permitted.
- 29. A person taking down or demolishing or causing to be taken down or demolished any building or part thereof shall, upon identifying or suspecting that asbestos is present in the building, immediately notify the Workcover Authority. The Authority is the controlling body for the safe removal, handling and disposal of asbestos. The Authority supervises and monitors contractors engaged in asbestos removal.

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

- 30. Erosion control measures shall be provided on demolition sites to prevent the siltation of watercourses and drainage systems.
- 31. Dust control measures shall be taken on all demolition sites so as to avoid a nuisance to adjoining properties and harm to the environment.
  - a. A person taking down or demolishing or causing to be taken down or demolished any building or portion of any building shall:
    - i. cause the windows or other openings in the external walls to be close boarded or otherwise covered:
    - ii. cause screens of canvas, hessian, boards, mats or other suitable material to be fitted in appropriate locations;
    - iii. cause areas, components and debris to be wetted down; in such a manner as to minimise, as far as practicable, the nuisance arising from the escape of dust during such taking down or demolition.
  - b. Such person shall not chute, throw or let fall or cause to chute, throw or let fall from the floor to floor or into any basement of such building any building materials or any other matter so as to cause dust to escape from the building or cause any such material to fall or cast upon a public way to the annoyance, inconvenience, or danger of persons using such public way.
- 32. Soil on vacant sites is to be stabilised as soon as possible to prevent erosion and the site shall be kept clear of excess vegetation.
- 33. A temporary construction exit and sediment trap to reduce the transport of sediment from the site onto public roads shall be provided before demolition commences.
- 34. Existing stormwater lines on the site are to be blocked and made inoperable after buildings are demolished so as to prevent the conveyance of silt or sediments into the gutter or street drainage system.
- 35. All combustible material shall be removed from the site on a daily basis. Material shall not be burnt on the site.
- 36. Materials salvaged from a demolition may be stored on site provided they are non combustible, neatly and safety stockpiled and not likely to become a harbourage for vermin.
- 37. Trees and vegetation on a site shall not be disturbed except with the approval of the Council.
- 38. Fire hoses are to be maintained on site during the course of demolition.
- 39. Adequate precautions shall be taken to ensure the protection of adjoining premises and persons therein from damage and injury during the process of demolition.

- 40. Buildings built prior to the 1970's may contain lead based paint. Lead dust is a hazardous substance. You are advised to follow the attached WorkCover guidelines to prevent personal and environmental contamination.
- 41. The applicant or builder/developer is responsible for the cost of making good any damage that may be caused to any Council property as a result of work associated with the demolition.
- 42. A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
  - a. stating that unauthorised entry to the work site is prohibited, and
  - b. showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.

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

This clause does not apply to:

- a. building work carried out inside an existing building, or
- b. building work carried out on premises that are to be occupied continuously (both during and outside working hours) while the work is being carried out.
- 43. All demolition materials of value for re-use either on-site or elsewhere, shall be separated and made available for re-cycling.
- 44. Your attention is directed to the operation of the Commonwealth Disability Discrimination Act 1992, which may impose greater obligations on providing access to disabled persons other than compliance with the Building Code of Australia. You are advised to seek advice from the Human Rights and Equal Opportunity Commission (phone (02) 9284 9600) in respect of your application.
- 45. To maintain streetscape quality, the overall height of front fences is not to exceed 1.2m in height above footpath level with at least 50% transparency (eg. metal grille or timber picket type fences) or alternatively only 900mm in height for solid fences of masonry, brick etc.
- 46. The applicant's attention is directed to any obligations or responsibilities under the Dividing Fences Act in respect of adjoining property owner/s which may arise from this application and it is advised that enquiries in this regard may be made at the nearest Local Court.
- 47. Stormwater runoff from all hard surfaces generating runoff or landscaped areas which are not at natural ground level shall be piped to the interallotment stormwater drainage line benefitting the subject site. The interallotment line is to be covered by the necessary easement for drainage which may exist or need to be created under this consent.
- 48. A mandatory rainwater retention and re-use system comprising storage tanks and ancillary plumbing must be provided for the development. The (minimum) total storage volume of the

rainwater tank system, and the prescribed re-use of the water on site, must satisfy the requirements specified in chapter 6 of Ku-ring-gai Council Water Management Development Control Plan 47 (DCP47).

- 49. In addition to the mandatory rainwater retention and re-use system provided, an **on-site stormwater detention** system must be provided for the development to control the rate of runoff leaving the site. The minimum volume of the required on-site detention system must be determined in accordance with chapter 6 of the Ku-ring-gai Council Water Management Development Control Plan 47 (DCP 47) having regard to the specified volume concession offered in lieu of installing rainwater retention tanks. The design of the on-site detention system must be performed by a qualified civil/hydraulic engineer and must satisfy the design controls set out in appendix 5 of DCP 47.
- 50. For stormwater control a 200mm wide grated channel/trench drain with a heavy-duty removable galvanized grate is to be provided in front of the garage door/basement parking slab to collect driveway runoff. The channel drain shall be connected to the main drainage system and must have an outlet of minimum diameter 150mm to prevent blockage by silt and debris.
- 51. During construction, stormwater runoff must be disposed in a controlled manner that is compatible with the erosion and sediment controls on the site. Immediately upon completion of any impervious areas on the site (including roofs, driveways, paving) and where the final drainage system is incomplete, the necessary temporary drainage systems must be installed to manage and control runoff as far as the approved point of stormwater discharge. Such measures shall be to the satisfaction of the Principal Certifying Authority.
- 52. A maintenance period of six (6) months applies to all work in the public road reserve carried out by the applicant **after** the works have been completed to the satisfaction of Ku-ring-gai Council. In that maintenance period, the applicant shall be liable for any section of the completed public infrastructure work which fails to perform in the designed manner, or as would reasonably be expected under the operating conditions. The maintenance period shall commence once the Applicant receives a written indication from Council stating that the works involving public infrastructure have been completed satisfactorily.
- 53. Where required, the adjustment or inclusion of any new utility service facilities must be carried out by the applicant and in accordance with the requirements of the relevant utility authority. These works shall be at no cost to Council. It is the Applicants full responsibility to make contact with the relevant utility authorities to ascertain the impacts of the proposal upon utility services at the appropriate stage of eth development (including water, phone, gas and the like). Council accepts no responsibility whatsoever for any matter arising from its approval of this application involving any influence upon utility services provided by another authority.
- 54. All public footways and roadways fronting and adjacent to the site must be maintained in a safe condition at all times during the course of the development works. Construction materials and plant must not be stored in the road reserve. A safe pedestrian circulation route and a

pavement/route free of trip hazards must be maintained at all times on or adjacent to any public access ways fronting the construction site. Where public infrastructure is damaged, repair works must be carried out when and as directed by Council officers. Where pedestrian circulation is diverted on to the roadway or verge areas, clear directional signage and protective barricades must be installed in accordance with AS1742-3 (1996) "*Traffic Control Devices for Work on Roads*". If pedestrian circulation is not satisfactorily maintained across the site frontage, and action is not taken promptly to rectify the defects, Council may undertake proceedings to stop work.

- 55. The provision of temporary sediment and erosion control facilities and measures must be installed, prior to the commencement of any works on the site to eliminate unnecessary erosion and loss of sediment. These facilities must be maintained in working order during construction works up to completion. All sediment traps must be cleared on a regular basis and after each major storm, and/or as directed by the Principal Certifying Authority and Council officers.
- 56. Driveways and vehicular access ramps must be designed not to scrape the underside of cars. In all respects, the proposed vehicle access and accommodation arrangements must be designed and constructed to comply with the minimum requirements of Australian Standard 2890.1 (2004) "Off-Street car parking".
- 57. The Applicant must obtain a **Section 73 Compliance Certificate** under the *Sydney Water Act* 1994. An application must be made through an authorised Water Servicing Coordinator. The Applicant is to refer to "Your Business" section of Sydney Water's web site at <a href="https://www.sydneywater.com.au">www.sydneywater.com.au</a> then the "e-developer" icon or telephone 13 20 92. Following application a "Notice of Requirements" will detail water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.
- 58. In order to allow unrestricted access at all times for Ku-ring-gai Council waste collection vehicles into the basement garbage collection area no doors, grilles, gates or other devices are to be provided in the access driveways to the basement carpark preventing this service.
- 59. A contractor with specialist excavation experience must undertake the excavations for the development and a suitably qualified and consulting geotechnical engineer must oversee the excavation procedure. Geotechnical aspects of the development work, namely:
  - Appropriate excavation methods and techniques,
  - Vibration management and monitoring,
  - Support and retention of excavated faces,
  - Hydrogeological considerations,

Must be undertaken in accordance with the recommendations of the Geotechnical Investigation report prepared by Geotechnique (10650/1-AA), as well as the report of investigation carried out after demolition of the structures on the site, and all subsequent

geotechnical inspections carried out during the excavation and construction phase. Approval must be obtained from all affected property owners, including Ku-ring-gai Council where rock anchors (both temporary and permanent) are proposed below adjacent private or public property.

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

Tree/ Location

#9a Fraxinus excelsior 'Aurea' (Golden Ash) Within Powell St front setback

#19a *Platanus x hybrida* (London Plane) North-west site corner

#36 Eucalyptus saligna (Bluegum) Adjacent to south-west site boundary

#37 Eucalyptus saligna (Bluegum) Adjacent to south-west site boundary

#49 *Lophostemon confertus* (Brushbox) Eastern site boundary

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

Tree/location Time of inspection

All existing trees located on site being retained. Prior to demolition

At the completion of demolition

Prior to excavation works

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

- 62. To maintain the existing streetscape character of Powell St, the proposed substation and fire hydrant booster assembly is to be located within the Wallaroo Cl street frontage.
- 63. The proposed southern detention/bio retention basin (BRB2) as shown on the Storm Water Management Plan is required to be located to take into consideration the location of tree #49

Lophostemon confertus (Brushbox) to ensure that excavation and regrading of the ground plane not adversely impact upon the tree's root system. In this regard it is required that BRB2 be located outside of the canopy drip line of tree #49.

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

Tree/Location

#3 Pinus patula (Mexican Pine)

Powell St nature strip

#4 Fraxinus oxycarpa 'Raywood' (Claret Ash)

Powell St nature strip

#5 Cupressus cashmeriana (Kashmir Cypress)

#54 Cupressocyparis leylandii 'Leightons Green' (Leighton Green Cypress)

Powell St nature strip

Tree/Location

- 65. If tree roots are required to be severed for the purposes of constructing the approved works they shall be cut cleanly by hand, by an experienced Arborist/Horticulturist with a minimum qualification of the Horticulture Certificate or Tree Surgery Certificate
- 66. No tree roots of 30mm or greater in diameter located within the specified radius of the trunk/s of the following, tree/s shall be severed or injured in the process of any site works during the construction period.

Radius From Trunk

Tree/Location Rai	ulus Fioili Tiulik
#9a Fraxinus excelsior 'Aurea' (Golden Ash) Within Powell St front setback	4.5m
#10 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to eastern site boundary	8.0m
#11 <i>Ilex aquifolium</i> (Holly) Adjacent to eastern site boundary	3.5m
#12 <i>Chamaecyparis obtusa</i> (Hinoki Cypress) Adjacent to eastern site boundary in neighbouring property	4.0m
#13 <i>Liquidambar styraciflua</i> (Sweet Gum) Adjacent to eastern site boundary in neighbouring property	5.0m
#14 <i>Liquidambar styraciflua</i> (Sweet Gum) Adjacent to eastern site boundary in neighbouring property	5.0m
#19 Fraxinus oxycarpa "Raywood" Wallaroo Cl nature strip	3.5m
#19a Platanus x hybrida (London Plane)	6.0m

North-west site corner	
#33 Fagus sylvatica (Copper Beech) South-west site corner	10.0m
#34 <i>Melaleuca bracteata</i> (White cloud tree) South-west site corner	3.5m
#36 Eucalyptus saligna (Bluegum) Adjacent to south west site boundary	7.0m
#37 Eucalyptus saligna (Bluegum) Adjacent to south west site boundary	7.0m
#46 Brachychiton acerifolius (Illawarra Flame Tree) Adjacent to eastern site boundary	4.5m
#49 <i>Lophostemon confertus</i> (Brushbox) Adjacent to eastern site boundary	7.0m

67. No mechanical excavation for the approved residential flat building shall be undertaken within the specified radius of the trunk/s of the following tree/s until root pruning by hand along the perimeter line of such works is completed:

Tree/Location	Radius From Trunk
#36 Eucalyptus saligna (Bluegum) Adjacent to south-west site boundary	9.0m
#37 Eucalyptus saligna (Bluegum) Adjacent to south-west site boundary	9.0m
#49 <i>Lophostemon confertus</i> (Brushbox) Adjacent to eastern site boundary	7.0m

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

Tree/Location	Radius From Trunk
#9a Fraxinus excelsior 'Aurea' (Golden Ash) Within Powell Street front setback	4.5m
#10 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to eastern site boundary	8.0m
#11 <i>Ilex aquifolium</i> (Holly) Adjacent to eastern site boundary	3.5m
#12 <i>Chamaecyparis obtusa</i> (Hinoki Cypress) Adjacent to eastern site boundary in neighbouring proper	4.0m ty

#13 Liquidambar styraciflua (Sweet Gum) Adjacent to eastern site boundary in neighbouring property	5.0m
#14 <i>Liquidambar styraciflua</i> (Sweet Gum) Adjacent to eastern site boundary in neighbouring property	5.0m
#19 Fraxinus oxycarpa "Raywood" Wallaroo Cl nature strip	3.5m
#19a <i>Platanus x hybrida</i> (London Plane) North-west site corner	6.0m
#33 Fagus sylvatica (Copper Beech) South-west site corner	8.0m
#34 <i>Melaleuca bracteata</i> (White cloud tree) South-west site corner	3.5m
#36 Eucalyptus saligna (Bluegum) Adjacent to south-west site boundary	7.0m
#37 Eucalyptus saligna (Bluegum) Adjacent to south-west site boundary	7.0m
#46 <i>Brachychiton acerifolius</i> (Illawarra Flame Tree) Adjacent to eastern site boundary	4.5m
#49 <i>Lophostemon confertus</i> (Brushbox) Adjacent to eastern site boundary	7.0m

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

Tree/Location	Radius From Trunk
#9a Fraxinus excelsior 'Aurea' (Golden Ash) Within Powell St front setback	4.5m
#10 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to eastern site boundary	8.0m
#12 <i>Chamaecyparis obtusa</i> (Hinoki Cypress) Adjacent to eastern site boundary in neighbouring	4.0m

property	
#13 Liquidambar styraciflua (Sweet Gum) Adjacent to eastern site boundary in neighbouring property	5.0m
#14 Liquidambar styraciflua (Sweet Gum) Adjacent to eastern site boundary in neighbouring property	5.0m
#19a <i>Platanus x hybrida</i> (London Plane) North-west site corner	6.0m
#33 Fagus sylvatica (Copper Beech) South-west site corner	10.0m
#34 <i>Melaleuca bracteata</i> (White cloud tree) South-west site corner	3.5m
#36 Eucalyptus saligna (Bluegum) Adjacent to south west site boundary	7.0m
#37 Eucalyptus saligna (Bluegum) Adjacent to south west site boundary	7.0m
#46 <i>Brachychiton acerifolius</i> (Illawarra Flame Tree) Adjacent to eastern site boundary	4.5m
#49 <i>Lophostemon confertus</i> (Brushbox) Adjacent to eastern site boundary	7.0m

- 70. The applicant shall ensure that at all times during the site works no activities, storage or disposal of materials shall take place beneath the canopy of any tree protected under Council's Tree Preservation Order.
- 71. The following tree species shall be planted, at no cost to Council, in the nature strip fronting the property along Powell St as an evenly spaced formal avenue planting. The tree/s used shall be a minimum 25 litre container size specimen/s trees:

Tree Species	Quantity
Jacaranda mimosifolia (Jacaranda)	6

72. Following removal of the existing trees from Council's nature strip in Powell St, the nature strip shall be rehabilitated to the satisfaction of Council at no cost to Council.

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

Species/From/To

#'s 43, 45, 47 *Archontophoenix cunninghamiana* (Bangalow Palm) eastern site boundary at rear to southern site boundary adjacent to the bio retention basin (BRB1)

- 74. 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.
- 75. The canopy replenishment trees to be planted shall be maintained in a healthy and vigorous condition until they attain a height of 5.0 metres whereby they will be protected by Council's Tree Preservation Order. Any of the trees found faulty, damaged, dying or dead shall be replaced with the same species.
- 76. The following noxious and/or environmental weed species shall be removed from the property prior to completion of the proposed building works.

Plant Species

Cinnamomum camphora (Camphor laurel)

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

77. The Long Service Levy is to be paid to Council in accordance with the provisions of Section 34 of the Building and Construction Industry Payments Act 1986 prior to the issue of the Construction Certificate.

Note: Required if cost of works exceed \$25,000.00.

78. It is a condition of consent that the applicant, builder or developer or person who does the work on this residential building project arrange the Builders Indemnity Insurance and submit the Certificate of Insurance in accordance with the requirements of Part 6 of the *Home Building Act 1989* to the Council or other Principal Certifying Authority for endorsement of the plans accompanying the Construction Certificate. It is the responsibility of the applicant, builder or developer to arrange the Builder's Indemnity Insurance for residential building work over the value of \$12,000 and to satisfy the Council or other Principal Certifying Authority by the presentation of the necessary Certificate of Insurance so as to comply with the applicable requirements of Part 6 of the *Home Building Act 1989*. The requirements for the Builder's Indemnity Insurance does not apply to commercial or industrial building work or for residential work less than \$12,000, nor to work undertaken by persons holding an

Owner/Builder's Permit issued by the Department of Fair Trading (unless the owner/builder's property is sold within 7 years of the commencement of the work).

- 79. The Infrastructure Restorations Fee calculated in accordance with the Council's adopted schedule of Fees and Charges is to be paid to the Council prior to any earthworks or construction commencing. The applicant or builder/developer will be held responsible for and liable for the cost any damage caused to any Council property or for the removal of any waste bin, building materials, sediment, silt, or any other article as a consequence of doing or not doing anything to which this consent relates. "Council Property" includes footway, footpath paving, kerbing, guttering, crossings, street furniture, seats, litter bins, trees, shrubs, lawns mounds, bushland, and similar structures or features on road reserves or any adjacent public place. Council will undertake minor restoration work as a consequence of the work at this site in consideration of the "Infrastructure Restorations Fee" lodged with the Council prior to the release of the Construction Certificate. This undertaking by the Council does not absolve the applicant or Builder/developer of responsibility for ensuring that work or activity at this site does not jeopardise the safety or public using adjacent public areas or of making good or maintaining "Council property" (as defined) during the course of this project.
- 80. Prior to issue of the Construction Certificate, the construction of any required interallotment drainage system must be completed in full. The designing engineer or equivalent professional engineer must supervise the works. At the completion of works, the following shall be submitted to the Principal Certifying Authority (PCA):
  - a. Certification from the supervising engineer that that the as-constructed works comply with the approved interallotment design documentation, and
  - b. A full works-as-executed drawing of the as built drainage line (dimensions, grades, materials, invert levels) prepared by a registered surveyor, and
  - c. Certification from the surveyor that all drainage structures are wholly contained within the drainage easement(s).
- 81. Prior to issue of the Construction Certificate the Applicant must consolidate the existing Torrens lots which will form the development site. Evidence of lot consolidation, in the form of a plan registered with Land and Property Information, must be submitted for approval of the Principal Certifying Authority prior to issue of the Construction Certificate. This condition is imposed to ensure continuous structures will not be placed across separate titles.
- 82. Prior to issue of the Construction Certificate, driveway and associated footpath levels for any fully new, reconstructed or extended sections of driveway crossings between the property boundary and road alignment must be obtained from Ku-ring-gai Council. Such levels are only able to be issued by Council under the *Roads Act 1993*. All footpath crossings, laybacks and driveways are to be constructed according to Council's specifications "Construction of Gutter Crossings and Footpath Crossings" or as specified by Council. Specifications are issued with alignment levels after completing the necessary application form at Customer Services and payment of the assessment fee. When completing the request for driveway levels application from Council, the applicant must attach a copy of the relevant Development

Application drawing which indicates the position and proposed level of the proposed driveway at the boundary alignment. Failure to submit this information may delay processing.

Approval of this Development Application is for works wholly within the property. DA consent does not imply approval of footpath or driveway levels, materials or location within the road reserve regardless of whether this information is shown on the Development application plans. The grading of such footpaths or driveways outside the property shall comply with Council's standard requirements. The suitability of the grade of such paths or driveways *inside* the property is the sole responsibility of the applicant and the required alignment levels fixed by Council may impact upon these levels. The construction of footpaths and driveways outside the property, in materials other than those approved by Council, is not permitted and Council may require immediate removal of unauthorised installations.

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

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

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

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

- 85. Prior to issue of the Construction Certificate and prior to commencement of any works that may be subject to erosion, the applicant must submit, for approval by the Principal Certifying Authority, a Soil and Erosion Control Plan prepared in accordance with the Landcom document "Managing Urban Stormwater Soils and Construction, Volume 1" (2004). A qualified and experienced civil/environmental engineer shall prepare this plan in accordance with the above guidelines and section 8.2.1 of Councils Water Management Development Control Plan 47.
- 86. Prior to issue of the Construction Certificate the applicant must submit, for approval by the Principal Certifying Authority, scale construction plans and specifications in relation to the stormwater management and disposal system for the development. The plan(s) must include the following detail:
  - Exact location and reduced level of discharge point to the public drainage system.
  - Full layout of the property drainage system components, including but not limited to (as required) gutters, downpipes, spreaders, pits, swales, kerbs, cut-off and intercepting drainage structures, subsoil drainage, flushing facilities and all ancillary stormwater plumbing all designed for a 235mm/hour rainfall intensity for a duration of five (5) minutes (1:50 year storm recurrence).
  - Location(s), dimensions and specifications for the required rainwater storage and reuse tanks and systems. Where proprietary products are to be used, manufacturer specifications or equivalent shall be provided.
  - Specifications for reticulated pumping facilities (including pump type and manufacturer specifications) and ancillary plumbing to fully utilise rainwater in accordance with the Ku-ring-gai Council Development Control Plan 47 and/or BASIX commitments.
  - Details of the required on-site detention tanks required under Ku-ring-gai Council Water Management DCP 47 including dimensions, materials, locations, orifice and discharge control pit details as required (refer chapter 6 and appendices 2, 3 and 5 of DCP 47 for volume, PSD and design requirements).
  - The required basement stormwater pump-out system to cater for driveway runoff and subsoil drainage (refer appendix 7.1.1 of Development Control Plan 47 for design).
  - The piping for the proposed swale on the western side of the building must also be strapped to the underground walls of the basement car park to reduce impacts for proposed landscaping.

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

- 87. Prior to issue of the Construction Certificate the Applicant must contact Energy Australia regarding power supply for the subject development. A written response detailing the full requirements of Energy Australia (including any need for underground cabling, substations or similar within or in the vicinity the development) shall be submitted to the Principal Certifying Authority for approval prior to issue of the Construction Certificate. Any structures or other requirements of Energy Australia shall be reflected on the plans issued with the Construction Certificate, to the satisfaction of the Principal Certifying Authority and Energy Australia. The requirements of Energy Australia must be met in full prior to issue of the Occupation Certificate.
- 88. Prior to issue of the Construction Certificate the applicant must make contact with all relevant utility providers whose services will be impacted upon by the approved development. A written copy of the requirements of each provider, as determined necessary by the Principal Certifying Authority, must be obtained. All utility services or appropriate conduits for the same, including electricity, gas, telephone, water and sewerage must be provided by the developer in accordance with the specifications of those supply authorities.
- 89. The applicant shall ensure that no underground services (ie water, sewerage, drainage and gas) shall be laid beneath the canopy of any tree protected under Council's Tree Preservation Order, located on the subject allotment and adjoining allotments.
  - A plan detailing the routes of these services shall be submitted to the Principal Certifying Authority for approval prior to the release of the Construction Certificate.
- 90. To minimise adverse tree impacts and to maintain viability of deep soil landscape areas, it is required that the proposed stormwater pipes be strapped to the underground walls of the basement car park. Revised storm water layout plans satisfying this requirement are required to be submitted to the principal certifying authority for approval prior to the issue of the construction certificate.
- 91. Paving works within the specified radius of the trunk/s of the following tree/s shall be of type and construction to ensure that existing water infiltration and gaseous exchange to the tree/s root system is maintained. Details for the paving shall be prepared by a suitably qualified professional and submitted to and approved by the Principal Certifying Authority prior to the release of the Construction Certificate:

Tree/Location	Radius From Trunk
#10 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to eastern site boundary	8.0m
#12 <i>Chamaecyparis obtusa</i> (Hinoki Cypress) Adjacent to eastern site boundary in neighbouring proper	4.0m
#13 <i>Liquidambar styraciflua</i> (Sweet Gum) Adjacent to eastern site boundary in neighbouring property	5.0m

#14 <i>Liquidambar styraciflua</i> (Sweet Gum) Adjacent to eastern site boundary in neighbouring property	5.0m
#19a <i>Platanus x hybrida</i> (London Plane) North-west site corner	6.0m
#33 Fagus sylvatica (Copper Beech) South-west site corner	8.0m
#34 <i>Melaleuca bracteata</i> (White cloud tree) South-west site corner	3.5m
#36 Eucalyptus saligna (Bluegum) Adjacent to south-west site boundary	7.0m
#37 Eucalyptus saligna (Bluegum) Adjacent to south-west site boundary	7.0m
#46 <i>Brachychiton acerifolius</i> (Illawarra Flame Tree) Adjacent to eastern site boundary	4.5m
#49 <i>Lophostemon confertus</i> (Brushbox) Adjacent to eastern site boundary	7.0m

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

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

Tree/Location Radius in Metres

#10 *Jacaranda mimosifolia* (Jacaranda) 8.0m Adjacent to eastern site boundary

93. The submitted landscape plan LO-5 prepared by Knox and Partners and dated 24/11/2005 is not approved. An amended, detailed plan of the proposed landscape works for the site shall be prepared by a Landscape Architect or qualified Landscape Designer. The plan must be submitted to, and approved by the Principal Certifying Authority prior to the release of the Construction Certificate. The landscape works shall be carried out and installed in accordance with the approved landscape plan/s.

The following amendments to the plan shall apply:

- The proposed drying area adjacent to the eastern (side) site boundary is to be relocated so that it has a minimum setback of 3.0m from the site boundary.
- Tree 19a *Platanus x hybrida* (London Plane Tree) located adjacent to the north-west site boundary is to be shown to be retained. Existing grades and ground levels beneath the canopy drip line are to be maintained. The proposed retaining wall beneath its canopy is required to be relocated and plant species amended to suit the retention of the tree.
- Tree 9a *Fraxinus excelsior 'Aurea'* (Golden Ash) adjacent to the northern site boundary within the Powell St frontage is to be retained. Existing grades and levels are to be maintained beneath the canopy drip line.
- Tree #49 *Lophostemon conferta* (Brushbox) located adjacent to the eastern site boundary is to be retained. Existing grades and levels beneath its canopy drip line are to be maintained.
- Shrub planting capable of attaining minimum heights of 4.0m is to be planted adjacent to the eastern site boundary for the length of the boundary.
- The palms to be transplanted are to be shown on plan.
- Proposed street tree planting as required within the Powell St nature strip are to be shown on plan.
- To maximise screening and privacy to upper levels, an additional *Eucalyptus saligna* (Bluegum) or *Eucalyptus pilularis* (Blackbutt) is to be planted within the street frontage to Wallaroo Cl north of the proposed pedestrian entry.
- The relocation of the proposed substation and fire hydrant booster assembly as required is to be shown on plan.
- A tall endemic tree species consistent with the Sydney Bluegum High Forest plant community is to be planted adjacent to the north east site corner where the substation and fire hydrant booster assembly was originally proposed.
- 94. A CASH BOND/BANK GUARANTEE of \$10,000.00 shall be lodged with Council as a Landscape Establishment Bond prior to release of the Construction Certificate to ensure that the landscape works are installed and maintained in accordance with the approved landscape plan/s and other landscape conditions.

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

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

95. A CASH BOND/BANK GUARANTEE of \$15,500.00 shall be lodged with Council prior to the release of the Construction Certificate to ensure that the following trees are maintained in the same condition as found prior to commencement site development work.

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

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

Tree/Location	Bond Value
#9a Fraxinus excelsior 'Aurea' (Golden Ash) Within Powell St front setback	\$500.00
#19 Fraxinus oxycarpa "Raywood" Wallaroo Cl nature strip	\$1,000.00
#19a <i>Platanus x hybrida</i> (London Plane) North-west site corner	\$2,000.00
#33 Fagus sylvatica (Copper Beech) South-west site corner	\$2,000.00
#36 Eucalyptus saligna (Bluegum) Adjacent to south-west site boundary	\$4,000.00
#37 Eucalyptus saligna (Bluegum) Adjacent to south-west site boundary	\$4,000.00
#49 <i>Lophostemon confertus</i> (Brushbox) Adjacent to eastern site boundary	\$2,000.00

96. A photographic record/report of the dwellings to be demolished (Nos. 17, 19 Powell Street & No. 6 Wallaroo Close) is to be submitted to and approved by Council's Heritage Advisor prior to commencement of the work and prior to issue of a Construction Certificate.

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

The report is to be a bound A4 report. Three copies of the report must be submitted, one copy with negatives.

All photographs to be mounted, labeled and cross-referenced to the relevant site plan and floor plans and showing position of camera. Photographs of the following:

- Each elevation and selected interiors.
- Photographs of specific details nominated by Council.
- All structures on site such as sheds, outhouses and significant landscape features.
- Several photographs of house from public streets or laneways including several views showing relationship to neighbouring buildings.

# Minimum requirements:

- Title page
- Statement of reasons the recording was made
- Site plan showing all structures and site elements
- Sketch of the floor plan showing the location of the camera for each photograph
- Black & White archival quality photographs, contact prints with negatives and selected prints (one copy of negatives other copies with contact sheets and selected prints)

Digital images and CDs may be submitted as supplementary information.

97. 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 38 ADDITIONAL DWELLINGS IS CURRENTLY **\$860,580.81**. The amount of the payment shall be in accordance with the Section 94 charges as at the date of payment. The charges may vary at the time of payment in accordance with Council's Section 94 Contributions Plan to reflect changes in land values, construction costs and the consumer price index.

This contribution shall be paid to Council prior to the release of the Construction Certificate and the amount payable shall be in accordance with the Council's adopted Section 94 Contributions Plan for Residential Development, effective from 30 June 2004, calculated for additional person as follows:

1.	Community Facilities	\$1,117.76
2.	Park Acquisition and Embellishment Works - Killara	\$6,384.75
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 personsNew Lot3.48 personsSEPP (Seniors Living) Dwelling1.3 persons

- 98. To provide for adequate privacy, the architectural plans must be amended prior to the release of the construction certificate to provide planter boxes (500mm min width) to the terraces of the following units:
  - Eastern perimeter of the terrace to Unit L4-01
  - Eastern perimeter of the terrace to Unit L3-01
  - Eastern and northern perimeters of the terrace to Unit L3-02
  - Eastern and southern perimeters of terrace to Unit L2 01 (reduced to 300mm width adjacent to dining room and Bedroom 1 to allow passage along the terrace)
- 99. A boundary fence (1.8m high) must be provided along the eastern and southern boundaries from the front building line in Wallaroo Close to the front building line in Powell Street to minimise overlooking into adjoining properties at the applicant's expense. The architectural plans must be amended accordingly prior to the release of the construction certificate.
- 100. An increased setback off Wallaroo Close for unit G 06 as indicated in the Concept Plan submitted to Council, dated 28 February 2006 (Drawing No. 2944\_SK-08) must also be provided for the units above on Levels 1, 2, and 3 also changes to Unit No. L4 01 as indicated in Concept Plan No. 2944\_29-09. The architectural plans must be amended accordingly prior to the release of the construction certificate.
- 101. Five (5) of the proposed apartments are to be designed with accessible features for disabled persons, and are to incorporate level entries and wider doorways and corridors, slip resistant surfaces, reachable power points, disabled toilet, and lever door handles and taps; such features to be designed generally in accordance with Australian Standards 1428.1 and 4299. Details demonstrating compliance are to be submitted with the Construction Certificate. (Reason: To ensure equity of access and availability of accommodation in the future for an ageing population).

# CONDITIONS TO BE COMPLIED WITH PRIOR TO WORK COMMENCING

- 102. Prior to commencing any construction or subdivision work, the following provisions of the Environmental Planning & Assessment Act, 1979 (the 'Act') are to be complied with:
  - a. A Construction Certificate is to be obtained in accordance with Section 81A(2)(a) of the Act.
  - b. A Principal Certifying Authority is to be appointed and Council is to be notified of the appointment in accordance with Section 81A(2)(b) of the Act.
  - c. Council is to be notified in writing, at least two (2) days prior to the intention of commencing buildings works, in accordance with Section 81A(2)(c) of the Act.

- d. Should the development be certified by a Principal Certifying Authority other than Council, a fee for each Part 4A Certificate is to be paid to Council on lodgement of those Certificates with Council.
- 103. Prior to the commencement of any work, the Principal Certifying Authority shall be notified in writing of the name and contractor licence number of the owner/builder who intends to carry out the approved works.
- 104. Following demolition of the existing structures and prior to the commencement of any other works on the site, a supplementary geotechnical investigation is to be carried out. Boreholes are to be drilled to at least 1 metre below expected excavation depth. Recommendations are to be obtained for vibration monitoring and excavation support. Works including inspections are to proceed in accordance with the recommendations of this report.
- 105. Following demolition of the existing structures and prior to the commencement of any other works on the site, further environmental sampling and testing is to be carried out in accordance with the recommendations made in the report by Geotechnique (10650/2-AA). Any works required as a result of further investigation are to proceed in accordance with the recommendations of the environmental consultant.
- 106. Prior to the commencement of **any excavation works** on site the Applicant must submit, for approval by the Principal Certifying Authority (with a copy forwarded to Council) a full dilapidation report on the visible and structural condition of structures at 21 Powell Street and 44 Culworth Avenue. The report must be completed by a consulting structural/geotechnical engineer. Where the consulting geotechnical engineer is of the opinion that no dilapidation reports on adjoining structures are required, certification to this effect shall be provided for approval by the Principal Certifying Authority prior to any excavation. Upon submitting a copy of the dilapidation report to Council (or certification that no report is required), a written acknowledgment from Council development engineers shall be obtained (attesting to this condition being appropriately satisfied) and submitted to the Principal Certifying Authority prior to the commencement of any works on site.
- 107. Prior to the commencement of **any** works on site the applicant must submit, for review by Council Engineers, a *Construction and Traffic Management Plan*. The following matters must be specifically addressed in the Plan:

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

- Dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and construction related vehicles in the frontage roadways,
- Turning areas within the site for construction and spoil removal vehicles, allowing a forward egress for all construction vehicles on the site,
- The locations of proposed Work Zones in the frontage roadways,
- Location of any proposed crane standing areas

- A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries
- Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected.
- The provision of an on-site parking area for employees, tradesperson and construction vehicles as far as possible

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

- All traffic control devices installed in the road reserve must be in accordance with the RTA publication "Traffic Control Worksite Manual" and be designed by a person licensed to do so (minimum RTA 'red card' qualification). The main stages of the development requiring specific construction management measures are to be identified and specific traffic control measures identified for each.
- Approval is to obtained from Ku-ring-gai Council for any temporary road closures or crane use from public property.
- Traffic controllers are to be located at the site frontage and also at the intersection of Powell Street and Wallaroo Close when construction vehicles are using Wallaroo Close for access, in order to control pedestrians and other traffic using Wallaroo Close.

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

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

# In addition, the plan must address:

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

The *Construction and Traffic Management Plan* shall be prepared by a suitably qualified and experienced traffic consultant and be certified by this person as being in accordance with the requirements of the abovementioned documents and the requirements of this condition. The construction management measures contained in the approved plan shall be implemented in accordance with the plan prior to the commencement of, and during, works on-site including excavation. As the plan has a direct impact on the local road network, the plan shall be submitted to and reviewed by Council, attention Development Engineer. A written

acknowledgment from Council engineers shall be obtained (attesting to this condition being appropriately satisfied) and submitted to the Principal Certifying Authority prior to the commencement of any works on site. A fee is payable for the assessment of the plan by Kuring-gai Council.

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

The report must be completed by a consulting structural/civil engineer. Particular attention must be paid to accurately recording (both via photo and in written format) *existing* damaged areas on the aforementioned infrastructure so that Council is fully informed when assessing any damage to public infrastructure caused as a result of the development.

- 110. If the use of temporary rock anchors extending into the road reserve is proposed, then approval must be obtained from Council and/or the Roads and Traffic Authority in accordance with Section 138 of the Roads Act 1993. The Applicant is to submit details of all the work that is to be considered, and the works are not to commence until approval has been granted. The designs are to include details of the following:
  - How the temporary rock anchors will be left in a way that they will not harm or interfere with any future excavation in the public road
  - That the locations of the rock anchors are registered with Dial Before You Dig
  - That approval of all utility authorities likely to use the public road has been obtained. All temporary rock anchors are located outside the allocations for the various utilities as adopted by the Streets Opening Conference.

- That any remaining de-stressed rock anchors are sufficiently isolated from the structure that they cannot damage the structure if pulled during future excavations or work in the public road.
- That signs will be placed and maintained on the building stating that de-stressed rock anchors remain in the public road and include a contact number for the building manager. The signs are to be at least 600mm x 450mm with lettering on the signs is to be no less than 75mm high. The signs are to be at not more than 60m spacing. At least one sign must be visible from all locations on the footpath outside the property. The wording on the signs is to be submitted to Council's Director Technical Services for approval before any signs are installed.

Permanent rock anchors are not to be used where any part of the anchor extends outside the development site into public areas or road reserves.

All works in the public road are to be carried out in accordance with the Conditions of Construction issued with any approval of works granted under Section 138 of the Roads Act 1993.

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

Tree/Location	Radius in Metres
#9a Fraxinus excelsior 'Aurea' (Golden Ash) Within Powell St front setback	4.5m
#10 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to eastern site boundary	8.0m
#12 <i>Chamaecyparis obtusa</i> (Hinoki Cypress) Adjacent to eastern site boundary in neighbouring proper	4.0m
#13 <i>Liquidambar styraciflua</i> (Sweet Gum) Adjacent to eastern site boundary in neighbouring propert	5.0m y
#14 <i>Liquidambar styraciflua</i> (Sweet Gum) Adjacent to eastern site boundary in neighbouring propert	5.0m y
#19 Fraxinus oxycarpa "Raywood" Wallaroo Cl nature strip	3.5m
#19a <i>Platanus x hybrida</i> (London Plane) North-west site corner (Pedestrian access to be maintained at all times)	6.0m

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#33 Fagus sylvatica (Copper Beech) South-west site corner (Pedestrian access to be maintained at all times)	8.0m
#34 <i>Melaleuca bracteata</i> (White cloud tree) South-west site corner	3.5m
#36 Eucalyptus saligna (Bluegum) Adjacent to south-west site boundary	6.0m on northern side 8.0m elsewhere
#37 Eucalyptus saligna (Bluegum) Adjacent to south-west site boundary	7.0m
#46 <i>Brachychiton acerifolius</i> (Illawarra Flame Tree) Adjacent to eastern site boundary	4.5m
#49 <i>Lophostemon confertus</i> (Brushbox) Adjacent to eastern site boundary	7.0m

- 112. The tree protection fence shall be constructed of galvanised pipe at 2.4 metre spacings and connected by securely attached chain mesh fencing to a minimum height of 1.8 metres prior to work commencing.
- 113. Prior to works commencing tree protection signage is to be attached to each tree Protection Zone and displayed in a prominent position and the sign repeated at 10m intervals or closer where the fence changes direction. Each sign shall advise in a clearly legible form, the following minimum information:
  - 1. Tree Protection Zone
  - This fence has been installed to prevent damage to the trees and their growing 2. environment both above and below ground, and access is restricted.
  - If encroachment or incursion into this Tree Protection Zone is deemed to be essential 3. the consulting Arborist should be informed prior to the undertaking of such works.
  - 4. Name, address, and telephone number of the developer/principal certifying authority.
- 114. Prior to works commencing the area of the Tree Protection Zone is to be mulched to a depth of 100mm with composted organic material being 75% Eucalyptus leaf litter and 25% wood. The depth of mulch and type as indicated, to be maintained for the duration of the project & Principal Certifying Authority.
- 115. Where vehicular or extended pedestrian access is required beneath the canopy drip line of existing trees to be retained, no work shall commence until temporary measures to avoid soil compaction (eg rumble boards) beneath the canopy is installed.

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

Tree/Location Radius in Metres

#19 Fraxinus oxycarpa "Raywood"
Wallaroo Cl nature strip

#33 Fagus sylvatica (Copper Beech)
South-west site corner

- 117. Upon completion of the installation of the required tree protection measures you are required to arrange for an inspection of the site by the Principal Certifying Authority to verify that tree protection measures comply with all relevant conditions. Following the carrying out of a satisfactory inspection and subject to the payment of all relevant monies and compliance with any other conditions of approval, work may commence.
- 118. Due to the possibility of relics being contained within the site, during excavation works, the applicant must ensure that should any historical relics be uncovered, excavation or disturbance of the area is to stop immediately. In accordance with section 146(a) of the 'Heritage Act, 1977', the Applicant must ensure the Heritage Council of NSW is notified within a reasonable time of the discovery or location of these relics. Archaeological assessment and approval, or endorsement, may be required prior to works continuing in the affected area(s) based on the nature of the discovery.

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

- 119. Prior to release of the linen plan/issue of the subdivision certificate, the Section 73 Sydney Water compliance certificate **which refers to the subdivision application** must be obtained and submitted to the Council.
- 120. For endorsement of the linen plan/issue of the subdivision certificate, the Applicant shall submit an original plan of subdivision plus six (6) copies, suitable for endorsement by the consent authority. The following details **must** be submitted with the plan of Subdivision and its (5) copies, where Council is the consent authority:
  - a. The endorsement fee current at the time of lodgment.
  - b. The 88B Instruments plus six (6) copies,
  - c. A copy of the Occupation Certificate,

- d. The Consulting Engineer's certification of the on-site stormwater detention facility. This must be on the standard Council on-site detention certification sheet, available from Councils customer services.
- e. A copy of all works-as-executed plans required under the consent,
- All Surveyor's and/or Consulting Engineer's certification(s) required under this consent.
- g. The Section 73 (Sydney Water) Compliance Certificate.

Council officers will check the consent conditions on the subdivision. Failure to submit the required information will delay endorsement of the linen plan, and may require payment of rechecking fees.

- Note 1: Plans of subdivision and copies must not be folded.
- Note 2: Council will not accept bonds in lieu of completing subdivision works.
- Note 3: If the certifying authority is not Council, then a copy of all of the above must be provided to Council
- 121. For endorsement of the linen plan / subdivision certificate issue, the Applicant shall submit an original instrument under Section 88B of the Conveyancing Act with the plan of subdivision, plus six (6) copies. This is to create any required easements, rights-of-carriageway, positive covenants, restrictions-on-use or other burdens/benefits as may be required. Ku-ring-gai Council must be named as the authority whose consent is required to release, vary or modify the same.
- 122. Prior to release of the linen plan/issue of the subdivision certificate, the applicant shall create all burdens including but not limited to drainage easements, easements for services and rights-of-carriageway, as required. A registered surveyor is to certify, prior to release of the linen plan/issue of the subdivision certificate, that all existing interallotment drainage lines, services and/or driveways are fully contained within the proposed burdens and/or that future provision of such are fully covered by the proposed burdens. Alternatively, where the surveyor is of the opinion that no interallotment easements or rights-of-carriageway are required, then certification to this effect must be submitted to the Principal Certifying Authority (PCA).
- 123. All parking spaces and all areas of common property, including visitor car parking spaces and on-site detention facilities, that are to be common property, must be included as such on the final plans of strata subdivision with at least one (1) car space to be allocated to each two (2) bedroom unit and two (2) spaces to each three (3) bedroom unit.

## CONDITIONS TO BE COMPLIED WITH PRIOR TO OCCUPATION

124. Prior to the release of any occupation certificate, a compliance certificate must be obtained from an accredited certifier, certifying that the building works for the building to be occupied comply with the plans and specifications approved by this development consent; and any construction certificate associated with this consent for the buildings to be occupied. If the PCA is not the Council, then this compliance certificate must be submitted to the Council at

the same time as the occupation certificate is submitted to the Council in accordance with Clause 151(2) of the E P & A Act regulations.

- 125. Without further written Consent of Council the development is to comply with the following indices:
  - a. Maximum floor space ratio RATIO of 1.3:1
  - b. Maximum number of car parking spaces NO OF SPACES 86 spaces
  - d. Minimum number of visitor car parking spaces NO OF SPACES 11
  - f. Maximum perimeter height of the building (not including the top storey) 13.4m
  - e. Minimum deep soil areas of 50% of site area

A Surveyor's Certificate is to be submitted to the Principal Certifying Authority confirming compliance with a. to e. above prior to occupation.

- 126. Prior to issue of the Occupation Certificate, the Principal Certifying Authority (where not Council) must provide Ku-ring-gai Council with a signed declaration that the following works in the road reserve have been completed in full:
  - New concrete driveway crossing in accordance with levels and specifications issued by Council.
  - Removal of all redundant driveway crossings and kerb laybacks (or sections thereof) and reinstatement of these areas to footpath, turfed verge and upright kerb and gutter. (Reinstatement works to match surrounding adjacent infrastructure with respect to integration of levels and materials).
  - Full repair and resealing of any road surface damaged during construction.
  - Full repair of any footpath damaged during construction.
  - Full replacement of damaged sections of grass verge with a non-friable turf of native variety to match existing.

All works must be completed in accordance with the *General Specification for the Construction of Road and Drainage Works in Ku-ring-gai Council*, dated November 2004. The Occupation Certificate must not be issued until all damaged public infrastructure caused as a result of construction works on the subject site (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub contractors, concrete vehicles) is fully repaired to the satisfaction of Council. Repair works shall be at no cost to Council.

127. Prior to issue of the Occupation Certificate the applicant must create a Positive Covenant and Restriction on the Use of Land under Section 88E of the Conveyancing Act 1919, burdening the owner with the requirement to maintain the on-site stormwater detention facilities on the lot. The terms of the instruments are to be generally in accordance with the Council's "draft terms of Section 88B instrument for protection of on-site detention facilities" (refer to appendices of Ku-ring-gai Council Water Management DCP 47) and to the satisfaction of Council. For existing Titles, the Positive Covenant and the Restriction on the use of Land is to be created through an application to the Land Titles Office in the form of a request using forms 13PC and 13RPA. The relative location of the On-Site Detention facility, in relation to

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

- 128. Prior to issue of the Occupation Certificate the applicant must create a Positive Covenant and Restriction on the Use of Land under Section 88E of the Conveyancing Act 1919, burdening the property with the requirement to maintain the site stormwater retention and re-use facilities on the property. The terms of the instruments are to be generally in accordance with the Council's "draft terms of Section 88B instruments for protection of retention and re-use facilities" (refer to appendices of Ku-ring-gai Council Water Management DCP 47) and to the satisfaction of Council. For existing Titles, the Positive Covenant and the Restriction on the use of Land is to be created through an application to the Land Titles Office in the form of a request using forms 13PC and 13RPA. The relative location of the reuse and retention facility, in relation to the building footprint, must be shown on a scale sketch, attached as an annexure to the request forms. Registered title documents showing the covenants and restrictions must be submitted and approved by the Principal Certifying Authority prior to issue of an Occupation Certificate.
- 129. Prior to issue of the Occupation Certificate the applicant must create a Positive Covenant and Restriction on the Use of Land under Section 88E of the Conveyancing Act 1919, burdening the owner with the requirement to maintain the water quality measures on the lot. 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 water quality measures, in relation to the building footprint, must be shown on a scale sketch, attached as an annexure to the request forms. Registered title documents showing the covenants and restrictions must be submitted and approved by the Principal Certifying Authority prior to issue of an Occupation Certificate.
- 130. Prior to issue of the Occupation Certificate the following must be provided to Council (attention Development Engineer):
  - a) A copy of the approved Construction Certificate stormwater detention/retention design for the site, and
  - b) A copy of any works-as-executed drawings required under this consent
  - c) The Engineer's certification of the as-built system.

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

- 131. Prior to issue of an Occupation Certificate the Section 73 Sydney Water compliance certificate must be obtained and submitted to the Principal Certifying Authority.
- 132. Prior to issue of an Occupation Certificate the applicant must submit certification from a suitably qualified and experienced traffic/civil engineer to the Principal Certifying Authority.

This certification must be based on a site inspection of the constructed vehicle access and accommodation areas, with dimensions measurements as necessary, and must make specific reference to the following:

- a) That the as-constructed carpark complies with the approved Construction Certificate plans,
- b) That the completed vehicle access and accommodation arrangements comply in full with Australian Standard 2890.1 2004 "Off-Street car parking" in terms of minimum parking space dimensions provided,
- c) That finished driveway gradients and transitions will not result in the scraping of the underside of cars.
- d) That no doors, gates, grilles or other structures have been provided in the access driveways to the basement carpark, which would prevent unrestricted access for internal garbage collection from the basement garbage storage and collection area.
- e) That the vehicular headroom requirements of:
  - Australian Standard 2890.1 "Off-street car parking",
  - 2.44m height clearance for waste collection trucks (refer DCP 40) are met from the public street into and within the applicable areas of the basement carpark.
- 133. Prior to issue of the Occupation Certificate a qualified and experienced consulting civil/hydraulic engineer must undertake a site inspection of the completed stormwater drainage and management system. The engineer is to provide written certification based on the site inspection to the Principal Certifying Authority, prior to issue of the Occupation Certificate, which makes specific reference to all of the following:
  - a) That the stormwater drainage works have been satisfactorily completed in accordance with the approved Construction Certificate drainage plans.
  - b) That the minimum retention and on-site detention storage volume requirements of Kuring-gai Council Water Management DCP 47 respectively, have been achieved in full.
  - c) That retained water is connected and available for uses including all toilet flushing, laundry and garden irrigation.
  - d) That basement and subsoil areas are able to drain via a pump/sump system installed in accordance with AS3500.3 and appendix 7.1.1 of Ku-ring-gai Council Water Management DCP 47.
  - e) That all grates potentially accessible by children are secured.
  - f) That components of the new drainage system have been installed by a licensed plumbing contractor in accordance with the Plumbing and Drainage code AS3500.3 2003 and the BCA, and
  - g) All enclosed floor areas, including habitable and garage floor levels, are safeguarded from outside stormwater runoff ingress by suitable differences in finished levels, gradings and provision of stormwater collection devices.

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

- Rainwater retention certification sheet contained at appendix 13 of Water Management DCP 47.
- On-site detention certification sheet contained at appendix 4 of Water Management DCP 47.
- 134. Prior to issue of the Occupation Certificate a registered surveyor must provide a Works-as-Executed (WAE) survey of the completed stormwater drainage and management systems. The WAE plan(s) must be submitted to the Principal Certifying Authority for approval prior to issue of the Occupation Certificate. The WAE survey must indicate:
  - As built (reduced) surface and invert levels for all drainage pits.
  - Gradients of drainage lines, materials and dimensions.
  - As built (reduced) level(s) at the approved point of discharge to the public drainage system.
  - As built location and internal dimensions of all detention and retention structures on the property (in plan view) and horizontal distances to nearest adjacent boundaries and structures on site.
  - The achieved storage volumes of the installed retention and detention storages and derivative calculations.
  - As built locations of all access pits and grates in the detention and retention system(s), including dimensions.
  - The size of the orifice or control fitted to any on-site detention system.
  - Dimensions of the discharge control pit and access grates.
  - The maximum depth of storage possible over the outlet control.
  - Top water levels of storage areas and indicative RL's through the overland flow path in the event of blockage of the on-site detention system.

The WAE plan(s) must show the as-built details above in comparison to those shown on the drainage plans approved with the Construction Certificate prior to commencement orf 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.

- 135. Prior to issue of the Occupation Certificate a maintenance regime shall be prepared for the basement stormwater pump-out system and submitted to Principal Certifying Authority. The regime shall specify that the system is to be regularly inspected and checked by qualified practitioners.
- 136. Prior to issue of the Occupation Certificate a suitably qualified and consulting geotechnical engineer is to provide certification to the Principal Certifying Authority that excavation and construction of the basement level, including temporary and permanent shoring and retention measures, have been carried out:
  - a) According the relevant Australian Standards and guidelines, and
  - b) According to any approved Geotechnical report undertaken for the development, and
  - c) In a manner that ensures that the structural amenity of adjoining structures and property is fully maintained.

- 137. Prior to issue of the Occupation Certificate, a complete record of geotechnical inspections, testing and monitoring with certifications as specified in the report by Geotechnique and the report prepared to satisfy another condition of this consent, and the professional geotechnical input over the course of the works, must be compiled in report format and submitted to the Principal Certifying Authority for approval.
- 138. Prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate (and at the completion of the works) the Applicant shall submit to the Principal Certifying Authority (PCA) a follow-up dilapidation report on the visible and structural condition of the existing structures originally assessed at:
  - a. 21 Powell Street and 44 Culworth Avenue;
  - b. Full road pavement width, including kerb and gutter, of Wallaroo Close and Powell Street over the site frontage, including the full intersection.
  - c. All driveway crossings and laybacks opposite the subject site.

The Report must be completed by a practicing consulting structural engineer and be submitted for Council records prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate. If a structure has been demolished in the meantime under a separate approval, then no follow-up survey is required.

- 139. Prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate, an easement for waste collection must be provided. This is to permit legal access for Council, and Council's contractors, and their vehicles over the subject property for the purpose of collecting waste from the property. The terms of the easement are to indemnify Council and Council's contractors against damages to private land or property whilst in the course of carrying out waste collection services. The terms of the easement are to be generally in accordance with Council's draft terms for an easement for waste collection.
- 140. Documentary evidence of compliance with the thrust boring requirements as specified for the installation of CONDUITS/SEWER/STORMWATER/GAS within the specified radius of the trunk/s of tree/s shall be submitted to the Principal Certifying Authority prior to issue of the Occupation Certificate.
- 141. Documentary evidence of compliance with the required arborist's reports and inspections to the principal certifying authority for the trees to be retained shall be shall be submitted to the Principal Certifying Authority prior to issue of the Occupation Certificate.
- 142. The landscape works, shall be installed in accordance with the approved plan/s and/ or conditions of consent, be completed prior to release of Occupation Certificate and be maintained in a healthy and vigorous condition at all times.
- 143. The Principal Certifying Authority shall ensure that the landscape works, have been installed correctly, consistent the approved landscape plan(s), specification and the conditions of consent.

144. The front entries in Powell Street and Wallaroo Close and the entry to the basement carpark in Wallaroo Close must be fitted with a card operated security system (not key operated) to achieve safety by design principles. Security lights must also be provided in communal garden areas to further enhance site security without causing a loss of amenity for adjoining properties as a result of unreasonable light spillage

#### **BUILDING CONDITIONS**

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

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

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

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

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

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

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

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

- a. Wet area waterproofing details complying with the Building Code of Australia.
- b. Mechanical ventilation details complying with Australian Standard 1684 Mechanical Ventilation & Air-conditioning.
- c. Glazing details complying with AS 1288-1989 Glass in Buildings and Installation Code.
- d. Storm-water disposal details complying with Council's Storm-water Management Manual and/or other conditions of this consent.
- e. A Compliance Certificate from a suitably qualified person that the residential flat buildings complies with the relevant deemed to satisfy provisions of the Building Code of Australia.
- f. Waterproofing of walls/floors below ground level to prevent the entry of water into the building.
- g. A Registered Surveyor's Report on completion of footings but before external walls are above floor level verifying compliance with this consent.
- h. A Registered Surveyor's Report confirming approved levels of the ground floor.
- i A Registered Surveyor's Report confirming approved levels of the first floor.
- j. A Registered Surveyor's Reports confirming approved floor levels for all floors.
- k. A registered surveyors report confirming the deep soil landscaped area is no less than 50% of the site area (as defined in the Ku-ring-gai Planning Scheme Ordinance).

Robyn Pearson R Kinninmont
Executive Assessment Officer Team Leader

**Development Assessment – South** 

M Prendergast M Miocic
Manager Director

Development Assessment Services Development & Regulation

Attachments: Location sketch - 589350

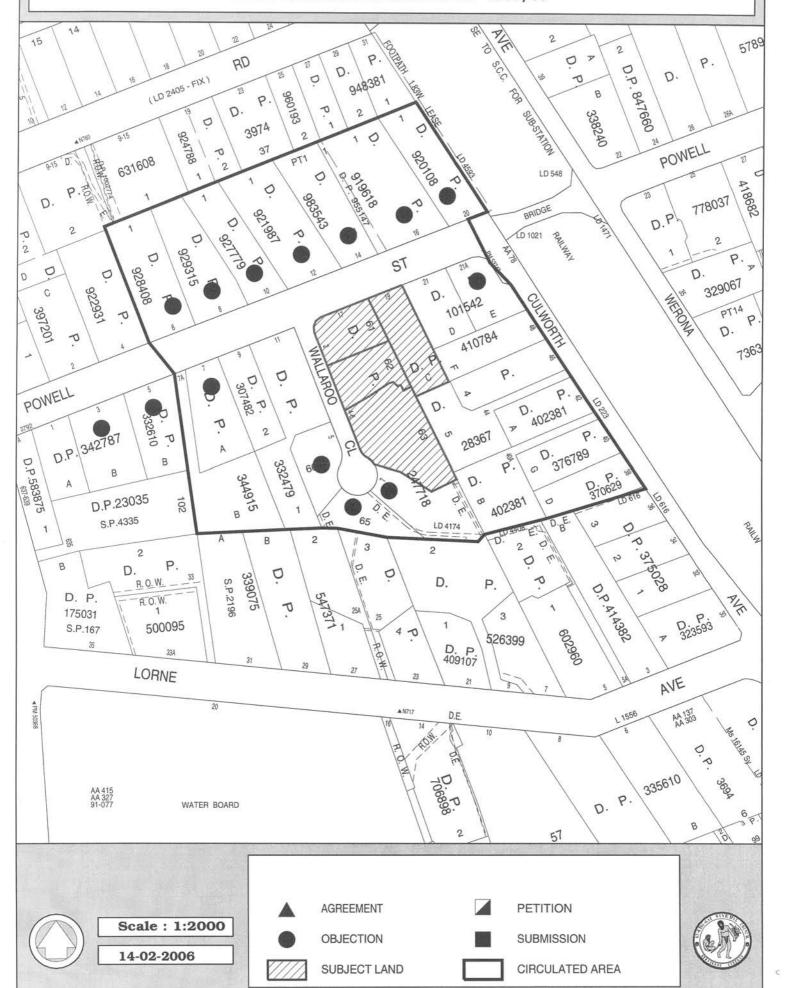
Zoning extract - 589351 Site and roof plans - 589354 Plans of elevations - 589355 Shadow diagrams - 589356 Landscape plans - 589359 Basement floor plan - 589360

Confidential concept and floor plans

# **LOCATION SKETCH**

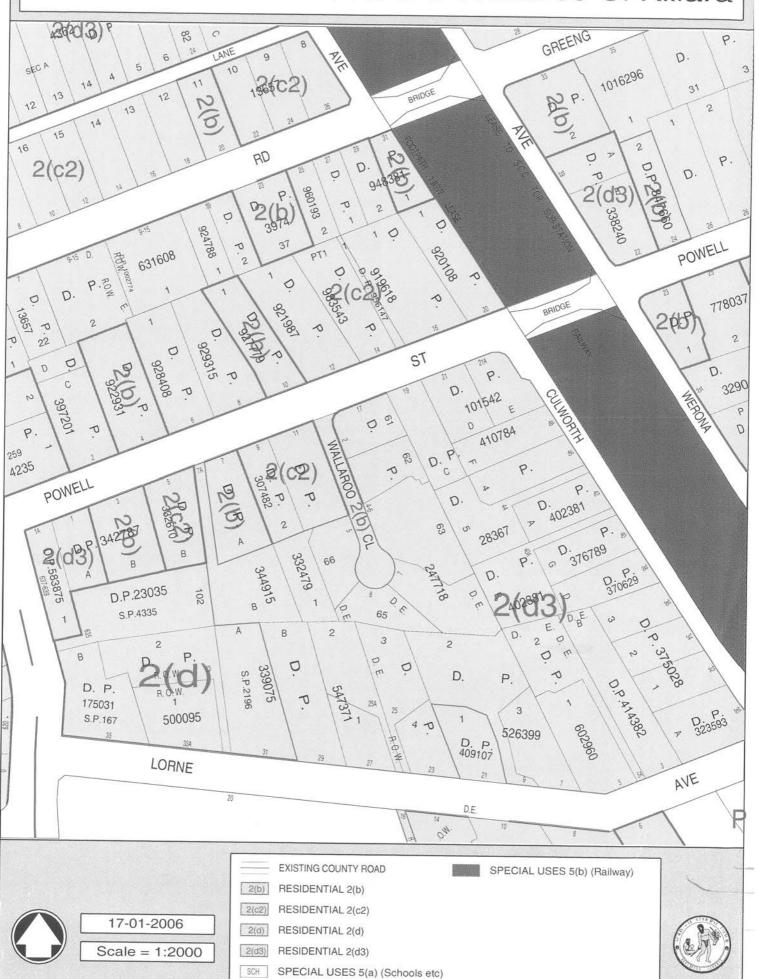
# 17-19 Powell St & 4-6 Wallaroo Cl KILLARA

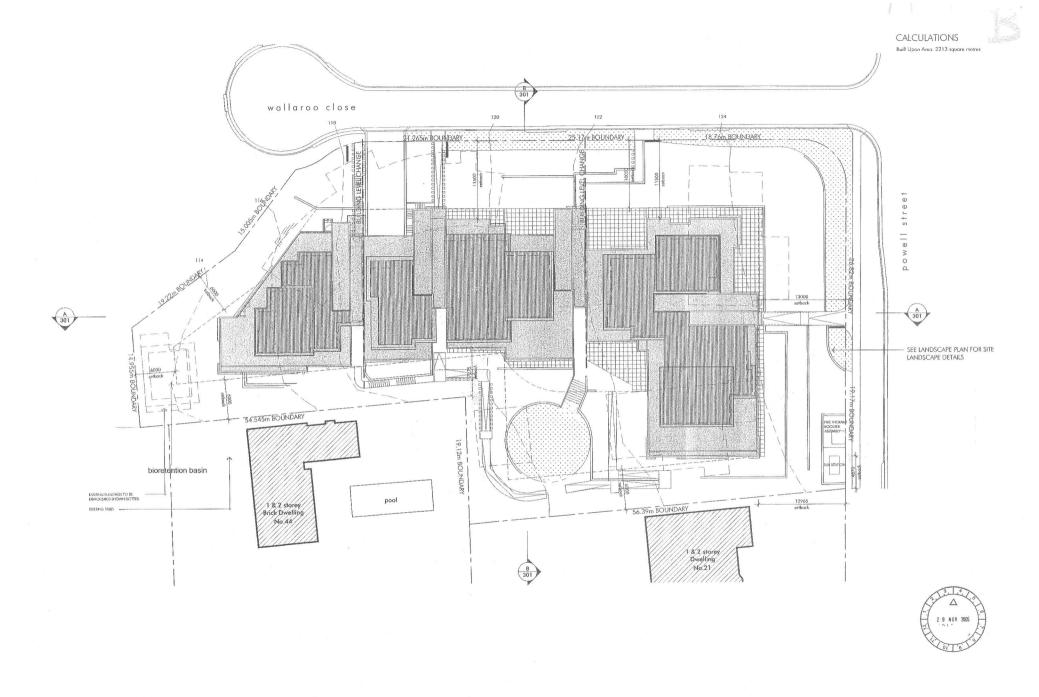
**DEVELOPMENT APPLICATION No 0939/05** 



# **Zoning Extract**

Nos 17-19 Powell St & 2-6 Wallaroo Cl Killara





AV Jennings Limited

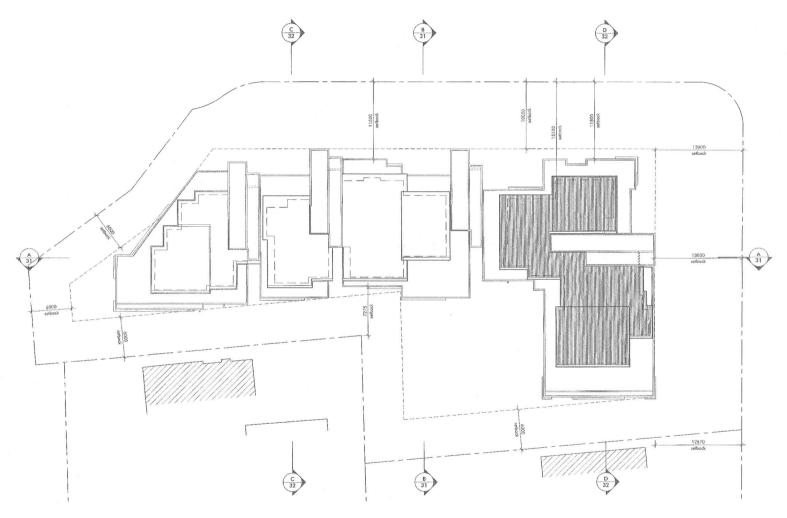
Level 2, 11 - 13 Brookhallow Ave, Baulkham Hille NSW 2153 1 02 9846 6400 F 02 9846 6401 Powell Street + Wallaroo Close Killara 17-19 Fowell Street & 4-6 Wallaroo Close Killoro Sydney 15VW

DP 247718, DP410784



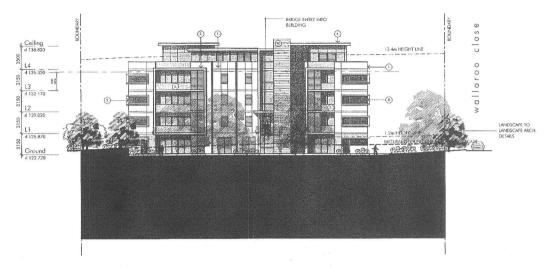


notificion tribe partnership pty Ird ABN 53-161-683-122 107 olexandar street crows nest nsw 2065 102 9431-4431-102 9437-7474 n sylveomestificiansisis com aux westleastribs com aux





Proposed Roof Plan
1:200 @ A1; 1:400 @ A3
24 November 2005



#### FINISHES LEGEND

- RENDERED MASONRY articulated detailing as shown
- 2. BALCONY CONCRETE FRAMING
- ALUMINIUM FRAMED WINDOWS / DOORS POWDERCOATED FINISH
- FRAMED ROOFING WITH COLORBOND SHEETING
- 5. GLASS BALUSTRADE SEGMENTS
- FEATURE WALL CLADDING
- ALUMINIUM LOUVRE SCREENS
- 8. FRAMED WINDOW HOODS

POWELL STREET ELEVATION

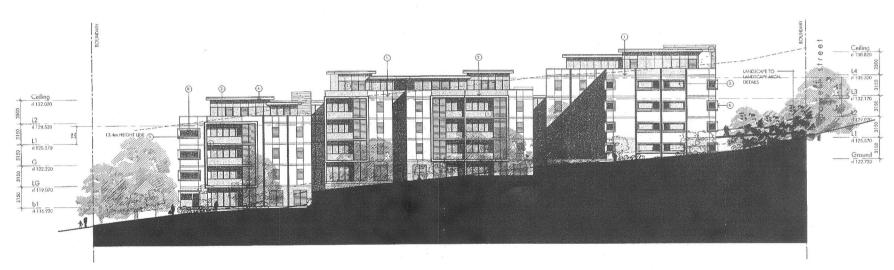


WALLAROO CLOSE ELEVATION

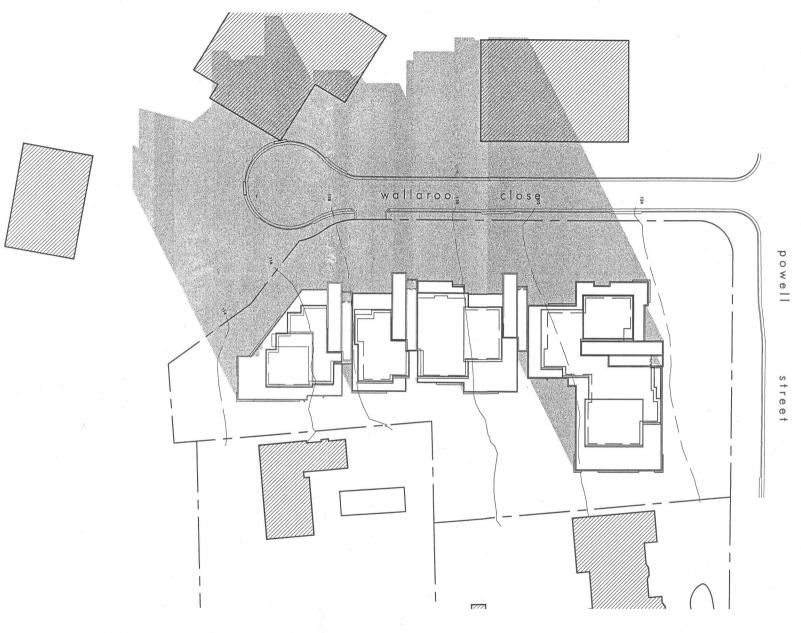


#### FINISHES LEGEND

- RENDERED MASONRY
   articulated detailing as shown
- 2. BALCONY CONCRETE FRAMING
- ALUMINIUM FRAMED WINDOWS / DOORS
   POWDERCOATED FINISH
- FRAMED ROOFING WITH COLORBOND SHEETING
- 5. GLASS BALUSTRADE SEGMENTS
- 6. FEATURE WALL CLADDING
- 7. ALUMINIUM LOUVRE SCREENS
- 8. FRAMED WINDOW HOODS



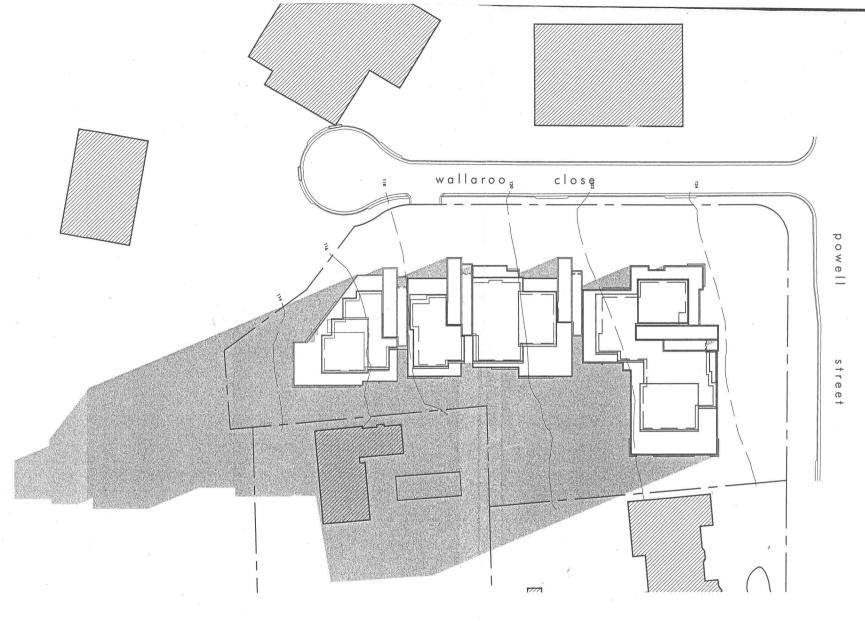




JUN 21 - 9.00 AM



JUN 21 - 12.00 AM



JUN 21 - 3.00 PM

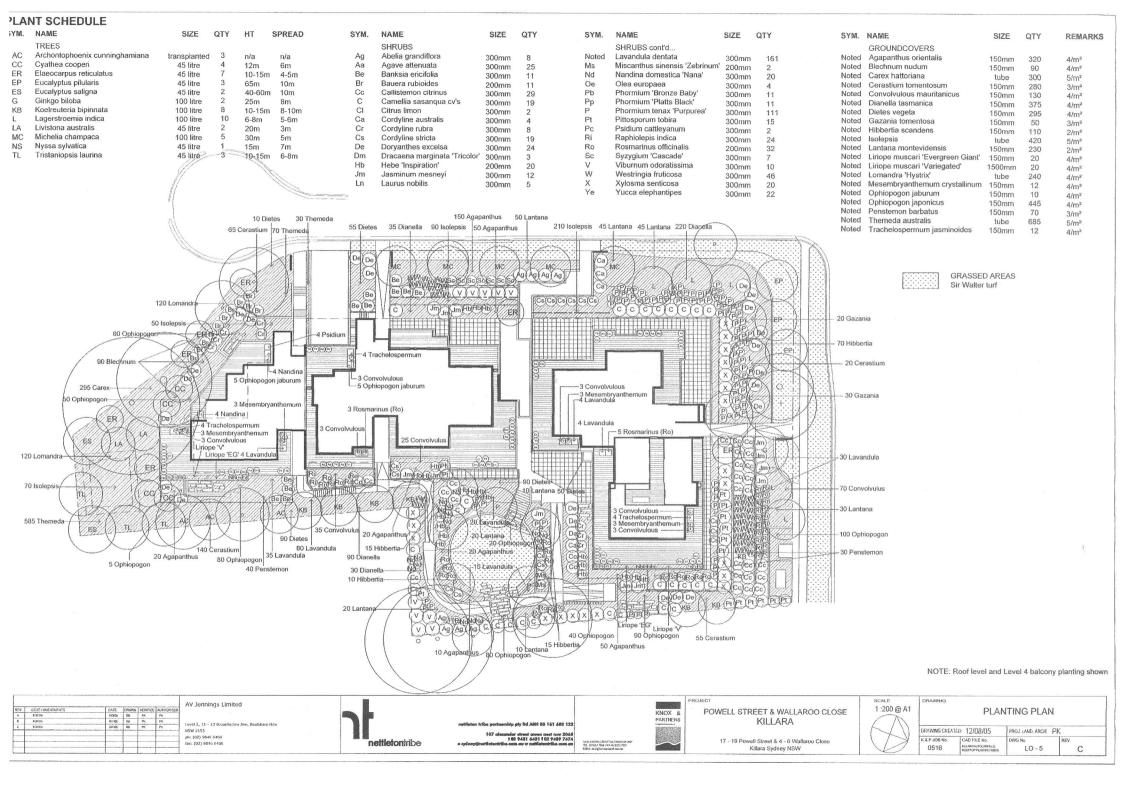
Close

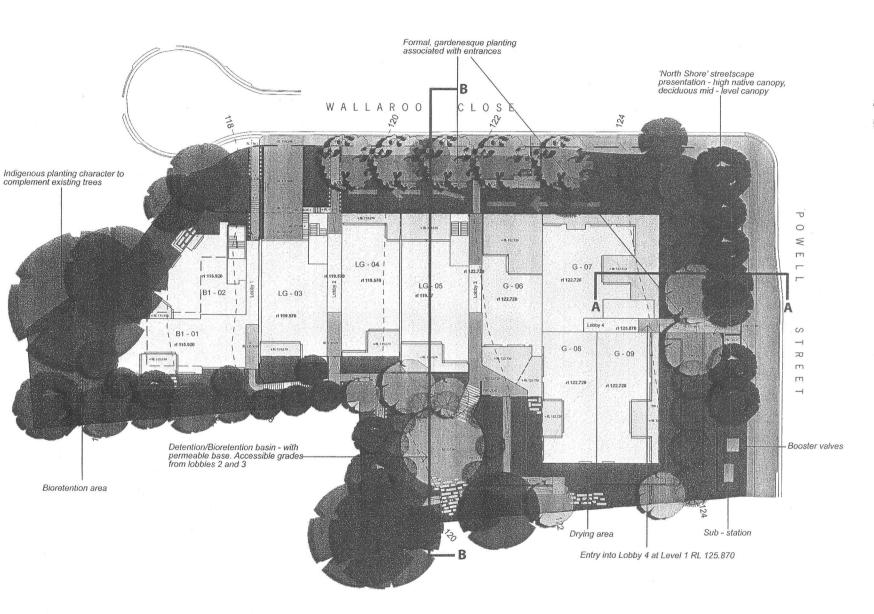
Shadow Diagrams - June
Scale 1:500 @ A1; 1:1000 @ A3
Date 12 August 2005

2944\_DA\_52\_01

50







## LEGEND

mass planted

communal area pavement

private courtyard pavement

lawn area

driveway and public footpath



existing trees



proposed tree - refer Planting Plan LO- 5

retaining / freestanding walls

courtyard /privacy fence

biorentention swale - refer Hydraulic Engineer's information

extent of basement slab

site boundary

boundary fence and gate

letterboxes

stepping stones and low rise garden steps

existing contours as per Architect's site plan

proposed spot height

Note: for roof terrace planting refer Planting Plan LO - 5

REV	ISSUE LAMENORENTS	DATE	DRAWN	VERGELED	AUTHOR
A	PRELIMINARY - NOT FOR CONSTRUCTION	20005	661	PK	PK.
8	PREDAMONY - NOT FOR CONSTRUCTION	210696	58	řK.	PK
C	PRE-DA-NOT FOR CONSTRUCTION	910,006	96	PK.	PK.
D	FRE - DA - NOT FOR CONSTRUCTION	065805	56	PK	PK
E	FOR BA	183645	88	9K	PK
F	FOREA	103006	98	FK.	PK.
4	FOREA	161165	88	PK.	FW

AV Jennings Limited

Level 2, 11 - 13 Brookhollow Ave, Baulkham Hills MSW 2153 ph; (02) 9846 6400 fax; (02) 9846 6400

nettletontribe

nettleton tribe partnership pty Itd ABN 53 161 683 122 107 alexander street crows nest nsw 2065 t 02 9431 6431 f 02 9439 7474 e sydney@nettletontribe.com.au w nettletontribe.com.au KNOX & PARTNERS

5.045 SUTTING 5.THEET BLT MO MOW 20 TEL. 02 9221 7255 FAX. 02 9212 7435 FMAE: desiritation for the common

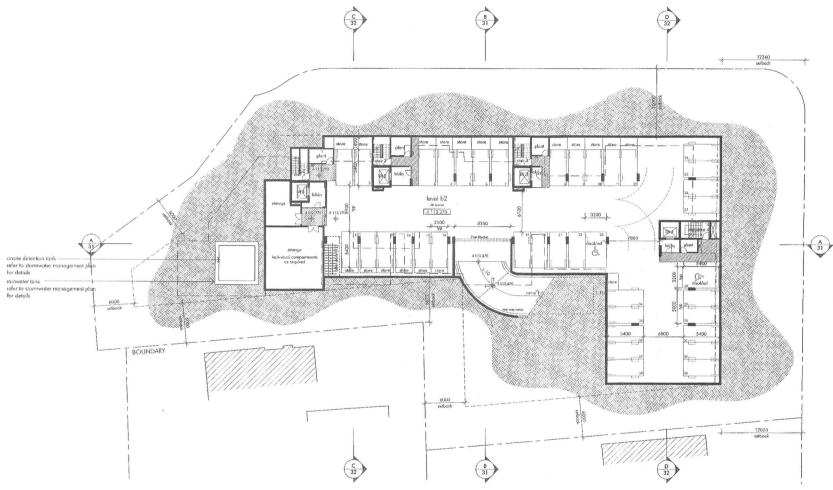


17 - 19 Powell Street & 4 - 8 Wallaroo Close Killara Sydney NSW

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DRAWING			
	LANDS	SCAPE PLAN	
		5 57 H 55 1 157 H 4	
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0.000			
K & P JOB No.	CAD FILE No.	DWG No.	REV.
	CAD FILE No.	DWG No. LO - 1	REV.

- B2. 19 x STORAGE BAYS 183.1 cubic metres 10% of floor area
- B1. 8 x STORAGE BAYS 58.5 cubic metres 4.5% of floor area
- LG 12 x STORAGE BAYS 24.7 cubic metres 3% of floor area
  - 39 x STORAGE BAYS 383.95 cubic metres





DP 247718, DP410784





4 / 1 1, 1A & 3 Heydon Avenue and 2 & 2A Eulbertie Street, Warrawee DA0549/05

16 February 2006

Item 4

# **DEVELOPMENT APPLICATION**

# SUMMARY SHEET

**REPORT TITLE:** 1, 1A & 3 HEYDON AVENUE AND 2 &

2A EULBERTIE STREET, WARRAWEE -

DEMOLITION OF EXISTING

STRUCTURES AND CONSTRUCTION OF 4 RESIDENTIAL FLAT BUILDINGS COMPRISING 52 RESIDENTIAL UNITS, BASEMENT CAR PARKING AND

BASEMENT CAR PARKING AND ASSOCIATED LANDSCAPING

WARD: Wahroonga

**DEVELOPMENT APPLICATION**  $N^{o}$ : 549/05

SUBJECT LAND: 1, 1A & 3 Heydon Avenue and 2 & 2A

Eulbertie Street, Warrawee *APPLICANT:* Axis Learning Centre P/L

OWNER: 1 Heydon Avenue - P Ewart-Brown & G L

Ewart-Brown, 1A Heydon Avenue - Axis Learning Centre, 3 Heydon Avenue - J A Vipond, 2 Eulbertie Avenue - K F Alder & P

M Alder, 2A Eulbertie Avenue - J A

Germann

**DESIGNER:** Simon Chan & Associates Architects

PRESENT USE:Residential dwellingsZONING:Residential 2(d3)

HERITAGE: No

PERMISSIBLE UNDER: Ku-ring-gai Planning Scheme Ordinance

COUNCIL'S POLICIES APPLICABLE: KPSO - LEP 194, DCP 31 - Access, DCP 40 - Waste Management, DCP 43 - Car Parking,

DCP 47 - Water Management, DCP 55 - Ku-

ring-gai Multi-Unit Housing

COMPLIANCE WITH CODES/POLICIES: No

GOVERNMENT POLICIES APPLICABLE: SEPP 55, SEPP 65, SREP 20

COMPLIANCE WITH GOVERNMENT POLICIES: No

DATE LODGED: 3 June 2005

(Amended plans – 27 June 2005, 26 October

2005 & 20 January 2006)

40 DAY PERIOD EXPIRED: 13 July 2005

**PROPOSAL:** Demolition of existing structures and

construction of 4 residential flat buildings comprising 52 residential units, basement car

parking and associated landscaping

**RECOMMENDATION:** Approval

1, 1A & 3 Heydon Avenue and 2 & 2A Eulbertie Street, Warrawee DA0549/05 16 February 2006

Item 4

DEVELOPMENT APPLICATION NO 549/05

PREMISES: 1, 1A & 3 HEYDON AVENUE AND 2 & 2A

**EULBERTIE STREET, WARRAWEE** 

PROPOSAL: DEMOLITION OF EXISTING STRUCTURES

AND CONSTRUCTION OF 4 RESIDENTIAL

FLAT BUILDINGS COMPRISING 52 RESIDENTIAL UNITS, BASEMENT CAR

**PARKING AND ASSOCIATED** 

**LANDSCAPING** 

APPLICANT: AXIS LEARNING CENTRE P/L

OWNER: 1 HEYDON AVENUE - P EWART-BROWN &

G L EWART-BROWN, 1A HEYDON AVENUE - AXIS LEARNING CENTRE, 3 HEYDON AVENUE - J A VIPOND, 2 EULBERTIE AVENUE - K F ALDER & P M ALDER, 2A EULBERTIE AVENUE - J A

**GERMANN** 

DESIGNER SIMON CHAN & ASSOCIATES

**ARCHITECTS** 

# PURPOSE FOR REPORT

To determine development application No.549/05 which seeks consent for the demolition of existing structures and construction of 4 residential flat buildings comprising 52 residential units, basement car parking and associated landscaping.

# **EXECUTIVE SUMMARY**

**Issues:** • Privacy

StreetscapeSolar accessBuilt form

**Pre DA:** 2 February 2005

**Submissions:** 14 (original plans)

3 (amended plans)

**Land & Environment Court** 

Appeal:

No appeal lodged

**Recommendation:** Approval

#### HISTORY

# Site history:

The site has been used for residential development.

# **Development application history:**

#### DA 549/05

2 February 2005	Pre DA	meeting.	Issues	raised	include	setba	cks, le	ength a	ınd heig	tht of	
		_	_	_	_						

southern and western facades, clear pedestrian access, unrelieved facades.

3 June 2005 DA lodged.

14 June 2005 "Stop the clock" letter sent in relation to stormwater design.

27 June 2005 Amended stormwater plans received.

17 October 2005 Correspondence to applicant raising issues; setbacks, fifth floor, deep soil,

room sizes, built form and materials.

26 October 2005 Amended plans and correspondence from applicant in response to issues.

9 December 2005 Correspondence to applicant re deep soil, built form, privacy, solar access,

balcony sizes, accessibility issues.

13 December 2005 Meeting with applicant.

20 January 2005 Amended plans received.

## THE SITE AND SURROUNDING AREA

Visual Character Study Category: 1920-1945

Legal Descriptions: 1 Heydon Avenue Lot 3, DP 213000

1A Heydon Avenue Lot C, DP 362319

(Also known as

1417A Pacific Highway)

3 Heydon Avenue Lot 2, DP 213000 2 Eulbertie Avenue Lot 5, DP 213000

2A Eulbertie Avenue Lot 6, DP 213000

Heritage Affected: No
Bush Fire Prone Land: No
Endangered Species: No

Urban Bushland: No Contaminated Land: No

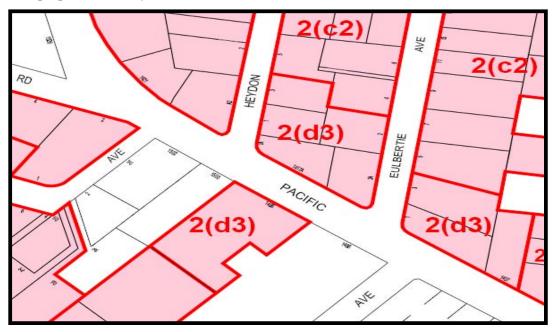
The site consists of 5 lots of land in an irregular L shape with a total area of  $5253\text{m}^2$ . The site is surrounded by roads on three sides. The site has a frontage to the Pacific Highway of approximately 77 metres, to Heydon Avenue of approximately 60 metres and to Eulbertie Avenue of 70 metres. The land is relatively flat, with a slope of about 6% falling from the Heydon Avenue/Pacific Highway corner to the north-east.

The improvements to the site consist of 5 free standing dwelling houses and associated structures (refer **Appendix 1**). The dwellings are single storey, with the exception of No. 2 Eulbertie Avenue, which has a second storey within a steeply pitched roof.

The site is characterised by an established landscape setting, with mature trees/palms and shrubs within formal garden beds and lawns. The Heydon Avenue frontage is dominated by numerous trees, while the Eulbertie Avenue frontage is more open, dominated by a mature Atlantic Cedar (*Cedrus atlantica*) adjacent to the existing dwelling.

# **Surrounding development:**

The site is zoned Residential 2(d3). Properties to the east and west of the site are zoned similarly. The properties directly to the north are zoned Residential 2(c2).



Zoning extract

Heydon Avenue is characterised by single to two storey brick residences, some with tennis courts (refer **Appendix 1**). The dwellings are from the period 1920 to 1945. Dark brick and landscaping

are the dominant elements. To the north of the site, No. 5 Heydon Avenue contains a single storey dwelling with a pool in the rear yard.

Eulbertie Avenue contains single and two storey brick dwellings, also in a landscaped setting. No. 4 Eulbertie Avenue, to the north-eastern corner of the site, is a modern single storey brick dwelling.

Across the Pacific Highway, is a six storey residential flat building, No. 1500-1502 Pacific Highway, nearing completion, a two storey funeral parlour and Warrawee Public School.

## THE PROPOSAL

The application proposes the following:

- Demolition of the existing dwellings and structures on site;
- Construction of four residential flat buildings to five levels of 52 units, comprising 25 x 2 bedroom apartments, 25 x 3 bedroom apartments and 2 x 4 bedroom apartments.
- A total of 94 parking spaces over 2 basement levels, consisting of 81 resident spaces, including 6 disabled resident spaces and 13 visitor spaces including 2 disabled visitor spaces;
- Vehicular access via Heydon Avenue in the north-western corner of the site;
- Vehicular egress via Eulbertie Avenue;
- Separate garbage truck access and egress from Heydon Avenue;
- Stormwater drained via detention/retention tanks to Eulbertie Avenue;
- Associated landscaping works.

# Amended plans dated 27 June 2005

• Amended stormwater plan.

# Amended plans dated 26 October 2005

- Top floor reduced to comply with 60% requirement;
- Flat roof to top floor;
- Amendments to front fence:
- Increased room sizes.

## Amended plans dated 20 January 2006

- Amendments to terraces, balconies, roof area, windows;
- Further reduction in size of Penthouse 4;
- Materials changed to provide face brick for ground and first floors;
- Front fence removed;
- Sightline diagram to 4 Eulbertie Avenue provided;
- Room configuration/size changes to comply with accessibility requirements;
- Reduced basement area, increasing setbacks to the north and to Pacific Highway;

• Reduced courtyards to north to provide common open space at boundary.

# Amended plans dated 25 January 2006

- Amendments to roof of Block A;
- Amendments to shadow diagrams.

#### **CONSULTATION - COMMUNITY**

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

# Original scheme dated 3 June 2005

- 1. David Patmore, 8 Heydon Avenue, Warrawee
- 2. Joan and Neil Collie, 10 Borambil Street, Warrawee
- 3. Joan Hill, 25 Eulbertie Avenue, Warrawee
- 4. Mindy Carr, 23 Eulbertie Avenue, Warrawee
- 5. Robin Bligh, 6 Fox Valley Road
- 6. Sally Preston, 2 Fox Valley Road, Wahroonga
- 7. B.K. & E.M. North, 6 Heydon Avenue, Warrawee
- 8. Adam Futeran & Dimitra Lomis, 8 Fox Valley Road, Wahroonga
- 9. Peter Law, 4 Eulbertie Avenue, Warrawee
- 10. Tony Woodward, 8 Borambil Street, Warrawee
- 11. Christine Hely, 12 Eulbertie Avenue, Warrawee
- 13. R, D, T, S, N, & P Cains & M Griffiths, 7 Eulbertie Avenue, Warrawee
- 14. Jeevan and Ushi William, 9 Heydon Avenue Warrawee

The submissions raised the following issues:

#### This is a lovely residential area, which is being turned into 'apartment city'.

The site was rezoned to allow multi-unit housing by LEP 194 and therefore the locality is expected to undergo a transition to higher density development. The development of the site for unit development to 5 storeys is anticipated by the controls of the LEP. The proposal is generally consistent with the controls of SEPP 65, LEP 194 and DCP 55.

# The design/materials of the buildings are unattractive and not in keeping with the surrounding area.

Amended plans provide improvements in the appearance of the buildings, including the use dark face brick on the lower two floors similar to many of the dwellings in the area. The amended plans also provide a more defined roof, in accordance with the recommendations of the Urban Design Consultant.

4 /7
1, 1A & 3 Heydon Avenue and 2
& 2A Eulbertie Street,
Warrawee
DA0549/05
16 February 2006

Item 4

One of the lots has been identified within the boundaries of a UCA within the Ku-ring-gai Local Government Area. There has been no assessment of this provided within the Statement of Environmental Effects. Urban Conservation Area 25 – Heydon Avenue, Warrawee.

Council's Heritage Advisor has provided the following comment in relation to the above:

The site partially adjoins the National Trust Urban Conservation Area No 25 Heydon Avenue Warrawee Precinct (UCA 25). The National Trust has prepared the following statement about UCA 25:

"The Ku-ring-gai Urban Conservation Area No 25 (Heydon Avenue Warrawee Precinct) consists of an area of large single-storey 1920s and 1930s bungalows as well as some large 1940s houses. The uniform appearance of the area stems from its well established landscape.

The Heydon Avenue, Warrawee Precinct epitomises the area and era in both the excellent, intact nature of its houses, their gardens and street plantings."

In relation to the subject site, the boundary of UCA 25 is between No 2 & No 4 Eulbertie Avenue and between No 5 Heydon Avenue and 12 Eulbertie Avenue. I have attached an extract from the National Trust Inter War Housing Study prepared by Scott Robertson showing the exact boundary of UCA 25.

The report prepared by The Planning Group Pty Ltd takes the boundary of UCA 25 between No 1 and No 3 Heydon Avenue, which is incorrect. It is believed this boundary was taken from a map of UCA 25 (draft review) prepared in May 2004 by the heritage consultants, Godden Mackay Logan. The statement about heritage in the applicant's Statement of Environmental Effects (p 12) is thus correct:

"The site is outside the Urban Conservation Area No 25 which has identified and included the larger sites with predominantly 1920's to 1940's bungalows in the immediate vicinity. There are no heritage items in the immediate vicinity of the site."

Clause 3.4 of DCP 55 specifically relates to "Development within an Urban Conservation Area". This site is not within UCA 25 and thus Clause 3.4 does not apply.

Effect on several heritage properties, including No.9, No. 30, No.34 and No. 1584 Pacific Highway. No Heritage Impact Statement was submitted.

The subject site is well separated from any heritage sites within the locality and, in the circumstances, no Heritage Impact Statement is required. Council's Heritage Advisor has assessed the proposal and is satisfied that the impacts on the heritage listed sites in the locality are acceptable.

The proposed development is out of scale with the surrounding development.

The revised plans reduce the top storey of the development in accordance with the 60% LEP control and increase the top storey setbacks. The change of materials to include face brick, consistent with the pattern of development within the locality and the additional horizontal detailing help to break up the bulk of the development and reduce its apparent scale. Extensive landscaping is provided to further integrate the development within its context.

Blocks A and B are not shown behind the elevations of Blocks C and D in the Eulbertie Avenue elevation.

This has been considered in the assessment of the bulk and scale of the proposal.

The proposal will result in increases to living density.

The site was rezoned to allow multi-unit housing by LEP 194. The density is consistent with the controls in the LEP, SEPP 65 and DCP 55 and is acceptable.

The height of the proposal results in an overbearing impact on the adjacent single storey bungalows. The buildings should step down at the interface with existing housing.

The top floor of each building is set back from the floor below and a 9 metres setback to the interface zone is provided, in accordance with the controls of LEP 194. The bulk and scale is broken up by separating the buildings, articulation, variety of materials and landscaping. The visual impact is acceptable as assessed against SEPP 65, LEP 194 and DCP 55.

Units at the centre of the development will not get adequate solar access.

Solar access complies with the requirements of the Residential Flat Design Code and is acceptable.

Units will look into one another.

The amended plans provide for adequate privacy between the units within the site.

The proposal will overshadow 2 Fox Valley Road in the morning.

The shadow diagrams provided, show that there will be no overshadowing of 2 Fox Valley Road in midwinter. The proposal satisfies the requirements of DCP 55 in this regard.

The proposal will result in extensive overshadowing of 4 Eulbertie Avenue.

The overshadowing impact on No. 4 Eulbertie Avenue is considered in the assessment under DCP 55 and is acceptable.

The proposal will reduce the level of privacy to No. 12 Eulbertie Avenue.

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There is one property between the subject site and No. 12 Eulbertie Avenue, providing adequate separation. The top floor terrace has a planter facing north towards 5 Heydon Avenue and 12 Eulbertie Avenue which will minimise overlooking towards the north.

Balconies and courtyards will substantially reduce the level of privacy to the rear yard of No. 4 Eulbertie Avenue

The proposal complies with the zone interface setback controls. The amended plans for both Block A and C provide for planters to the second and top floor balconies facing No. 4 Eulbertie Avenue to minimise the impact on neighbouring privacy. The courtyards to the north have also been set back to ensure that landscape screening provided will remain in common ownership. An existing Magnolia grandiflora on the northern boundary is supplemented by new screen planting to further minimise the impact on privacy.

No detailed description or assessment of the location or operation of the building waste services has been provided within the supporting documentation.

Council's engineering and planning officers are satisfied that sufficient detail has been provided to assess the impact of the use of the waste facilities in this location.

Proposed location of the car parking exit and the associated security gates are likely to have an adverse effect on the bedrooms of 4 Eulbertie Avenue.

Conditions 88 and 128 are recommended to provide low-noise shutters to the basement car park.

Location of garbage area will result in unpleasant odour to neighbouring residents

**Condition 90** is recommended to ensure that the waste area is ventilated and situated away from the neighbouring properties.

Screening trees should be planted on all sides that are exposed to existing homes including the north-facing sides.

Council's Landscape Officer is satisfied with the proposed screen planting. This will consist of lower and middle height evergreen screening plants combined with tall evergreen and deciduous trees. This will be adequate to soften the development from the neighbouring sites.

Concerns have been raised regarding the proposed landscaping along the north-western boundary of the site. The tree which is to be retained along the adjoining property boundary is a large tree which has most likely developed a deep root system after being there for many years. This tree is likely to be disturbed by the construction of the two storey basement car parking.

Conditions 58, 59, 100, 102 and 116 are recommended by Council's Landscaping Officer to protect the *Magnolia grandiflora* on the boundary.

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The proposed development will be located between two narrow residential streets that were not intended to carry the quantity of traffic that this development will impose. This is exacerbated by the use of Heydon Avenue by commuters from Warrawee Station.

Council's engineer is satisfied that these streets can carry the traffic generated by the development. The RTA Guide to Traffic Generating Development recommends a desirable maximum peak hour volume of 300 vehicle trips per hour for a local street. The traffic counts included in the report were taken on a school day and indicate that existing traffic flows in Heydon Avenue and Eulbertie Avenue are well below 100 vehicles per peak hour.

Already significant delays at the Eulbertie Avenue/Pacific Highway intersection will increase.

Council's Development Engineer has inspected the site and the relevant intersection and found no significant delays at the intersection.

The lack of a right turn into Heydon Avenue from the Pacific Highway will result in increased traffic and safety concerns on Borambil Avenue outside Knox School. Traffic lights are required at Borambil Street.

This is an existing situation related to the wider road network. The development will not increase the traffic to an unacceptable extent. The RTA would need to consider any resident request for traffic lights.

The additional traffic from this and the other unit developments will considerably increase the existing heavy congestion on the Pacific Highway through to the Newcastle Expressway turnoff and at the Pacific Highway/Fox Valley Road intersection. The cumulative impacts have not been considered.

Council's Development Engineer has assessed the impacts of the additional traffic generation and is satisfied that the additional traffic generation is acceptable.

The development will result in further loss of on-street parking opportunities, both during the construction phase and when completed. This will add to the difficulties currently experienced by residents trying to exit driveways with cars parked on both sides of the road, due to commuter parking and parking during sporting events at Knox School.

The proposal provides for basement car parking for residents and visitors, that is more generous than the requirements of LEP 194 and DCP 55 and is acceptable. Council's engineer has assessed the on-street parking in the vicinity and has no concerns in this regard. A condition is recommended to provide a Construction and Traffic Management Plan, which will need to be endorsed by Council's Engineer (refer **Condition 122**).

Turning into Heydon Avenue from the north is dangerous as the traffic coming around the bend cannot see stopped vehicles. The increased traffic to the units will result in increased safety risks.

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This situation where a street joins the Pacific Highway after a bend is not unique along the highway. Council's engineer advises that vehicles are not required to stop to turn left into Heydon Avenue therefore the increased safety risk is minimal.

A study of the impact upon Warrawee Public School should be included, demonstrating that safe access and egress for all students will not be compromised.

A restriction on construction traffic during school drop-off and pick-up times will be required as part of the Construction and Traffic Management Plan (**Refer Condition 122**).

If demolition proceeds, the cleared site and footpaths will become a wasteland for years.

Conditions 20 and 33 to 52 are recommended to reduce the impact of the demolition on nearby residents and to ensure footpaths remain accessible. The duration of the construction period is beyond the control of Council.

Adverse impacts from construction noise, vibration and dust on residents and on Warrawee Public School.

Conditions 39, 79, 121, 122 and 123 are recommended to minimise the impacts of construction activities on nearby residents and the school.

Construction vehicles entering and exiting the site will create congestion, safety and parking problems for residents, parents and children of Warrawee Public School.

**Condition 122** is recommended which requires a Construction and Traffic Management Plan to be approved by Council's engineer. A requirement to prohibit truck movements during school pick up and drop off times is included.

The timing is especially unfortunate. The present large stock of unsold apartments in this area will be increased by those already under construction.

The site is zoned to allow residential flat development. Market forces are beyond the control of Council.

The model and other documents did not accurately depict the proposed external appearance of these highrise buildings. The model is too small, and no material sample board is provided. We request that Council reject the application on the grounds that insufficient information was submitted.

Photomontages have been submitted to supplement the model provided. A sample board has been provided with the amended plans. There is sufficient information for the full and proper assessment of the application.

The developer did not consult with neighbouring properties. We feel this is an oversight of the applicant and that this should be considered when assessing the development application.

While Council encourages consultation between the developer and the neighbouring residents, it is not required by Council's policies. The application was notified in accordance with Council policies and comments from neighbouring residents have been considered in the assessment of the application.

The development will result in devaluation of properties within the area.

This is not a matter for consideration under the Environmental Planning and Assessment Act, 1979.

#### Amended plans dated 16 and 25 January 2006

The amended plans were also notified. Submissions from the following were received:

- 1. R, D, T, N, and P Cains and M Griffiths, 7 Eulbertie Ave Warrawee
- 2. C Hely, 12 Eulbertie, 12 Eulbertie Ave Warrawee
- 3. Peter Law, 4 Eulbertie Avenue, Warrawee

The objectors stated that the amendments do not satisfy their concerns as listed above. No additional issues were raised.

#### **CONSULTATION - WITHIN COUNCIL**

# **Urban Design Consultant**

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

# "1.0 Design Review

#### Principle 1 : Context

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

The built form context is comprised of detached houses to the west of Heydon Avenue, to the east of Eulbertie Avenue. These houses are within a 2(d3) zone, and have the potential to be developed in the future. Detached houses are located on the sites adjoining the northern boundary. These sites are not zoned 2(d3) and a zone transition set back is required under LEP 194.

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The proposed building setback from Pacific Highway is 12m (with 40% of the building length being set back greater than 10m). This complies with the setback control from the Pacific Highway in DCP 55, and in this context is sufficient setback to achieve a relatively consistent setback along the Pacific Highway.

# 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.

The scale of this development does not comply with LEP 194 building height, as the top floor is greater than 60% of the area of the lower floors. This makes the top floor excessively visible from the public domain. The relatively small setbacks of the top floor from the street, and the irregular forms of the top floor, make the top floors excessively bulky. It is recommended to reduce the area of the top floor to comply with LEP 194, to set back the top floors further from the public domain and to re-design the top floors.

# Principle 3: Built form

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

The buildings comply with the transition zone setbacks in the DCP from the northern boundary and the setback from the Pacific Highway. The maximum building length is 36m for any façade.

The major built form issue is the 5th floor, which does not provide an appropriate "top "to the building. A parapet (as is shown on the 5th floor) is not traditionally set back from the building façade. The building lacks a "top" at either the 4th or the 5th floor. It is recommended to reduce the area of the top floor to comply with LEP 194, to set back the top floors further from the public domain and to provide a stronger horizontal element, such as a more continuous and prominent pergola or horizontal roof overhang at the roof of the 5t floor, to create a roof line.

## Principle 4: Density

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

The density is acceptable as it complies with the LEP 194 controls for site coverage and deep soil, and DCP 55 for floor space ratio.

# Principle 5: Resource, energy and water efficiency

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

The proposed building has greater than 70% of apartments achieving 3 hours sunlight to living rooms / balconies between 9am and 3pm in mid-winter and greater than 60% of apartments having natural cross ventilation. More than 50% of kitchens are located on external walls. The development has greater than 50% of the site deep soil and a water retention system. While the development does not provide excellent sun access and ventilation, it does satisfy the recommended SEPP 65 Residential Flat Design Code guidelines.

#### 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.

The landscape is sufficiently well planted with a range of vegetation species and sizes to provide an acceptable landscape setting for the building.

## 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.

Some room sizes are too narrow. The living room in Apartment 1 scales 3.4m. It should be a minimum 3.7m. It is recommended that the truck ramp and this apartment are resolved in detail. Apartments 6, 18, 30 and 40 is too narrow. No bedroom should be less than 2.8m wide (excluding a wardrobe).

# 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 issues of safety and security apparent.

# 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 apartment sizes and the accessibility of apartments are 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 f the existing streetscape or, in precincts undergoing transition, contribute to the desired future character of the area.

The buildings are strongly articulated vertically into narrow bays, particularly the Pacific Highway façade. A good design principle is to have a balance between horizontal and vertical proportions. There is currently a lack of horizontal elements in the facades. A good design principle is also to have a building base, middle and top. It is recommended that a visually stronger base is created, with a darker, more robust bottom 2 floors (Levels I and 2). This should be created with a relatively dark brick, compared to the lighter rendered facades on Levels 3 and 4. The building top should be created as described in "Built form" above.

#### 2.0 Conclusion and recommendations

It is recommended to:

- reduce the area of the top floor to comply with LEP 194, to set back the top floors further from the public domain and to provide a stronger horizontal element, such as a more continuous and prominent pergola or horizontal roof overhang at the roof of the 5th floor, to create a roof line;
- in crease the width of the living room in Apartment 1 and bedroom 3 in apartments 6, 18, 30 and 40 as described above;
- create a visually stronger base, with a darker, more robust bottom 2 floors (Levels 1 and 2). This should be created with a relatively dark brick, compared to the lighter rendered facades on Levels 3 and 4. The building top should be created as described in "Built form" above."

A series of amended plans have addressed the issues raised by the Urban Design Consultant:

• The top floor has been reduced to comply with the 60% control. Block D has an increased average top floor setback to Eulbertie Avenue and the Pacific Highway, as

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well as to the north, facing No. 4 Eulbertie Avenue. Blocks A and B provide increased top floor setbacks to Heydon Avenue. Block A provides an increased top floor setback to No. 4 Eulbertie Avenue.

 Amended plans provide for a horizontal roof, including solid elements and pergola elements. The following additional comment from Mr Ollson was made in regard to the roof form:

"The applicant has done as I originally recommended, and this aspect of the design is now acceptable."

- The widths of the living room in Apartment 1 and Bedroom 3 in Apartments 6, 18, 30 and 40 have been increased to comply with the requirements of the Residential Flat Design Code.
- The buildings provide a visually strong base, a defined middle and a more recessive top, defined by a horizontal roof form. A material sample board and photomontage has been submitted, detailing brown face brick to the lower two levels, with lighter coloured render for the second and third floors and a lighter colour again for the top floor. Additional horizontal colour detailing has also been provided to break up the bulk of the building and add visual interest.

## Heritage

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

# "Background

The subject site was rezoned via LEP 194 and comprises 5 lots including No 1417A Pacific Highway, 2 & 2A Eulbertie Avenue and 1 & 3 Heydon Avenue.

In relation to heritage issues the applicant prepared the following statement (Statement of Environmental Effects by Personal Planning Services p 12):

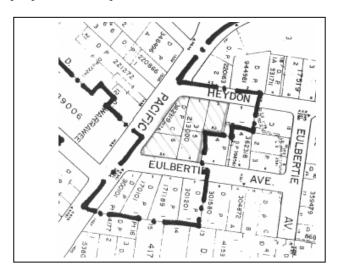
"The site is outside the Urban Conservation Area No 25 which has identified and included the larger sites with predominantly 1920's to 1940's bungalows in the immediate vicinity. There are no heritage items in the immediate vicinity of the site."

#### Comments:

#### UCA.

The subject site is located close to National Trust Urban Conservation Area No 25(an extract from the National Trust map for UCA 25 is attached). Given the objectives and controls in

DCP 55 (chapter 3.4) Council is not required to consider any heritage impacts from this proposed development on UCA 25.



Boundary of UCA 25 in relation to the subject site.

# Heritage items

There are several heritage items in the locality including:

- *Nos* 2, 6, 7 & 12 *Winton Street*;
- 9, 32 & 34 Heydon Avenue;
- 16 Fox Valley Road; and
- "Mahratta" at 1526 Pacific Highway (inventory information is attached).

None of the heritage items are in the immediate vicinity of the subject site. The items at No 2 & 6 Winton are close to the subject site, but are separated by Eulbertie Avenue and several properties along the eastern side of Eulbertie Avenue. No 9 Heydon Avenue is separated by one residential property and by Eulbertie Avenue. Mahratta at the corner of Fox Valley Road and the Pacific Highway, a heritage item of State significance, is separated from the subject site by a considerable distance. Other heritage items are located at a further distance from the subject site and are not considered. Given the objectives and controls in DCP 55 and Clause 25 D (1) (b) of the KPSO, I conclude that any impact from this development on the nearby heritage items is minimal, within acceptable limits and there is no requirement for the applicant to address impacts on the nearby heritage items due to their physical distance from the subject site.

## Conclusions and recommendations

*In relation to heritage issues in relation to DA 0549/05 I conclude that:* 

- that the subject site is not within National Trust Urban Conservation Area No 25 (UCA 25). Given the objectives and controls in DCP 55 (chapter 3.4) Council is not required to consider any heritage impacts from this proposed development on UCA 25; and
- there are several heritage items "within the vicinity" of the subject site. However, the nearby heritage items are separated from the subject site by a reasonable distance. Given the objectives and controls in DCP 55 relating to "within the vicinity of a heritage item" (chapter 3.5), the impacts are considered minor and within acceptable limits."

# Landscaping

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

#### "The site

It is proposed to demolish the existing dwellings and associated structures and construct a residential flat building with basement car parking. The site is characterised by an established landscape setting with mature trees/palms and shrubs within formal garden beds and lawn expanses. The Heydon Ave site frontage is characterised by numerous trees adjacent to the site frontage while the Eulbertie Ave site frontage is characterised by an open landscape dominated by a mature Atlantic Cedar (Cedrus atlantica) located adjacent to the existing dwelling.

#### Deep soil

By the applicant's calculations, the proposed development will have a deep soil landscape area of 50.25% of the site area. Landscape Services is not in agreement with all the areas included within the calculation as they are not consistent with the LEP definition. Although minor, the areas in dispute include: the paved pedestrian entrances from the three site frontages that are greater than 1.0m wide as shown on the landscape plan; garden beds less than 2.0m wide that surround the substation kiosk; and the perimeter masonry wall/fence and garden beds less than 2.0m wide on the street frontages (shown on the drainage plan and landscape plan). After discussions with the applicant, it has been clarified that the perimeter wall/fence is not being proposed. It will be conditioned for the proposed pedestrian pathways to be as per the architectural plans. As a result, the development will comply with the required minimum deep soil landscape area, as defined by LEP194.

#### Drainage plan

Overall, no objection is raised to the proposed drainage works, subject to proposed drainage lines being located adjacent to the building line where ever possible e.g. adjacent to southern site boundary at the rear of 4 Eulbertie Ave, to maximise available deep soil areas adjacent to site boundaries.

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#### Landscape plan

Overall there is no objection to the landscape design, however there are some changes required to the proposed plant species to ensure that the landscape proposal is in keeping with the overall landscape intent for the Pacific Hwy corridor. Changes required include; the replacement of the Syncarpia glomulifera (Turpentine) along the Pacific Hwy frontage with Eucalyptus pilularis (Blackbutt) and Eucalyptus saligna (Bluegum); the removal of tree #16 Liquidambar styraciflua (Sweet Gum) which is exempt under council's TPO and replacing it with a tall native endemic tree species; the existing Arecastrum romanzoffianum (Coccos Palm) on site are to be removed; the pedestrian paths to be the same configuration as shown on the architectural plans; and the perimeter boundary wall/fence is to be deleted (as shown on the architectural plans). This will be conditioned.

#### Tree removal/retention

No objection is raised to the proposed tree removal. Although it is preferred that tree #18 Cedrus atlantica 'Glauca' (Blue Atlas Cedar) located centrally in the front garden of 2A Eulbertie Ave be retained. The tree is significant within the existing streetscape, and adds positively to the locality and its retention would be a positive aspect to the development. However the proposed building footprint is located immediately adjacent to the tree and excavation would result in the tree's root system being significantly impacted upon and the likelihood that the tree would become unstable. Under the current proposal the Atlantic Cedar cannot be retained.

Landscape Services can support the application subject to conditions."

Conditions 56-65, 98-102, 116-120 and 129-130 are recommended, pursuant to the Landscape and Tree Assessment Officer's suggestions.

# **Engineering**

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

"The application is supported subject to conditions.

#### Stormwater management

The stormwater management plans show two separate retention/detention storage tanks, each with gravity discharge to the gutter in Eulbertie Avenue. Because of the high sandstone wall in lieu of kerb, the connections will have to be carefully constructed to be hydraulically efficient as well as aesthetically pleasing. The recommended conditions include this requirement.

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Neither the plans nor the Statement of Environmental Effects actually state the intended use for the retained roofwater. Compliance with DCP 47 will be achieved by re-use for toilet flushing, clothes washing and irrigation, so this is stated in the recommended conditions.

# Traffic generation

The development is calculated in the traffic report to generate a net additional 26 vehicle trips per peak hour. This is not a significant increase. The RTA Guide to Traffic Generating Developments recommends a desirable maximum peak hour volume of 300 vehicle trips per hour for a local street. The traffic counts included in the report were taken on a school day and indicate existing traffic flows in Heydon Avenue and Eulbertie Avenue well below 100 vehicles per peak hour.

I inspected the site at 8.15am today (Thursday) and parked directly outside 2 Eulbertie Avenue. Several cars were parked near the Highway, probably associated with the School. There appeared to be parking available further down Eulbertie Avenue and in Heydon Avenue. The subject site is more than 400 metres from the pedestrian entrance to Warrawee Station, possibly too far to be subject to a great deal of commuter parking. I did not observe any traffic delays at the two Highway intersections and had little delay in turning left into the Highway. The pedestrian crossing and the Fox Valley Road intersection are likely to provide gaps in the traffic flow for vehicles turning left out of Eulbertie Street. The projected traffic generation of the development is considered to be acceptable.

#### Parking and vehicular access

The two levels of basement carpark contain 81 resident and 13 visitor spaces, in compliance with the requirements of LEP 194. Access to the site is by entry from Heydon Avenue and exit to Eulbertie Avenue. This is considered satisfactory, subject to the provision of signs at each doorway to that effect. This is included in the recommended conditions.

The dimensions and grades of the carparking areas comply with AS2890.1:2004.

#### Waste collection

The development incorporates a separate ramp and turning area for the small waste collection vehicle. This allows grades appropriate to such a vehicle to be used for the ramp, whereas the main entry driveway has a maximum slope of 25%. There is adequate room for the vehicle to enter and leave the site in a forward direction, and this allows the main basement carpark to be provided with a security door without compromising the access for waste collection. An easement for waste collection will be registered on the title.

## Construction management

The traffic report contains a short consideration of construction-related matters. Detailed design will indicate whether a through movement for trucks (ie entry from Heydon Avenue

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and exit to Eulbertie Avenue) will be practical, or whether there will be sufficient room for a turning area to be provided. Different arrangements may be made at different stages of the works. The proposed movements will be shown on the detailed Construction and Traffic Management Plan which will be required prior to commencement.

The report also states that a pedestrian management plan will be prepared, which will incorporate a requirement for vehicle movements to be under the supervision of a traffic controller. Employee parking in the completed basement will be encouraged.

Because of the proximity of this site to Warrawee Public School, a restriction on construction traffic during school drop-off and pick-up times is considered appropriate, and is included in the recommended conditions.

# Geotechnical investigation

Four boreholes were drilled to just below basement level with two of those advanced by coring to about 13 metres depth. The investigation indicated a deeply weathered profile, with shaley clay encountered to about 11 metres depth, underlain by shale of extremely to very low strength.

The basement excavation will be entirely in soil materials, so no vibration impacts are anticipated, however for support of the excavation, soldier piles with temporary anchors are recommended in the report. Anchors will most likely extend into adjoining properties and the road and Highway reserves. Conditions are recommended that owners' consent be obtained, and in the case of the road reserves, a separate approval under the Roads Act is required. This can be obtained prior to commencement when the design of the anchors is available. Separate conditions will be attached to such approval.

Dilapidation reporting of structures at 5 Heydon Avenue and 4 Eulbertie Avenue will be required before commencement of works. These properties are not subject to 2(d3) zoning."

Conditions 66-84, 103-112, 121-126 and 131-143 address the matters raised by the Development Engineer.

## STATUTORY PROVISIONS

# State Environmental Planning Policy No. 65 – Design quality of residential flat development

The application includes a design verification statement by the project architect, Simon Chan of Simon Chan & Associates P/L. Mr. Chan has verified that he has designed the proposal in accordance with the Design Quality Principles set out in Part 2 of SEPP 65.

The application has been assessed in terms of the Design Quality Principles set out in SEPP 65. The design quality principles do not generate design solutions but provide a guide to achieving good design and the means of evaluating the merit of the proposal. The assessment is as follows:

#### **Context:**

The development is permissible and complies with the prescribed requirements of LEP194, including maximum height, building footprint, number of storeys, setbacks to interface zones and deep soil landscaping. The development is part of the transition from existing development that generally comprises one to three storey development to the future context of the area characterised by five storey development along the Pacific Highway and retaining lower density development to the north.

The development is well located for medium density residential accommodation, taking into account the constraints imposed by the three roads surrounding it, the shape of the land and adjoining development. The proposal responds to its context through the use of separate buildings, stepped back adjacent to the zone transition boundaries, the use of a variety of materials and through setbacks, which provide adequate space for the planting of tall trees consistent with the landscaped character that currently exists. The proposal provides satisfactory amenity to residents of the site and the surrounding area.

# Scale:

The proposal complies with the building envelope requirements of LEP 194 that apply to the site, including perimeter ceiling height, deep soil landscaping and site coverage. The perceived scale of the development site is reduced by the use of 4 buildings, a recessive fifth storey, colour detailing, the use of face brick for the lower levels and the incorporation of extensive landscaping areas.

The scale of the development is appropriate and is consistent with the desired character of the area.

## **Built form:**

The built form is acceptable in terms of its height and setbacks. The proposal will have the appearance of appropriately proportioned buildings set in a well landscaped context, due to a reasonable density, acceptable building configuration and length, adequate setbacks and the substantial landscaping proposed. While the buildings do not comply with Residential Flat Design Code control, for a minimum separation distance of 12 metres, they nevertheless provide for satisfactory daylight access, natural ventilation and common open space areas.

# **Density:**

The floor space ratio of 1.3:1 complies with the requirements of DCP 55 and the number of units reflects the desired future character of the area. The density responds to its location on Pacific Highway, proximity to Warrawee station and to community and education facilities.

# Resource, energy and water efficiency:

While only 63.5% of the units provide a minimum of 3 hours of direct solar access in midwinter, a total of 71% provide greater than 2 hours solar access, complying with the requirements of the Residential Flat Design Code.

Condition 52 requires appropriate recycling of demolition materials and the sample board shows an appropriate selection of materials for construction ensure that efficient use is made of natural resources. The use of energy efficient design, adequate deep soil zones for vegetation and the reuse of water ensure that energy and water are conserved.

# Landscape:

The deep soil areas are compliant, suitably located and the landscape works are compatible with the character of the locality, will soften the built form, minimise privacy impacts and help to provide amenity for residents. The design of the deep soil area allows the establishment of canopy trees in excess of the requirements of DCP 55.

## **Amenity:**

The development provides for a mix of two, three and four bedroom units. The dwelling layout, design and orientation ensure adequate levels of acoustic and visual privacy, private open space areas, storage areas and access to natural light. The design of the common areas includes a mix of extensively planted areas and lawn areas scattered with trees and includes a functional north facing area between the buildings. The lower basement level includes a swimming pool and gymnasium.

An accessibility report has been provided which demonstrates that the proposal provides an acceptable degree of adaptability and flexibility in terms of access for people with disabilities. All units are "visitable", a minimum of 74% will have "visitable toilets", and 10% of units are "adaptable" consistent with SEPP 65, LEP194 and DCP 55. Appropriate access for people with disabilities is also provided to the gymnasium, pool and associated sanitary facilities.

## Safety and security:

The proposal provides for passive surveillance of the street and common areas, while maintaining adequate privacy for its residents and neighbours.

## **Social dimensions:**

There is an adequate mix of unit sizes to cater for a social mix within the development. The proposal provides on-site recreation facilities, adding to the range of lifestyle activities available in the area.

## **Aesthetics:**

The proposal provides an appropriate composition of building elements, textures, materials and colours and reflects the use, internal design and structure of the development. The aesthetics of the buildings responds satisfactorily to the environment and context, and to the desired future character of the locality.

# State Environmental Planning Policy No. 55 – Remediation of Land

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

# Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River

SREP 20 applies to land within the catchment of the Hawkesbury-Nepean River. The general aim of the plan is to ensure that development and future land uses within the catchment are considered in a regional context. The Plan includes strategies for the assessment of development in relation to water quality and quantity, scenic quality, aquaculture, recreation and tourism.

The development has the potential to impact on water quality and volumes to the catchment.

Subject to conditions, the development is unlikely to generate significant additional stormwater and would be consistent with the provisions of SREP 20.

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

Compliance Table		
Development standard	Proposed	Complies
Site area (min): 2400 m <sup>2</sup>	5253 m <sup>2</sup>	YES
<b>Deep landscaping (min):</b> 50%	50.2%	YES
Street frontage (min): 30	Heydon Avenue: 63 metres	YES
metre	Pacific Highway: 85 metres	
	Eulbertie Avenue: 73 metres	
Storeys and ceiling height	5 storeys	YES
(max): 5 storeys and 13.4m		
	Building A: Level 4: 12.8m	YES
	Building B: Level 4: 11.6m	YES
	Building C: Level 4: 12.2m	YES
	Building D: Level 4: 12m	YES
Site coverage (max): 35%	34.8%	YES
<b>Top floor area (max):</b> 60% of	Building A: 60%	YES
level below	Building B: 59.6%	YES
	Building C: 57%	YES
	Building D: 59.8%	YES

Car parking spaces (min):  • 13 (visitors)  • 52 (residents)  • 65 (total)	13 visitor (incl.2 disabled) 81 (incl 6 disabled) 94 (total)	YES YES YES
Zone interface setback (min): 3 <sup>rd</sup> and 4 <sup>th</sup> floors setback 9m from land not zoned 2(d3)	9m from Zone 2(c2) on northern boundary to buildings A and C	YES
Manageable housing (min): 10% (5.2 units minimum)	6 units -11.5%( in Blocks A and B)	YES
<b>Lift access:</b> required if greater than three storeys	Lifts are provided to each building	YES

# Residential zone objectives and impact on heritage:

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

# **POLICY PROVISIONS**

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

	Compliance Table	
Development control	Proposed	Complies
Part 3 Local context:		
Development adjacent to a		
heritage item:		
• 10m setback	>15m – no heritage items in vicinity	YES
(1 <sup>st</sup> & 2 <sup>nd</sup> storeys)		
• 15m setback	>15m – no heritage items in vicinity	YES
(3rd & 4 <sup>th</sup> storeys)		
<ul> <li>No closer than heritage</li> </ul>	Not closer	YES
item from front boundary		
Part 4.1 Landscape design:		
Deep soil landscaping (min)		
• 150m <sup>2</sup> per 1000m <sup>2</sup> of site		
$area = 788m^2$	670m <sup>2</sup>	NO
No. of tall trees required		
( <b>min</b> ): 18 trees	>18 trees	YES
Part 4.2 Density:		
<b>Building footprint (max):</b>		
• 35% of total site area	34.8%	YES
Floor space ratio (max):		
• 1.3:1	1.3:1	YES

Part 4.3 Setbacks:		
Street boundary setback		
(min):		
• 10-12 metres on Pacific	Above ground -10-12m (all frontages)	YES
Highway frontage		
	29% Pacific Highway frontage	YES
• <40% of the zone	40% Hayden Ave frontage	YES
occupied by building	43% Eulbertie Ave frontage	NO
footprint)		
Rear boundary setback		
(min):		
• 6m	6m	YES
Side boundary setback		
(min):		
• 6m	6m	YES
	9m	YES
• 9m (interface zone to		
northern boundary)		
Setback of ground floor		
courtyards to street		
boundary (min):		
• 8m	8m	YES
% of total area of front		
setback occupied by private		
courtyards (max):		
• 15%	14.78%	YES
D. 4 4 4 D. 14 C 1 . 4 .	1.4	
Part 4.4 Built form and artice	ilation:	
Façade articulation:		NO
• Wall plane depth	Southern façade modulation of Building C – 300mm	NO
>600mm	All others >600mm	NO
• Wall plane area <81m <sup>2</sup>	Internal facades:	NO
	Southern façade of Building A -123 m <sup>2</sup>	
	Northern façade of Building B- 120 m <sup>2</sup>	
	Eastern façade of Building B - 106 m <sup>2</sup>	
	Western façade of Building D -108 m <sup>2</sup>	
	Southern façade of Building C -87 m <sup>2</sup>	
Built form:		

• Building width < 36m	Building A Elevation to Heydon Avenue: 28m Building B Elevation to Heydon Avenue: 27.4m Building B Elevation to Pacific Highway: 24m Building D Elevation to Pacific Highway: 33m Building D Elevation to Eulbertie Avenue: 33.5m Building C Elevation to Eulbertie Avenue: 27.4m	YES YES YES YES YES YES
Balcony projection <     1.2m	All <1.2m	YES
Part 4.5 Residential amenity		
Solar access:  • >70% of units receive 3+ hours direct sunlight in winter solstice	63.5% (33 units) 4 units @ 2-<3 hrs 8 @ 1<2 hrs 7 @ <1 hr	NO
<ul> <li>&gt;50% of the principle common open space of the development receives 3+ hours direct sunlight in the winter solstice</li> <li>&lt;15% of the total units are single aspect with a western orientation</li> </ul>	No units are single aspect.	NO YES
Visual privacy: Separation b/w windows and balconies of a building and any neighbouring building on site or adjoining site: Storeys 1 to 4  • 12m b/w habitable rooms	No direct views on lower floors between the four blocks – all have different orientation or have no windows directly facing each other.  To bedroom windows 4 Eulbertie Ave: Block C: Balconies - 1 <sup>st</sup> & 2 <sup>nd</sup> floors - 8 and 8.8m	YES NO
<ul> <li>9m b/w habitable and non-habitable rooms</li> <li>6m b/w non-habitable rooms</li> </ul>	living area windows -10.6m (ground to 2nd floor) and 11.3m (third floor)  >9m >6m	YES YES

[		
Top Storey		
• 18m b/w habitable rooms	Within the development all windows are offset or well exceed the requirement.	YES
	Between terraces: 14.8 m (Blocks C-D)	NO
	7.5 (B-D)	NO
	14.2m (A-B)	NO
	17.3m (B-C)	NO
	Living room and bedroom windows of Block C to ground floor bedroom windows of 4 Eulbertie Ave: 13m (horizontally) Terrace to ground floor bedroom windows of	NO
	4 Eulbertie Ave: 11.1m (horizontally)	NO
• 13m b/w habitable and		
non-habitable rooms	>13m	YES
• 9m b/w non-habitable	>9m	YES
Internal amenity:	//III	1 LS
<ul> <li>Habitable rooms have a</li> </ul>	2.7m	YES
minimum floor to ceiling height of 2.7m	2.7111	ILS
Non-habitable rooms have a minimum floor to	2.7m	YES
<ul><li>ceiling height of 2.4m</li><li>1-2 bedroom units have a</li></ul>	3m or more	YES
minimum plan dimension of 3m in all bedroom		
• 3+ bedroom units have a minimum plan dimension	2+ bedrooms >3m	YES
of 3m in at least two bedrooms		
• Single corridors: - serve a maximum of 8	3 units max	YES
units	>1.5m	VEC
->1.5m wide ->1.8m wide at lift	>1.5m >1.8m	YES YES
lobbies	×1.0III	1123
Outdoor living:		
• ground floor apartments	>25m <sup>2</sup>	YES
have a terrace or private		
courtyard greater than 25m <sup>2</sup> in area		

• Balcony sizes: 12m <sup>2</sup> – 2 bedroom unit	12+ m <sup>2</sup>	YES
12m – 2 bedroom unit	12+111	1123
15m <sup>2</sup> – 3 bedroom unit	All 3 bedroom units - 15m <sup>2</sup> +	YES
NB. At least one space >10m <sup>2</sup>	Unit Nos. 18, 30, 40 =9.5 m <sup>2</sup>	NO
• primary outdoor space has a minimum dimension of 2.4m	2.4m	YES
Part 4.7 Social dimensions:		
Visitable units (min):		
• 70%	76%	YES
Housing mix:  • Mix of sizes and types	25 x 2 bedroom, 23 x 3 bedroom, and 4 x 4 bedroom units – total of 52 units	YES
Part 4.8 Resource, energy and	d water efficiency:	
Energy efficiency:		
• >65% of units are to have	100% have two aspects.	YES
natural cross ventilation		Y/E/C
• single aspect units are to	No single aspects	YES
have a maximum depth of		
10m • 25% of kitchens are to	>60%	YES
have an external wall for natural ventilation and light	Z0070	TES
>90% of units are to have a 4.5 star NatHERS rating with 10% achieving a 3.5 star rating	4.5 star rating = 100% achieve 4.5 - 5 star	YES
Part 5 Parking and vehicular	access:	
Car parking (min):		
13 (visitors)	13 visitor (incl.2 disabled)	YES
52 (residents)	81 (incl 6 disabled)	YES
65 (total)	94 (total)	YES

# Part 4.1 Landscape design:

The constraints of a site with 3 road frontages make the achievement of the size of and solar access requirements of the DCP in regard to the principle common area difficult. Nevertheless, this area is supplemented by other areas of common open space that include adequate landscaping to enable compliance with the objectives of the DCP.

## Part 4.3 Setbacks:

The minor non-compliance with the 40% setback control is acceptable, given the extensive articulation to Eulbertie Avenue, the separation of the buildings and the provision of adequate landscaping in the street frontage.

The DCP encourages the top floor to be set back to prevent additional overshadowing of neighbouring development. The top storey of Block A increases the shadow impact on the private open space of No. 4 Eulbertie Avenue at the equinoxes (March and September). The main area of use, however, is under the pergola where there is no additional impact from the top storey. Further, the top storey does not result in any additional overshadowing in midwinter.

## Part 4.4 Built form and articulation:

The proposal is well modulated from the street, provides adequate setbacks, a recessive top storey, an appropriate mix of materials and detailed design to all street frontages. Internally, while the facades of the buildings are not well modulated, the use of horizontal detailing and a variety of materials helps to add some visual interest for the future residents and the non-compliance does not warrant refusal of the application.

## Part 4.5 Residential amenity:

## Solar access

While the 63.5% of units that provide direct solar access for a minimum of 3 hours is less than the 70% required by the DCP, a further four units provide more than 2 hours access in accordance with the Residential Flat Design Code and the non-compliance is acceptable.

# **Privacy**

Internally: A combination of planters to the main functional areas of the top floor terraces, and offsetting the windows and terraces ensure that the non-compliance with the terrace and window separation requirements will not have unacceptable impacts on residents' privacy.

The proposal will have the potential to overlook the bedroom windows, and part of the private open space of No. 4 Eulbertie Avenue. However, the non-compliant ground floor windows of the subject development will be separated from the neighbouring site by courtyard walls and the boundary fence. The second floor and top floor terraces have planters to reduce overlooking. The existing *Magnolia grandiflora* on the boundary between Block C and the adjacent development will provide substantial immediate screening, and will be supplemented with additional screen plantings as they mature over time. Substantial screen planting is also provided in the setback between Block A and No. 4 Eulbertie Avenue.

The proposal will have the potential to overlook the private open space area (including swimming pool) of 5 Heydon Avenue. However, the relevant building setback is compliant with LEP 194 and DCP 55. The terraces to the second and top floors provide planters to further reduce privacy impacts. While the balconies of the first and third floors will overlook the neighbouring site, a mix of tall trees and lower screen plantings are proposed in the common area adjacent to the boundary to minimise privacy impacts.

While there will be some impacts on the level of privacy to which the residents of the adjacent single residential development are accustomed, the non-compliances do not warrant refusal of the application.

# Part 4.6 Safety and security:

The buildings are accessed via gates and pathways between the buildings. For legibility, **Conditions 84 and 97,** requires signage showing unit numbers and vehicle entry and exit points.

# Part 4.8 Resource, energy and water efficiency:

A number of bathrooms and laundries do not include natural light and ventilation, although they are on external walls. A condition is recommended to provide windows to these rooms (Refer **Condition 96**). The windows would breach the separation requirements of the DCP and the Residential Flat Design Code, however, they are recommended to be opaque and not open below 1.6m, which would protect the privacy of the residents and neighbours. The inclusion of windows to the internal facades will also provide some additional relief to the flat planes of these facades.

# **Development Control Plan 31 - Access**

Matters for assessment under DCP 31 have been taken into account in the assessment of this application against DCP 55 and the proposal is satisfactory in this regard.

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

Matters for assessment under DCP 40 have been taken into account in the assessment of this application against DCP 55 and the proposal is satisfactory in this regard.

# **Development Control Plan No. 43 – Car Parking**

Matters for assessment under DCP 43 have been taken into account in the assessment of this application against DCP 55 and the proposal is satisfactory in this regard.

# **Development Control Plan 47 – Water Management**

Matters for assessment under DCP 47 have been taken into account in the assessment of this application against DCP 55 and the proposal is satisfactory in this regard

## Section 94 Plan

The development attracts a section 94 contribution of \$747,738.08, which is required to be paid by **Condition 87**.

The contribution is calculated on the basis of 23 medium units, 26 large units, 3 very large units less credit for 5 very large dwellings.

# Likely impacts

All likely impacts have been addressed elsewhere in this report.

# Suitability of the site

There are no site or locality constraints which would preclude the development.

# Any submissions

All submissions received have been considered in the assessment of this application and **Conditions 88, 90, 122** and **128** are recommended to address the concerns of the objectors.

# **Public interest**

The proposal is considered to be in the public interest.

# Any other relevant matters/ considerations not already addressed

There are no other matters 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 satisfactory. Therefore, it is recommended that the application be approved.

## RECOMMENDATION

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

THAT the Council, as the consent authority, grant development consent to DA 549/05 for demolition of 5 single dwellings and associated structures, construction of residential flat development comprising 4 x 5 storey buildings and associated basement car parking on land at 1, 1a, 3 Heydon Avenue and 2, 2a Eulbertie Avenue for a period of two (2) years from the date of the Notice of Determination, subject to the following conditions:

## **GENERAL CONDITIONS**

- 1. The development must be carried out in accordance with plans numbered DA1C, DA2B, DA3C, DA4C, DA6C, DA7B, DA8C, DA9C, DA10C, SA3C, SA11C dated 16 January 2006, DA5D, dated 25 January 2006, drawn by Simon Chan and Associates P/L and lodged with Council on 20 January and 26 January 2006 and endorsed with Council's approval stamp, except where amended by the following conditions:
- 2. All building works shall comply with the Building Code of Australia.
- 3. The submission of the approved plans to Sydney Water, before any work is commenced to ensure that the proposed structure meets that Authority's By-Laws. Failure to submit these plans before commencing work will render the owner liable to a penalty and may result in the demolition of work.
- 4. The approved building shall not be occupied unless the development has been completed in accordance with all conditions of consent and the approved plans and an Occupation Certificate has been issued.
- 5. The opening of any footway, roadway, road shoulder or any part of the road reserve shall not be carried out without a Road Opening Permit being obtained from the Council (upon payment of the required fee) beforehand.
- 6. For the purpose of ensuring the compliance with the terms of the approval, an approved copy of the plan and this Consent and Construction Certificate shall be kept on site at all times.
- 7. For the purpose of safety and amenity of the area, no building materials, plant or the like are to be stored on the road or footpath without the written approval being obtained from the Council beforehand. The pathway shall be kept in a clean, tidy and safe condition during building operations. Council reserves the right, without notice, to rectify any such breach and to charge the cost against the applicant/owner/builder, as the case may be.
- 8. HOURS OF WORK: For the purpose of residential amenity, noise generating work carried out in connection with building and construction operation, including deliveries of building materials and equipment, is restricted to the following hours: Mondays to Fridays inclusive: 7.00am to 5.30pm. Saturdays: 8.00am to 12.00 noon. Sundays and Public Holidays: Not Permitted. The use of the following items of plant on the site is also restricted to the abovementioned hours: compressors, bulldozers, power operated woodworking machines, excavators and loaders, jackhammers, Ramset guns, concrete mixers and concrete delivery wagons, hoists, winches, welding and riveting plant.

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

- 9. For the purpose of public safety, a sign shall be erected on the site prior to any work commencing which is clearly visible from a public place stating that unauthorised entry to the site is not permitted and showing the name of the builder or another person responsible for the site and a telephone number for contact outside working hours. The sign may only be removed on satisfactory completion of the works.
- 10. A sign shall be erected in a prominent position on the site which states the name and contact details of the Principal Certifying Authority.
- 11. All excavations shall be properly guarded and protected with hoardings or fencing to prevent them from being dangerous to life and property.
- 12. Any excavation of rock involving hydraulic or compressed air rock hammers or other excavation equipment shall comply with the requirements of Council's Code for the Control and Regulation of Noise on Building Sites.
- 13. 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.
- 14. With regard to the proposed rock breaking the following conditions are to be observed:
  - a. The Geotechnical Engineer shall supervise the works in progress.
  - b. A dilapidation report on adjoining or nearby properties shall be prepared prior to any excavation, rock breaking, or associated work commencing and shall be submitted to the Principal Certifying Authority.
  - c. All material removed from or imported to the site shall be loaded, unloaded or conveyed in such a manner that will minimise nuisance. Trucks shall be covered and site controls shall include shaker grids at the exits of the site. All materials falling to any part of the road or footpath or any public place shall be immediately cleaned up.
  - d. All material removed from or imported to the site shall be loaded, unloaded or conveyed in such a manner that will minimise nuisance. Trucks shall be covered and site controls shall include shaker grids at the exits of the site. All materials falling to any part of the road or footpath or any public place shall be immediately cleaned up.
- 15. The applicant is advised that the Construction Certificate plans and specifications must comply with the provisions of the Building Code of Australia.

- 16. All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.
  - All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.
- 17. If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:
  - a. must preserve and protect the building from damage, and
  - b. if necessary, must underpin and support the building in an approved manner, and
  - c. must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

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

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

- 18. Toilet facilities are to be provided, within the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.
- 19. To maintain residential amenity, all electrical services to the site are to be provided underground and must not disturb the root system of any trees. Please contact the energy supply authority's local customer service office to obtain documentary evidence that the authority has been consulted and that their requirements have been met. This information is to be submitted to Council prior to the release of the Occupation Certificate.
- 20. If the work involved in the erection or demolition of a building:
  - a. is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
  - b. building involves the enclosure of a public place, a hoarding or fence must be erected between the work site and the public place.

If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.

The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.

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

- 21. The developer shall submit to Council a letter from the energy supply authority and either Telstra or Optus, confirming that satisfactory arrangements have been made for the provision of underground telephone and power services, prior to the release of the Subdivision Certificate or Occupation. Application may be made to Energy Australia Phone No. 13 1525 and either Optus, Network Operations, Facsimile No 9837 9060, Phone No 9837 9010, or Telstra Phone No 12 455.
- 22. All noise generating equipment associated with any proposed mechanical ventilation system/s shall be located and/or soundproofed so the equipment is not audible within a habitable room in any other residential premises before 7am and after 10pm Monday to Friday and before 8am and after 10pm Saturday, Sunday and Public Holidays. Furthermore, the operation of the unit outside these restricted hours shall emit a noise level of not greater than 5dbA above the background when measure at the nearest adjoining boundary.
- 24. To prevent pollution, all vehicles making a delivery to or from the site are to be covered to prevent loose materials, dust etc falling from the vehicles.
- 25. To prevent pollution, any areas cleared of vegetation where there is a flowpath greater than 12.0 metres in length shall have a properly constructed silt fence erected to intercept runoff.
- 26. To prevent pollution, all disturbed areas which are not to be built upon or otherwise developed within 14 days shall be stabilised with mulch, woodchip or other rehabilitation methods to provide permanent protection from soil erosion.
- 27. Topsoil shall be stripped from areas to be developed and stock-piled within the site. Stock-piled topsoil on the site shall be located outside drainage lines and be protected from run-on water by suitably positioned diversion banks. Where the period of storage will exceed 14 days stock-piles are to be sprayed with an appropriate emulsion solution or seeded to minimise particle movement.
- 28. For the purpose of health and amenity, the disposal of backwash and/or the emptying of a swimming pool into a reserve, watercourse, easement or stormwater drainage system is prohibited. These waters are to discharge via a permanent drainage line into the Sydney Water's sewer. Permission is to be obtained from the Sydney Water prior to the emptying of any pool to the sewer.
- 29. To ensure compliance with the relevant standards, an effective and approved safety fence with self closing gate complying with the minimum requirements of Australian Standard 1926-1986 "Fences and Gates for Private Swimming Pools" shall be provided to the Principal Certifying Authority's satisfaction in the location indicated on the approved plans prior to any water being placed in the pool.

- 30. For stormwater control, provision shall be made for the collection and disposal of all run-off surface waters from paved areas, recontoured areas, pool overflow and higher levels. All collected waters are to be dispersed without causing nuisance to the adjoining properties.
- 31. For safety purposes, depth markers shall be provided at both ends of the pool.
- 32. For safety purposes, prior to the pool being filled a weather resistant poster detailing expired air resuscitation (mouth to mouth) methods shall be affixed within plain sight of the pool. A sign/notice with the words "YOUNG CHILDREN SHOULD BE SUPERVISED WHEN USING THIS SWIMMING POOL" shall be erected in clear view and in close proximity to the pool.
- 33. The demolition is to be carried out in accordance with the guidelines contained in Australian Standard 2601-1991: The Demolition of Structures.
- 34. Access to demolition sites shall be protected as directed by the Principal Certifying Authority by the use of suitable fences or hoardings.
- 35. Where a new development is not commencing immediately following demolition, the demolition shall be limited to the extent of the footprint of the building/s on the site and no excavation shall be carried out.
- 36. Demolition work, including removal of material or debris from the site, on any building in a residential area shall only be carried out during the following hours: Mondays to Fridays inclusive: 7.00am to 5.30pm. Saturdays: 8.00am to 12.00 noon. Sundays and Public Holidays: Not Permitted.
- 37. A person taking down or demolishing or causing to be taken down or demolished any building or part thereof shall, upon identifying or suspecting that asbestos is present in the building, immediately notify the Workcover Authority. The Authority is the controlling body for the safe removal, handling and disposal of asbestos. The Authority supervises and monitors contractors engaged in asbestos removal.
  - The requirements and standards imposed by the Authority, its consultants or contractors shall be complied with.
- 38. Erosion control measures shall be provided on demolition sites to prevent the siltation of watercourses and drainage systems.
- 39. Dust control measures shall be taken on all demolition sites so as to avoid a nuisance to adjoining properties and harm to the environment.
  - a. A person taking down or demolishing or causing to be taken down or demolished any building or portion of any building shall:

- i. cause the windows or other openings in the external walls to be close boarded or otherwise covered;
- ii. cause screens of canvas, hessian, boards, mats or other suitable material to be fitted in appropriate locations;
- iii. cause areas, components and debris to be wetted down; in such a manner as to minimise, as far as practicable, the nuisance arising from the escape of dust during such taking down or demolition.
- b. Such person shall not chute, throw or let fall or cause to chute, throw or let fall from the floor to floor or into any basement of such building any building materials or any other matter so as to cause dust to escape from the building or cause any such material to fall or cast upon a public way to the annoyance, inconvenience, or danger of persons using such public way.
- 40. Soil on vacant sites is to be stabilised as soon as possible to prevent erosion and the site shall be kept clear of excess vegetation.
- 41. A temporary construction exit and sediment trap to reduce the transport of sediment from the site onto public roads shall be provided before demolition commences.
- 42. Existing stormwater lines on the site are to be blocked and made inoperable after buildings are demolished so as to prevent the conveyance of silt or sediments into the gutter or street drainage system.
- 43. All combustible material shall be removed from the site on a daily basis. Material shall not be burnt on the site.
- 44. Materials salvaged from a demolition may be stored on site provided they are non combustible, neatly and safety stockpiled and not likely to become a harbourage for vermin.
- 45. Trees and vegetation on a site shall not be disturbed except with the approval of the Council.
- 46. Fire hoses are to be maintained on site during the course of demolition.
- 47. Adequate precautions shall be taken to ensure the protection of adjoining premises and persons therein from damage and injury during the process of demolition.
- 48. Buildings built prior to the 1970's may contain lead based paint. Lead dust is a hazardous substance. You are advised to follow the attached WorkCover guidelines to prevent personal and environmental contamination.
- 49. The applicant or builder/developer is responsible for the cost of making good any damage that may be caused to any Council property as a result of work associated with the demolition.

- 50. A photo record of the buildings to be demolished and vegetation on site is to be submitted to Council for archival purposes.
- 51. A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
  - a. stating that unauthorised entry to the work site is prohibited, and
  - b. showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.

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

This clause does not apply to:

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

Special conditions

- 53. "Peep holes" shall be provided to the entrance doors of all units for personal security.
- 54. A new 1.8m timber lapped and capped fence is to be provided to the boundaries adjacent to the single residential dwellings. The fence is to start at the building line.
- 55. The external facades of the development are to be constructed using the materials shown on sample board, and lodged with Council on 20 January 2006. The courtyard walls are also to be constructed of the face brick, or a combination of face brick and coloured render with the face brick as the major element.

# Landscaping conditions

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

## Tree/location

# Time of inspection

All existing trees to be retained as nominated Prior to demolition

Prior to demolition
At the completion of demolition
Prior to excavation

At the completion of excavation Prior to construction works starting At monthly intervals during construction At the completion of construction works At the completion of landscape works

- 57. If tree roots are required to be severed for the purposes of constructing the approved works they shall be cut cleanly by hand, by an experienced Arborist/Horticulturist with a minimum qualification of the Horticulture Certificate or Tree Surgery Certificate.
- 58. No tree roots of 30mm or greater in diameter located within the specified radius of the trunk/s of the following, tree/s shall be severed or injured in the process of any site works during the construction period.

Tree/Location	Radius From Trunk
#1 Acer palmatum (Japanese Maple) Adjacent to northern site boundary	3.0m
#5 Lophostemon confertus (Brushbox) Adjacent to western site boundary	4.0m
#6 Liquidambar styraciflua (Sweet Gum) Adjacent to western site boundary	3.5m
#7 <i>Platanus x hybrida</i> (London Plane Tree) Heydon Ave nature strip	3.5m
#8 Juniperous spp. (Juniper) Adjacent to western site boundary	2.0m
#9 Citharexylem spinosum (Fiddlewood) Adjacent to western site boundary	3.0m
#10 <i>Platanus x hybrida</i> (London Plane Tree) Heydon Ave nature strip	4.0m
#11 Juniperous scopulorum (Rocky Mountain Juniper Adjacent to south west site corner	3.0m
#12 Macadamia tetrophylla (Macadamia Nut) Adjacent to southern site boundary	3.0m
#13 <i>Xylosma senticosum</i> (Xylosma) Adjacent to south east site corner	2.0m

#14 <i>Xylosma senticosum</i> (Xylosma) Adjacent to south east site corner	2.0m
#15 <i>Xylosma senticosum</i> (Xylosma) Adjacent to south east site corner	2.0m
#17 <i>Liquidambar styraciflua</i> (Sweet Gum) Adjacent to south east site corner	4.0m
#21 Ginkgo biloba (Maidenhair tree) Adjacent to north east site corner	2.0m
#22 Magnolia grandiflora (Bull Bay Magnolia) Adjacent to northern site boundary	4.0m

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

Tree/Location	Radius From Trunk
#1 Acer palmatum (Japanese Maple) Adjacent to northern site boundary	3.0m
#5 Lophostemon confertus (Brushbox) Adjacent to western site boundary	4.0m
#6 Liquidambar styraciflua (Sweet Gum) Adjacent to western site boundary	3.5m
#7 <i>Platanus x hybrida</i> (London Plane Tree) Heydon Ave nature strip	3.5m
#8 <i>Juniperous spp</i> . (Juniper) Adjacent to western site boundary	2.0m
#9 Citharexylem spinosum (Fiddlewood) Adjacent to western site boundary	3.0m
#10 <i>Platanus x hybrida</i> (London Plane Tree) Heydon Ave nature strip	4.0m
#11 <i>Juniperous scopulorum</i> (Rocky Mountain Juniper) Adjacent to south west site corner	3.0m

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#12 Macadamia tetrophylla (Macadamia Nut) Adjacent to southern site boundary	3.0m
#13 <i>Xylosma senticosum</i> (Xylosma) Adjacent to south east site corner	2.0m
#14 <i>Xylosma senticosum</i> (Xylosma) Adjacent to south east site corner	2.0m
#15 Xylosma senticosum (Xylosma) Adjacent to south east site corner	2.0m
#17 Liquidambar styraciflua (Sweet Gum) Adjacent to south east site corner	4.0m
#21 Ginkgo biloba (Maidenhair tree) Adjacent to north east site corner	2.0m
#22 Magnolia grandiflora (Bull Bay Magnolia) Adjacent to northern site boundary	4.0m

- 60. The applicant shall ensure that at all times during the site works no activities, storage or disposal of materials shall take place beneath the canopy of any tree protected under Council's Tree Preservation Order.
- 61. The following tree species shall be planted, at no cost to Council, in the nature strip fronting the property along the Pacific Hwy as an evenly spaced avenue planting. The tree/s used shall be a minimum 25 litre container size specimen/s trees:

Tree Species Quantity
Tristaniopsis laurina (Water Gum) 10

62. The following tree species shall be planted, at no cost to Council, in the nature strip fronting the property along Heydon Ave as an evenly spaced avenue planting. The tree/s used shall be a minimum 25 litre container size specimen/s trees:

Tree Species Quantity *Platanus x hybrida* (London Plane Tree) 4

63. The following tree species shall be planted, at no cost to Council, in the nature strip fronting the property along Eulbertie Ave as an evenly spaced formal avenue planting. The tree/s used shall be a minimum 25 litre container size specimen/s trees:

Tree Species Quantity *Jacaranda mimosifolia* (Jacaranda) 6

- 64. 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.
- 65. The trees to be planted shall be maintained in a healthy and vigorous condition until they attain a height of 5.0 metres whereby they will be protected by Council's Tree Preservation Order. Any of the trees found faulty, damaged, dying or dead shall be replaced with the same species

# Engineering conditions

- 66. Stormwater runoff from new hard surfaces generating runoff or landscaped areas that are not at natural ground level shall be piped to the street drainage system in Eulbertie Avenue. Because of the high sandstone wall in lieu of kerb, the connections will have to be carefully constructed to be hydraulically efficient as well as aesthetically pleasing. This is to be certified on the design plans.
- 67. A mandatory rainwater re-use tank system comprising stormwater tanks and rainwater tanks of minimum volume required in chapter 6 of Councils Water Management Development Control Plan 47 (DCP47), must be provided for the development. Retained water must be made available for garden irrigation, car washing, all toilet flushing and laundry use within each unit. A mains top-up shall be provided for periods of low rainfall.
- 68. In addition to the mandatory rainwater retention and re-use system provided, an **on-site stormwater detention** system must be provided for the development to control the rate of runoff leaving the site. The minimum volume of the required on-site detention system must be determined in accordance with chapter 6 of the Ku-ring-gai Council Water Management Development Control Plan 47 (DCP 47) having regard to the specified volume concession offered in lieu of installing rainwater retention tanks. The design of the on-site detention system must be performed by a qualified civil/hydraulic engineer and must satisfy the design controls set out in appendix 5 of DCP 47.
- 69. For stormwater control, 200mm wide grated channel/trench drains with heavy-duty removable galvanised grates are to be strategically placed to collect driveway runoff and must be connected to the main stormwater drainage system. The channel drain shall have an outlet of minimum diameter 150mm to prevent blockage by debris.
- 70. A maintenance period of six (6) months shall apply to all works in the public road reserve carried out by the applicant after works have been completed to Council's satisfaction. In that period, the applicant shall be liable for any section of the work which fails to perform in the manner outlined in Council's specifications, or as would reasonably be expected under the operating conditions.
- 71. Where required, the adjustment or additions of any utility service facilities must be carried out by the applicant and in accordance with the requirements of the relevant utility authority.

These works shall be at no cost to Council. It is the Applicants responsibility to ascertain impacts of the proposal upon utility services and Council accepts no responsibility for any matter arising from its approval to this application involving an influence upon utility services provided by another authority.

- 72. All public footways and accessways fronting and adjacent to the site are to be maintained in a safe condition at all times during the course of the development works. A safe pedestrian circulation route and a pavement/route free of trip hazards must be maintained at all times on or adjacent to the public access ways fronting the construction site. Where public infrastructure is damaged, repair works must be carried out when and as directed by Council officers. Where circulation is diverted on to the roadway, clear directional signage and protective barricades must be installed in accordance with AS1742-3 1996 "Traffic Control Devices for Work on Roads". If pedestrian circulation is not satisfactorily maintained, and action is not taken promptly to rectify the defects, Council may undertake proceedings to stop work.
- 73. The provision of temporary sediment and erosion control facilities and measures are to be installed, prior to the commencement of any works on the site to eliminate unnecessary erosion and loss of sediment. These facilities must be maintained in working order during construction works and up to the completion of the maintenance period. All sediment traps must be cleared on a regular basis and after each major storm, and/or as directed by the Principal Certifying Authority and Council officers.
- 74. Driveways and access ramps must be designed not to scrape the underside of cars. In all respects, the proposed vehicle access and accommodation arrangements must be designed and constructed to comply with Australian Standard 2890.1 2004 "Off-Street car parking" as a minimum requirement.
- 75. For the purpose of any further plan assessment and works inspections by Council engineers, the corresponding fees set out in Councils adopted Schedule of Fees and Charges are payable to Council. A re-inspection fee per visit may be charged where work is unprepared at the requested time of inspection, or where remedial work is unsatisfactory and a further inspection is required. Engineering fees must be paid in full prior to any final sign-off from Council.
- 76. 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.
- 77. The Applicant must obtain a **Section 73 Compliance Certificate** under the *Sydney Water Act* 1994. An application must be made through an authorised Water Servicing Coordinator. Applicant shall refer to "Your Business" section of Sydney Water's web site at <a href="https://www.sydneywater.com.au">www.sydneywater.com.au</a> then the "e-developer" icon or telephone 13 20 92. Following application a "Notice of Requirements" will detail water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of

water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

- 78. During construction, stormwater runoff must be disposed in a controlled manner that is compatible with the erosion and sediment controls on the site. Immediately upon completion of any impervious areas on the site (including roofs, driveways, paving) and where the final drainage system is incomplete, the necessary temporary drainage systems shall be installed to control runoff as far as the approved point of stormwater discharge. Such measures shall be to the satisfaction of the Principal Certifying Authority (PCA).
- 79. Geotechnical aspects of the development works, particularly excavation, support, retention and hydrogeological considerations must be undertaken in accordance with the recommendations of the Report on Geotechnical Investigation JG05711A by GeoEnviro Consultancy and the subsequent geotechnical investigations carried out for construction purposes.
- 80. Approval is to be obtained from Ku-ring-gai Council Traffic Committee for any temporary public road closures and/or placement or cranes on public land.
- 81. All demolition and construction traffic control and management measures shall be implemented in accordance with an approved *Construction and Traffic Management Plan* to be submitted and approved by Council prior to the commencement of works. The Principal Certifying Authority shall monitor the traffic control and management situation over the course of construction works. Where it is found that the Traffic control and management measures may be improved, this shall be undertaken under the supervision of qualified traffic control persons and in consultation with Council.
- 82. In order to allow unrestricted access for Council waste collection vehicles to the basement garbage storage/collection area, no doors or gates shall be provided in the access driveway to the garbage storage area which would prevent this service.
- 83. All new public utility services, or appropriate conduits for the same, including electricity, gas, telephone, water and sewerage shall be provided underground by the developer in accordance with the specifications of the supply authorities.
- 84. Signs are to be provided at the entry to and exit from the carpark which advise of the one way movement. Signs or painted arrows are also to be provided at appropriate locations within the carpark indicating the direction of movement.

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

85. The Long Service Levy is to be paid to Council in accordance with the provisions of Section 34 of the Building and Construction Industry Payments Act 1986 prior to the issue of the Construction Certificate.

Note: Required if cost of works exceed \$25,000.00.

- 86. The Infrastructure Restorations Fee calculated in accordance with the Council's adopted schedule of Fees and Charges is to be paid to the Council prior to any earthworks or construction commencing. The applicant or builder/developer will be held responsible for and liable for the cost any damage caused to any Council property or for the removal of any waste bin, building materials, sediment, silt, or any other article as a consequence of doing or not doing anything to which this consent relates. "Council Property" includes footway, footpath paving, kerbing, guttering, crossings, street furniture, seats, litter bins, trees, shrubs, lawns mounds, bushland, and similar structures or features on road reserves or any adjacent public place. Council will undertake minor restoration work as a consequence of the work at this site in consideration of the "Infrastructure Restorations Fee" lodged with the Council prior to the release of the Construction Certificate. This undertaking by the Council does not absolve the applicant or Builder/developer of responsibility for ensuring that work or activity at this site does not jeopardise the safety or public using adjacent public areas or of making good or maintaining "Council property" (as defined) during the course of this project.
- 87. 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 FORTY-SEVEN (47) ADDITIONAL DWELLINGS IS CURRENTLY \$747,738.08. The amount of the payment shall be in accordance with the Section 94 charges as at the date of payment. The charges may vary at the time of payment in accordance with Council's Section 94 Contributions Plan to reflect changes in land values, construction costs and the consumer price index.

This contribution shall be paid to Council prior to the release of the Construction Certificate and the amount payable shall be in accordance with the Council's adopted Section 94 Contributions Plan for Residential Development, effective from 30 June 2004, calculated for additional person as follows:

1.	Community Facilities	\$1,117.76
2.	Park Acquisition and Embellishment Works - Turramurra/Warrawee	\$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

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Medium dwelling (75 - under 110 sqm)1.78 personsLarge dwelling (110 - under 150sqm)2.56 personsVery Large dwelling (150sqm or more)3.48 personsNew Lot3.48 personsSEPP (Seniors Living) Dwelling1.3persons

# Special conditions

- 88. An acoustic report shall be prepared by a suitably qualified person detailing the devices to be fitted and ongoing maintenance required, in relation to the automatic door to the garage, air-conditioning and car park ventilation system to ensure their operation does not result in the emission of noise in excess of 5dB(A) above background measured at the nearest residential property boundary. The report shall be provided for approval with the Construction Certificate and shall include recommendations with regard to the ongoing maintenance of the noise attenuating devices. Certification of compliance with the recommendations contained in the report shall be submitted to the Principal Certifying Authority prior to the release of the final compliance certificate or occupation certificate. The burden of ongoing maintenance of these noise attenuating measures shall remain with the managing body of the development.
- 89. An acoustic report is to be prepared by a suitably qualified acoustic consultant detailing the measures required to be provided to ensure all units within the development comply with the DEC's *Environmental Criteria for Road Traffic Noise, May 1999*. Details demonstrating compliance are to be provided with the Construction Certificate application.
- 90. To preserve community health and ensure compliance with acceptable standards, any exhaust ventilation from the car parks and waste area is to be ventilated away from the property boundaries of the adjoining dwellings, and in accordance with the provisions of AS1668.1. Details demonstrating compliance are to be provided with the Construction Certificate application.
- 91. To minimise the impact on surrounding properties and improve visual appearance and amenity for the locality all plant and equipment (including but not limited to air conditioning equipment) is to be located within the basement or other areas of the building and is not to be located on the roof. Details demonstrating compliance are to be submitted with the Construction Certificate application.
- 92. The development is to provide night lighting along all driveways and footpaths throughout the site such that the full length of travel paths is illuminated. Lighting is to be shielded so that neighbouring residences are not adversely affected. Details are to be provided to the satisfaction of the Principal Certifying Authority prior to the release of the Construction Certificate.
- 93. For resident amenity all pool filtration equipment shall be located in the basement and the filtration motor pump unit shall be housed in a sound attenuating enclosure. Details are to be

provided to the satisfaction of the Principal Certifying Authority prior to the release of the Construction Certificate.

- 94. The development is to comply with the minimum insulation and glazing requirements specified in the NatHERS Assessment by Richard Kok, dated 17 May 2005 and lodged with Council on 3 June 2005. Details are to be provided to the satisfaction of the Principal Certifying Authority prior to the release of the Construction Certificate.
- 95. The development is to comply with the AS4299/1428 as outlined in the Access Report by Mark Relf dated 18 January 2006. Details are to be provided to the satisfaction of the Principal Certifying Authority prior to release of Construction Certificate.
- 96. For improved light and ventilation, the following rooms are to be provided with an opaque window, with either a minimum sill height of 1.6m above floor level or fixed to 1.6m above floor level:
  - the fifth storey ensuites in Penthouse 1 and 2;
  - the laundry and adjacent bathroom Apartments 3, 4 15, 16, 27 and 28 and Penthouse 1 and 2;
  - the bathroom adjacent to bedroom 2 in Apartments 7, 8, 9, 10, 22 and 34;
  - the ensuite to Bedroom 1 in Apartments 6, 9, 41 and 45;
  - the ensuite adjacent to bedroom 2 in Apartment 12, 24, 36 and 45;
  - the laundry in Penthouses 6 and 7.

Details are to be provided to the satisfaction of the Principal Certifying Authority prior to release of Construction Certificate.

97. For convenient pedestrian access, unit number signage is to be provided at the entry gates between the buildings and at the entry to each building. Details are to be provided to the satisfaction of the Principal Certifying Authority prior to release of Construction Certificate.

## Landscaping conditions

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

Tree/Location Radius From Trunk

#9 *Citharexylem spinosum* (Fiddlewood) Adjacent to western site boundary

3.0m

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

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

Tree/Location	Radius in Metres
#1 Acer palmatum (Japanese Maple) Adjacent to northern site boundary	3.0m
#5 Lophostemon confertus (Brushbox) Adjacent to western site boundary	4.0m
#7 <i>Platanus x hybrida</i> (London Plane Tree) Heydon Ave nature strip	3.5m
#8 Juniperous spp. (Juniper) Adjacent to western site boundary	2.0m
#10 <i>Platanus x hybrida</i> (London Plane Tree) Heydon Ave nature strip	4.0m
#11 Juniperous scopulorum (Rocky Mountain Junip Adjacent to south west site corner	per) 3.0m
#12 Macadamia tetrophylla (Macadamia Nut) Adjacent to southern site boundary	3.0m
#13 <i>Xylosma senticosum</i> (Xylosma) Adjacent to south east site corner	2.0m
#14 <i>Xylosma senticosum</i> (Xylosma) Adjacent to south east site corner	2.0m
#15 <i>Xylosma senticosum</i> (Xylosma) Adjacent to south east site corner	2.0m
#17 Liquidambar styraciflua (Sweet Gum) Adjacent to south east site corner	4.0m
#22 Magnolia grandiflora (Bull Bay Magnolia)	4.0m

Adjacent to northern site boundary

100. The submitted landscape plan LA01 Rev A prepared by Taylor Brammer and dated 31/05/2005 is not approved. An amended, detailed plan of the proposed landscape works for the site shall be prepared by a Landscape Architect or qualified Landscape Designer and must be consistent with the approved architectural plans. The plan must be submitted to, and approved by the Principal Certifying Authority prior to the release of the Construction Certificate. The landscape works shall be carried out and installed in accordance with the approved landscape plan/s.

The following amendments to the plan shall apply:

- The *Syncarpia glomulifera* (Turpentine) proposed along the Pacific Hwy frontage are to be deleted and replaced with a 50/50 mix of Eucalyptus pilularis (Blackbutt) and Eucalyptus saligna (Bluegum).
- Removal of tree #16 *Liquidambar styraciflua* (Sweet Gum) which is exempt under council's TPO and replacing it with a tall native endemic tree species.
- The existing Arecastrum romanzoffianum (Coccos Palm) located on site are to be removed.
- The proposed boundary fencing is to be consistent with architectural plans dated 16/01/2006 Rev C (the fence has been deleted and is not approved as part of this application).
- The pedestrian entry paths are to be as shown on the architectural plans dated 16/01/2006 Rev C (no increased paying greater than 1.0m at entrances).
- Courtyard walls to the north to be relocated in accordance with the approved architectural plans dated 16/01/2006. To protect the *Magnolia grandiflora*, the courtyard walls to Apartment 7 are to be constructed of lightweight materials. The area between the courtyard walls to the north of apartments 7 and 8 is to be fully planted.
- Boundary fencing to the north and north-east, required in these conditions, is to be shown on the plan.
- 101. A CASH BOND/BANK GUARANTEE of \$10 000.00 shall be lodged with Council as a Landscape Establishment Bond prior to release of the Construction Certificate to ensure that the landscape works are installed and maintained in accordance with the approved landscape plan/s and other landscape conditions.

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

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

102. A CASH BOND/BANK GUARANTEE of \$7 000.00 shall be lodged with Council prior to the release of the Construction Certificate to ensure that the following trees are maintained in the same condition as found prior to commencement site development work.

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

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

Tree/Location	Bond Value
#5 Lophostemon confertus (Brushbox) Adjacent to western site boundary	\$1,000.00
#7 <i>Platanus x hybrida</i> (London Plane Tree) Heydon Ave nature strip	\$1,000.00
#9 Citharexylem spinosum (Fiddlewood) Adjacent to western site boundary	\$1,000.00
#10 <i>Platanus x hybrida</i> (London Plane Tree) Heydon Ave nature strip	\$2,000.00
#22 Magnolia grandiflora (Bull Bay Magnolia) Adjacent to northern site boundary	\$2,000.00

# Engineering conditions

- 103. Prior to issue of the Construction Certificate the Applicant must consolidate the existing Torrens lots which will form the development site. Evidence of lot consolidation, in the form of a plan registered with Land and Property Information, must be submitted for approval of the Principal Certifying Authority prior to issue of the Construction Certificate. This condition is imposed to ensure continuous structures will not be placed across separate titles.
- 104. Prior to issue of the Construction Certificate, a plan detailing services trenches in accordance with the relevant supply authorities (including electricity, gas, telephone, water and sewerage), shall be submitted for approval by the Principal Certifying Authority (PCA). The notice of requirements for Sydney Water must be obtained prior to issue of the Construction Certificate.
- 105. Prior to issue of the Construction Certificate the Applicant shall contact Energy Australia regarding power supply for the subject development. A written response detailing the full requirements of Energy Australia (including cabling, need for substations or similar within the development) shall be submitted to the Principal Certifying Authority (PCA) for approval

prior to Construction Certificate issue. Any structures or requirements of Energy Australia shall be reflected on the plans issued with the Construction Certificate to the satisfaction of the PCA. The requirements of the utility provider shall be met in full prior to issue of the Occupation Certificate.

106. Prior to issue of the Construction Certificate, footpath and driveway levels for the required driveway crossing between the property boundary and road alignment must be obtained from Council. Such levels are only able to be issued by Council under the *Roads Act 1993*. All footpath crossings, laybacks and driveways are to be constructed according to Council's specifications "Construction of Gutter Crossings and Footpath Crossings" or as specified by Council. These are issued with alignment levels after completing the necessary application form at Customer Services and payment of the adopted fee.

For the exit driveway into Eulbertie Avenue, a new gutter bridge crossing will be specified, to be installed by Council upon payment of the estimated cost of the works.

The grading of such footpaths or driveways outside the property shall comply with Council's standard requirements. The suitability of the grade of such paths or driveways inside the property is the sole responsibility of the applicant and the alignment levels fixed by Council may affect these. Approval of this Development Application is for works wholly within the property. DA consent does not imply approval of footpath or driveway levels, materials or location within the road reserve regardless of whether this information is shown on the application documents. The construction of footpaths and driveways outside the property, in materials other than those approved by Council, is not permitted and Council may require immediate removal of unauthorised installations. When completing the request for driveway levels application from Council, the applicant must attach a copy of the relevant Development Application drawing which indicates the position and proposed level of the proposed driveway at the boundary alignment. Failure to submit this information may delay processing.

- 107. The Applicant must carry out the following infrastructure works in the Public Road:
  - a. construct a 1.2 metres wide concrete footpath along the Eulbertie Avenue frontage of the site.

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

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

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

- NOTE 1: A minimum of three (3) weeks will be required for assessment of Roads Act submissions. Early submission is highly recommended to avoid delays in obtaining a Construction Certificate.
- NOTE 2: An engineering assessment fee (set out in Council's adopted fees and charges) is payable and Council will withhold any consent and approved plans until full payment of the correct fees.
- NOTE 3: Plans and specifications must be marked to the attention of Council's Development Engineers. In addition, a copy of this condition must be provided, together with a covering letter stating the full address of the property and the accompanying DA number.
- 108. Prior to issue of the Construction Certificate the applicant shall submit, for approval by the Principal Certifying Authority (PCA), a Soil and Erosion Control Plan prepared in accordance with the LANDCOM document "Soils and Construction" (2004). A suitably qualified and experienced civil/environmental engineer or surveyor shall prepare this plan in accordance with the above guidelines and section 8.2.1 of Councils Water Management DCP 47 (available on the Council website).
- 109. Prior to issue of the Construction Certificate the applicant shall submit, for approval by the Principal Certifying Authority (PCA), construction details for the proposed method of achieving Council requirements for the mandatory re-use of water on the property including general garden irrigation, carwashing, laundry and toilet flushing within each unit. The necessary plumbing components for re-use, including pumps and back up power supply in the event of blackout, shall be shown on these plans to a detail suitable for installation by the plumbing services contractors. The plans, with all supporting documentation, are to be prepared by a qualified and experienced civil/hydraulic engineer.
- 110. Prior to issue of the Construction Certificate the applicant shall submit, for approval by the Principal Certifying Authority (PCA), full construction drawings for the proposed method of achieving Council storage volume requirements for the on-site stormwater retention system. The minimum storage volumes and designs shall comply with Councils Water Management DCP 47 (available on the Council website and at Council customer services), any manufacturers' specifications and the relevant plumbing codes. Rainwater tank(s) shall be designed to capture and retain runoff from the entire roof area as a minimum, and are to be sealed and lightproof. Overflow shall revert to the main drainage system. The design and construction plans, with all supporting documentation, are to be prepared by a qualified and experienced civil/hydraulic engineer. The design may be generally in accordance with the Stormwater Drainage plans prepared by Lee Engineering Consultants, 1920 H01 and H02

Issue C and H03 and H04, both Issue D, advanced as necessary for construction issue purposes. **Permanent water quality measures are to be provided as required by Chapter 8 of DCP 47**.

- 111. Prior to issue of the Construction Certificate the applicant shall submit, for approval by the Principal Certifying Authority (PCA), construction design plans and calculations for provision of a basement stormwater pump-out system for the driveway ramp runoff. The system shall comprise of both duty and back-up pumps, shall be designed for the 100 year runoff and have an emergency alarm system. The system is to include a holding well which has a storage capacity equivalent to the runoff volume from a 2 hour 100 year ARI storm event so that the basement is safeguarded from flooding during power failure for such a storm over such a period. Plans and details, including but not limited to, holding well volume calculations, inflow and outflow calculations, pump specification and duty curves are to be prepared by a qualified civil/hydraulic engineer.
- 112. Prior to issue of the Construction Certificate the applicant shall submit, for approval by the Principal Certifying Authority (PCA), construction design drawings and calculations for the property drainage system components. The property drainage system (including but not limited to gutters, downpipes, pits, joints, flushing facilities and all ancillary plumbing) shall be designed for a 235mm/hour rainfall intensity for a duration of five (5) minutes (1:50 year storm recurrence) and shall be compatible with the necessary retention and detention devices. Plans and calculations are to be prepared by a suitably qualified and experienced civil/hydraulic engineer in accordance with Councils Water Management Development Control Plan 47. Because of the high sandstone wall in Eulbertie Avenue in lieu of kerb, the connections will have to be designed to be hydraulically efficient as well as aesthetically pleasing. A detail is to be shown on the design plans.

# CONDITIONS TO BE COMPLIED WITH PRIOR TO WORK COMMENCING

- 113. Prior to the commencement of any work, the Principal Certifying Authority shall be notified in writing of the name and contractor licence number of the owner/builder who intends to carry out the approved works.
- 114. Prior to commencing any construction or subdivision work, the following provisions of the Environmental Planning & Assessment Act, 1979 (the 'Act') are to be complied with:
  - a. A Construction Certificate is to be obtained in accordance with Section 81A(2)(a) of the Act.
  - b. A Principal Certifying Authority is to be appointed and Council is to be notified of the appointment in accordance with Section 81A(2)(b) of the Act.
  - c. Council is to be notified in writing, at least two (2) days prior to the intention of commencing buildings works, in accordance with Section 81A(2)(c) of the Act.
  - d. Should the development be certified by a Principal Certifying Authority other than Council, a fee for each Part 4A Certificate is to be paid to Council on lodgement of those Certificates with Council.
- 115. The following are required details and must be submitted to the Principal Certifying Authority prior to the works relating to the detail being carried out. Any matter listed below must have

- a Certificate attached from a suitably qualified person to the effect that the design or matter complies with the relevant design Standard or Code which the Certificate must identify.
- a. A Registered Surveyor's set out report.

# Landscaping conditions

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

Tree/Location	Radius in Metres
#1 Acer palmatum (Japanese Maple) Adjacent to northern site boundary	3.0m
#5 Lophostemon confertus (Brushbox) Adjacent to western site boundary	4.0m
#6 Liquidambar styraciflua (Sweet Gum) Adjacent to western site boundary	3.0m
#7 <i>Platanus x hybrida</i> (London Plane Tree) Heydon Ave nature strip (Pedestrian access is to be maintained at all times)	3.5m
#8 Juniperous spp. (Juniper) Adjacent to western site boundary	2.0m
#9 Citharexylem spinosum (Fiddlewood) Adjacent to western site boundary	3.0m
#10 <i>Platanus x hybrida</i> (London Plane Tree) Heydon Ave nature strip (Pedestrian access is to be maintained at all times)	4.0m
#11 <i>Juniperous scopulorum</i> (Rocky Mountain Juniper) Adjacent to south west site corner	3.0m
#12 Macadamia tetrophylla (Macadamia Nut) Adjacent to southern site boundary	3.0m
#13 <i>Xylosma senticosum</i> (Xylosma) Adjacent to south east site corner	2.0m
#14 <i>Xylosma senticosum</i> (Xylosma) Adjacent to south east site corner	2.0m
#15 Xylosma senticosum (Xylosma)	2.0m

A Eulbertie Street, Warrawee DA0549/05 16 February 2006

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Adjacent to south east site corner

#17 Liquidambar styraciflua (Sweet Gum) 4.0m

Adjacent to south east site corner

#21 Ginkgo biloba (Maidenhair tree) 2.0m

Adjacent to north east site corner

#22 Magnolia grandiflora (Bull Bay Magnolia) 4.0m

Adjacent to northern site boundary

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

- 118. Prior to works commencing tree protection signage is to be attached to each tree Protection Zone and displayed in a prominent position and the sign repeated at 10m intervals or closer where the fence changes direction. Each sign shall advise in a clearly legible form, the following minimum information:
  - 1. Tree Protection Zone
  - 2. This fence has been installed to prevent damage to the trees and their growing environment both above and below ground, and access is restricted.
  - 3. If encroachment or incursion into this Tree Protection Zone is deemed to be essential the consulting Arborist should be informed prior to the undertaking of such works
  - 4. Name, address, and telephone number of the developer/principal certifying authority.
- 119. Prior to works commencing the area of the Tree Protection Zone is to be mulched to a depth of 100mm with composted organic material being 75% Eucalyptus leaf litter and 25% wood, The depth of mulch and type as indicated, to be maintained for the duration of the project & Principal Certifying Authority.
- 120. Upon completion of the installation of the required tree protection measures you are required to arrange for an inspection of the site by the Principal Certifying Authority to verify that tree protection measures comply with all relevant conditions. Following the carrying out of a satisfactory inspection and subject to the payment of all relevant monies and compliance with any other conditions of approval, work may commence.

# Engineering conditions

- 121. Prior to the commencement of any works on site the applicant shall submit **to Council** a full dilapidation report on the visible (**including photos**) and structural condition of the following public infrastructure:
  - a) Full road pavement width of Heydon Avenue, Eulbertie Avenue and southbound road pavement of Pacific Highway, both including kerb and gutter, over the site frontage, including the intersection.
  - b) All driveway crossings and laybacks in Heydon Avenue and Eulbertie Avenue opposite the subject site.

The report must be completed by a consulting structural/civil engineer. Particular attention must be paid to accurately recording (both via photo and in written format) *existing* damaged areas on the aforementioned infrastructure so that Council is fully informed when assessing any damage to public infrastructure caused as a result of the development.

A second dilapidation report, recording structural conditions of <u>all</u> structures originally assessed prior to the commencement of works, must be carried out at the completion of the works and be submitted to Council.

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

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

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

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

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

For traffic and pedestrian amenity purposes, no truck movements shall occur in Heydon Avenue or Eulbertie Avenue during school drop-off (8.00 am to 9.30 am) and school collection hours (2.30 pm to 4.00 pm).

- 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.
  - Evidence of RTA concurrence where construction access is provided directly or within 20m of an Arterial Rd.

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

#### In addition, the plan must address:

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

The Construction and Traffic Management Plan shall be submitted to and reviewed by Council, attention Development Engineer. A written acknowledgment from Council shall be obtained and submitted to the Principal Certifying Authority prior to the commencement of any works on site. The Plan shall be prepared by a suitably qualified and experienced traffic consultant and be certified by this person as being in accordance with the requirements of the abovementioned documents and the requirements of this condition. 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.

- 123. Prior to the commencement of any works on the site, the applicant shall submit, for approval by the Principal Certifying Authority (with a copy forwarded to Council) a full dilapidation report on the visible and structural condition of the adjoining structures at 5 Heydon Avenue and 4 Eulbertie Avenue. The report must be completed by a consulting structural/geotechnical engineer. A second dilapidation report, recording structural conditions of <u>all</u> structures originally assessed prior to issue of the Construction Certificate, must be carried out at the completion of the works and be submitted to Council.
- 124. If a Works Zone is proposed, the Applicant must make a written application to the Ku-ringgai Local Traffic Committee to install the 'Work Zone'. The application must be made at least 15 days prior to the commencement of any works on site approved under this consent. Works Zones are provided specifically for the set down and pick up of materials and not for the parking of private vehicles associated with the site. Works Zones will generally not be approved where there is sufficient space on-site for the setting down and picking up of goods being taken to or from a construction site. If the Works Zone is approved by the Committee, the Applicant must obtain a written copy of the related resolution from the Ku-ring-gai Local Traffic Committee and submit a copy of this to the Principal Certifying Authority for approval prior to commencement of any works on the site. Where approval of the 'Work Zone' is resolved by the Committee, the necessary 'Work Zone' signage shall be installed (at the cost of the Applicant) and the adopted fee paid prior to commencement of any works on the site. Further, at the expiration of the Works Zone approval, the Applicant is required to remove the Works Zone signs and reinstate any previous signs, all at the Applicant's cost.

- 125. If the use of temporary rock anchors extending into the road reserve is proposed, then approval must be obtained from Council and/or the Roads and Traffic Authority in accordance with Section 138 of the Roads Act 1993. The Applicant is to submit details of all the work that is to be considered and the works are not to commence until approval has been granted. The designs are to include details of the following:
  - (1) RTA concurrence to the proposed temporary rock anchors
  - (2) How the temporary rock anchors will be left in a way that they will not harm or interfere with any future excavation in the public road
  - (3) That the locations of the rock anchors are registered with Dial Before You Dig
  - (4) That approval of all utility authorities likely to use the public road has been obtained. All temporary rock anchors are located outside the allocations for the various utilities as adopted by the Streets Opening Conference.
  - (5) That any remaining de-stressed rock anchors are sufficiently isolated from the structure that they cannot damage the structure if pulled during future excavations or work in the public road.
  - (6) That signs will be placed and maintained on the building stating that de-stressed rock anchors remain in the public road and include a contact number for the building manager. The signs are to be at least 600mm x 450mm with lettering on the signs is to be no less than 75mm high. The signs are to be at not more than 60m spacing. At least one sign must be visible from all locations on the footpath outside the property. The wording on the signs is to be submitted to Council's Director Technical Services for approval before any signs are installed.

Permanent rock anchors are not to be used where any part of the anchor extends outside the development site into public areas or road reserves.

All works in the public road are to be carried out in accordance with the Conditions of Construction issued with any approval of works granted under Section 138 of the Roads Act 1993.

126. Approval is to be obtained from the property owner for any anchors proposed beneath adjoining private property. If such approval cannot be obtained, then the excavated faces are to be shored or propped in accordance with the recommendations of the geotechnical and structural engineers.

#### CONDITIONS TO BE COMPLIED WITH PRIOR TO OCCUPATION

127. Prior to the release of any occupation certificate, a compliance certificate must be obtained from an accredited certifier, certifying that the building works for the building to be occupied comply with the plans and specifications approved by this development consent; and any construction certificate associated with this consent for the buildings to be occupied. If the PCA is not the Council, then this compliance certificate must be submitted to the Council at the same time as the occupation certificate is submitted to the Council in accordance with Clause 151(2) of the E P & A Act regulations.

128. An acoustic report shall be prepared by a suitably qualified person detailing the devices fitted and ongoing maintenance required, in relation to the automatic door to the garage, air-conditioning and car park ventilation system to ensure their operation does not result in the emission of noise in excess of 5dB(A) above background measured at the nearest residential property boundary. The report shall be provided for approval prior to the release of the Occupation Certificate or final Compliance Certificate and shall include recommendations with regard to the ongoing maintenance of the noise attenuating devices.

All works required by the Acoustic Report are to be completed and the works certified by a suitably qualified Acoustic Consultant, prior to the release of the Occupation Certificate.

#### Landscaping conditions

- 129. The landscape works, shall be installed in accordance with the approved plan/s and/ or conditions of consent, be completed prior to release of Occupation Certificate and be maintained in a healthy and vigorous condition at all times.
- 130. The Principal Certifying Authority shall ensure that the landscape works, have been installed correctly, consistent the approved landscape plan(s), specification and the conditions of consent prior to release of the Occupation Certificate

#### Engineering conditions

- 131. Prior to issue of the Occupation Certificate, a complete record of geotechnical inspections, testing and monitoring with certifications must be compiled in report format and submitted to the Principal Certifying Authority for approval.
- 132. Prior to issue of an Occupation Certificate the following works must be completed to the satisfaction of Council Engineers:
  - a) Completion of the new driveway crossing in accordance with levels and specifications issued by Council.
  - b) Completion of all new footpath works in accordance with the Council approved *Roads Act* plans.
  - c) Removal of **all** redundant driveway crossings and kerb laybacks (or sections thereof). Full reinstatement of these areas to footway, and/or turfed verge and/or kerb and gutter Type SA to the satisfaction of Council and RTA. Reinstatement works shall match surrounding adjacent infrastructure with respect to integration of levels and materials.
  - d) Full repair and resealing of any road surface damaged during construction.
  - e) Full replacement of damaged sections of grass verge with a non-friable turf of native variety to match existing.

Any damaged public infrastructure caused as a result of construction works on the subject site (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub contractors, concrete vehicles) must be fully repaired to the satisfaction of Council and RTA. This shall be at no cost to Council or the RTA.

133. Prior to issue of an Occupation Certificate the Section 73 Sydney Water compliance certificate must be obtained and submitted to the Principal Certifying Authority (PCA).

- 134. Prior to issue of an Occupation certificate the applicant is to submit to the Principal Certifying Authority documentary evidence of RTA and Council approval for the de-commissioning of any rock anchors which were installed in the Pacific Highway road reserve.
- 135. Prior to issue of an Occupation Certificate a suitably qualified consulting civil/hydraulic engineer is to provide engineering certification for approval by the Principal Certifying Authority (PCA). The certification is to make **specific reference** to each of the following aspects of the installed drainage and stormwater management measures:
  - a) That construction of the stormwater drainage and management systems has been carried out by a contractor licensed to do so.
  - b) That all necessary Sydney Water approvals have been obtained for the domestic use of reticulated water.
  - c) That the as-built retention systems achieve the design storage volumes approved by the Principal Certifying Authority with the Construction Certificate (engineer must complete the form in the appendices of DCP47 in relation to the system).
  - d) The as-built drainage layout (including pits, pipes and ancillary plumbing) is in accordance with the relevant stormwater management and drainage plans approved by the Principal Certifying Authority with the Construction Certificate,
  - e) The overall as built drainage and stormwater management systems will achieve the discharge control intent of the approved construction plans and Councils Water Management DCP47.
- 136. Prior to issue of an Occupation Certificate the applicant shall submit a Works-as-Executed (WAE) drawing(s) to the Principal Certifying Authority in relation to the installed stormwater drainage and managements systems. These plans shall show:
  - As built location and indicative internal dimensions of the retention structures on the property (plan view) and horizontal distances to nearest adjacent boundaries and buildings on site
  - b) As built locations of all access pits and grates in the retention systems, including dimensions.
  - c) The achieved capacity of the retention storages and derivative calculations.
  - d) Top water levels of storage areas and indicative RL's through the escape flow path in the event of blockage of system.
  - e) As built surface and invert levels for all drainage pits and junction points.
  - f) Gradients of drainage lines, materials and sizes.
  - g) As built level(s) at the approved point of discharge to the public drainage system.

The WAE(s) is to be prepared by a **registered surveyor** and shall show all critical constructed levels, materials and dimensions in comparison to those shown in the relevant designs approved by the Principal Certifying Authority with the Construction Certificate. All relevant details indicated must be denoted **in red** on the Principal Certifying Authority stamped construction certificate stormwater drawings. The plan shall not be prepared until final surfaces (such as landscaping) are laid.

- 137. Prior to issue of an Occupation Certificate the following must be provided to Council (attention Development Engineer):
  - A copy of the approved Construction Certificate stormwater drainage plans which show the retention systems.
  - A copy of all the works-as-executed drawings as specified in this consent relating to drainage and stormwater management,
  - All Engineers' certifications specified in this consent.

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

- 138. Prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate, a maintenance regime shall be prepared for the basement stormwater pump-out system and submitted to Principal Certifying Authority. The regime shall specify that the system is to be regularly inspected and checked by qualified practitioners.
- 139. Prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate (and at the completion of the works) the Applicant shall submit to the Principal Certifying Authority (PCA) a follow up dilapidation report on the visible and structural condition of the existing structures originally assessed at:
  - a) 5 Heydon Avenue and 4 Eulbertie Avenue.
  - b) Full road pavement width of Heydon Avenue, Eulbertie Avenue and southbound road pavement of Pacific Highway, both including kerb and gutter, over the site frontage, including the intersection.
  - c) All driveway crossings and laybacks in Heydon Avenue and Eulbertie Avenue opposite the subject site.

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

- 140. Prior to occupation or issue of an Occupation Certificate the applicant shall 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 on-site stormwater retention/ detention facilities on the property. The terms of the instruments are to be generally in accordance with the Council's draft terms of Section 88B instruments for protection of retention/ detention facilities to the satisfaction of Council. Registered title documents showing the covenants and restrictions must be submitted and approved by the Principal Certifying Authority (PCA) prior to issue of an Occupation Certificate. It is assumed that the legal instruments will transfer to any future subdivision plan at the time of registration.
- 141. Prior to issue of the Occupation Certificate an easement for waste collection must be provided. This is to permit legal access for Council, and Council's contractors, and their vehicles over the subject property for the purpose of collecting waste from the property. The terms of the easement are to indemnify Council and Council's contractors against damages to

private land or property whilst in the course of carrying out waste collection services. The terms of the easement are to be generally in accordance with Council's draft terms for an easement for waste collection. It is assumed that the legal instruments will transfer to any future subdivision plan at the time of registration.

- 142. Prior to issue of the Occupation Certificate, a qualified civil/traffic engineer must undertake a site inspection of the completed basement vehicle access and accommodation areas which shall include full dimension measurements as necessary. At the completion of this site inspection, this engineer shall provide certification to the Principal Certifying Authority that:
  - a) Vehicle access and accommodation arrangements (including but not limited to space dimensions, aisle, ramp and driveway widths and grades, height clearances and the like) comply with Australian Standard 2890.1 2004 "Off-Street car parking" and
  - b) No security doors, grilles or gates are provided which would prevent access to the garbage storage area by Councils waste collection vehicle, including the truck manoeuvring area for forward egress.
  - c) A minimum of 2.44 metres headroom has been provided for access to the waste storage area.
- 143. Prior to issue of the Occupation Certificate the provision of separate underground electricity, gas, phone cable, sewer and water services shall be provided for the development in accordance with those utility providers. A suitably qualified and experienced engineer or surveyor is to provide certification to the Principal Certifying Authority that the development has ready underground access to the services of electricity, gas, phone cable, sewer and water. Alternatively a final compliance letter from the respective supply authorities may be supplied for approval.

#### **BUILDING CONDITIONS**

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

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

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

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

145. The following are required details and must be submitted to the Council on completion of the works. Any matter listed below must have a Certificate attached from a suitably qualified

4 / 64
1, 1A & 3 Heydon Avenue and 2
& 2A Eulbertie Street,
Warrawee
DA0549/05
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person to the effect that the design or matter complies with the relevant design Standard or Code which the Certificate must identify.

a. A Registered Surveyor's Reports confirming approved floor levels for all floors.

T Southwell R Kinninmont Executive Assessment Officer Team Leader

**Development Assessment – South** 

M Prendergast M Miocic
Manager Director

Development Assessment Services Development & Regulation

**Attachments:** Location sketch - 589273

Architectural plans and elevations - 589281

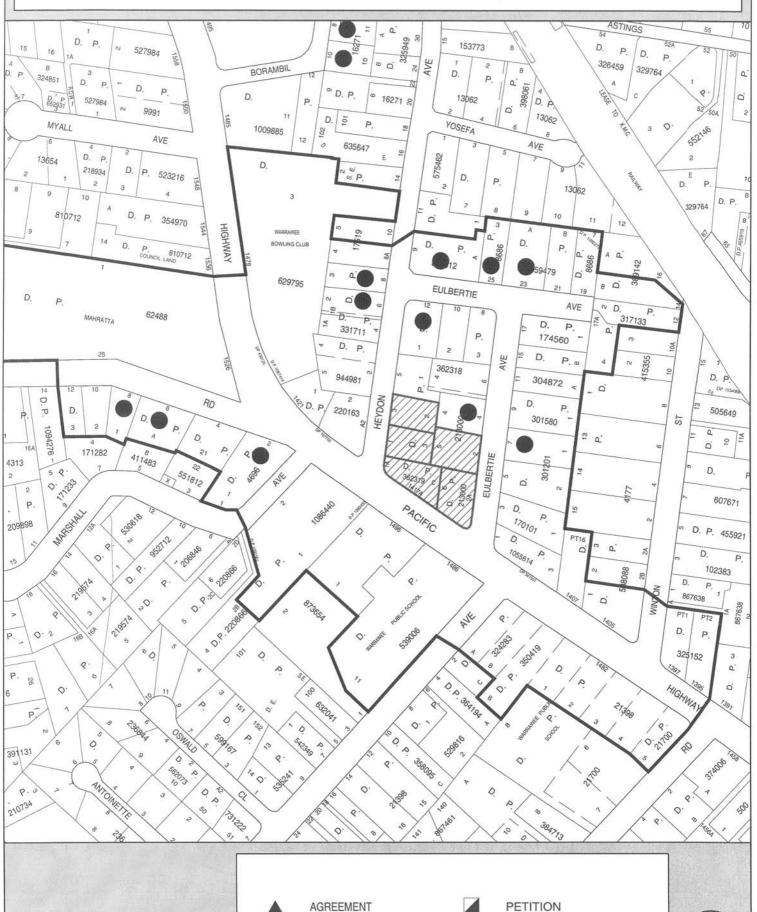
Deep soil and landscape plan - 589286

Shadow diagrams - 589366 Appendix 1- Photos - 589288

Survey plan - 589289

#### LOCATION SKETCH

1, 1a & 3 Heydon Avenue, & 2, 2a Eulbertie Ave WARRAWEE **DEVELOPMENT APPLICATION No 549/05** 





Scale: 1:3000

01-03-2006







**OBJECTION** 



SUBMISSION

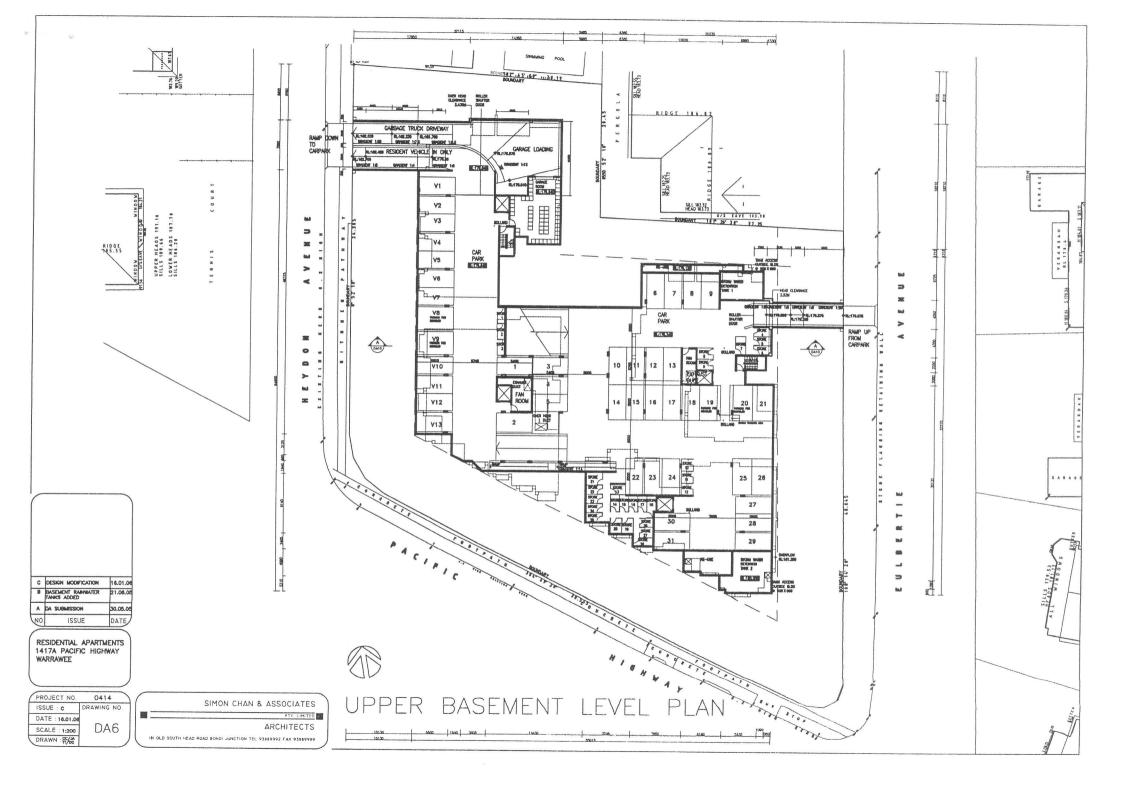


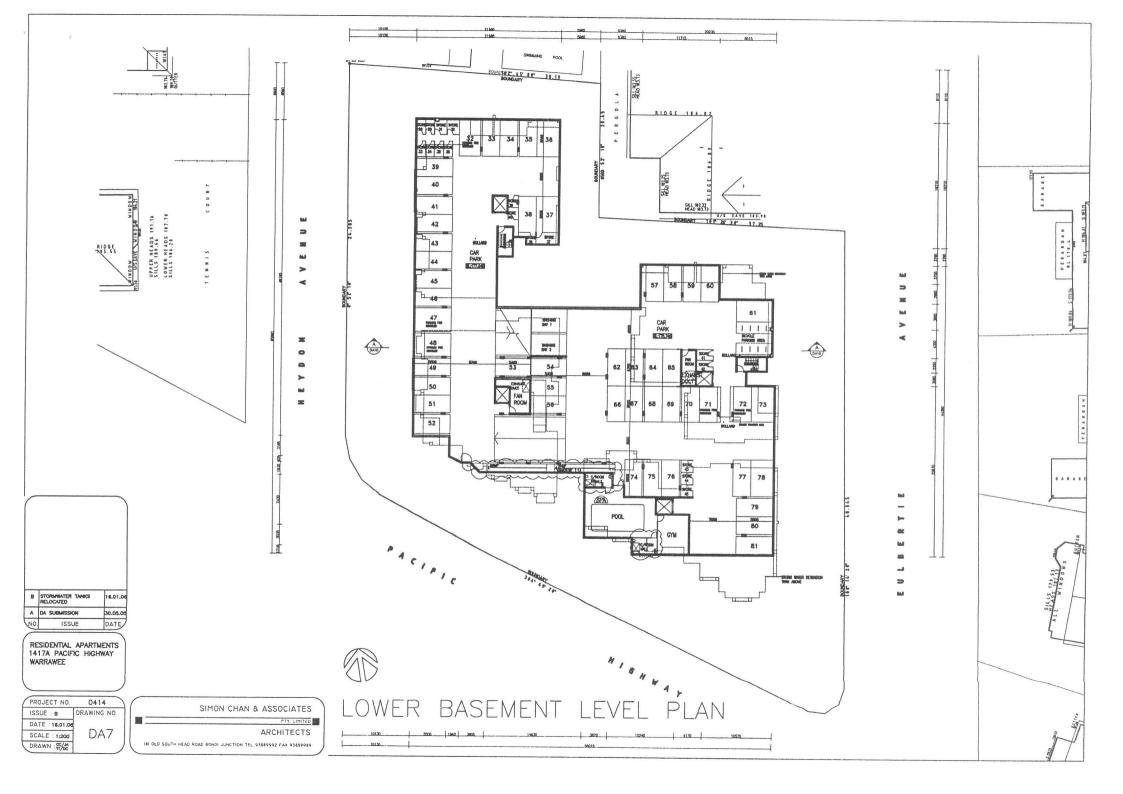
SUBJECT LAND

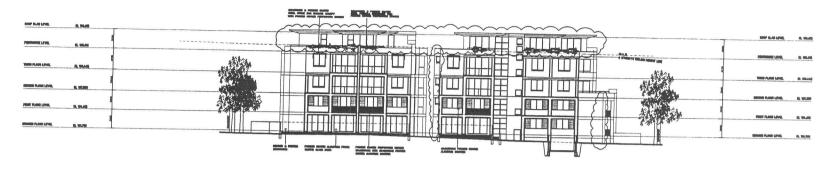


CIRCULATED AREA











SOUTH ELEVATION (PACIFIC HIGHWAY ELEVATION)

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. THERE EXPERIENCE. ALTERNAL	Promised divide Love. II, selve
ANOTHER SAME LACES. AS MARKS	TROPO PLANS LEVEL SL SILTAN
DIST DAME LOVE. A. SEASON.	MICHIGO PLANS LEVEL ST. SELECT
SHOWN CARRY LOVE. B. STAME.	PROST PLANE LANG. IL MILIES
JESTER SMARKER ELANG LOVE. JR. TRAMA	GRADO FLATE LEVEL. IL TELANO

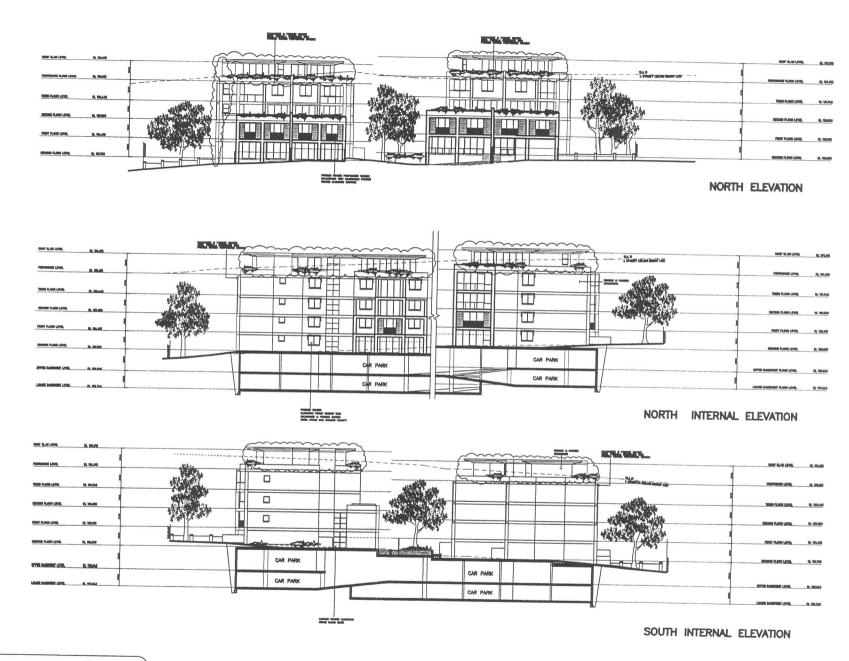
WEST ELEVATION (HEYDON AVENUE ELEVATION)

1		
C	DESIGN MODIFICATION	16.01,00
B	ROOF OVERHANG EXTENDED	24.10.05
A	DA SUBMISSION	30.05.05
NO	ISSUE	DATE

RESIDENTIAL APARTMENTS 1417A PACIFIC HIGHWAY WARRAWEE

PROJECT NO.	0414
ISSUE : c	DRAWING NO.
DATE : 16.01.06	
SCALE : 1:200	DA8
DRAWN :00/M	

	SIMON CHAN & ASSOCIATES
	PTY, LIMITED
	ARCHITECTS
181 OLD SOUTH	HEAD ROAD BONDI JUNCTION TEL 93889992 FAX 93889989



PROJECT NO. 0414
ISSUE: c DRAWING NO.
DATE: 18.01.06
SCALE: 11200
DRAWN: 557.06
DRAWN: 557.06

C DESIGN MODIFICATION

ISSUES

RESIDENTIAL APARTMENTS 1417A PACIFIC HIGHWAY WARRAWEE

B ROOF OVERHANG EXTENDED

A DA SUBMISSION

16.01.08

24.10.05

30.05.05

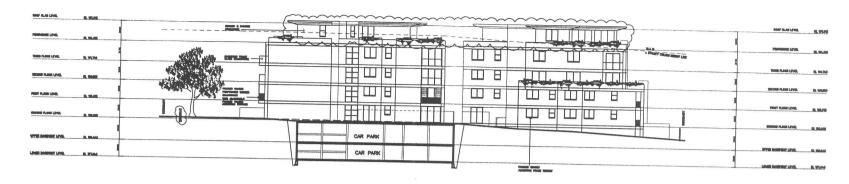
DATE

SIMON CHAN & ASSOCIATES

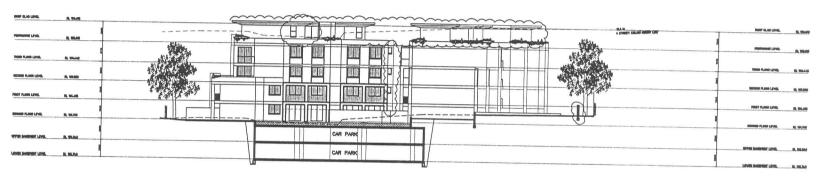
PTY. LIMITED

ARCHITECTS

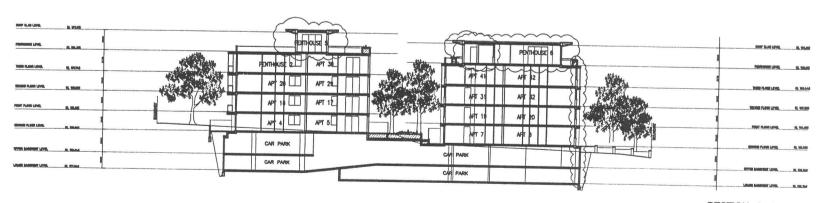
IBI OLD SOUTH HEAD ROAD BONDI JUNCTION TEL 038800002 FAX 93889089



#### EAST INTERNAL ELEVATION



#### WEST INTERNAL ELEVATION



SECTION A-A

c	DESIGN MODIFICATION	16.01.00
8	PROOF OVERHANG EXTENDED	24.10.05
A	DA SUBMISSION	30.05.05
(NO	ISSUE	DATE

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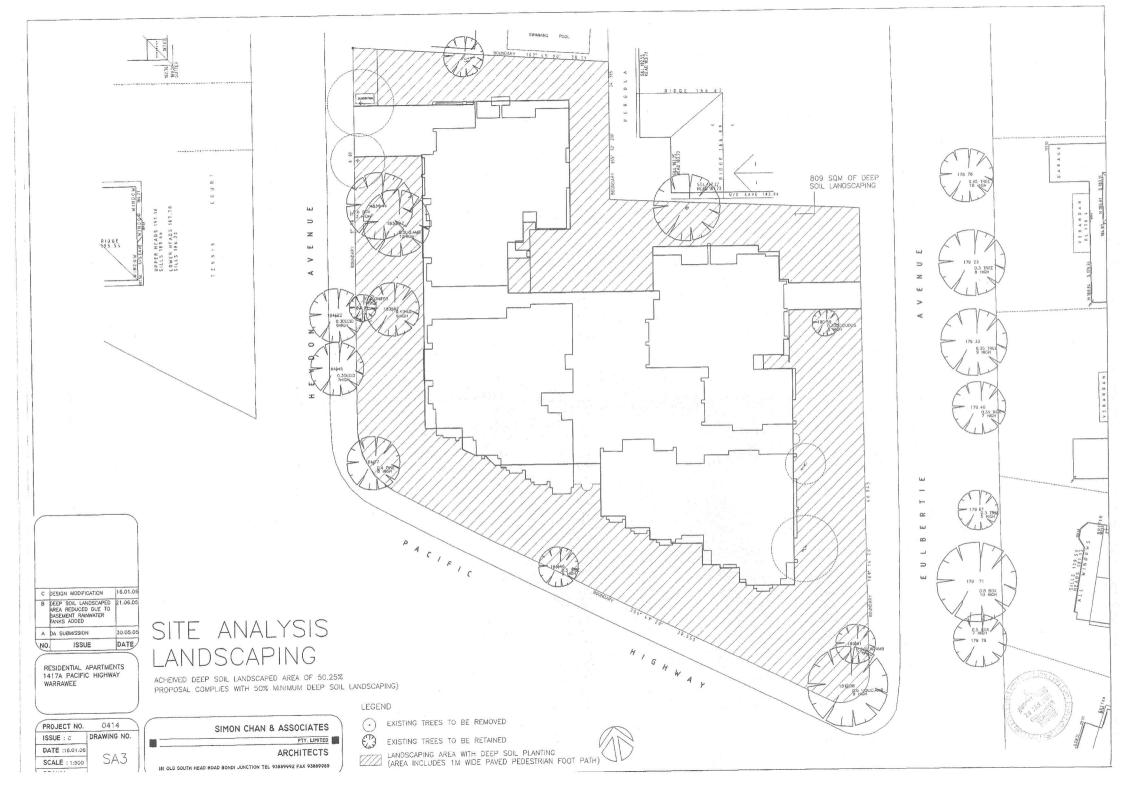
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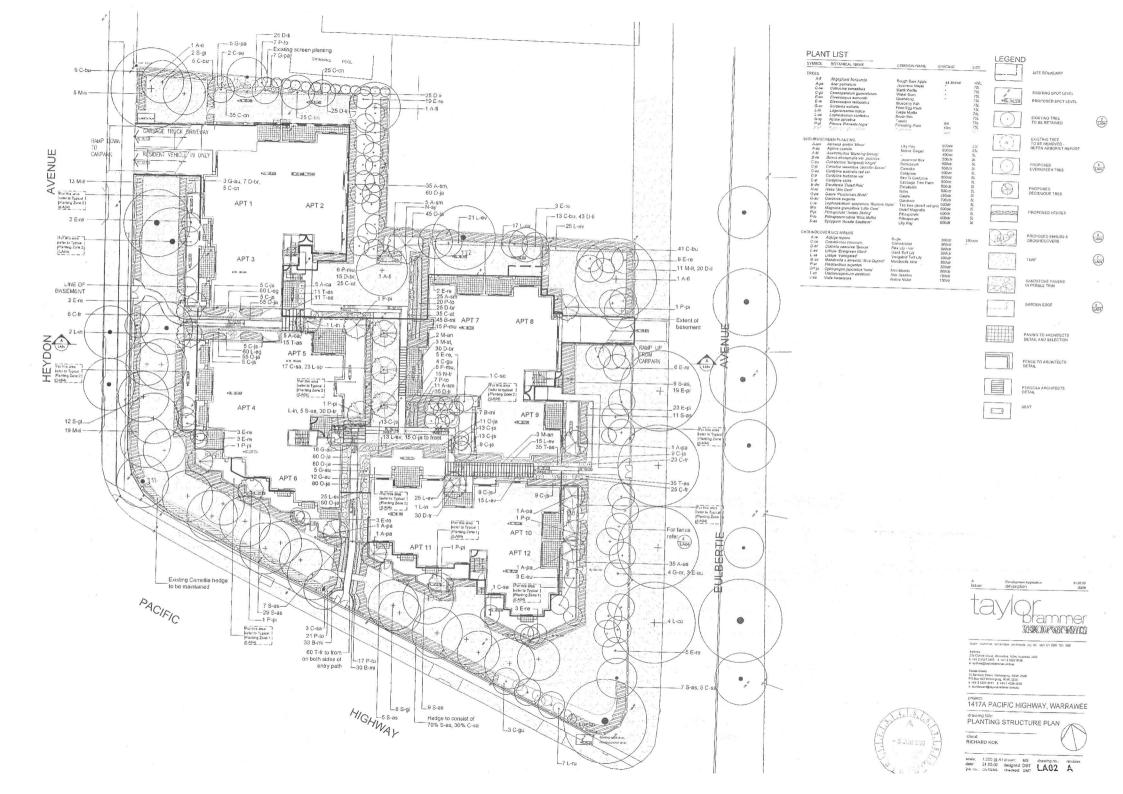
SIMON CHAN & ASSOCIATES

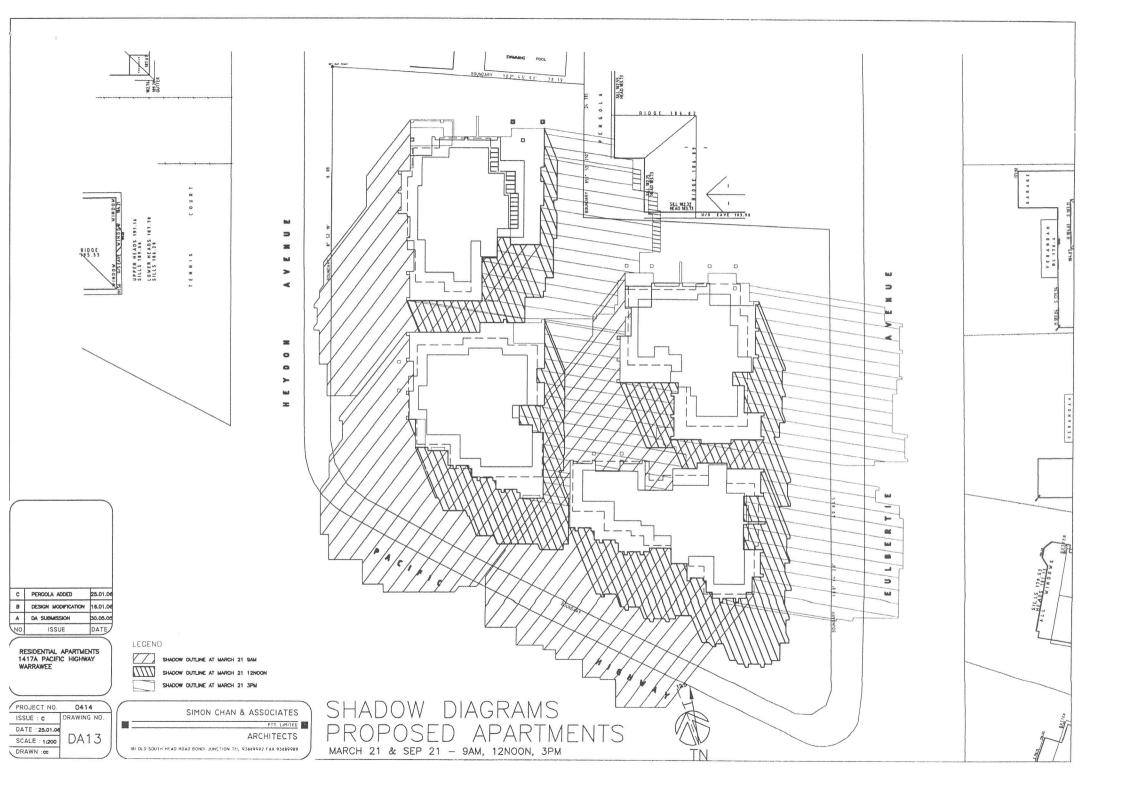
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ARCHITECTS

INI OLD SOUTH HEAD ROAD BONDI JUNCTION TEL 93880992 FAX 9388989



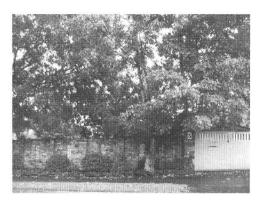






### Appendix 1

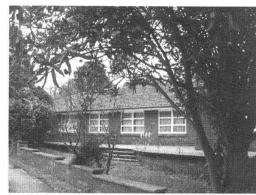
DA549/05 1-3 Heydon Avenue, 2, 2a Eulbertie Street Warrawee



3 Heydon Ave



1 Heydon Ave



1A Heydon Ave – from Pacific Highway



2A Eulbertie Ave



2 Eulbertie Ave

Subject site

## **Surrounding development**







Pacific Highway streetscape viewed from subject site





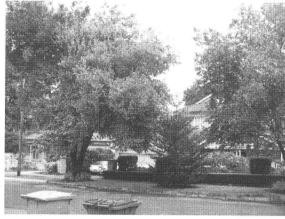


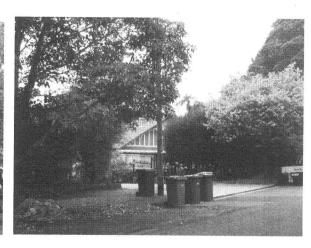
Heydon Ave streetscape from subject site

5 Heydon Ave adjacent to subject site

## **Surrounding development**







4 Eulbertie St, adjacent to subject site

Eulbertie St streetscape from subject site



S02217 24 February 2006

# 7TH INTERNATIONAL CITIES, TOWN CENTRES & COMMUNITIES CONFERENCE

#### **EXECUTIVE SUMMARY**

PURPOSE OF REPORT:

To advise Council of the 7th International Cities,

Town Centres & Communities Conference.

BACKGROUND: The Conference & pre-Conference Forums are

to be held from 6 to 9 June 2006.

**COMMENTS:** The Program for the Conference is **attached**.

**RECOMMENDATION:** That any interested Councillors advise the

Acting General Manager by 24 March 2006 if they wish to attend the Conference & that the General Manager and/or appropriate staff also accompany elected representatives to the

Conference.

\$02217 24 February 2006

#### PURPOSE OF REPORT

To advise Council of the 7th International Cities, Town Centres & Communities Conference.

#### **BACKGROUND**

The Conference & pre-Conference Forums are to be held from 6 to 9 June 2006 at Newcastle City Hall.

#### **COMMENTS**

The Conference will feature a number of invited Keynote Speakers along with optional pre-Conference Forums, workshops & field trips.

The Conference Program is attached.

#### CONSULTATION

Not applicable.

#### FINANCIAL CONSIDERATIONS

The cost of attending the Conference is \$995.00 (non-Member) & \$895.00 (Member).

#### CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Not applicable.

#### **SUMMARY**

Not applicable.

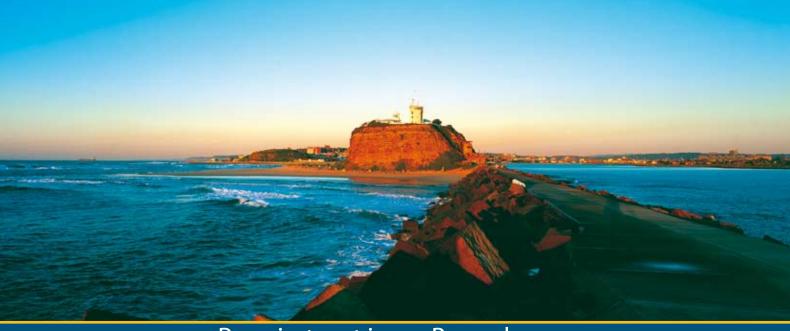
#### RECOMMENDATION

- A. That any interested Councillors advise the Acting General Manager by 24 March 2006 if they wish to attend the 7th International Cities, Town Centres & Communities Conference.
- B. That the General Manager and/or appropriate staff also accompany elected representatives to the Conference.

Geoff O'Rourke John McKee

Senior Governance Officer Acting General Manager

**Attachments:** Registration Brochure - 585662



Registration Brochure

# 7<sup>th</sup> International Cities, Town Centres & Communities Conference

Newcastle City Hall, NSW Australia 6 - 9 June 2006





Special rates for UDIA (NSW) members and CPE points for RAIA (NSW) members.

## www.ictcsociety.org



On behalf of the people of Newcastle I invite you to attend the International Cities, Town Centres and Communities (ICTC) 2006 Conference at Newcastle City Hall from 6 – 9 June 2006. Newcastle has a great deal to offer as a conference destination, we are proud to be hosting ICTC 2006 and we look forward to seeing you here.

Our city has a reputation for hospitality, and our visitors are greeted with genuine warmth. Novocastrians value their lifestyle, and in Newcastle you will discover pristine beaches, an active harbour playground, a myriad of cafes, bars and restaurants and an exciting cultural scene. I invite you to soak up the sights and sounds and immerse yourself in everything the city has to offer.

The ICTC Society would like to thank all the people who have contributed to the organisation of ICTC 2006. In particular, we would like to thank the team from Newcastle City Council: Shawn Day, Carla Imbruglia, Karen Campbell, Charnelle Mondy, Michael Ulph, Glynis McClymont, Kathie Heyman and Christine Armstrong; Jo Kelly and Libby Ozinga from *People, Place and Partnerships*; and our keynote speakers, sponsors and exhibitors.

#### **ICTC Conference Support Team**

Rob Henshaw, Director Krys Henshaw, Business Development Manager Alison Carney, Event Manager

#### **Domestic Advisory Committee**

**Mr Ross Barker,** Planning Information & Forecasting Unit Manager, *Department of Local Government & Planning, Qld* 

**Mr John Byrne,** Director of Urban Design & Planning, Department of Housing, Qld

Mr Brian Curtis, Director, Brian Curtis Pty Ltd, WA

Ms Jo Kelly, Director, People, Place and Partnerships, NSW

Ms Libby Ozinga, Director, People, Place and Partnerships, NSW

Mr Robert Prestipino, Director, Vital Places, Qld

**Mr Doug Smith,** Managing Director, *Village Green Environmental Solutions Pty Ltd, Vic* 

Mr Jason Ting, Strategic Planner, City of Salisbury SA

**Mr David West,** Principal Consultant, *Premier Retail Marketing, SA* 

**Mr Ross Woodward**, Deputy Director General, *NSW Department of Local Government, NSW* 

#### **ICTC Society**

PO Box 1237, Milton Qld 4064, Australia
T +617 3371 0333 F +617 3371 0555
E ictc@ictcsociety.org
www.ictcsociety.org

#### Welcome from the Lord Mayor of Newcastle

Newcastle is a competitive and thriving city with a diversified commercial, trade and industrial economy and is a leading advocate of sustainable and smart industry. The city possesses a culture of emerging talent in many fields and stands as a symbol of resilience and vitality.

In Newcastle, delegates of ICTC 2006 will be able to experience first hand one of the world's most livable cities, which coincidently serves as the gateway to the thriving Hunter region and all it has to offer. If you have never been to Newcastle, or if it's been a while since your last visit, be prepared to be impressed.

Again, on behalf of the people of Newcastle, we look forward to welcoming you to ICTC 2006.

Councillor John S. Tate Lord Mayor

#### **Sponsors**

















#### **Supporters**





#### **Trade exhibition**

The conference will feature a trade exhibition consisting of suppliers of goods and services to the industry. Details regarding sponsorship and exhibition opportunities can be downloaded from the web at www.ictcsociety.org or contact Alison Carney on +61 7 3371 0333 or at alison@ictcsociety.org.

## Invited Keynote Speakers Visit www.ictcsociety.org for more detailed biographies on our invited speakers.

**Dr Paul Levy** President and CEO - Center City District, Philadelphia, USA



Paul Levy is the founding President and chief executive officer of Philadelphia's Center City District (CCD), serving in that capacity since January 1991. Dr Levy planned and now directs the \$14 million downtown management district, which provides security, hospitality, cleaning, place marketing, promotion and planning services for the central business district

of Philadelphia. To date, the CCD has completed \$43 million in streetscape, lighting, park and façade improvements.

Dr Levy also serves as executive director of the Central Philadelphia Development Corp., (CPDC), an advocacy and planning organisation supported by the downtown business community. He has also taught at the University of Pennsylvania since 1979 in the City Planning Department directing graduate planning studios focused on Philadelphia and an introductory course on downtown development and management.

**Peter Williams** Director - Peter Williams Consultants LLP, London, UK



For the past 15 years Peter Williams has built a small practice that specialises strategic and organisational development. In addition to regeneration consultancy and research studies, he is fundamentally involved in the delivery of programmes and has wide experience of partnership development and project management in local

economic development. Peter has also taken a leading role in the development of a number of Business Improvement Districts, and takes a special interest in issues around corporate governance, corporate social responsibility and marketing to businesses.

Peter brings experience from over 40 locations which range from small market towns to big cities such as Cardiff and London. Often Peter is engaged in the task of translating strategies or delivery plans into action. One current assignment is acting as CEO in the UK's third Business Improvement District based in an area of central London enjoying a culture led regeneration.

**Dr John Montgomery** Director - Urban Cultures Ltd



John Montgomery is an internationally recognised town planner and urbanist who has specialised over many years in the creative industries, arts strategy and place-making: the economy, culture and design of cities. Most of his experience is drawn from the United Kingdom and Ireland, dating from the mid 1980s, and with his London-based firm Urban Cultures Ltd since 1991.

Dr Montgomery prepared the first creative industries economic development strategy in the UK, for Manchester and the North West, in 1988-89. He has gone on to produce many successful projects since. Dr Montgomery's work has directly influenced UK government policy on town and city centre revitalisation, the evening economy, the 'urban renaissance', the 24 Hour City, urban design, creative industry clusters and city cultural development. His book on City Dynamics will be published in 2006 (London: Ashgate). Earlier books include City Centres, City Cultures: the Role of the Arts in Urban Regeneration (1987) and Radical Planning *Initiatives for the 1990s* (1990).

#### **Dr Deborah Dearing**

National Manager - Strategic Urban Planning, Development Division, Stockland

President - Royal Australian Institute of Architects, NSW



Deborah Dearing has over 20 years experience in all design aspects of urban development including the delivery of large-scale residential projects. She has extensive experience with both the private and public sectors in Australia and overseas.

Dr Dearing was the founding Director of the NSW Urban Design Advisory Service and, as an Executive of Planning NSW, steered the delivery of the NSW Premier's Design Quality Program for residential flat buildings. She is well recognised for her contribution to "putting urban design on the map in NSW". She has also been an active Board Member of numerous organisations, including the Sydney Harbour Federation Trust, City West Housing Pty Ltd and South Sydney **Development Corporation.** 

**Richard Brecknock** Director - Brecknock Consulting



Richard is a leading Cultural Strategist in Australia, a director of Brecknock Consulting P/L a cultural planning and urban arts consultancy with offices in Adelaide, Brisbane and Melbourne and an associate of the UK based think tank Comedia. As a cultural strategist he has undertaken cultural policy projects for governments across Australia including

the 2003 Creative City Strategy and the Cultural Literacy program for Brisbane City Council. He has also been involved in cultural auditing and mapping studies for major infrastructure projects and planned residential developments across the country.

He is currently involved in the groundbreaking Intercultural City project in association with Comedia. This international research project involves a number of case study cities and is researching the benefits of cultural diversity and the development of appropriate supportive policies and strategies. Richard is project director on the City of Auckland and City of Logan case studies and advisor to the London Borough of Lewisham case study.

#### Optional Pre-Conference Forums & Workshops - Tuesday 6 June 2006

(not included in ICTC 2006 conference registration fee, prices below are per person, per Forum or Workshop)

For more details on the Optional Pre -Conference Forums and Workshops, contact the ICTC Society on +617 3371 0333 or visit the website, www.ictcsociety.org.

#### Mayor's and CEO's Forum (10:00am to 5:00pm)

The one day forum will run from 10:00am to 5:00pm at the Crowne Plaza Newcastle for Mayors, CEOs and Senior Managers who will explore the essential ingredients of economically successful and vibrant town centres both overseas and across Australia. Tips and lessons learnt will be discussed and identified covering the following areas:

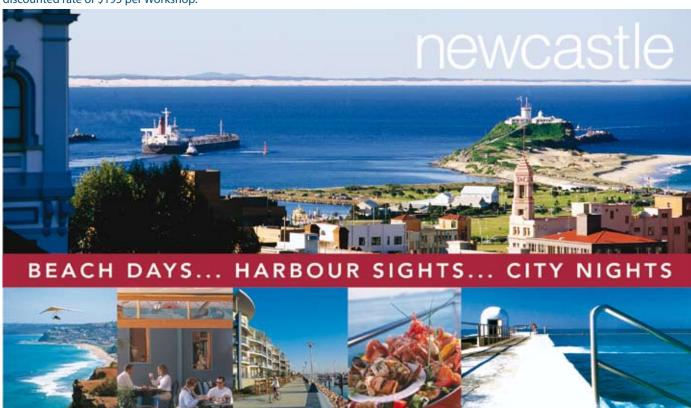
- Town Centres as Economic Powerhouses making them investment ready.
- Partnerships in Action the elements of a successful Business Improvement District.
- **The Importance of Leadership** the critical role of local government leadership in promoting the collective good and being a catalyst for long term sustainable funding.

You will hear from two world leaders in town centre revitalisation and keynote speakers for the ICTC conference, Dr Paul Levy from Philadelphia, USA and Peter Williams from London, UK.

Register to attend this Forum for \$395 via the ICTC 2006 registration form. ICTC 2006 delegates can register for the discounted rate of \$295.

#### **Specialist Workshops** 12:30 to 14:30 10:00 to 12:00 15:00 to 17:00 **Workshop 1: Intercultural Cities** Workshop 4: How To Engage And Build Workshop 6: Futures Orientated City Richard Brecknock Director **Ownership For Revitalisation Projects** Brecknock Consulting, Adelaide SA **Robert Prestipino** Director Philip Daffara Director Vital Places, Mt Gravatt Qld Futuresense, Mountain Creek Qld **Workshop 2: Business And Government** OR Partnerships - The Practical Issues & Risks **Workshop 5: Alternatives To Suburban** Workshop 7: ESD Strategies At The Local Richard Anicich Partner [Chair] **Housing - Principles Of Design Government Level: Case Study Of The** Mark Hickey Partner Rick Atkinson Director **City Of Newcastle** Angela Razborsek Senior Associate Rick Atkinson & Associates, Glenelg North SA Ray Rauscher Researcher Sparke Helmore Lawyers, Newcastle NSW School of Applied Science, University of OR Newcastle, Kanwal NSW Workshop 3: Wallets Past Windows **Greg Davis** Director Taktics4, South Perth WA

Register to attend any Workshop for \$295 (per Workshop) via the ICTC 2006 registration form. ICTC 2006 delegates can register for the discounted rate of \$195 per Workshop.





Newcastle welcomes our International and National Delegates to ICTC 2006



#### Field Trips

The ICTC Society is proud to present 5 field trips each offering a different perspective of Newcastle and the surrounding regions. The field trips will depart the Newcastle City Hall at 9:30am on Thursday 8 June 2006 and return in time for participants to prepare for the conference dinner. Delegates are requested to indicate their order of preference for field trips on the registration form and will be advised which field trip they will be attending upon registration at the conference. For more information on each field trip, visit the ICTC Society website www.ictcsociety.org. Maximum and minimum numbers apply for each field trip.

#### Field Trip 1 Lake Macquarie Region

NSW's 4<sup>th</sup> largest local government area surrounds the picturesque Lake Macquarie - only 15 minutes north of Newcastle. Delegates will tour several development hot spots in the city to see how both residential amenity, jobs and lifestyle can be accommodated in a city of 260,000. Delegates will start the field trip at Charlestown, Lake Macquarie's largest commercial centre, which is set to undergo a major transformation with a \$300m extension to the GPT Retail Charlestown Square and 3 other large buildings recently given approval by Council.

From there the coach will transfer delegates to the North Wallarah Development, an eco friendly tourism and residential suburb at the southeastern gateway to the City. Utilising the unique coastal and lake access and significant natural flora, the new suburb sets unique standards in urban design and quality eco-living.

Following lunch, delegates will travel to the Glendale /Cardiff corridor to view several major redevelopments, including the Pasminco Smelter and the Cardiff railway workshop site. The final stop will be at Warners Bay - a successful Main Street project with funding provided through a special rate levy.

## Field Trip 2 Mixed Use Development: Water, Wedges and Wine

The Honeysuckle Development Corporation, established in 1992, is a NSW State Government organisation responsible for redeveloping 50 hectares of derelict land and building along Newcastle Harbour. Delegates will tour 2 of Honeysuckle's 7 precincts which incorporate business, residential and leisure components.

A coach will then take delegates to The Vintage where they will explore a \$450 million dollar development, jointly undertaken by Medallist Developments and Stevens Group, incorporating a residential community in a golf club. The Vintage reflects the Hunter Valley character and creates a unique place to live. The Vintage is also home to the award winning Apres restaurant, where delegates will stop for lunch.

Delegates will also have the opportunity to sample local wines during this field trip from a local winery.

# Field Trip 3 Reshaping Newcastle Harbour: Residential, Commercial and Industrial

Delegates will be briefed by the Newcastle Port Corporation on the processes they follow to provide safe, effective and sustainable port operations and port development to enhance the economic growth of the Hunter Region and New South Wales. They will then visit Sensation Yachts to see first hand the kind of business being attracted to the Newcastle Port.

A coach will transfer delegates to the Port Waratah Coal Services for a tour of world's largest and most efficient coal handling operations.

After dining in a harbourside restaurant, delegates will then travel to the redeveloped railway workshops for a presentation from Honeysuckle Development Corporation on completed redevelopment projects, including the Crowne Plaza Hotel, Breakwater Apartments, and the Linwood Precinct and hear from those involved in the remediation process

# Field Trip 4 Main Streets and More: The Evolution of Retail Precincts in Newcastle

Delegates will visit four of Newcastle's most popular retail precincts. Lunch will be provided.

Mayfield, a suburb of Newcastle which is undergoing an exciting revitalisation including improvement through external and internal fit-outs, two large businesses opening to provide 150 new jobs, 15 new business start-ups and retail occupancy of 90%.

Beaumont Street, a long established Newcastle dining precinct and an elder statesman of the mainstreets revitalisation process boasting a vibrant multicultural atmosphere which reflects the diversity of the local community. Beaumont Street has a wonderful array of restaurants, a varied mix of retail, fashion and commercial outlets.

Darby Street, a diverse, friendly, relaxed, off beat, cosmopolitan and bohemian precinct. People come to Darby Street to "feel" to "experience" to "enjoy". Darby Street successfully combines café culture with galleries and boutique shopping in a heritage suburb which exudes an optimistic youthful vibe.

Westfield Kotara, one of two major shopping centres to serve metropolitan Newcastle. A two-level shopping centre covering an 8½ hectare site and containing 114 specialty stores. An 8 cinema complex and a further 90 retail outlets will be added in major renovations which begin in March 2006.

## Field Trip 5 Sustainability: 2 Approaches - Arts and Energy

Delegates will depart the City Hall and take the Shoot Out tour visiting Newcastle landmarks which have been used in the Shoot Out 24 Hour Filmmaking Festival. The coach will stop at Newcastle's independent cinema to view a series of Shoot Out films and hear from the local representatives. Delegates will also be given the opportunity to take part in a place activation workshop conducted by Newcastle Live Sites.

After stopping for lunch, delegates will be taken on a tour of the Australian Municipal Energy Improvement Facility which was created by Newcastle City Council to assist local governments to reduce greenhouse gas emissions profitably. Sites that may be visited (depending on the weather) include the CSIRO Energy Centre, the National Solar Energy Centre, the Harbour foreshore water harvesting project and Nobby's Beach ECO\*STAR<sup>TM</sup> environmental make-over.

	Tuesday 6 June 2006 - Pre-Conference Forums. Inclu	sive for full conference delegates – <u>booking essential.</u>		
9:00-17:00	Registration — Mulubinba Room, Newcastle City Hall			
10:00-12:00	Forum 1: Visual Merchandising As A Tool For Main Street/Town Centre Renewal Ching Ching Ly Designer, Village Well, Melbourne Vic	Forum 2: The Challenge Of SME Sustainability - Effective Communication, Engagement And Participation Within Our Small Business Communities  Doug Smith Managing Director, Village Green, Richmond Vic		
12:30-14:30	Forum 3: Green Streets - An Integrated Main Street Renewal Model Amadis Lacheta Director, Village Well, Melbourne Vic	Forum 4: Improving The Efficiency And Profitability Of SMEs Through The 'Retrofitting' Of Appliances Luke Kewell Project Officer, Village Green, Richmond Vic		
15:00-17:00	Forum 5: Good Access Is Good Business Joe Manton Director, Access Audits Australia, Lower Plenty Vic	Forum 6: The Riverway Journey Karin Hartog Riverway Project Manager Paula Grant Director Planning Services, Thuringowa City Council, Thuringowa Qld		
	Wednesday 7 June	e 2006		
08:00-17:05	Registration — Mulubinba Room, Newcastle City Hall			
09:00-09:10	Official Welcome — <b>Councillor John S Tate</b> Lord Mayor of Newcastle			
09:10-09:40	Senator Kim Carr Shadow Minister for Housing, Urban Development, Local Government and	d Territories Australia's Future Cities		
09:40-10:30		e Role Of BIDs In Revitalising City and Town Centres		
10:30-11:00	Morning Tea & Exhibition			
11:00-12:40	Creative & Cultural Cities	Main Street Revitalisation (I)		
11:00-11:25	Development Of Creative And Cultural Cities Case Study: Newcastle Historic Reserve Trust Brian Suters Principal, Suters Architects, Newcastle NSW	At The Heart Of Regional Centres — A Design Perspective Caroline Stalker Architect/Urban Designer and Associate Director Peter Roy Architect and Associate Director, Architectus, Brisbane Qld		
11:25-11:50	A Holistic Approach To Communities  Joy Walker Economic Development Officer, Greater Hume Shire Council, Culcairn NSW	Retail Trends & Implications For Street Management  David West Principal Consultant, Premier Retail Marketing, Golden Grove SA		
11:50-12:15	Tools For Divining The Future: Performance Indicators For Sustainable Planning Outcomes Beth Clark Senior Planner, Hassell, Brisbane Qld	'Let The Tail Wag The Dog' The Darby Street Precinct Experience Kevin Schreiber Founding Director Justin Hamilton Director, Schreiber Hamilton Architecture, Cooks Hill NSW		
12:15-12:40	Partners In Place Activation. Newcastle Live Sites — An Operational Overview Clarissa Arndt NSW Government Ministry for the Arts Michael Cohen Programme Director, Newcastle Live Sites Melissa Dial Manager, Community Partnerships, Newcastle City Council Kath Elliott Executive Officer, Newcastle Alliance Charnelle Mondy Communications Manager, Honeysuckle, Newcastle NSW	Looking After Local Centres: Urban Design Guidelines For Neighbourhood Business Areas Susan Young Urban Design Planner, Woollahra Municipal Council, Newcastle NSW		
12:40-13:40	Lunch & Exhibition	Marcon and the state of the		
13:40-15:20	Creating Livable Neighbourhoods (I)	Main Street Revitalisation (II)		
13:40-14:05	The Redevelopment Of The Royal Newcastle Hospital Site  Steve Edmonds Project & Development Director, Landcom Hunter, Newcastle NSW	Main Street Development 'The Good, The Bad And The Ugly' Susanne Pini Design Director, Rice Daubney, North Sydney NSW		
14:05-14:30	Rich History Bright Future A 20 Year Plan For The City Of Randwick  Sima Truuvert Director, City Planning, Randwick City Council, Randwick NSW	Holding A Tiger By Its Tail - The Revitalisation Of Port Kembla Rosemary Crowhurst Civil Engineer Greg Doyle Social Planner, Wollongong City Council, Wollongong NSW		
14:30-14:55	Creating A Livable Neighbourhood By The Lake In Canberra Anne Skewes Chief Executive Officer Gordon Lowe General Manager, Urban Development, Land Development Agency, Canberra ACT	Geraldton Foreshore Redevelopment And CBD Revitalisation  Vickie Petersen Mayor, City of Geraldton, Geraldton WA		
14:55-15:20	More People, New Development While Retaining Newcastle's Urban Character Sharon Pope Senior Urban Planner Belinda Smith Senior Urban Planner, Newcastle City Council, Newcastle NSW	Newcastle Growing Pains: The Tortuous Teenage Years Of The Newcastle Alliance Kath Elliot Executive Officer, The Newcastle Alliance, Newcastle NSW		
15:20-15:50	Afternoon Tea & Exhibition			
15:50-17:05	Creating Livable Neighbourhoods (II)	Main Street Revitalisation (III) / Finance		
15:50-16:15	Consumers Count - Finding The Hot Spots	The Art Of Successful Town Centre Renewal		
	Greg Davis Director, Taktics4, South Perth WA	Gilbert Rochecouste Managing Director, Village Well, Melbourne Vic		
16:15-16:40	Community Title - A Means Of Achieving Environmental And Community Goals Steve O'Connor Managing Partner, Hunter / North Coast Offices, Environmental Resources Management Australia, Thornton NSW	Rouse Hill - Creating A World's Best Practice Sustainable Mixed Use Town Centre Caroline Noller Sustainability Catalyst, GPT, Vic Gilbert Rochecouste Managing Director, Village Well, Melbourne Vic		
16:40-17:05	Exploring The Role Of Environmental Volunteering In Urban Place Making Guy Barnett Landscape Ecologist Gail Kelly Research Scientist, Resource Futures Program Matthew Beaty Postdoctoral Fellow Tom Measham Social Geographer, CSIRO Sustainable Ecosystems, Canberra ACT	Maintaining Design Quality In Private Finance Initiative Projects  Stuart Landrigan Chartered Architect and Associate, Suters Architects, Newcastle NSW		

## The Royal Australian Institute of Architects (NSW) Continuing Professional Education (CPE) activities:

ICTC 2006 will consist of a range of sessions and workshops that will be structured as appropriate Formal & Informal CPE activities, able to contribute to Architects annual registration requirements with the ARB as determined by the RAIA (NSW).

The ICTC Society reserves the right to change, without notice, the conference program.

Wed	dnesday 7 June 2006	
Morning Tea & Exhibition		10:30-11:00
Avoiding Or Managing Sprawl	Development Challenges (I) Sponsored by Regional Land Management Corporation	11:00-12:40
Mount Lindesay/North Beaudesert Investigation Area: Planning In The Rural- Urban Fringe Scott Hutchison Planner, Office of Urban Management, Department of Local Government, Planning, Sport and Recreation, Brisbane Qld	Rouse Hill Town Centre: From Concept To Detailed Design Jenny Rudolph Senior Development Manager, Landcom, Parramatta NSW Keith Cottier Director, Allen Jack+Cottier, Sydney NSW	11:00-11:25
Perth: A Transit Oriented Development City Vision For A Sustainable Future lan Robson Development Manager, Planning & Property, Public Transport Authority, Perth WA	When Developers Don't Come To The Party! Doncaster Hill: Holding On To The Vision Sofi De Lesantis Senior Strategic Planner, Manningham City Council, Doncaster Vic	11:25-11:50
Villages: Ideas For Managing Future Growth  Rob Van Iersel Director, GeoLINK, Lennox Head NSW	Towards A Sustainable City. Integrating Ecologically Sustainable Development (ESD) Principles Into Urban Design  Steffen Lehmann Chair of Architecture, School of Design, Queensland University of Technology, Brisbane Qld	11:50-12:15
Portland, Oregon: A Lesson In Growth Management And Urban Sprawl Shilpa Panicker City Planner, City of Phoenix, Phoenix USA	Creating A Competitive City Craig Plumb Director, Research, Jones Lang LaSalle, Sydney NSW	12:15-12:40
Lunch & Exhibition		12:40-13:40
Infrastructure Planning & Development	Development Challenges (II)	13:40-15:20
Long-Term Infrastructure Planning In SEQ  John Larcombe Director, Infrastructure Coordination, Office of Urban Management, Brisbane  Qld	The Great Wall Of Newcastle To Remediate Industrial Site  Brad Foot General Manager, Regional Land Management Corporation, Mayfield NSW	13:40-14:05
Wollongong City Centre Revitalisation Strategy 'Creating Opportunities' Rod Oxley General Manager, Wollongong City Council, Wollongong NSW	Holding Back The Floodwaters - Integrated Planning For Urban Development In Southern River  Stuart Jardine Chief Executive Officer, City of Gosnells, Gosnells WA	14:05-14:30
Creating Corridor Centres  Robert Prestipino Director, Vital Places, Mt Gravatt Qld	Somersby Industrial Park Draft Plan Of Management - Striking A Balance Glynis McClymont Economic Development Officer Gary Chestnut Principal Environmentalist, Gosford City Council, Gosford NSW	14:30-14:55
Evaluation Of Application Of Integrated Water Cycle Management To New Developments  lan Joliffe Principal Engineer, Water Management, GHD, Newcastle NSW	Stakeholder Management - Stinkies, Asbestos And An Old Leather Shoe - An Interesting Tale Of Site Redevelopment Kate Rabbitt Honeysuckle Development Corporation, Newcastle NSW Fiona Robinson General Manager and Principal Environmental Engineer, RCA Australia, Newcastle NSW	14:55-15:20
Afternoon Tea & Exhibition		15:20-15:50
Strategic Planning / Demographic Shifts	Transit / Transport	15:50-17:05
South East Queensland - How Is Australia's Growth Region Coping With Change?  Ross Barker Manager, Planning Information and Forecasting Unit, Qld Department of Local Government, Planning, Sport and Recreation, Brisbane Qld	Auckland Waterpark  Matthew Bradbury Senior Lecturer, School of Architecture and Landscape Architecture, UNITEC, Auckland NEW ZEALAND	15:50-16:15
Implementing Urban Consolidation Through Town Centre Revitalisation - St Ives Town Centre William Royal Senior Urban Designer, Ku-Ring-Gai Council, Pymble NSW	Driving Your Town Centre Crazy (Myths About Town Centre Traffic)  Steven Burgess Director, TTM Consulting, Maroochydore Qld	16:15-16:40
Managing Growth - Techniques For Sustainable Coastal Settlements  Allen Grimwood Team Leader, Strategic Planning, Eurobodalla Shire Council, Moruya NSW	Electric-Powered Personal Transportation For Urban Areas - Showcasing And Development Through A Community-Based Competition Karel Grezl Newcastle City Council Col Bartley Newcastle Cycleways Movement David Bennett Centre for Sustainable Technology, The University of Newcastle, Newcastle NSW	16:40-17:05
ICTC 2006 Welcome Reception - Newcastle Art Gallery (adjacent to Newcastle City Hall)		17:30-19:00
Tere 2000 Avercome neception - Newtastie Art Gallery (aujatein to Newtastie City Hall)		

		Thursday 8 June	2006				
	depart Newcastle City Hall at 09:30. Further available at www.ictcsociety.org.	Field Trip 1 Lake Macquarie Region		Field Trip 2 Mixed Use Development: Water, Wedges and Wine			
19:00-23:00	23:00 ICTC 2006 Conference Dinner and North Shore City Council (Auckland) 2007 conference presentation- Newcastle Concert Hall (Newcastle City Hall)						
		Friday 9 June 2	2006				
08:00-17:00	Registration – Mulubinba Room, Newcastle City	Hall					
08:45-09:30	KEYNOTE Peter Williams Executive Directo	KEYNOTE Peter Williams Executive Director, Better Bankside, London UK					
09:30-10:15	UK BIDs - A Growing Force In Urban Management  KEYNOTE Deborah Dearing National Manager — Strategic Urban Planning, Development Division, Stockland, Sydney NSW and President - Royal Australian Institute of Architects, NSW  The Integration Of Town Centres Within Master Planned Communities						
10:15-10:45	Morning Tea & Exhibition						
10:45-12:25	New Urbanism / Urban Revitalisation		Business Development	& Retention			
10:45-11:10	Town Centre Management And Leadership Libby Ozinga Director, People, Place and Partners.	hips, Sydney NSW	The Brown Revolution  Diane Crosdale Manager  NSW	- Rebirth Of A Suburb Environmental Planning, Lake Macquarie City Council, Lake Macquarie			
11:10-11:35	Are Lifestyle Centres The Panacea For Tired ( Kerrianne Bonwick Director, Urban Economics, Bi		Over 55 And Understoo Graeme Hooper Manage NSW	od r Economic Development, Lake Macquarie City Council, Lake Macquarie			
11:35-12:00	Everything Would Be Alright If We Had Free Of The Newcastle City Centre's Economy, And Barbara Heaton Place Manager, City Centre, New	d What's Wrong With That Idea		ntre Review: Compilation Of Centre Database c Planner & Property Analyst, Gold Coast City Council, Gold Coast, Qld Gold Coast Qld			
12:00-12:25	Adding Value In Brownfields, Greyfields And Opportunities In The Noughties Clive Alcock Director, Annand Alcock Urban Design		Developing The Business Mix For Growth  David West Principal Consultant, Premier Retail Marketing, Golden Grove SA				
12:25-13:25	Lunch & Exhibition						
13:25-15:05	Community Building & Consultation (I)		Branding / Destination Marketing				
13:25-13:50	Paper Title To Be Advised  Juris Greste Secretary, Australian Institute Of Urban Studies, St Lucia Qld		Destination Marketing And Appeal Branding Rachel Taylor Account Director, Travel, Tourism and Leisure, Roy Morgan Research, Sydney NSW				
13:50-14:15	Sustainability Indicators Walking The Talk Ivan Motley Director, id consulting, Collingwood Vic		Scale Development	gfield. A Case For The Environmental Imperative In Large  Daubney, North Sydney NSW			
14:15-14:40	Urban Agriculture - The New Frontier  David Mason Urban Agriculture Development Officer, NSW Department of Primary Industries, Richmond NSW Ian Knowd Lecturer, Tourism Studies, School of Environment & Agriculture, University of Western Sydney, Sydney NSW Andrew Docking Agricultural Environment Officer, NSW Department of Primary Industries, Richmond NSW		•	e Identity - A Sustainable Approach irector, Village Green, Richmond Vic			
14:40-15:05	Effective Thinking Making The Most Of Ou Jo Kelly Director, People, Place and Partnership, Sy			ning' Cities And Centres To Attract 'New Economy' Growth nd Town Planner, Prosperous Places, Indooroopilly Qld			
15:05-15:35	Afternoon Tea & Close Of Exhibition						
15:35-16:50	Community Building & Consultation (II)		Place Making / Public S	Spaces			
15:35-16:00	Consulting The Community: A Case Study Anne Moffat Communication Coordinator, Office C	of Urban Management, Brisbane Qld	Planning For Renaissar Toby Lodge Associate, Ha	nce: Place, Planning And Prioities, United Kingdom Experience assell, Brisbane Qld			
16:00-16:25	A New Heart For An Old Soul - Community E Peter Doyle General Manager, Bellingen Shire Cou			Marriage Of Convenience ultant, SGS Economics and Planning, Melbourne Vic			
16:25-16:50	Engaging Cross Cultural Communities - Is Pa Lesley Unsworth Bonnyrigg Place Manager, Fairt Bernie Coates Director, Community Building in Sta Housing, Liverpool NSW	field City Council, Fairfield NSW	Sunshine Coast, Queens	emporary Beach Park. The Kings Beach Redevelopment, sland ; Community Lifestyle Policy, Caloundra City Council, Caloundra Qld			
16:50	Conference close						

	Thu	ırsday 8 June 2006			
Field Trip 3 Reshaping Newcastle Harbour: Residential, Commercial and Industrial	Field Trip 5 Sustainability: 2 Approaches - Arts and Ener	gy			
ICTC 2006 Conference Dinner and North Shore City Council (Auckland) 2007 conference presentation-Newcastle Concert Hall (Newcastle City Hall)					
	Fr	riday 9 June 2006			
Registration — Mulubinba Room, Newcastle City Hall				08:00-17:00	
KEYNOTE John Montgomery Director, Urban Cultures, Kingscliffe NSW					
Wealth Creation And The Creative Industries: Strategies For Eco		n The New Economy		08:45-09:30	
KEYNOTE Richard Brecknock Director, Brecknock Consulting, Ac The Intercultural Challenge: Planning And Design For Diversity				09:30-10:15	
Morning Tea & Exhibition				10:15-10:45	
Master Planned Communities / Sustainable Rural Communitie	<u>2</u> S	Affordable Housing		10:45-12:25	
Successful Community Based Planning - Thirroul Development Peter Chrystal Assistant Manager, Strategic Planning, Wollongong City Rohan Dickson Urban Consultant, Rohan Dickson and Associates, Wolli	y Council	Affordable Housing And The Global City Mike Oelofse Centre for Affordable Housing,		10:45-11:10	
A New Vision For Sydney Olympic Park  Helen Lochhead Executive Director, Sydney Olympic Park Authority, Syd  NSW	dney Olympic Park	Affordable Housing And A Preferred Urb Rick Atkinson Director, Rick Atckinson & Asso		11:10-11:35	
Ripley Town Centre & Ripley Valley Andrew Hammonds Principal, Hassell, Brisbane Qld Presenters to be advised Wingate Properties and Ipswich City Counci	il	Warnervale Town Centre - Planning For Daniel Smith Director, Strategic Planning, W	People yong Shire Council, Wyong NSW	11:35-12:00	
A Decade Of Community Economic Development - The New So Experience Presenter to be advised NSW Department of State and Regional Deve		Urban Re-Habitation For Existing Buildi Issues For Egypt And Developing Counti Ayman Afify Assistant Professor Architecture		12:00-12:25	
Lunch & Exhibition		,	,	12:25-13:25	
Energy Management / Environmental Challenges		Sea Change / Safety / Legal		13:25-15:05	
A Recent Case Study Of The Challenges Facing Sustainable Design  Dino Di Paolo Director, Suters Architects, Newcastle NSW		Planning For Sustainability In Sea Change Communities: What About Non- Permanent Residents - The Missing Segment Of The Population? Gail Kelly Research Scientist, Resource Futures Program, CSIRO Sustainable Ecosystems, Canberra ACT			
Greenhouse Action In Newcastle (GAIN) Peter Dormand City Energy & Resource Manager, Newcastle City Counc	:il, Newcastle NSW	Getting Out Of Town  David McKenzie Principal Landscape & Envir Consultants, Bunbury WA  Rob Baily Principal, Landscape Architecture, ZEALAND	onment Consultant, Opus International Opus International Consultants, Christchurch NEW	13:50-14:15	
Frameworks For Change – Sustainability, SMEs And Rural Aust Scott Bocskay Operations Manager, Village Green, Richmond Vic	ralia	Managing The Invisible: The Challenges Barbara Phi Director, FuturePace Solutions, N	of RF Radiation Safety In Modern Cities Mitchell ACT	14:15-14:40	
Solar Cities: An Australian Government Initiative  Presenter to be advised Australian Greenhouse Office, Department of Heritage	<sup>c</sup> the Environment and	Legal Issues On The Implementation Of 2002 In The Australian Context Ian Coe Principal, Bailey Dixon Lawyers & Con	The Arpansa Radiation Protection Standard	14:40-15:05	
Afternoon Tea & Close Of Exhibition				15:05-15:35	
Mixed Use Development		Projects In Partnership		15:35-16:50	
Honeysuckle: Urban Renewal In A Regional City  Craig Norman Acting General Manager, Honeysuckle Development Corp NSW	poration, Newcastle	- Discover Gold!	nt And Implementation Of Industry Projects	15:35-16:00	
Making Places For 21st Century Knowledge Workers - Place Ma Adam Carmody Geographer Sue Holliday Director of City Strategy Janet Martin DEGW, Sydney NSW	king For Working	If The Shoe Fits! New Steps In Town Cer Craig Czarny Design Director, Hansen Partner	ntre Design Process	16:00-16:25	
Growing Food And Growing Houses - It's A Landscape Thing lan Knowd Lecturer, Tourism Studies, School of Environment & Agriculton Western Sydney, Sydney NSW David Mason Urban Agriculture Development Officer, NSW Department Industries, Richmond NSW lan Sinclair Principal Consultant, Edge Land Planning, Sydney NSW		Honeysuckle: Government Delivering D Bob Hawes Operations Manager, Honeysuck		16:25-16:50	
Conference close				16:50	

#### Poster Presentations

The following posters will be displayed during ICTC 2006. Authors will be available for discussion on topics at specified times during the conference. Times for poster questions will be advised during the conference.

Role Of Green Spaces In Sustainable Urban Environment: Case Of Tehran (Iran)

Asad Asadi University Of Tehran, Tehran IRAN

Role Of Building Performance Assessment Tools In Mitigating Immediate Environment Concerns Of Building Sector In India

**Yatin Choudhary** Research Associate, The Energy And Resources Institute (Teri), New Dehli INDIA

Socio-Economic Effects Of Metropolitan City On Micropolitans In Its Periphery With Reference To Thane City

Rama Deshmukh Infai National College, Maharashtra INDIA

Major Challenges Of Iranian Rural Communities For Achieving Sustainable Development

Khalil Kalantari University Of Tehran, Tehran IRAN

Art And Architecture. Two Case Studies Of Interdisciplinary Collaboration - Towards The Creative City

**Steffen Lehmann** Chair Of Architecture, School Of Design, Queensland University Of Technology, Brisbane Qld

Private Sector Provision Of Affordable Housing In Fuzhou, China Chean-Piau Lau Strategic Planner / Property Analyst, Gold Coast City Council, Gold Coast Qld

Partnership For Improved Environmental Infrastructure Services: Case Of Tsunami-Affected Communities In Southern Thailand

Vilas Nitivattananon Asian Institute Of Technology, Pathumthani THAILAND

Managing EMR In The Community

Barbara Phi Director, Futurepace Solutions, Mitchell ACT

Creating Dynamic Sustainable Communities Gungahlin - A Case Study

**Anne Skewes** Chief Executive Officer, Land Development Agency, Canberra ACT

#### Social Program

The social functions planned are inclusive for full conference delegates. Seating capacity is limited to 400 participants at the conference dinner. Delegates who register after the dinner has been filled or who do not wish to attend will not be given a discount on their registration fee as these functions are subsidised by the ICTC Society for registered delegates.

#### Welcome reception

Wednesday 7 June 2006, 5:30pm to 7:00pm Newcastle Art Gallery (adjacent to Newcastle City Hall) Inclusive for full conference delegates. Additional tickets \$55 each.

Catch up with your colleagues and meet other conference delegates as you relax with a drink and sample mouth-watering canapes whilst enjoying the local art.

# Sparke Helmore Lawyers Proudly supporting the 2006 7th International Cities, Town Centres & Communities Conference in Newcastle

Sparke Heimore's national team of lawyers have a thorough understanding of the property and construction industries. We offer our clients services spanning the full spectrum of their requirements, providing them with both practical and legal advice and commercial solutions to meet their needs.

Our services include:

- » banking and finance
- » commercial and corporate
- » commercial litigation and dispute resolution
- » construction, engineering and projects
- » energy and resources
- » government business
- » planning and environment
- » property, development and infrastructure
- » workplace relations and safety.

#### Key contacts:



Mark Hickey, Partner Property, development & infrastructure p = 02 4924 7623 m = 0412 298 858



Richard Anicich, Partner Construction, engineering & projects Commercial Itigation & dispute resolutio p > 02 4924 7224 m > 0404 825 235 e > richard anicich@sparke.com.au

Same Law | Different Practice www.sparke.com.au



#### Conference dinner

Thursday 8 June 2006, 7:00pm to 11:00pm Newcastle Concert Hall (Newcastle City Hall) Inclusive for full conference delegates. Limited tickets available. Additional tickets \$110 each.

An evening to tantalise your tastebuds and challenge your skills is planned in the Newcastle Concert Hall. Croupiers will be on hand to assist you in winning (or cheating) your way to earning the big bucks to build the ICTC 2006 Streetscape of the Future. Be prepared for a night of fun fun!

## A New Era Begins...



The RLMC manages more than 3,500 ha of state owned and former BHP Billiton land in the Hunter Valley.



We are getting these prime industrial sites ready for a new era of sustainable, private sector development.

Some of these valuable sites are strategically located close to the Port of Newcastle and CBD. All sites have good transport links.

Some sites and buildings are available for sale or lease.



For more information phone 4924 4900 or visit www.rlmc.com.au



# ICTC 2006 Registration Form and GST Invoice ABN 4517 5717 285

 $Please\ complete\ and\ send\ this\ form\ to\ ICTC\ Society,\ PO\ Box\ 1237,\ Milton\ QLD\ 4064,\ AUSTRALIA\ or\ fax\ to\ +61\ 7\ 3371\ 0555.\ To\ qualify\ for\ early$ bird rates, full payment must be received by no later than 5 April 2006.

Title	Surname			Preferred r	nam	ne on badge	
Given Name _							
Organisation.				Dietary/Sp	ecia	al Requirements	
Position				Please ind	icat	e by ticking the boxes below if you:	
Postal Address			do not wish to be included on the conference delegate lithe delegate list will be given to all participants at ICT 2006.				
Suburb				_		mber of the ICTC Society	
State		Post Code				mber of the UDIA (NSW Branch)	
Country				<ul> <li>[Membership number</li></ul>			
	firmation will be sent						
Pre-Confe	rence Activities	- Tuesdav 6 J	une 2006				
Specialist Works an additional co Please indicat	Specialist  thops are <b>not</b> include	Workshops d in the conference nop/s you wish ercultural Citie	ce registration and are to attend:	The Mayor's and is an ad	and ditio	6 Delegate @ \$295 each ference Delegate @\$395 each	
	_		and Government			Total: \$	
Partnerships - The Practical Issues & Risks  Delegate (W2D) Non Delegate (W			Pre-Confere	псе	Pre-Conference Forums Forums are open only to ICTC 2006 delegates and ar		
	Workshop 3: Wa					conference delegates.  e ✓ which forum/s you wish to attend:	
12:30 - 14:30	For Revitalisation Delegate (Water	wTo Engage Ar n Partnerships 4D) 🗖 Non D	nd Build Ownership elegate (W4N)			Forum 1: Visual Merchandising As A Tool Formal Street / Town Centre Renewal (F1) Forum 2: The Challenge Of SME Sustainability Effective Communication, Engagement	
	Workshop 5: Alt Principles Of De	sign	uburban Housing -	12/20 14	20	And Participation Within Our Small Busines Communities (F2)	
15:00 - 17:00	Workshop 6: Fut	tures Orientated City Policy	d City Policy	12:30 – 14:	30	Forum 3: Green Streets – An Integrated Mai Street Renewal Model (F3)  Forum 4: Improving The Efficiency Andrews	
	Workshop 7:	ate (W6D)  Non Delegate (W6N) 7: ESD Strategies At The Local				Profitability Of SMEs Through The 'Retrofitting' C Appliances (F4)	
	Government Le Newcastle  Delegate (W		dy Of The City Of elegate (W7N)	15:00 – 17:	:00	Forum 5: Good Access Is Good Business (F5) Forum 6: The Riverway Journey (F6)	
Delegate ticke	ets@ \$	195 each Tota	l: \$				
Non delegate	tickets @ \$	295 each Tota	l: \$	PRE-	CON	NFERENCE ACTIVITIES TOTAL: \$	
			7 June to Friday 9 J	une 2006			
					S (Ir	nclusive for fully registered delegates)	
Payment must be received by 5pm on 5 April 2006 to qualify for early bird rate.  Early bird Standard				e your 1st, 2nd & 3rd preferences			
By 5 April 2006 After 5 April 2006		Field	Гriр	1 (F1) Field Trip 2 (F2) Field Trip 3 (F3			
_	on - Speaker on - Member#	R01  \$595 R02  \$795		Field <sup>-</sup>	Trip	4 (F4) Field Trip 5 (F5)	
_			R05  \$995				
Full Registration - Non Member R04 ☐ \$895 R05 ☐ \$995  Day Registration - Wednesday R06 ☐ \$395 R07 ☐ \$495		Extra Ticke	TS _	@ \$395 each Total: \$			
Day Registrati	•	R08 🗖 \$395	R09 🗖 \$495	Guest Nam	nes.		
	not register by early bird Society or UDIA (NSW Brd			CON	FEF	RENCE REGISTRATION TOTAL: \$	

Last name _			First name(please complete)				
Social Fu	nctions						
Welcome R	Reception – Wednesday 7 June ully registered delegates)	e 2006 (WR)	Conference Dinner – Thursday 8 June 2006 (CD) (Inclusive for fully registered delegates)				
Please indica	ate <b>√</b> if you will be attending	Yes 🗖 No 🗖	Please indicate <b>✓</b> if you will be attending Yes ☐ No ☐				
Extra Tickets	@ \$55 each Total:	\$	Extra Tickets @ \$110 each Total: \$				
Guest Name	S		Guest Names				
			SOCIAL FUNCTIONS TOTAL: \$				
Accommo	odation						
	ate your 1st & 2nd preference. Pr of 2 people per room, per night		Best Western Capri Plaza Hotel  A10 Standard room \$120.00				
Crowne Pla	aza Hotel		Triple occupancy (3 persons max) \$147.50				
A01	City Side Suite	\$190.00	Noah's On The Beach				
	including one full breakfast including two full breakfasts	\$214.00 \$238.00	A11 Standard room \$139.00				
A02	Harbour Side Suite	\$210.00	Arrival Date Departure Date				
8	including one full breakfast including two full breakfasts	\$234.00 \$258.00	No. of Days				
Quest New	castle Serviced Apartments	,	Room type required – please indicate <b>√</b>				
A03			Single 🗖 Twin 🗖 Double 🗖				
A04	2 bedroom apt (4 persons max)	\$215.00	Sharing with:				
A05	3 bedroom apt (6 persons max)	\$245.00	Special requests:				
Clarendon	Hotel						
A06	Standard room	\$121.00	A de constant de la constant de				
A08	Deluxe room	\$132.00	Any changes to or cancellations of accommodation reservations made via this form must be notified to the ICTC Society in writing				
A07	Standard suite	\$143.00	and not directly to the accommodation venue.				
A09	Deluxe suite	\$154.00	ACCOMMODATION TOTAL: \$				
Payment	Summary						
Pre-Confere	nce Activities	\$	Cardholder Name				
Conference	Registration	\$	Signature				
Social Funct	ions	\$	Credit Card Authority – Accommodation Only				
ICTC 2006 R	egistration Total	\$	Debits to your credit card will be made by the hotel of your choice. By signing below, the cardholder authorises the hotel to				
Accommoda	ation Total	\$	debit the credit card for the following:				
GRAND TOTAL \$		\$	1 night security deposit				
☐ Cheque made payable to "ICTC Society Inc" enclosed			All accommodation & breakfast				
Credit card details below			☐ Other				
Credit Card Authority – Registration Only  Debits to your credit card will appear on your statement as  Sharnay Pty Ltd trading as Organisers Australia. By signing below, the cardholder authorises the registration total to be debited from the following credit card  Bankcard  MasterCard  Visa			Amex Diners Bankcard MasterCard Visa Card No Expiry Date Verification No				
Card No			Cardholder Name				
	Verification No		Signature				

#### **Cancellations and refunds**

Registration cancellations will not be accepted unless made in writing. Cancellations made prior to Wednesday 5 April 2006 will be refunded less a \$125 administration fee. No registration refunds will be made after this date. As an alternative to cancellation, your registration may be transferred to another person without incurring any penalty. The ICTC Society must be advised of this transfer in writing.

# General Information

#### **Attendees**

- Academia
- Architects
- Developers
- Economic Development Managers
- Energy Managers
- Engineers
- Environmentalists
- Financiers
- Government (local, state, federal)
- Home Builders

- Landscape Architects
- Legal Professionals
- Planners
- Project Managers
- Property Consultants
- Resource Managers
- · Retail Managers
- Surveyors
- Transport Managers
- Town Centre Managers
- Urban Designers

# **Registration Fees & Payment**

To be eligible for the early bird rate, your registration form must be returned with full payment by Wednesday 5 April 2006. Members of the ICTC Society and UDIA (NSW Branch) are entitled to the discounted member registration fee. Note registrations are for individuals only and cannot be shared.

Full delegate registrations for speakers, members and non-members include:

- Attendance at all conference sessions
- All conference day catering
- Attendance at any Pre-Conference Forums
- Discounted registration fees for Mayor's and CEO's Forum and Specialist Workshops
- · Attendance and catering at the field trips

- Welcome reception
- · Conference dinner
- Conference satchel & handbook
- Entry to trade exhibition
- Delegate list #

Day delegate registrations for members and non-members include:

- Attendance to sessions for nominated day
- Discounted registration fees for Mayor's and CEO's Forum and Specialist Workshops
- Conference day catering for nominated day
- Conference satchel & handbook
- Entry to trade exhibition for nominated day
- Delegate list #

#Due to privacy laws, delegate lists include only name and organisation. If you do not wish to be included in this list, please tick the appropriate box on the registration form.

All prices quoted in this brochure are in Australian dollars and are inclusive of GST (unless otherwise stated). Registrations will not be processed until payment is received. Payment can be made by the following methods:

- Credit card Visa, MasterCard or Bankcard.
- Cheque
  - Australian delegates: personal or company cheques made payable to "ICTC Society Inc".
  - International delegates: bank draft or international money order in Australian dollars, drawn on an Australian bank and made payable to "ICTC Society Inc".

# Lifestyle Business & Location

LAKE MACQUARIE



provides all the benefits you would expect from New South Wales' fourth largest urban area.

The City of Lake Macquarie encompasses a multitude of thriving villages and town

Located one and a half hours north of Sydney, the city of Lake Macquarie

a multitude of thriving villages and town centres, offering everything from the serenity of a quiet lakeside hamlet to the excitement of a bustling commercial hub.









# General Information

#### Location and venue

Newcastle, the gateway of the Hunter Valley, is a competitive and thriving city that offers an unsurpassed quality of life from the wineries to the sea.

The conference venue, Newcastle City Hall, was opened in 1929 and is one of Newcastle's most unique and prestigious venues. Newcastle City Hall was refurbished in 2001 and effectively combines Old World charm with state-of-the-art facilities. Its Civic Precinct location provides easy access to quality theatre, music and cultural events at the historic Civic Theatre, The Playhouse and in Wheeler Place.

When the conference is over, why not stay to enjoy winter in the Hunter – a perfect time for sampling some of the Hunter's finest wines and cuisine. If you would like further information or ideas on things to do, visit the ICTC 2006 website or contact the friendly staff at the Newcastle Visitor Information Centre on 02 4974 2999 or via www.visitnewcastle.com.au.

# Personal insurance & liability

Participants shall be regarded in every aspect as carrying their own risk for personal injury and loss or injury to property, including baggage, during the conference. We strongly recommend that you take out a travel insurance policy at the time of booking your registration, travel and tours. The organisers will be in no way responsible for any claims concerning insurance.

In the event of industrial disruptions or force majeure, the ICTC Society and organising committee accept no responsibility for losses incurred by delegates and/or partners.

# Special needs

Every effort is made to cater for people with special needs. Should you require any specific assistance, including dietary requirements or wheelchair access, please include this in the relevant section of the registration form.





The last 11 years has seen RCA Australia grow from two employees in 1994 to over 45 employees in 2005, currently with offices in both Newcastle and Sydney. For those 11 years, RCA has aimed to provide specialist consultancy services in geotechnical, environmental and groundwater engineering, construction materials testing and earthworks quality control. RCA strives to provide timely and professional service, without losing our own 'personalised touch.' Our section principals are involved in all levels of our projects from beginning to completion.

# Our services include:

## Geotechnical Engineering

Site investigation for buildings, bridges, residential subdivisions, earth embankments, pavements, dams, soil and rock slopes and mine and mine infrastructure, including modelling and analysis, engineering geology and forensic geotechnical engineering.

For more information, contact:

Mark Allman, Geotechnical Services Manager

Ph: (02) 49 029 217

Email: marka@rca.com.au

# **Environmental Engineering**

Site investigations for contaminated site assessment, hydrogeology and groundwater assessment, onsite effluent disposal, acid sulphate assessment, monitoring, landfill management and design and environmental management.

For more information, contact:

Geoff Mason, Newcastle Environment Manager

Ph: (02) 49 029 215

Email: geoffm@rca.com.au

# **Construction Materials Testing**

Soil and aggregate testing and evaluation, earthworks testing and on site testing services.

For more information, contact:

Jacob Andrew, Testing Services Manager

Ph: (02) 49 029 224 Email: jacoba@rca.com.au

# **Quality Management System Auditing**

Quality system ISO 9001:2000 and ISO 9004:2000, Environmental System ISO 14001:2004 and OHS&R System AS/NZS 4801:2001.

For more information, contact: Bob Murphy, QMS Auditor

Ph: (02 49 029 204

Email: bobm@rca.com.au

NEWCASTLE 92 Hill St, Carrington NSW 2294 PH +61 2 4902 9200

SYDNEY 34/15 Valediction Rd, Kings Park NSW 2148 PH +61 2 9421 1900

WEB www.rca.com.au

EMAIL administrator@rca.com.au

# Travel and Accommodation

#### **Travel**

Want to save time AND get the best possible airfare to Newcastle guaranteed? Corporate Travel Management (CTM), the official travel agency for ICTC 2006, offers the 'best internet & special fares' available on Qantas, Jetstar and Virgin Blue ... and they can also arrange your travel insurance. CTM will advise the best fare availability and conditions of purchase at the time of making your booking. To ensure the best possible airfare, contact CTM now.

Online: www.travelctm.com/enq/ictc2006.htm

**Telephone:** 1800 630 866

Monday to Friday: 9am – 5pm (Queensland time)

**Email:** groups@travelctm.com and guote the conference

code "ICTC2006"

Please refer to Newcastle map on ICTC 2006 website for location of hotels.

#### **Accommodation**

In order to secure a reservation, all accommodation bookings must be accompanied by a minimum deposit of one night's room rate. The deposit is non-refundable and will be forfeited if you do not arrive on the date for which you have booked. If payment is to be made by cheque, please make cheque payable to "ICTC Society Inc". If payment is made by credit card, the details, including cardholder's signature, will be forwarded to your chosen accommodation venue as security for your booking. Delegates are responsible for any damage they cause and must settle the balance of their account with the accommodation venue upon departure.

All rooms will be released from sale on 26 April 2006. The ICTC Society will accept accommodation bookings after 26 April 2006 but is unable to guarantee that accommodation will be available at the selected hotels or at the printed room rates.

## ★★★★ Crowne Plaza (5 minutes walk)

Amongst the historical maritime buildings of the Honeysuckle Precinct, Crowne Plaza Newcastle opened in March 2003 on the Newcastle foreshore reflecting the harbour's brilliance. The one bedroom suites contain a separate living area, dual modem connection, and breakfast bar. Directly in front of the hotel is the foreshore promenade leading past Nobby's Lighthouse and along 6km of waterside walking paths. Valet parking available for \$14 per car, per night.

City Side Suite (single/double) \$190.00 per room per night (room only)
Harbour Side Suite (single/double) \$210.00 per room per night (room only)

Full breakfast (discounted rate if booked in advance) \$24.00 per person per day

## ★★★★¹/2 Quest Newcastle Serviced Apartments (10 minutes walk)

Situated within the heart of the city centre, Quest Newcastle is located conveniently to Newcastle's restaurants, City Hall, entertainment and business districts. Quest Newcastle offers one, two and three bedroom apartments all spacious and stylishly furnished with fully equipped kitchen and laundry facilities as well as separate lounge and dining areas.

1 bedroom apartment (max. 2 people) \$175.00 per apartment per night (apartment only)
2 bedroom apartment (max. 4 people) \$215.00 per apartment per night (apartment only)
3 bedroom apartment (max. 6 people) \$245.00 per apartment per night (apartment only)

#### \*\*\* Clarendon Hotel (under 5 minutes walk)

The Clarendon Hotel is located in Newcastle's CBD. The hotel offers boutique style accommodation. For culture buffs, the Civic Theatre and Newcastle Region Art Gallery are right on the Clarendon's doorstep. Limited rooms available.

Standard room\$121.00 per room per night (room only)Deluxe room\$132.00 per room per night (room only)Standard suite\$143.00 per room per night (room only)Deluxe suite\$154.00 per room per night (room only)

## ★★★¹/2 Best Western Capri Plaza Hotel (10 minutes walk)

Located right in the heart of Newcastle, the Best Western Capri Plaza Hotel offers everything you would expect from a full service hotel. Each standard room has one queen bed and one single bed. Children under 12 years using existing bedding stay for free.

Standard room (single/double/twin) \$120.00 per room per night (room only)

Standard room (triple occupancy) \$147.50 per room per night (room only, existing bedding)

## $\star\star\star^{1/2}$ Noah's On The Beach (15 minutes walk or 5 minutes drive)

Whether you have travelled interstate, internationally or simply from the other side of the city, you'll always feel right at home at Quality Hotel NOAH'S On the Beach. Each recently refurbished accommodation rooms offer different views of Newcastle and its surrounds. The standard rooms overlook the townhouses of Newcastles historic East End.

Standard room (single/double) \$139.00 per room per night (room only)

# Program At A Glance

Mayor's and CEO's Forum with Paul Levy and Peter Williams. Registration costs \$295 for ICTC 2006 delegates or \$395 for non-delegates per person.

# Tuesday 6 June 2006

	Specialist Workshops Registro	ntion costs \$195 for	ICTC 2006 delegates or \$.	295 f	for non-delegates per perso	n, per work	shop.	
1000-1200	Business & Government Partnersh Practical Issues & Risks Coordinated by Sparke Helmore Lawyers	ips - The			Intercult Coordinate		ities ecknock Consulting	
1230-1430	Revitalisation Projects		Alternatives To Suburban Housing - Principles Of Design Coordinated by Rick Atkinson & Associates					
1500-1700	Futures Orientated City Policy Coordinated by Futuresense	ESD Strategies At The Local Government Level: Case Study of the City of Newcastle Coordinated by University of Newcastle						
	Pre-Conference Forums Inclu	ısive for ICTC 2006 d	lelegates — numbers are	limite	ed and booking via the regis	tration for	m is es	sential.
1000-1200	Visual Merchandising As A Tool Fo Facilitated by Village Well	r Main Street / Tov	vn Centre Renewal	En	e Challenge of SME Susta gagement And Participa ilitated by Village Green			ctive Communication, Small Business Communities
1230-1430	Green Streets – An Integrated Ma Facilitated by Village Well	in Street Renewal	Model	'Re	proving The Efficiency Aretrofitting' Of Appliances cilitated by Village Green		oility	of SMEs Through The
1500-1700	Good Access Is Good Business Facilitated by Access Audits Australia				e Riverway Journey cilitated by Thuringowa City Co	uncil		
	Wednesday 7 June 2006							
0900-0910	Official welcome - Councillor John S	Tate, Lord Mayor Ne	ewcastle					
0910-0940	Senator Kim Carr, Shadow Minister fo	r Housing, Urban Deve	lopment, Local Government	and 1	Territories			
0940-1030	Paul Levy President and CEO - Center Cit	y District, Philadelphi	a, USA					
1030-1100	Morning tea and opening of exhibition	n						
1100-1240	Creative and Cultural Cities	Main Street R	evitalisation (I)	Sp		Spon	<b>Development Challenges (I)</b> Sponsored by Regional Land Management Corporation	
1240-1340	Lunch and exhibition							
1340-1520	Creating Livable Neighbourhoods (I)	Main Street R	evitalisation (II)	Infrastructure, Planning and Development		Deve	Development Challenges (II)	
1520-1550	Afternoon tea and exhibition							
1550-1705	Creating Livable Neighbourhoods (II)	Main Street R Finance	evitalisation (III) /	Strategic Planning / Tra Demographic Shifts		Tran	sit / Transport	
1730-1900	Welcome reception — Newcastle Art	Gallery						
	Thursday 8 June 2006 - Off s	ite field trips (	depart Newcastle City Ha	ıll at !	9:30am)			
Field Trip 1 Lake Macquarie	Field Trip 2 Mixed Use Development: Water, Wedges and Wine	Field Trip 3 Reshaping New Residential, Con	castle Harbour: nmercial and Industria		Field Trip 4 Main Streets and More: T of Retail Precincts in Nev		on	Field Trip 5 Sustainability: 2 Approache - Arts and Energy
1900-2300	Conference dinner and North Shore	City Council (Auckla	nd) 2007 conference pro	esent	ation— Newcastle Concert	Hall		
	Friday 9 June 2006							
0845-0930	Peter Williams Director - Peter Williams	s Consultants LLP, Lond	don UK	John Montgomery Director - Urban Cultures Ltd				
0930-1015	Deborah Dearing National Manager - Strategic Urban Planning, Development         Richard Brecknock Director - Brecknock Consulting           Division, Stockland and President - Royal Australian Institute of Architects, NSW							
1015-1045	Morning tea and exhibition	D., 1 2		,,				udekle Henri
1045-1225	New Urbanism / Urban Revitalisation	Business Deve Retention	eiopment and	Master Planned / Sustainable Aff Rural Communities		Affo	rdable Housing	
1225-1325	Lunch and exhibition	Du		_	aumi Manasassas 1 /		c.	Change / Cofety / I
1325-1505	Community Building and Consultation (I)	Branding / De Marketing	esunation		ergy Management / vironmental Challenges		sea	Change / Safety / Legal
<i>1505-1535</i> 1535-1700	Afternoon tea and close of exhibition  Community Building and	Place Making	/ Public Spaces	Mi	ixed Use Development		Proj	ects in Partnership
1555 1700	Consultation (II)							

Item 6

\$04078 24 February 2006

# ENVIRONMENTAL LEVY SMALL GRANTS SCHEME - ROUND ONE

# **EXECUTIVE SUMMARY**

PURPOSE OF REPORT:

To seek Council's support to fund the first round

of the community small grants scheme funded

by the Environmental Levy.

**BACKGROUND:** The community small grants scheme is designed

to assist the Ku-ring-gai community to fund small community based environmental projects at the neighbourhood level. As part of a review process an independent small grants panel has been established, as resolved by Council.

**COMMENTS:** Five applications were received under round one

of the program. Of these, the small grants panel recommended funding three applications with a

combined contribution of \$12,500.

**RECOMMENDATION:** That Council supports the decision to fund the

three projects recommended by the small grants

panel as part of the Environmental Levy.

Item 6

S04078 24 February 2006

# **PURPOSE OF REPORT**

To seek Council's support to fund the first round of the community small grants scheme funded by the Environmental Levy.

# **BACKGROUND**

The community small grants scheme is designed to assist the Ku-ring-gai community to fund small community based environmental projects at the neighbourhood level. The scheme was identified in the development of the Environmental Levy with strong support by the residents and Councillors as being an opportunity to invest at the local level into projects of direct community benefit.

As part of the scheme, it was identified that an independent panel be established to provide a community and peer review of grant applications and funding protocols. This panel would then make recommendations to Council for the funding of projects, the subject of this report. Membership on this panel was previously considered and supported by Council on 26 September 2005.

Development of the grant guidelines and application form (**Attachment 1**) was prepared in conjunction with this panel in October 2005.

# COMMENTS

The first round of funding was promoted through advertisements in local papers, Mayor's column, bus stops, web-site and through the Out in the Open and Bushcare News. Applications closed on 7 December 2005.

Applications were then distributed to panel members electronically for review and comment, coordinated by Council's Natural Areas Environmental Levy Program Leader. The panel met on 8 February, 2006 to discuss the applications and make recommendations.

Table 1 provides a summary of the applications received including the recommendation for funding or otherwise by the panel. As part of the deliberations of the panel, additional information was requested by most applicants to clarify their project to ensure it conformed with the grant guidelines as set. A detailed summary of the applications is provided as **Attachment 2**.

Table 1: Summary of applications and recommendations by the small grants panel

Applicant	Project summary	Funding sought (4)	Recommendation
Highfield Road Bushcare Group	Removal of 7 mature Coral trees to encourage native regeneration.	\$5,000	No
Macquarie University	Link Riparian width and biodiversity value to Council's Riparian Policy.	\$3,500	Yes
University of NSW	Research the translocation of Lyre Birds in Lane Cove Valley.	\$5,000	Yes
Ku-ring-gai Bat Conservation Society	Disseminate information of natural resource and urban threats to local residents surrounding the Colony.	\$4,000	Yes
Gordon East Public School	Sensory Garden	\$12,850	No

It should be noted that of the three applications recommended for funding, two have a research focus with the other having an environmental education focus. Projects not recommended for funding in round one will be either invited to re-submit a modified application in round two or their project may be funded by other mechanisms by Council including other program areas within the Environmental Levy. It is expected that future rounds will attract greater numbers of applications as the program gets greater exposure and coverage.

# CONSULTATION

Consultation on the review and selection of grant projects has been undertaken by the small grants panel. This comprises of 5 local residents with experience in:

- Government policy and guidelines;
- Writing skills;
- Community projects;
- Local issues:
- Reviewing projects; and
- Environmental issues.

## FINANCIAL CONSIDERATIONS

\$80,000 per year has been allocated for the community small grants scheme each year as part of the Environmental Levy. The recommended allocation in this round is \$12,500. The balance will be utilised for round 2 of the funding that closes on 31 May 2006.

# CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Due to the focus of the applications on the natural environment and bushland, consultation was only undertaken within Open Space.

# SUMMARY

This report seeks Council's endorsement for the following projects to be funded from the Environmental Levy as part of the community small grants scheme: environmental education focusing on the Flying Fox Reserve; a review of Council's riparian policy in the context of recent legislative amendments; and investigation into the feasibility of lyrebird relocation into Lane Cove Valley.

S04078 24 February 2006

# **RECOMMENDATION**

That Council supports the following applications for funding under round one of the community small grants scheme:

a)	Macquarie University – Riparian Assessment	\$3,500
b)	University of NSW – Lyre Bird Study	\$5,000
c)	Ku-ring-gai Flying Fox Reserve – Education program	\$4,000

Mary-Lou Lewis Peter Davies Steven Head

Natural Areas Environmental Manager Sustainability & Director Open Space &

Levy Program Leader Natural Environments Planning

**Attachments:** 1. Environmental Levy Small Grants Scheme Application - 551498

2. Detailed summary of applications received - 589180

# Environmental Levy



# **SMALL GRANTS SCHEME**

# **Table of Contents**

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# **Environmental Levy**



# 1. Applicant Information and Guidelines for Community Small Grants Scheme

The Community Small Grants Scheme is designed to assist the Ku-ring-gai community to fund small community based environmental projects at the neighbourhood level. These grants may also help community groups draw additional grant funds, increasing opportunities and the value of their projects.

# 1a Broad Objectives of the Small Grants Scheme

The Small Grants Scheme will:

- Provide funding to individuals and organisations through small grants to plan and implement activities and projects of direct and practical environmental benefit to Ku-ringgai;
- 2. Encourage broad community participation in the development and implementation of activities that benefit the Ku-ring-gai community;
- 3. Assist applied learning that will support current and future sustainable actions.

#### 1b Grant Assessment Criteria

Ku-ring-gai Council aims to provide funding support only to projects or activities that are achievable and can demonstrate a direct practical benefit within the Ku-ring-gai Local Government Area. Projects likely to receive funding include on-ground works such as street planting to protect wildlife and local bushland regeneration.

Applications need to demonstrate how the project or activity meets the following criteria:

- Contributes to a sustainable community and has an environmental benefit for a significant section of the community.
- 2. Cost effectiveness
- 3. Has a plan of management, demonstrating sound management practices including planning to achieve the proposed objectives
- 4. Planning towards incorporating financial, social and environmental sustainability
- Comply with relevant legislation including but not limited to NSW Anti-Discrimination Act 1977

# 1c Funding Limits

The grants will generally be less than \$5,000. However, in exceptional cases special grants of up to \$10,000 are possible that are likely to result in significant practical, on-ground environmental benefit.

# 1d Eligibility

A. All residents, ratepayers and community organisations operating within or having a benefit to the Ku-ring-gai Local Government Area are eligible to apply for funding

# Environmental Levy



and

B. Individuals and/or organisations may apply for funding for applied research of direct relevance to the environment of the Ku-ring-gai Local Government Area (note any grant for research does not imply any further grants should the initial grant not prove sufficient to enable the research project to be completed within the initial time frame)

subject to the following terms and conditions -:

- Community groups active in the Ku-ring-gai Local Government Area, may apply for funding for activities and projects with recognisable on-ground environmental benefit
- 2) Activities may be carried out on both public and private lands
- Schools within the Ku-ring-gai Local Government Area may apply for funding for activities and projects with recognisable on-ground environmental benefit
- 4) Organisations must include a copy of the organisation's latest audited financial statement(s). Where an organisation is not subject to audit requirements, a statement of income and expenditure and balance sheet over the past 12 months must be provided.
- 5) Applicants should fill out all questions on the application form.
- 6) An application must demonstrate how the project will benefit the Community, without discrimination on the basis of race, religion, gender, age, sexual preference or disability, unless a relevant exemption under anti-discrimination legislation is attached.
- The grants provided by Council are to be expended only on projects as outlined in the application.
- 8) The support provided by Council is only to be directed to projects or activities outlined in the application.
- 9) Applications to purchase equipment or for capital works with a value exceeding \$1,000 must be accompanied by at least two (2) written quotes. Council reserves the right to retain such purchased equipment at the end of each project unless there is some ground for allowing it to be kept by the project grantee
- 10) Organisations already receiving funding from Council must submit a completed Acquittal Form with an evaluation of any previously funded projects together with proof of expenditure.
- 11) In relation to Goods and Services Tax
  - a) It is preferred that applicants are registered for GST purposes. If you are a successful applicant and are registered for GST purposes, you will need to submit to Council a Tax Invoice for the grant plus 10% GST before any funds can be released.
  - b) Organisations **not** registered for GST but holding an Australian Business Number should provide this to Council to avoid paying Withholding Tax at a rate of 48.5%.
  - Organisations that are neither registered for GST and do not have an ABN will have to:
    - i) Call the free Tax Help Line on 132 478 for enquires regarding ABN eligibility.
    - ii) Demonstrate to Council how you comply with the Tax Office's ABN exemption rules and complete a "Statement by Supplier Declaration Form" accordingly. These forms can be collected from the Customer Services Centre, Ku-ring-gai Council, 818 Pacific Highway, Gordon, or from any Post Office.

# 1e Application Assessment and Selection

Small Grants Scheme Applications are assessed by the Community Small Grants Panel. Recommendations are then made to Council for determination subject to the precisions of section 356 of the Local Government Act 1993

#### 1f Notification

Applicants should allow eight weeks to hear whether or not the application has been successful.

# **Environmental Levy**



# 1g Funding Release

Funds for successful applications will normally be available approximately two weeks after the successful applicant has lodged all the necessary tax information and payment details with Council's Environmental Levy Coordinator.

# 2. Application form

- Individuals or organisations may apply for up to \$5,000.
- 1<sup>st</sup> round applications close 4.30pm Wednesday, 7th December 2005
- 2<sup>nd</sup> round applications close 4.30pm Wednesday, 31 May 2006
- For more information, contact Council's Environmental Levy Coordinator on 9424 0961 or send an email to: envirolevy@kmc.nsw.gov.au

#### 2a General Guidelines

Please carefully read this section AND the Applicant Guidelines for Community Small Grants Scheme.

- 1. Applicants should fill out all questions on the application form.
- Applicants should ensure that the completed form contains all relevant information and is legible, preferably typed not hand written.
- Applicants should ensure that the proposed project or activities are achievable with a
  direct and practical environmental benefit to Ku-ring-gai and its community, with a
  view to a sustainable future (see section 1a)
- 4. You will be ineligible for funding in any Program if you have not provided an acquittal of previous support. (See Acquittal Form attached)
- Applicants should ensure they have received acknowledgement from Council of any previously submitted Aquittal Forms.
- 6. All information on grant funding including the Small Grant Application Form, Funding Guidelines and Acquittal Forms are available on the Ku-ring-gai Council web site at http://www.kmc.nsw.gov.au/
- 7. To maximise the chance of a successful application, it is recommended that the applicant contact Council staff prior to submitting any application to discuss the aims, outcomes and any issues that are of concern.
- Council may require applicants to provide additional information on request.

Please submit a hardcopy of completed applications to the following address:

Ku-ring-gai Council Open Space Locked Bag 1056 NSW 2073 Or

# Environmental Levy



Email envirolevy@kmc.nsw.gov.au

# 2b Applicant Details

a. Name:						
b. Postal Address:						
C. Day time phone numbers and e-mail address if available:						
d. Are you registered for GST?	YES / NO					
e. What is your ABN?						
If you do not have an ABN, please fill out a "Statement by a Supplier" form and attach to your application.						
f. Do you represent an organisation?	YES / NO ( <i>go to Part 2c</i> .)					
g. Name of organisation:						
h Address of organisation?						
i. What are the aims of your organisation?						

# Environmental Levy



j. What is the legal status of your organisation?							
Incorpora	ted Association						
Company	Limited by Guarantee						
Non-Profi	t Cooperative						
Governme	ent Body						
Other. Ple	ease specify						
k. Does your organisation	n have a constitution?	YES / NO					
I. Have you already provi of your constitution? If NO, please attach a copy application.		YES / NO					
m. How is your organisat	tion funded?						
2c Project Deta	ails						
a. Project name:							
b. Project/activity details -							
Brief description							
addressing grant							
assessment criteria and broad objectives of the							
Small grants Scheme							
(see Applicant							
Information and Guidelines.)							
Guideliries.)							
c. Community and							
environmental benefit							

# Environmental Levy



How will this project/activity provide sustainable community and environmental benefit for a significant section of the community?	
d. Cost effectiveness	
How does this project /activity demonstrate cost effectiveness?	
e. Management plan Outline how you will implement the project including ongoing maintenance (the project timetable)	
f. <b>Participants</b> List project participants	

# Environmental Levy



# 2d Budget Information

Project totals of your income and expenditure should be equal. Include GST amounts in the budget.

How much funding is requested?	

EXPECTED INCOME	AMT \$	EXPECTED EXPENSES	AMT\$
Amount requested from Council (same as above):		Details of cost of Project. Please itemise in brief.	
		(For capital items in excess of \$1,000.00, 2 (two) quotes are to be attached)	
In kind support:			
Amount contributed by other sources including grants:			
Other income (e.g. your own contribution in cash)			
TOTAL Value of Income	\$	TOTAL Project Expenses	\$

# **Environmental Levy**



# 3. Ku-ring-gai Community Small Grants Panel

# **Terms of Reference**

# 3a Purpose

To assess applications for community grants of less than \$5,000 and recommend grants to Council through Council officers

# 3b Objective

To ensure the Small Grants Scheme funding process is transparent and inclusive by involving a broad cross-section of the Ku-ring-gai community in assessing applications and evaluating the projects against stated aims

# 3c Panel Membership

Panel membership is limited to 10 members comprised of:

- 1. One elected representative of Ku-ring-gai Council- Chairperson
- 2. Small grants Community members (5) associated with the Ku-ring-gai area
- 3. Relevant staff members (4) from Council Departments including:
  - o Manager Community Services or Manager Leisure and Cultural Development
  - o Environment and Community Partnership Program Leader
  - o Technical Services Representative
  - Manager Sustainability and Natural Environments

Nominations for community membership to be sought every 2 years. Council may extend the appointment of a member for a second term by resolution of the Council

# 3d Panel Membership Obligations

As a member of the Panel, members agree to:

- 1. Attend the biannual meetings and participate in discussion and decision-making
- 2. Report their views and where known those of the Ku-ring-gai community
- 3. Allow Panel members to present their views and opinions
- 4. Suggest agenda items
- 5. Make suggestions regarding improvements to section and evaluation processes
- 6. Work within the timeframe of the Panel structure
- 7. Clearly declare any conflict of interest regarding any issue under discussion

#### 3e Role of Panel

- To select projects for funding under the Small Grants Scheme
- Evaluation of grant-funded projects against stated aims and objectives
- Report to Council and the Community Audit Committee

# 3f Panel Support

In constituting the Small Grants Panel, Council agrees to:

1. Provide administrative resources to assist the smooth operation of the Panel

# **Environmental Levy**



Provide administrative support in the form of preparation and distribution of minutes and agendas

# 3g Panel Operation

# Meeting Schedule

The Panel is to meet twice yearly with no meeting held in December or January. The Chairperson has the discretion to call meetings at other times on a needs basis, provided that sufficient notice is given to all Panel members.

# Meeting Procedure

The quorum consists of half the members (excluding Councillor members) plus one. Recommendations are to be made on the basis of consensus. The Chairperson is responsible for agenda preparation. Minutes of meetings are taken by a member of the Panel and kept in accordance with Council Meeting Procedures.

## Reporting

Recommendations from the Small Grants Panel will be referred to Council for determination. Written reports on the selection process and final reports for successful applicants will also be given to the Community Audit Committee. These will:

- 1. Report outlining rationale for selection of projects granted funding from the Scheme
- 2. Evaluate grant-funded projects against stated aims and objectives

# Environmental Levy



# Acquittal Form

1.	Project Title:	
2.	Name of Group	
3.	Project start date	Project completion date
4.	Please describe your progress in co  • How much of the proportion overall?( tick the Box)	mpleting the proposed work osed project or task has been completed
	Little or none	(0-25%) □
	A bit, but less than half	(25-50%) □
	A fair bit, more than half	(50-75%) □
	All or most of the work	(75-100%) □
5.	If the work was not completed plea	se explain why
6.	How much, if any, additional work desired effect?	do you think is required to achieve the
	A little more	П
	About the same again	
	A lot more	
	A different approach is required	
	Source of funding	\$ \$ \$
	Amount received	\$
	Matched funds	f the agreement governing payment of the
	s that:-	t the agreement governing payment of the
a)		ificate has been actually and bona fide
b)	The work is being/has been executed	• •
Signed	d	Date
Witne	SS	Date

# **Environment Levy 1<sup>st</sup> Round Small Grants Brief description of applicants February 2006**

# **Highfield Road Bushcare Group**

Applicant: Barbara Siddle

Removal of 7 mature Coral Trees (*Erythrina syksii*) to encourage native regeneration. Volunteer group has requested removal of these trees for over 6 years. Highly visible position Polding and Highfield Roads.

# **Macquarie University**

Applicant: Robert Stokes and Mark Taylor

Link Councils investigation of riparian width and biodiversity value to Council's riparian policy for ease of decision making in respect to Development Applications in riparian zones.

# **University of NSW**

Applicant: Des Cooper

Further research into the translocation of Lyre Birds in the Lane Cove Valley.

# **Ku-ring-gai Bat Conservation Society**

Applicant: Bruce Taylor

Employ a contract person to disseminate information of natural resource and urban threats to local residents surrounding the bat Colony in Lindfield.

# **Gordon East Public School**

Applicant: Kate Smith Sensory Garden.

Small Grants Advisory Committee meeting 8/2/06

7pm -9.30 Attended by Peter Davies Mark Taylor Robert Whittaker John Mack

Professor Andy Pittman Mary-Lou Lewis

Applicant	Achievable	Practical benefit	Enviro benefit top specific community	Cost effective	Sound POM & objectives	Comply with relevant legislation	Financial, social, environmental sustainability	12 month financial balance sheet	Timeline	Total cost of project	Total amount requested
Highfield Bushcare B. Siddle	Not within this scheme	May create a precedent for other/all trees to be removed							No	5000	5000
Macquarie University Robert Stokes	Yes great for student involvement	Great for student/Council relations	The outcome will give a Clear and precise method for DA	yes			<i>yes</i>	yes	yes	11,000 NOTE: Conflict of interest was noted by Mark Taylor and Andy Pitman	3,500
Lyre Birds Des Cooper	More detail required to accepted into this round	Is this worth funding for Council's benefit? Why Lane Cove	Is this a real scientific research project? There is a need to establish the nature of the project	Reduce application to 5000 apply for next round funding To be part of a linkage grant 5:1 ??	?? Why genetics, please detail	Yes	Needs clarifying	Needs explanation Travel detail required? GPS?	No	10,000	\$5,000 More info needed
KFFR Bruce Taylor	yes	Brochure will be useful for other applications	yes	Educating to change behaviour			Community benefit. What is the measure of success? Suggest next stage of funding to monitor			8,050	4,000
East Gordon School Kate Smith	Not with this application	Learning by the children through play  Is the grounds available to the public?	Include benefits to adjoining Council land	What will the school contribute	What are the schools ground development plan What are the stages	Not Ethical to employ the applicant to do the works. School should determine who gets the work	Principal or school representative (P&C)must apply	It is has been recommended to Only ask for \$5,000	No	12,600	12,850
Total Cost for 1s	t round										\$12,500

Item 7

S03448 23 February 2006

# BUSHLAND, CATCHMENTS & NATURAL AREAS REFERENCE GROUP MINUTES OF MEETING OF 20 FEBRUARY 2006

# **EXECUTIVE SUMMARY**

PURPOSE OF REPORT:

To bring to the attention of Council the

proceedings from the Bushland Catchments and Natural Areas Reference Group meeting held on

Monday, 20 February 2006.

BACKGROUND: The role of the Bushland, Catchments and

Natural Areas Reference Group is to provide resident and industry expert advice and feedback to Council on matters relevant to bushland.

catchments and natural areas.

**COMMENTS:** The meeting discussed the preliminary draft

Management Plan, draft Volunteer Policy and draft Plan of Management for Bushland and

Biodiversity Strategy.

**RECOMMENDATION:** That the minutes of the Bushland Catchments

and Natural Areas Reference Group meeting held on Monday, 20 February 2006 be received

and noted.

## PURPOSE OF REPORT

To bring to the attention of Council the proceedings from the Bushland Catchments and Natural Areas Reference Group meeting held on Monday 20 February 2006.

## **BACKGROUND**

The role of the Bushland, Catchments and Natural Areas Reference Group is to provide resident and industry expert advice and feedback to Council on matters relevant to bushland, catchments and natural areas.

# **COMMENTS**

Discussion at the meeting focussed on the development of the draft Management Plan, the draft Volunteer Policy affecting Bushcare and similar groups, Plan of Management for Bushland and Biodiversity Strategy.

# CONSULTATION

The Reference Group is itself a consultative forum representing the interests of residents, user groups and industry experts.

# FINANCIAL CONSIDERATIONS

There are no financial considerations related to this report.

## CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Consultation with other departments has not occurred in the development of this report.

# SUMMARY

The Reference Group considered several items of business at its 20 February 2006 meeting. These included draft Bushland Plan of Management, Biodiversity Strategy, Volunteer Policy and preliminary draft Management Plan.

S03448 23 February 2006

# **RECOMMENDATION**

That the Minutes of the Bushland, Catchments & Natural Areas Reference Group Meeting of 20 February 2006 be received and noted.

Peter Davies
Manager Sustainability &
Natural Environments

Steven Head

Director Open Space & Planning

Attachments: Minutes of Meeting of Bushland Catchments & Natural Areas Reference

Group 20 February 2006 - 575009

# BUSHLAND CATCHMENTS & NATURAL AREAS

# Monday 20 February 2006 Level 3 Ante Room 7.00pm – 9.00 pm

#### **Attendees:**

Members	Councillors	Staff
Margaret Booth	Clr. A. Andrew - Chair	Peter Davies - Manager Sustainability
Stephen Shortis		& Natural Environments
Margery Street		
Mark Taylor		
David Robinson		
Neroli Lock		

# **Apologies:**

Members	Councillors	Staff
James Rennie	Clr. E. Malicki	
Nancy Pallin		
Colin Manton		

Meeting open 7.20pm.

# **Declaration of Pecuniary Interests:**

David Robinson declared he may have a conflict of interest in relation to the discussion on the riparian policy in that he has given advice to a resident affected by the current planning instrument.

## **Confirmation of Minutes:**

Accepted.

# Business arising from the previous meeting

No business arising.

#### **General Business**

## BC&NARG 14 Preliminary Draft 2006/2010 Management Plan

Preliminary draft Management Plan was circulated to committee members with the agenda prior to the meeting. Manager Sustainability and Natural Environments indicated that the document has not been formally considered by Council and that the Reference Group and members of the public will be able to comment on details when exhibited as a draft, possibly late March to early April.

Councillor Andrew stated the document was discussed at the Councillors workshop the week earlier and that its direction and programs were not significantly modified.

Margery Street sought additional detail on the programs. Manager Sustainability and Natural Environments responded that this would be provided at the next meeting after Council had adopted the draft plan for exhibition upon which detailed operational plans will be developed.

Mark Taylor raised the need for greater emphasis on bicycle provision for commuters and recreational riders. Manager Sustainability and Natural Environments responded that a Bike Strategy is being developed, with a brief under review by Open Space and Technical Services.

David Robinson asked that the Reference Group also be given documentation on the implementation of the existing Plan. This will be provided through quarterly reports on the Management Plan following their adoption by Council.

# **BC&NARG 15 Draft Bushcare Volunteer Policy**

Manager Sustainability and Natural Environments explained the genesis of the policy and reasons for its review, that is to provide a simplified and plain English document.

Councillor Andrew requested that the language be further refined to reflect a more positive tone. Neroli Lock requested that this information and other forms relating to safety, work place injuries and similar be placed in a folder to be on site during bushcare activities. Manager Sustainability and Natural Environments advised that this will be undertaken as part of the development of the new information pack for bushcare, in preparation.

#### BC&NARG 16 Local Catchment Plans – Lane Cove River

Manager Sustainability and Natural Environments advised that the executive summaries of these Plans will be distributed to Reference Group members on completion, expected early March 2006.

## BC&NARG 17 Bushland Plan of Management and Biodiversity Strategy

A number of reference group members identified they had or will be making submissions on these documents. Neroli Lock sought clarification on how the Biodiversity Strategy was to affect weed control, connectivity, habitats, exotic planting and fire. Manager Sustainability and Natural Environments responded that these are addressed within the document in the action and responsibilities tables (appendix 1). A summary index will be included as an additional appendix to assist readers identify key elements as raised.

David Robinson requested a CD version be provided with the hard copy document to assist in the interpretation of the document.

#### Other business

Stephen Shortis wishes to pass his thanks to the Mayor for the Volunteer Christmas Party. This was supported by other members of the committee.

## **Next Meeting**

Monday 3 April 2006 – Level 3 Ante Room at 7.00 pm

Meeting Closed at 9.15pm

Item 8

P53798 25 January 2006

# TRANSFER TO COUNCIL OF LOT 34 DP 1079802, BEING THE REAR OF 38B NELSON STREET, GORDON

# **EXECUTIVE SUMMARY**

PURPOSE OF REPORT:

To advise Council of an offer from the NSW

Department of Planning to transfer Lot 34 DP 1079802, being the rear of 38B Nelson Street, Gordon to incorporate this into the Ku-ring-gai

Flying Fox Reserve.

BACKGROUND: In May 2000 the Ku-ring-gai Bat Conservation

Society made submissions to the Premier for the acquisition of the land with the aim of adding the land to the adjacent Ku-ring-gai Flying Fox Reserve, to safeguard the colony of Grey Headed Flying Foxes in the Stoney Creek Valley. Later that same year the owners of the property requested that the Department acquire the land, zoned County Open Space under Clause 18, Ku-ring-gai Planning Scheme Ordinance. Protracted negotiations were undertaken however contracts to purchase have

now exchanged.

COMMENTS: The Ku-ring-gai Bat Conservation Society urges

Council acceptance of the offer.

**RECOMMENDATION:** That Council accepts the land transfer of Lot 34

DP 1079802 as community classified land.

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## PURPOSE OF REPORT

To advise Council of an offer from the NSW Department of Planning to transfer Lot 34 DP 1079802, being the rear of 38B Nelson Street, Gordon to incorporate this into the Ku-ring-gai Flying Fox Reserve.

#### BACKGROUND

In May 2000 the Ku-ring-gai Bat Conservation Society made submissions to the Premier for the acquisition of land at the rear of 38 Nelson Street, Gordon with the aim of adding the land to the adjacent Ku-ring-gai Flying Fox Reserve. The purpose of this submission was to safeguard the colony of Grey headed Flying Foxes in the Stoney Creek Valley. A copy of this letter is included (**Refer Attachment 1**). During this period the Ku-ring-gai Bat Conservation Society in conjunction with the Ku-ring-gai Council were also seeking to have Flying Foxes listed as a Threatened Species and have the land subject to a Conservation Agreement with the then National Parks and Wildlife Service, both of which have since occurred.

Later that same year the owners of the property requested that the Department of Lands (now Department of Planning) to acquire the land, zoned County Open Space under Clause 18, Ku-ringgai Planning Scheme Ordinance. Following extensive negotiations, contracts to purchase have been exchanged and settled.

As part of the ongoing care and management of the land, the Department proposes to transfer the land to Ku-ring-gai Council and to formalise this through a Land Transfer Agreement.

# COMMENTS

The draft Land Transfer Agreement (**refer Attachment 2**) provides a number of conditions tied to the transfer of land, its future use and condition. While the parcel of land is small, its location at the urban bushland interface means that it will be subject to the impacts of development such as weed incursion and dumping, though no greater than any other urban/bushland site. However as identified in Clause 10 of the Land Transfer Agreement, there will be maintenance obligations passed to Council on the transfer of the land. Notwithstanding the obligations of this specific clause, it is recommended that the land, if accepted by Council, be incorporated within the Conservation Agreement currently entered into with the Department of Environment and Conservation and its management be determined accordingly.

In discussions with the Regional Manager for Parks & Wildlife Division of the Department of Environment & Conservation support has been indicated for this course of action.

The subject land will be classified Community Land as prescribed under the Local Government Act 1993. This land will be included into Council's Draft Bushland Plan of Management, as adopted

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for exhibition by Council in December 2005. An amendment to the Bushland Plan of Management will be advertised and placed on exhibition as required.

Additionally, the NSW Department of Planning will place an Order (caveat) on the land to ensure that the land is not on-sold, mortgaged, subdivided or otherwise used contrary to the original intent of the transfer (refer Attachment 3)

## CONSULTATION

The Ku-ring-gai Bat Conservation Society has written to Council urging it to accept the offer and integrate the parcel into the Ku-ring-gai Flying Fox Reserve. The matter was also raised at the February 2005, meeting of the Bushland, Catchment and Natural Areas Reference Group where it was recommended to support the transfer and also that on transfer a formal response be sought from Department of Planning to incorporate it into the current Conservation Agreement.

Councils' solicitors Matthews Folbigg Pty Ltd, provided legal advice on the required amendments to the draft Land Transfer Agreement.

## FINANCIAL CONSIDERATIONS

The NSW Department of Planning will fund the acquisition from the resources of the Sydney Region Development Funds (SRDF). The SRDF is jointly funded by the NSW State Government and by contributions from Councils in the Greater Sydney metropolitan area.

Clause 12 of the Land Transfer Agreement specifies that Council will pay the Corporation, that is the Minister administering the *Environmental Planning and Assessment Act 1979*, all legal costs and duties, fees, charges and expenses relating to the Agreement. Advice from the NSW Department of Planning indicated that legal costs will be approximately \$2,000. This will incorporate all Transfer costs including consideration of \$1.00 (plus GST) borne by Council as a nominal transfer amount.

## CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Council's Commercial Services Coordinator - Finance & Business Department, has reviewed the Land Transfer agreement & Orders. Several amendments have been requested to ensure the conditions of the agreement are manageable by Council's operational resources.

# **SUMMARY**

The transfer of the parcel of land will assist in the consolidation of the Ku-ring-gai Flying Fox Reserve. While there are a number of conditions attached to the transfer, it is unlikely that they will have a significant operational impact on Council beyond what is currently invested in the Reserve

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Lot 34 DP 1079802 will be classified Community Land as prescribed under the Local Government Act 1993. This land will be included into Council's Draft Bushland Plan of Management (currently off exhibition). If required an amendment to the draft Plan will re-exhibited.

# RECOMMENDATION

- A. That Council accepts the land transfer of Lot 34 DP 1079802, as Community Classified land to be included in Council's Bushland Plan of Management.
- B. That the Mayor and General Manager be authorised to execute and affix the Common Seal to all documentation associated with the Land Transfer Agreement and Order.
- C. Following the land transfer, Council seek a modification to the Conservation Agreement affecting Flying Fox Reserve and incorporate the new land addition.

Steven Head

Director Open Space & Planning Peter Davies

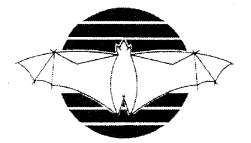
Manager Sustainability & Natural Environment

John Clark Deborah Silva

Acting Director Finance & Business Commercial Services Coordinator

Attachments: 1. Submission by the Ku-ring-gai Bat Conservation Society - 473226

2. Draft Land Transfer Agreement & Order - 584948



# Ku-ring-gai Bat Conservation Society Inc.

Post Office Box 607, Gordon NSW 2072 Australia

21 February 2005

Mr Brian Bell The General Manager Ku-ring-gai Council 818 Pacific Highway Gordon 2072

Dear Mr Bell

Proposed Incorporation of Open Space Land in Nelson St Gordon into the Ku-ring-gai Flying-fox Reserve

The Ku-ring-gai Bat Conservation Inc. (KBCS) were delighted to receive advice from the Department of Infrastructure, Planning and Natural Resources that contracts have been or shortly will be exchanged to complete the acquisition of an area of land at the rear of 38B Nelson St, Gordon.

It is proposed that title to this land, previously in private ownership, is to be offered (or perhaps already has been) to Ku-ring-gai Council on the basis that it be used for open space purposes.

As you are doubtless aware, the land in question abuts the Ku-ring-gai Flying-fox Reserve at Gordon, and is accessible to the general public only with great difficulty. KBCS cannot emphasise too emphatically its conviction that this land must become incorporated as part of the Flying-fox Reserve.

KBCS respectfully urges the Council to integrate this recently, or soon to be acquired block of land into the Ku-ring-gai Flying-fox Reserve. It would be greatly appreciated if the Council would kindly advise KBCS of its decision in due course and the process by which the land parcel would be incorporated into the Reserve.

Since the Conservation Agreement over Ku-ring-gai Flying-fox Reserve is between Ku-ring-gai Council and the NSW Minister for Environment, KBCS further requests that Council advise the Minister of this change in the area of the Reserve.

Attached is the original letter to the Premier in the year 2000 and Fact sheets (4 pages).

Yours faithfully

K.B. Holland Hon. Secretary The Hon. Bob Carr, Premier of New South Wales Parliament House Macquarie St. SYDNEY NSW 2000.

2 May 2000

Dear Premier,

We are pleased to report the great success of one of your decisions as Minister for the Environment in the Wran Government.

In 1985 you convinced Ku-ring-gai Municipal Council (KMC) to share in the purchase of 2 blocks of bushland at Gordon to protect the key Grey-headed Flying-fox colony in Sydney. This was followed shortly after by provision of protected status in NSW for the animals.

These actions lead to a successful and remarkable partnership between the State and local governments and the community, the latter represented by our predecessor body, in the management of this important wildlife site.

The achievements include initiating and receiving grants funding to undertake the long-term habitat restoration project, the first NPWS administered Voluntary Conservation Agreement negotiated by the Minister for the Environment with a Local Council and the subsequent adoption of the Ku-ring-gai Flying-fox Reserve Management Plan (1999) by the present Minister and KMC.

The wise management practices developed for the Ku-ring-gai Flying-fox Reserve since the initial land purchases in 1985 have resulted in a very stable situation. In contrast to other areas of N.S.W., the human neighbours here accept the importance of the colony and tolerate any disadvantages of its close proximity. KMC has received no complaints for many years.

It is with regret, however, that we now advise of an emerging threat to this stable relationship between the colony and its neighbours.

On the southern slope of the Reserve, a parcel of privately owned bushland, zoned County Open Space, has been occupied by the flying-foxes as part of the colony for at least ten years. We understand that the owner of the residential block of which the County Open Space is part, will shortly be offering it for sale.

The Government has the option under county open space zoning to purchase the land. However, if it does not, the land can be sub-divided and sold. This would place a residential development of up to 4 blocks directly within the flying-fox colony causing a conflict between the bats and humans which could not be resolved.

Please find herewith a detailed Submission for the Government to purchase the County Open Space land. We are sending a similar submission to Ku-ring-gai Council as it has been a strong supporter of the colony. We have also included information sheets about the flying-foxes, the colony at Gordon and Ku-ring-gai Bat Conservation Society.

The KBCS Inc. has clearly shown that it can properly manage investments in the environment on behalf of the Government. We hope that the Government will acknowledge the importance of this colony in maintaining the ecological role of flying-foxes in the forests of eastern Australia, and fund the purchase of the land.

We are also sending letters and copies of this SUBMISSION to the NSW Treasurer, Minister for Environment and Minister for Urban Affairs and Planning.

Yours sincerely,

Denise Ford

Elizabeth Hartnell

Nancy Pallin

Chairman

Deputy Chair

Manager Habitat

**Restoration Project** 

phone: 02 9949 1278

02 9498 1663

02 9416 7334 fax: 9416 2815 pallin@bigpond.com



Grey-headed Flying-foxes, *Pteropus poliocephalus*, are placental mammals which belong to the group commonly referred to as megabats. This species occurs only in Australia.

They spend the daytime hanging in the canopies of trees forming colonies or camps that are known to be occupied on a regular basis for decades. The maternity colonies in NSW which are occupied from spring to autumn for birthing, suckling to weaning and then mating, are well documented. Other camps are occupied seasonally only when food resources are plentiful in the surrounding district. The vegetation used for roosting varies from rainforest, to eucalypt woodland, mangroves and casuarinas. The common factors appear to be a sheltered site near water.

#### Distribution

They inhabit forests and woodlands of the coastal zone and dividing range of eastern Australia from south-east Queensland to southern Victoria and periodically use the western slopes. A recent major contraction of their distribution from central coastal Queensland has been documented.

#### **Nomads**

Radio-tracking of individual flying-foxes tagged at camps in northern NSW showed that the animals moved many hundreds of kilometers (400 - 800) to access flowering eucalypts – in 1989 in the Hunter valley and in 1990 the south-coast forests near Narooma, returning again to northern NSW a few months later. Numbers in a camp change frequently as individuals or small groups move between camps.

# Reproduction - population explosions a myth

They give birth to a single young in late spring after a six month gestation; at 12-14 weeks they begin to fly from the colony at night to feed with the adults. Mating occurs in autumn. Females produce a single young annually. Population increase is slow, particularly as in poor blossom years the mortality rate following birthing is high. Culling in orchards and electrocution on powerlines, particularly of females and dependent young, in addition to serious loss of habitat are considered to contribute to a documented decline in the population of grey-headed flying-foxes.

#### Diet

- nectar and pollen of over 50 native tree species Eucalypts, Melaleuca and Banksia
- juice from fruits of 40 rainforest tree and vine species

## Flying-foxes provide ecosystem services

Flying-foxes are essential as forest pollinators because of their ability to fly great distances and so are effective in moving pollen between isolated stands of trees. To produce viable seeds eucalypts need pollen from another tree of the same species. A service capably performed by flying-foxes which have been individually tracked for 100

kilometers in one night of foraging. As Australian trees flower erratically in space and time, influenced by climatic conditions, these nomadic feeders are able to move in response to sequential blossoming along latitudinal and altitudinal gradients. Flying-foxes also spread rainforest seeds further than any other animal thus helping to reestablish rainforest communities.

# Australian Bat Lyssavirus

Antibodies have been identified in a small percentage of some bat species. Two deaths have been attributed to bats in Australia. It is recommended that people do not touch live bats, a virus is most likely to be transferred by bites or scratches. Vaccination is available for those handling bats for research or rescue and care.

# Ku-ring-gai Flying-fox Reserve

# **Importance**

- it contains the largest maternity colony in the Sydney region, and
- it is also a staging camp for nomadic animals moving north and south in response to the flowering of the eucalypts.

The Reserve (14 hectares) is sited within a residential area, where the houses are located on the upper slopes of the steep-sided Stoney Creek valley. Sandstone cliffs and large rocky outcrops

provide a natural buffer zone between the residences and the colony. The valley is sheltered from both southerly and westerly winds. The roost trees are blackbutts, turpentines and coachwoods.

Bushland reserves, suburban streets and gardens retain **indigenous trees** which provide food resources for the colony. For example, in this area of Sydney turpentine trees are plentiful and flower regularly in September-October to provide a good food resource prior to and during the birthing period.

Prior to the commencement of the **Habitat Restoration Project**, the canopy trees were dying due to the dense weed infestation which was also preventing the germination of native seedlings. With the removal of weed, the native vegetation is re-establishing by natural regeneration and some planting. The first trees planted are now attaining canopy height.

#### Room to move

Flying-foxes roost as a cohesive group, occupying about 3 hectares of the Reserve. The colony occupies different parts of the available canopy over the years and from summer to winter. These movements have been recorded from recollections of early observers and during the Habitat Restoration Project and are entered onto Ku-ring-gai Council's Geographical Information System. To minimise encroachment onto private property it is vital that the colony has plenty of room to move within the valley.

As part of the **research project** to assess the integration of hand-reared orphans released into the colony, regular weekly, evening counts of the fly-out were undertaken for 3 years. This showed a steady build-up of the average population from August —December to about 30,000 adults; a further rise to about 45,000 occurred from January when the juveniles start to join the fly-out.

Radio-transmitters were fitted to juveniles at release to locate them in the colony area, and to animals at the Cabramatta Creek colony in southern Sydney. This showed that animals moved between Gordon, Cabramatta and the Royal Botanic Gardens. Within a few weeks juveniles were located at Williamtown and Nowra returning to Gordon.

As food resources diminish in late autumn, the animals vacate Gordon, leaving a small residual group which can vary from 0-2000, over winter. The locally indigenous food resource trees in the Sydney region are augmented by the planting of species which are not native to the region and may provide additional food out of season. This occurred during winter 1999 when 13,500 bats remained in the valley.

The importance of the Ku-ring-gai Flying-fox Reserve as a staging camp during nomadic movements was amply illustrated in January 2000 when there was an influx of 30,000 animals which occupied the trees around the outskirts of the maternity colony.(total count – 80,000) that remained for about 3 weeks. They were flying north nightly to feed on bloodwoods *Corymbia gummifera* 

# CONSERVATION STATUS OF THE GREY-HEADED FLYING-FOX

## **VULNERABLE?**

A strong case for listing the grey-headed flying-fox, *Pteropus poliocephalus* as vulnerable (Schedule 2) under the NSW Threatened Species Conservation Act (1995) has been submitted to the NSW Scientific Committee appointed under the Act. The species is likely to become ENDANGERED unless the circumstances and factors threatening its survival or evolutionary development cease to operate.

In the 1930s the population was estimated to have declined by 50% since European occupation because of loss of habitat for roosting and foraging due to land clearing. Comparison between a population estimate in 1989 with more rigorous counting procedures in 1998 and 1999 indicate at least a further 35% decline over the last decade.

Currently only a small portion of their required food resources is in protected areas; most lie on unreserved land of various tenures vulnerable to clearing. Annually reliable winter

food resources in coastal southern Queensland and northern NSW are on freehold land and particularly vulnerable to new regional developments, both urban and rural.

In addition, predictions based on conservative estimates of the numbers of grey-headed flying-foxes culled to protect orchard crops indicate 10% decline in the population per year leading to a halving of the present population by the year 2020. It would be difficult for the species to recover from such a serious population decline because females have only one young each year beginning in their third year.

## Once abundant and widespread species can become extinct

The passenger pigeon of North America was described in 1840 to occur in billions with migrating flocks darkening the sky. By 1914 it was extinct because of the cumulative impacts of deforestation, intensive hunting and competition for food from introduced species. The grey-headed flying-fox is in many ways similar to the passenger pigeon.

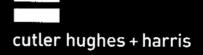
The Action Plan for Australian Bats has been developed by the Biodiversity Group of Environment Australia to assess the vulnerability status of all Australian bats and to recommend remedial steps which would be advisable to remove threatening processes to their survival. The Plan uses the standard categories and criteria as laid down by the IUCN (the World Conservation Union) and recommends that the grey-headed flying-fox be listed as vulnerable.

Ku-ring-gai Bat Conservation Society recommends that:

- colony sites be protected within Reserves of an adequate size to provide buffer zones to minimise contact with human communities and
- conservation of foraging resources must be coordinated across all land tenures throughout the whole range of the grey-headed flying-fox.

The strategic goal of the NSW Biodiversity Strategy is to protect the native biological diversity of NSW and

maintain ecological processes and systems.



**BUSINESS LAWYERS** 

Our ref:

PLM141/22(333994\_1.doc)

Direct line: 02 9020 5758

Email:

john.benedetti@cutlers.com.au

Partner:

Tom Boyce

16 February 2006

Ms Deborah Silva Commercial Services Coordinator Ku-ring-gai Council DX 8703 GORDON

Dear Ms Silva

Department of Infrastructure Planning & Natural Resources transfer to Ku-ring-gai Council

Premises: Nelson Street, Gordon

We enclose the amended land transfer agreement and order for your review.

We have taken into account your comments concerning clause 6 of the order and clause 10(f) of the land transfer agreement. These changes have been marked up.

Please provide us with your comments/agreement regarding the form of the documents and we will send you execution copies.

Yours sincerely

John Benedetti

Associate

Andrew Keach CC



# Land Transfer Agreement

Single Lot

Corporation

Minister administering the Environmental Planning and Assessment Act

1979

Council

Ku-ring-gai Council

# Contents

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# Land Transfer Agreement

#### **Parties**

The Corporation as a corporation sole with the corporate name "Minister administering the Environmental Planning and Assessment Act 1979" ABN 36 691 806 169

c/- Land Management Branch, Level 8, 2-10 Wentworth Street, Parramatta NSW 2150 (Corporation)

Ku-ring-gai Council ABN 86 408 856 411 of 818 Pacific Highway, Gordon NSW 2072 (Council)

#### Recitals

- A The Corporation owns the land being set out in the Schedule of Lands attached (Land).
- B The Land was acquired by the Corporation with funds provided by the Sydney Region Development Fund for recreational uses, and open space.
- The Land may only be used for any recreational purpose permitted for land classified as community land and categorised as a natural area, sports ground park or an area of cultural significance under the *Local Government Act 1993* (**Recreational Purposes**). Not less than 90% of the Land must remain open space which means either an open area or an area with improvements and structures (such as roads, pavements, fences, tennis courts, pools and sports fields) that are not roofed and enclosed (**Open Space**). This requirement applies to a single lot or where a number of lots have contiguous boundaries a group of lots, forming part of the Land.(**Site**)
- Council has requested the Corporation to transfer the Land to Council for \$1.00 (Consideration).
- E The parties wish to record their understanding of this transaction as set out in this Land Transfer Agreement (**Agreement**).

## It is agreed

#### 1 Transfer

The Corporation will transfer to Council for the Consideration the Land. Council holds the Land subject to the terms and conditions set out in this Agreement none of which merge on completion of the transfer.

#### 2 Public recognition

Council will ensure that the Corporation:

- (a) will receive appropriate recognition of the Corporation's role in the provision of open space in any signs relating to the Land, and
- (b) will obtain formal recognition of the title hand over which will be handed over by the relevant Minister in a public ceremony if requested by the Corporation.

#### 3 Acceptance of land in current condition

Council accepts the Land in its present state and condition and state of repair including any contamination or hazardous substances or latent or patent defects.

Council waives any existing and future claims or redress of any kind which it may have against the Corporation because of contamination or hazardous substances or any other environmental damage on or surrounding the Land.

Council accepts the Land with any existing occupation or tenancies.

#### 4 Site use

Council must use the entire Land for Recreational Purposes with not less than 90% of the area of any Site remaining Open Space.

Council must ensure that the Land is not used for any purpose other than Recreational Purposes and that not less than 90% of the area of any Site is Open Space.

The parties agree to comply with the Order dated [ ] be the Corporation.

] between the Council and

#### 5 Notification

Council must promptly notify the Corporation of the following:

- (a) any proposal to vary the use of the Land, and
- (b) any change in the use of the Land or if the Land ceases to be used for Recreational Purposes.

#### 6 Consent of Corporation

Council must not without the prior consent of the Corporation do any of:

- (a) seek permission from the local Council or any authority to vary the zoning or permitted use for the Land or reclassify the Land under Chapter 6 of the Local Government Act 1993
- (b) grant any lease, licence or other right of possession or use of the Land for a period exceeding 21 years (including any option to renew)
- (c) mortgage or charge the Land or otherwise provide the Land as security
- (d) grant any other rights in the Land including any easement, restrictive covenant or positive covenant for a period exceeding 21 years (including any option to renew) except an easement over part of the Land granted to a public authority for nominal consideration or other easement permitted under the Local Government Act 1993 (NSW) in relation to land classified as 'Community Land'
- (e) subdivide or consolidate the Land, and

(f) take any action that may discharge, supersede, suspend, invalidate or otherwise vary or diminish the effect of this Agreement.

The Corporation's consent may be given, withheld, refused or given with conditions as the Corporation considers appropriate.

#### 7 Retransfer

If, in the reasonable opinion of the Corporation:

- (a) any part of the Land ceases to be used for Recreational Purposes;
- (b) less than 90% of the area of any Site remains Open Space; or
- (c) either (a) or (b) is threatened or likely to occur,

then at the request of the Corporation the Land must be transferred to the Corporation.

The consideration payable to the Council for the transfer of the Land to the Corporation will be \$1.00. The Council must at the request of the Corporation do all things reasonably necessary to promptly transfer the Land to the Corporation.

The Land to be transferred includes all improvements and fixtures on the Land but does not include any fittings, equipment or materials installed or placed on the Land by the Council which must be removed prior to completion of the transfer of Land to the Corporation.

## 8 Right of first refusal

In addition to clause 7, in consideration of the transfer of the Land to the Council under this Agreement, Council must not offer, sell or transfer the Land without first offering it to the Corporation by serving on the Corporation:

- (a) notice that it intends to sell the Land giving details of sale process, and
- (b) a form of Contract for Sale of the Land completed with the exception of the price.

Sale Notice Date means the date of service of this notice of sale and contract.

The Corporation may at any time up to two months after the Sale Notice Date accept the offer of the Council for the sale of the Land in which case the price will be \$1.00.

If the Corporation does not within two months after the Sale Notice Date accept the offer then for the next 10 months Council may transfer the Land.

A notice of sale properly served under this clause lapses as if it had never been served if the Land is not transferred within one year after the Sale Notice Date.

#### 9 Sale proceeds

The proceeds from any compulsory acquisition, sale or other disposal of the Land must be paid to the Corporation provided that Council shall be entitled to retain the part of such proceeds which relates to:

- the then current value of any structural improvements made to the Land by the Council, and
- (b) any compensation payable under s55 of the Land Acquisition (Just Terms Compensation) Act 1991 (NSW), if any, after the deduction of the market value of the Land referred to in s6 of that Act.

#### 10 Maintenance of Land

The Land must be kept as practicable as possible:

- (a) free of all noxious weeds and growths and all feral animals, vermin, noxious animals and pest animals
- (b) clean and free of all waste, rubbish and debris
- (c) free of all contaminants, hazardous material or any other substance or material likely to injure the health of any person, flora or fauna on or surrounding the Land excepting for any contamination, hazardous materials or other materials likely to injure the health of any person, flora or fauna existing at the time of transfer of the Land to Council
- (d) in compliance with all statutes, regulations, ordinances, codes, rules, proclamations, ministerial directives, by-laws, planning instruments, development consents, directions from any authority or other laws (including the Building Code of Australia and any relevant Australian standard) from time to time
- (e) the improvements, fixtures and fittings on the Land must be kept in good repair and working order
- (f) the Council will be deemed to have satisfied the requirements of clause 10(a) if it causes the Land to be regularly inspected (being not less than once each monthevery two months) to determine the state of the Land in relation to matters referred to in clause 10(a) and promptly after each inspection it does all things reasonably necessary to eradicate from the Land any flora fauna and materials of which the Land must be kept free, to clean the Land of all waste, rubbish and debris and to remedy any breach of the laws referred to in clause 10(d).

## 11 Caveat

The parties agree that this Agreement gives the Corporation a caveatable interest in the Land.

Council will at the request of the Corporation consent to a caveat on the Land and must not object to or take any action to remove the caveat.

## 12 Legal costs and stamp duty

Council will pay the Corporation legal costs and all duties, fees, charges and expenses relating to this Agreement.

#### 13 GST

If the Corporation incurs a liability to pay GST in connection with any supply to Council under this Agreement, the consideration that Council must pay to the Corporation for that supply is increased by an amount equal to the GST liability the Corporation incurs in making the supply and the amount of that GST liability is payable at the same time as the consideration is payable in respect to the supply. The Corporation will provide a tax invoice for a taxable supply.

#### 14 General

Name, Gender and Corporation

Words importing the singular number include the plural and vice versa, words importing a person including a corporation and vice versa and each gender includes every other gender.

Jointly & Severally

Any provision of this Agreement to be performed by two or more persons binds those persons jointly and each of them severally.

**Bodies and Associations** 

References to authorities, institutes, associations and bodies, whether statutory or otherwise, will in the event of any such organisation ceasing to exist, be reconstituted, renamed or replaced or the power or functions or any such organisation be transferred to any other organisation, be deemed to refer respectively to the organisation established or constituted in lieu of any such organisation.

Statutes and Regulations

Reference to a statute or ordinance includes all regulations under and amendments to that statute or ordinance whether by subsequent statute or otherwise and a statute or ordinance passed in substitution for the statute or ordinance.

## Headings

Headings and any marginal notes have been inserted for convenience only and do not in any way limit or govern the construction of the terms of this Agreement.

Entire Agreement

This Agreement constitutes the entire agreement of the parties in respect of the Land and supersedes all prior agreements, understandings and negotiations in relation to the Land. A variation of any term of this Agreement must be in writing and signed by the parties.

## Business Days

Where under or under the Agreement the day on or by which any act, matter or thing is to be done is a Saturday or a Sunday or a public holiday in the State or place in which the Land is situated, such act, matter or thing may be done on the next succeeding day which is not a Saturday, Sunday or public holiday.

#### Include

The word 'include' (in any form) when introducing a list of items does not limit the meaning of the words to which the list relates to those items or to items of a similar kind.

#### Rule of Construction

In the interpretation of this Agreement no rule of construction applies to the disadvantage of one party on the basis that that party put forward this Agreement.

#### Notices etc

Any notices, notification, nomination, request, approval or consent must be in writing and will be properly executed if signed by an officer, manager or solicitor of the party giving it. All communications to the Corporation must be marked to the attention of the Land Management Branch.

#### Goods and Services Tax

In this Agreement, unless the contrary intention appears, the words 'GST', 'tax invoice' and 'taxable supply' have the same meaning as in *A New Tax System (Goods and Services Tax) Act 1999.* 

#### Further Assurance

Each party must do all things and execute all further documents necessary to give a full effect to this Agreement.

#### Regulatory Authority

Any approval or consent given by the Corporation under this Agreement is not and may not be taken as the grant of any consent or approval by the Corporation as a consent or regulatory authority under any legislation including the *Environmental Planning and Assessment Act 1979*.

#### Land

The word 'Land' includes any part of the Land.

#### Successors and Assigns

The rights and obligations under this Agreement apply to the parties and their successors and assigns.

## Severable Obligations

Each obligation, right and provision in the Agreement is a separate severable obligation, right or provision. If any part of the Agreement is invalid, illegal or unenforceable, the remaining parts of this Agreement will not be affected and will continue to be enforceable.

Dated:		
Executed as a deed		
Signed by me as delegate of The Minister	)	
administering The Environmental Planning &	)	
Assessment Act 1979 and I certify that I have no	)	
notice of the revocation of such delegation in the presence:	)	
		Signature of Delegate
Signature of Witness		orginature of Delegate
		Drint Name of Delegate
Print Name of Witness		Print Name of Delegate
Executed by	)	
the General Manager on behalf of Ku-ring-gai	)	
Council under delegation dated	)	
under s377 of the Local Government Act 1993:	)	
Signature of Witness		
organical or remisso		Signature of General Manager
Print Name		
Address of Witness		

## Schedule of lands

**Title Reference** 

Lot/Section/Deposited Plan

**Current Certificate of Title** 

34/1079802

Lot 34 DP1079802

Folio Identifier 34/1079802

## Order

Corporation

Minister Administering the Environmental Planning and Assessment Act 1979

Council

Ku-ring-gai Council

## Order

Land: 34/1079802 being Lot 34 in DP1079802 vested in the Corporation

The Land was acquired by the Corporation with funds provided by the Sydney Regional Development Fund for open space and recreational uses. It is intended that the Land be transferred to Ku-ring-gai Council for maintenance and management. This Order is made to ensure that the Land remains open space and available for recreational uses, failing which the Land is to be returned to the Corporation for nominal consideration.

#### 1 Definitions

**Corporation** means the corporation sole with the corporate name "Minister Administering the Environmental Planning & Assessment Act 1979" and its successors.

Land includes any part of the Land.

**Open Space** means an area either open or with improvements and structures (such as roads, pavements, fences, tennis courts, pools and sport fields) that are not roofed and enclosed.

Owner means every person claiming an interest in the Land or any part of it.

**Recreational Purposes** means any recreational purpose permitted for land classified as community land and categorised as a natural area, sports ground, park or an area of cultural significance under the *Local Government Act 1993*.

**Site** means a single lot or, where a number of lots have contiguous boundaries a group of lots, forming part of the Land.

#### 2 Land use

As a public positive covenant under Section 88D *Conveyancing Act 1919* the entire Land must be used for Open Space Recreational Purposes with not less than 90% of the area of any Site remaining Open Space.

The Land must not be used for any purpose other than Open Space Recreational Purposes or so as to reduce the Open Space to less than 90%.

#### 3 Notification

The Owner must promptly notify the Corporation of the following:

- (a) any proposal to vary the use of the Land, and
- (b) any change in the use of the Land or if the Land ceases to be used for Recreational Purposes.

## 4 Consent of Corporation

The Owner must not without the prior consent of the Corporation:

- (a) seek permission from the local Council or any authority to vary the zoning or permitted use for the Land or reclassify the Land under Chapter 6 of the Local Government Act 1993
- (b) grant any lease, licence or other right of possession or use of the Land for a period exceeding 21 years (including any option to renew)
- (c) mortgage or charge the Land or otherwise provide the Land as security
- (d) grant any other rights in the Land including any easement, restrictive covenant or positive covenant for a period exceeding 21 years (including any option to renew) except an easement over part of the Land granted to a public authority for nominal consideration
- (e) subdivide or consolidate the Land, or
- (f) take any action that may discharge, supersede, suspend, invalidate or otherwise vary or diminish the affect of this Order.

The Corporation's consent may be given, withheld, refused or given with conditions as the Corporation considers appropriate.

#### 5 Retransfer

If, in the reasonable opinion of the Corporation:

- (a) any part of the Land ceases to be used for Recreational Purposes
- (b) less than 90%

then at the request of the Corporation the Land must be transferred to the Corporation.

The consideration payable to the Owner for the transfer of the Land to the Corporation will be \$1.00. The Owner must at the request of the Corporation do all things reasonably necessary to promptly transfer the Land to the Corporation.

The Land to be transferred includes all improvements and fixtures on the Land but does not include any fittings, equipment or materials installed or placed on the Land by the Council which must be removed prior to completion of the transfer of Land to the Corporation.

#### 6 Maintenance of Land

The Land must be kept as practicable as possible:

(a) free of all noxious weeds and growths and all feral animals, vermin, noxious animals and pest animals



- (b) clean and free of all waste, rubbish and debris
- (c) free of all contaminants, hazardous material or any other substance or material likely to injure the health of any person, flora or fauna on or surrounding the Land excepting for any contamination, hazardous materials or other materials likely to injure the health of any person, flora or fauna existing at the time of transfer of the Land to Council
- (d) in compliance with all statutes, regulations, ordinances, codes, rules, proclamations, ministerial directives, by-laws, planning instruments, development consents, directions from any authority or other laws (including the Building Code of Australia and any relevant Australian standard) from time to time
- (e) the improvements, fixtures and fittings on the Land must be kept in good repair and working order
- (f) the Owner will be deemed to have satisfied the requirements of clause 10(a) if it causes the Land to be regularly inspected (being not less than once every two months each month) to determine the state of the Land in relation to matters referred to in clause 10(a) and promptly after each inspection it does all things reasonably necessary to eradicate from the Land any flora fauna and materials of which the Land must be kept free, to clean the Land of all waste, rubbish and debris and to remedy any breach of the laws referred to in clause 10(d).

## 7 Interpretation

Name, gender and corporation

Words importing the singular number include the plural and vice versa, words importing a person including a corporation and vice versa and each gender includes every other gender.

Jointly and severally

Any covenants to be performed under this Order by two or more persons binds those persons jointly and each of them severally.

Bodies and associations

References to authorities, institutes, associations and bodies, whether statutory or otherwise, will in the event of any such organisation ceasing to exist, be reconstituted, renamed or replaced or the power or functions or any such organisation be transferred to any other organisation, be deemed to refer respectively to the organisation established or constituted in lieu of any such organisation.

Statutes and regulations

Reference to a statute or ordinance includes all regulations under and amendments to that statute or ordinance whether by subsequent statute or otherwise and a statute or ordinance passed in substitution for the statute or ordinance.



### Business days

Where under or under this Order the day on or by which any act, matter or thing is to be done is a Saturday or a Sunday or a public holiday in the State or place in which the Land is situated, such act, matter or thing may be done on the next succeeding day which is not a Saturday, Sunday or public holiday.

#### Include

The word "include" (in any form) when introducing one or more specific items does not limit the meaning of the general words to those items or to items of a similar kind.

#### Notices etc

Any notices, notification, request, approval, or consent must be in writing and will be properly executed if signed by an officer, manager or solicitor of the party giving it. All communications to the Corporation must be marked to the attention of the Land Management Branch.

## Severable obligations

Each obligation, right and provision in the Order is a separate severable obligation, right or provision. If any part of the Order is invalid, illegal or unenforceable, the remaining parts of this Order will not be affected and will continue to be enforceable.

#### **Dated**

Signed by me as delegate of The Minister	)	
administering The Environmental Planning &	)	
Assessment Act 1979 and I certify that I have no	)	
notice of the revocation of such delegation in the	)	
presence:		
		Signature of Delegate
Signature of Witness		
		Print Name of Delegate
Print Name of Witness		



#### **MINUTES**

## HERITAGE ADVISORY COMMITTEE MEETING

## Tuesday 29 November 2005

### **Council Chambers**

**MEETING OPEN: 6.30PM** 

## 1.0 APOLOGIES

Councillor Cross
Ms Mack
Mr Guy
Ms Macdonald
Ms Deborah Silva, Commercial Services Co-ordinator

#### 2.0 ATTENDANCE

## **Community Members:**

Ms Edwards Ms Harvey Mr Stutchbury

#### Councillors

Councillor Bennett (Chair) Councillor M Shelley Councillor Andrews

## **Council Officers**

Mr Antony Fabbro, Manager Urban Planning Mr Paul Dignam, Heritage Advisor Ms Louise O'Flynn, Heritage Planner

## 3.0 CONFIRMATION OF MINUTES OF 24 October 2005

Moved; Mr Stutchbury Seconded; Councillor Bennett

## 4.0 DECLARATIONS OF PECUNIARY INTERESTS

None declared

## 5.0 Tulkiyan Sub- committee report

The subcommittee recommended at its meeting on 7 November 2005 that Council should submit an application to NSW Heritage Office for funding of an Interpretation Centre at Tulkiyan.

Since this meeting Council's heritage advisor has contacted Ron Edgar to establish whether he has the drawings of Tulkiyan's garage as the grant application will require these drawings to be submitted. Mr Edgar did not have the drawings. It may be possible to use Mr Staas' drawings of the garage with his permission. Council's heritage advisor will further contact Chris Hornsby who may have also created drawings for the garage.

RECOMMENDATION: HAC endorses the Tulkiyan Interim Subcommittee's recommendation to submit an application to the NSW Heritage Office for funding of an Interpretation Centre at Tulkiyan.

Moved: Councillor Andrews Seconded: Ms Harvey

#### Other issues discussed:

- The Caretaker of Tulkiyan is leaving and an update of the Tulkiyan inventory is starting on 30.11.2005.
- The issue of establishing protocols on the cleaning of Tulkiyan was raised together with the role and conduct of Tulkiyan's caretaker/tenant.

RECOMMENDATION: The Tulkiyan Interim Subcommittee is to have input into how the Tulkiyan caretaker/ tenant role be structured.

Moved: Councillor Andrews Seconded: Councillor Bennett

## 6.0 History Week September 2006- Proposed Photographic Competition

The proposed history week photographic competition and exhibition 2006 was discussed by the committee, a number of changes were made to the project brief and grant application for the Gordon darling Foundation Grant. The main changes included:

- competition categories broadened to allow non-Ku-ring-gai residents to enter as part of the 'open' category
- all photographs are to be submitted to Council as 8 x 10 inch prints
- Photographs are to be taken recently i.e. as of January 2006 onwards
- Budget should include 'work in kind'
- Council should scan all photographs once received
- Prizes should be generous to attract a large number of high quality entrants
- Nostalgiac photographs could be included in exhibition

The History Week dates have been confirmed for 2006 as Saturday 16 to Sunday 24 September.

RECOMMENDATION: That HAC endorses a photographic competition to be held in History Week 2006 to celebrate the history and heritage of Ku-ring-gai.

Moved: Councillor Shelley Seconded: Unanimous

#### 7.0 Update on heritage Local Environmental Plans on exhibition

517 Pacific Highway, Killara "The Oaks" LEP has been gazetted by the Minister

**DLEP 33 & 34** - Council resolved to adopt the Plans relating to the removal of 23 Memorial Avenue, St Ives and 4 Munderah Street, Wahroonga from Schedule 7 of the KPSO and include 51 Billyard Avenue, Wahroonga in Schedule 7, KPSO at its meeting on 8 November 2005 and send off to the Minister for gazettal

- **34 Billyard Avenue**, **Wahroonga** the Convent site has been placed on public exhibition for the change of use to residential.
- **2 Wirra Close** A report is going back to Council on 6 December 2005 following the site inspection of the heritage listed property on 5 November 2005.

#### 8.0 Other General Matters

Information on the history of Roseville Shops was tabled at the meeting for the future use by the Planning and Environment Department.

The issue of Local heritage grants was raised, Council used to provide money to heritage property owners in Ku-ring-gai to assist in the maintenance of heritage properties however this funding no longer exists. It was raised that establishing this grant system would assist Council in promoting heritage and demonstrating Council's interest in helping heritage property owners maintain their properties.

RECOMMENDATION: Council to allocate funds to continue the local assistance fund under the original guidelines established.

Moved: Councillor Shelley Seconded: Councillor Bennett

The free heritage advisory service that Council currently offers was raised and it was suggested that this service is not widely known about throughout the community. It may be necessary for Council to publicise this service through the Council website and other means.

RECOMMENDATION: The free heritage advisory service be promoted via the Council website and other appropriate means.

Moved: Councillor Shelley Seconded: Councillor Bennett

The final point for discussion was on a Land & Environment Court review on Planning Principles. The review was tabled at the meeting and the Committee have requested copies to be forwarded via email. I will forward you a copy.

#### 9.0 Next Meeting

February 2006

#### **CLOSE**

The meeting closed at 8.30pm

Item 9

S03816 28 February 2006

## **HERITAGE ADVISORY COMMITTEE - MINUTES**

### **EXECUTIVE SUMMARY**

PURPOSE OF REPORT: For Council to receive and note the minutes

from the Heritage Advisory Committee meeting

held 29 November 2005.

BACKGROUND: On Tuesday 29 November 2005 Council's

Heritage Advisory Committee (HAC) held their meeting at the Council Chambers. The minutes taken at this meeting were confirmed and accepted at the following HAC meeting held on

Monday, 27 February 2006.

**COMMENTS:** A number of matters were discussed at the

meeting. The minutes reflect these discussions

and outcomes reached.

**RECOMMENDATION:** That Council receive and note the minutes from

the Heritage Advisory Committee meeting held

29 November 2005.

### PURPOSE OF REPORT

For Council to receive and note the minutes from the Heritage Advisory Committee meeting held 29 November 2005.

#### BACKGROUND

On Tuesday 29 November 2005 Council's Heritage Advisory Committee (HAC) held their meeting at the Council Chambers. The minutes taken at this meeting were confirmed and accepted at the following HAC meeting held Monday 27 February 2006.

#### **COMMENTS**

A number of matters were minuted at the meeting on Tuesday 29 November 2005.

#### **Tulkiyan Sub- committee report**

The subcommittee recommended at its meeting on 7 November 2005 that Council should submit an application to NSW Heritage Office for funding of an Interpretation Centre at Tulkiyan.

HAC endorsed the Tulkiyan Interim Subcommittee's recommendation to submit an application to the NSW Heritage Office for funding of an Interpretation Centre at Tulkiyan.

#### Other issues discussed:

- The Caretaker of Tulkiyan is leaving and an update of the Tulkiyan inventory is starting on 30 November 2005.
- The issue of establishing protocols on the cleaning of Tulkiyan was raised together with the role and conduct of Tulkiyan's caretaker/tenant.

#### History Week September 2006- Proposed Photographic Competition

The proposed history week photographic competition and exhibition 2006 was discussed by the committee, a number of changes were made to the project brief and grant application for the Gordon Darling Foundation Grant. The main changes included:

- competition categories broadened to allow non-Ku-ring-gai residents to enter as part of the 'open' category
- all photographs are to be submitted to Council as 8 x 10 inch prints
- Photographs are to be taken recently i.e. as of January 2006 onwards
- Budget should include 'work in kind'
- Council should scan all photographs once received

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- Prizes should be generous to attract a large number of high quality entrants
- Nostalgic photographs could be included in exhibition

The History Week dates have been confirmed for 2006 as Saturday 16 to Sunday 24 September.

That HAC endorsed a photographic competition to be held in History Week 2006 to celebrate the history and heritage of Ku-ring-gai.

The matter is to be discussed at an upcoming meeting of the Finance Committee.

### **Update on heritage Local Environmental Plans on exhibition**

517 Pacific Highway, Killara "The Oaks" LEP has been gazetted by the Minister

**DLEP 33 & 34** - Council resolved to adopt the Plans relating to the removal of 23 Memorial Avenue, St Ives and 4 Munderah Street, Wahroonga from Schedule 7 of the KPSO and include 51 Billyard Avenue, Wahroonga in Schedule 7, KPSO at its meeting on 8 November 2005 and forward to the Minister for gazettal

- **34 Billyard Avenue, Wahroonga** the Convent site has been placed on public exhibition for the change of use to residential.
- **2 Wirra Close** A report is going back to Council on 6 December 2005 following the site inspection of the heritage listed property on 5 November 2005.

#### **Other General Matters**

Information on the history of Roseville Shops was tabled at the meeting for the future use by the Planning and Environment Department.

The issue of Local heritage grants was raised, Council used to provide money to heritage property owners in Ku-ring-gai to assist in the maintenance of heritage properties however this funding no longer exists. It was raised that establishing this grant system would assist Council in promoting heritage and demonstrating Council's interest in helping heritage property owners maintain their properties.

HAC agreed that Council should allocate funds to continue the local assistance fund under the original guidelines established. A proposal for funding for this programme is to be considered in the draft Management Plan 2006 - 2010.

The free heritage advisory service that Council currently offers was raised and it was suggested that this service is not widely known about throughout the community. It may be necessary for Council to publicise this service through the Council website and other means.

The final point for discussion was on a Land & Environment Court review on Planning Principles. The review was tabled at the meeting and the Committee have requested copies to be forwarded via email. This has been circulated to Committee members.

Item 9

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## CONSULTATION

The Committee is a consultative forum on heritage matters for Ku-ring-gai.

## FINANCIAL CONSIDERATIONS

Operation of the Heritage Advisory Committee is covered by the Urban Planning Section budget.

## CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Where relevant consultation was conducted.

## **SUMMARY**

The Heritage Advisory Committee meeting was held on 29 November 2005. A number of heritage issues and projects were discussed.

## **RECOMMENDATION**

A. That Council receive and note the minutes of the Heritage Advisory Committee meeting held 29 November 2005.

Louise O'Flynn Antony Fabbro Steven Head **Heritage Planner Manager Director** 

**Urban Planning** Open Space and Planning

**Attachments:** Minutes from the Heritage Advisory Committee meeting held 29

November 2005 - 589043

# REPORT ON CATCHMENT ANALYSIS FOR LANE COVE CATCHMENT AND COMBINED WORKS PROGRAM

## **EXECUTIVE SUMMARY**

PURPOSE OF REPORT:

To report findings of the analysis and planning for the

Lane Cove River catchment and seek endorsement of the combined drainage Capital Works Program 2006-2009.

BACKGROUND: The plan for Middle Harbour Creek and Cowan Creek

were reported to Council in 2004. This report summarises the final plans for the northern and southern areas of the Lane Cove River catchments, the progress of which was

reported to Council on 26 July 2005.

Since 2003, Council has been developing local catchment

plans across the local government area.

**COMMENTS:** Completion of this analysis enables the entire Local

Government Area to be covered by comprehensive drainage and water quality models and analysis. This information is linked to Council's GIS as well as textual

information.

The combined catchment analysis enables Council to undertaken strategic review of drainage management policy, such as OSD, and development impacts as well as benefits in sharing knowledge across the organisation.

**RECOMMENDATION:** That findings of the report be noted and that Council

adopt the Capital Works Program for the next three years.

S03875 6 February 2006

#### PURPOSE OF REPORT

To report findings of the analysis and planning for the Lane Cove River catchment and seek endorsement of the combined drainage Capital Works Program 2006-2009.

#### **BACKGROUND**

In 2002, Council commenced a review of its stormwater management plans and its flooding and drainage program. This resulted in the need to prepare local catchment plans of the entire Ku-ringgai local government area that considered flooding, drainage and water quality concurrently. Plans for Cowan Creek and Middle Harbour Creek were completed in 2004 and this report outlines the results of the final catchment, Lane Cove River.

At a meeting on 9 November 2004, Council resolved to accept two tenders for the stormwater analysis and planning for the Lane Cove River catchment. Cardno Willing Pty Ltd was awarded the tender for the northern catchments and URS Australia Pty Ltd for the southern catchments. On 26 July 2005, a progress report on the findings was provided to Council.

The previous report identified key tasks of the project, modelling difficulties, and statistical findings from sub-catchments.

#### COMMENTS

The methodology used for the development of the local catchment plans has standardised the modelling of the hydraulic and hydrological conditions as well as the water quality across each of the local catchment plans. This has enabled a comparison of data and a prioritisation matrix for future works to be developed (**Attachment 3**), and can be viewed through Council's GIS.

The focus of this report is to provide a summary of key findings from the Lane Cove River local catchment plans and seek endorsement for the three year rolling drainage capital works program.

#### **Findings**

Main characteristics of the drainage system were identified in the consultant's reports and are summarised in the table below:

	Southern catchment	Northern catchment		
Catchment area modelled	1200 ha	1039 ha		
Area of urban residential	887 ha (or 73.9%)	901 ha (or 86.7%)		
Total length of piped drainage	56.9 km	45.3 km		
Total length of open channel	19.5 km	40.7 km		
Drainage nodes and pits:				
Total in drainage system	3366	2508		
Total Modelled in DRAINS	2812	2508		

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A copy of the executive summary of the Consultant's reports are attached as **Attachment 1** for the northern region and **Attachment 2** for the southern region of the Lane Cove catchment. Key findings from this include:

- Compliance of the pipe system with Council's design capacity requirements of 20 year average recurrence interval (ARI):
  - 40% for the southern region, and
  - 41% for the northern region
- ii. Inadequate capacity of inlet pits to drain flows from the 5 year ARI storm:
  - 79% for the southern region, and
  - ranging from 27%-61% for the northern region

As a general comment, there are two major factors governing the performance of the drainage system. Firstly, the capacity and number of inlet pits are the major deficiency in the drainage system with regard to meeting current drainage design standards. Secondly, the low compliance of the pipe system (undersized or blockages) contribute to potential flooding.

#### **Problem Areas**

In terms of water quantity (potential flooding), problem areas have been identified where DRAINS modelling indicates peak flows of greater than 2 m<sup>3</sup>/s for larger sub-catchments, and down to 1 m<sup>3</sup>/s for smaller sub-catchments. Key findings include:

- 90 locations have been identified as likely to be hazardous in a 5 year ARI storm,
- 196 schemes, with costs estimates inclusive of contingencies ranging between \$7,200 and \$364,800 and total cost of \$9.12 million,
- 81 properties affected by overland flows >1.0 m<sup>3</sup>/s in a 5 year ARI storm.
- 43 identified problem areas, with costs estimates inclusive of contingencies ranging between \$37,500 and \$3,864,000, and total cost of \$25.7 million,

Stormwater Quality was characterised with the "music" model as being dominated by residential land, with few "hotspots" for pollution generation. Key outcomes included:

For the southern catchments:

- 36 sites have been identified in terms of water quality concerns.
- a total gross pollutant load of 122.1 tonnes discharging in the receiving waters.

For the northern catchments:

- Priority listing of 7 sites for stormwater treatment devices, and
- total Gross Pollutant loads of 100.4 tonnes discharging into the receiving waters.

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In addition to dealing with "hotspot" sources of pollutants, the consultants also investigated and developed concept designs for integrated catchment management strategies for:

- 1. Bicentennial Park and the surrounding catchment;
- 2. Auluba Reserve;
- 3. West Pymble Public School playing fields; and
- 4. The Glade Oval.

#### **Consolidated Drainage Capital Works Program.**

Identified works from the combined Lane Cove local catchment plans have been incorporated and reprioritised into a single consolidated capital works program. It is proposed to further develop and implement this program over a 3 year term (**Attachment 3**).

As part of the prioritisation process, greater considerations will be placed on drainage projects that have multiple benefits with regard to asset protection from flooding, water reuse through stormwater harvesting and impairing water quality and reducing discharges into bushland. This will complement other funding sources including the Environmental Levy, catchment management and sportsground capital works program and various State and Federal grant funds.

In addition, the capital cost score for projects has been amended from past prioritisation process in that the threshold of \$40,000 has been raised to \$100,000. This is considered to reflect the true cost of many small to mid size projects as identified across each of the local catchment plans.

#### **Status of Consolidated Drainage Capital Works Program**

Drainage works identified in the 2004/05 and 2005/06 program arose from the recommendations of the earlier local catchment plans. Each project was reviewed individually and to ensure accuracy of drainage information at a local scale and outcomes were verified to determine the proposed measures were feasible and cost effective.

On the spreadsheet (**Attachment 3**), information has been added under two new column headings, "Works undertaken" and "Construction date", to monitor actual works undertaken for individual projects. The status of these drainage works are summarised below.

- For 2004/05, of the 12 projects identified, 6 are completed, 2 are progressing with consultants, and the remaining 4 were either found to be unfeasible in isolation or have a low benefit to cost ratio. The unfeasible works are to be incorporated with future kerb and gutter works when roads are reconstructed.
- For 2005/06, of the 7 projects identified, 3 are completed, 3 require further investigation, and 1 was found to have a low benefit to cost ratio.

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#### **Future Programs and Projects**

The completion of the local catchment plans have enabled the entire local government area to be covered by a comprehensive modelling analysis and results. The information and formats in GIS and spreadsheet tables will provide a significant platform for the following key future directions:

- strategic review of drainage management policy, such as OSD, and development impacts as well as benefits in sharing knowledge across the organisation and externally.
- development of program for inspections of entrances to easement flowpaths through private property.
- identify opportunities to address water management and asset protection that achieve sustainable water management. For example stormwater harvesting for re-irrigation use and reduces flooding impacts downstream.
- creation of further drainage asset layers on Council's GIS for use by Development and Regulatory, Technical Services design engineers and various operational staff.
- reviewing Section 94 plans and funding arrangement in terms of regional OSD/ OSR systems to supplement residential OSD and OSR systems on private land.
- flood modelling (mainstream and overland flow paths) by Council for quantification of hydraulic data (water levels and velocity) an ultimate delivery of flooding hazard /flood risk awareness by the identification of individual properties at risk.

From the above, it is proposed to undertake a review of the OSD policy and how this may affect the development of existing and future planing instruments across the LGA and specifically in relation to town centres upgrades. This information would inturn be used in the development of the comprehensive LEP and DCP.

### Possible sources of funding

Funding for catchment related projects is covered through various restricted asset areas including (2005/2006 figures):

•	drainage works	\$304,000
•	catchment analysis	\$100,000
•	catchment management	\$150,000

• Environmental Levy – various projects and programs.

In addition to these funds, Council has the opportunity to leverage further funding from the State and Federal Government, typically for key projects addressing significant flooding or water conservation and reuse.

#### CONSULTATION

No public consultation has been undertaken in the preparation of this report. However, numerous meetings and discussions with the consultants that prepared the reports were undertaken by staff from Technical Services and Open Space.

### FINANCIAL CONSIDERATIONS

Expenses for consultants have been in accordance with the Tender and within Council's budget for the catchment analysis.

Arising from the adoption of the Drainage Capital Works Program, this report recommends approval for a 3 year rolling works program, In addition to this amount and other funding such as the Environmental Levy, Catchment and Drainage Management will seek to supplement and assist with the coordination of key projects.

#### CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Technical Services and Open Space staff have worked together with the two consultants.

## **SUMMARY**

Two consultants, Cardno P/L and URS Australia P/L were engaged by Council in November 2003 to undertake stormwater catchment analysis and planning of the Lane Cove northern and southern region sub—catchments respectively.

Combining the main characteristics of the drainage system from both consultant's reports, totals were, 2239ha of catchment area modelled, comprising 102 km of piped network and 60 km of open channels, and 5320 pits/nodes modelled in DRAINS.

Comparison of both regions, resulted in both around 40% compliance of the pipe system with Council's design capacity requirements of 20 year ARI for both regions. In terms of inadequate capacity of inlet pits to drain flows from the 5 year ARI storm, results varied, with average 79% for the southern region, and a range of 27%-61% for the northern region. Implications in terms of meeting modern design standards, highlight that the inlet pits are the major deficiencies in the drainage system, while low compliance of pipe system exacerbates this problem

For the Lane Cove Catchment, a total of 239 schemes have been identified, with costs estimates inclusive of contingencies ranging between \$7,200 and \$3,864,000, and total cost of \$34.8 million.

Water quality and stormwater reuse opportunities were also investigated and modelled as part of the analysis. Works arising from these were identified as site based recommendation and regional based concepts plans that will be considered as apart of the drainage rolling works program and the catchment management and Environmental Levy projects.

Item 10

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6 February 2006

## RECOMMENDATION

- A. That Council receive and note the report.
- B. That Council adopt the prioritised 3 year rolling Drainage Capital Works Program identified for 2006/07 2008/09 with this list subject to the investigation and validation of items.
- C. That a review of the On Site Detention and Retention Policy to identify opportunities to investigate how this may affect the development of existing and future planning instruments across the LGA and specifically in relation to town centres upgrades.

Ian Taylor Greg Piconi

MANAGER SUPPORT SERVICES DIRECTOR TECHNICAL SERVICES

Peter Davies
MANAGER SUSTAINABILITY &
NATURAL ENVIRONMENTS

Steven Head
DIRECTOR OPEN SPACE & PLANNING

Attachments: 1. Summary of Lane Cove northern region by Cardno Willing P/L- 579333

- 2. Summary of Lane Cove southern region by URS Australia P/L 587470
- 3. Consolidated Capital Works Program 589000



#### SUMMARY

This report is the Local Catchment Plan for the six northern sub-catchments of the Lane Cove River catchment, namely Lane Cove 1, 2, 3, Avondale Creek, Fox Valley and Coups Creek. The material presented in this report is based on a detailed analysis at sub-catchment level to identify priority capital works for improving stormwater system capacity and stormwater quality within the framework set by the Lane Cove River Stormwater Management Plan (SMP).

The report complements other reports previously undertaken for Council dealing with the Cowan Creek and Middle Harbour catchments, and a concurrent study of the southern Lane Cove catchment.

#### **Drainage System Assessment**

A key aspect of the work undertaken for this report has been to establish the current status of the catchment, its drainage network and its water quality status in order to provide a prioritised set of options for improvement.

A separate DRAINS model was established for each of the six subcatchments, including every pit, pipe, overland flowpath and watercourse in the stormwater system. Te six models used available Council data and where this data was lacking, estimates based on contour plans and limited field verification. The models were run for storm events of 5 year, 10 year, 20 year and 100 year ARI as well as for the Probable Maximum Precipitation event. The table below summarises the performance of the system in terms of the number of pits and pipes that limit the flow in the formal drainage system for particular ARI storms.

## **Drainage System Performance Summary**

	ARI (years)							
	5		10		20		100	
	No.	%	No.	%	No.	%	No.	%
Pit inlet constraint	963	38%	953	38%	942	38%	938	37%
Pipe Constraint	320	13%	356	14%	393	16%	426	17%
No Constraint	1223	49%	1197	48%	1171	47%	1142	46%

The analysis shows that there are a significant number of locations where, even in a 5 year ARI storm, the overland flow is likely to be hazardous. This information has then been presented in GIS maps to relate the flows to locations either on roads (which may be hazardous to motorists and pedestrians), or through private property. A threshold value of 1 m³/s overland flow (5 year ARI) was adopted in the overland flow assessments.

#### **Stormwater Quality Assessment**

The Model for Urban Stormwater Conceptualisation (MUSIC) was used to assess the estimated pollutant loadings generated form the Lane Cove Northern subcatchments. The model was run with continuous daily data from Turramurra. Catchment parameters used were consistent with those used in the previous studies of Cowan Creek and Middle Harbour catchments.

Ku-ring-gai Council Page i



#### **Management Measures**

The project provides outcomes for Council covering the following aspects of stormwater management:

- GIS database and linked flow and water quality models of the existing stormwater systems, as a basis for future system management.
- options for addressing the most significant overland flow problems.
- options for addressing the most significant water quality issues:
  - o 'hot spot' sources of gross pollutant and litter
  - o stormwater pipe outlets into bushland
  - watercourses subject to potentially erosive flows
- concept design for integrated stormwater management measures at three sites selected in consultation with Council. These designs are representative of the range of measures which might be adopted throughout the catchment, subject to funding.

The GIS database and models are an important management tool for Council. They are based on a compilation of existing data held by Council, supplemented by limited field checking. It is recommended that procedures be adopted for maintaining the currency of the database in a systematic manner, and for improving the accuracy of the data as circumstances permit, for example where a detailed survey is undertaken.

The analysis indicates that many sections of the drainage system are below capacity by modern standards, resulting in excess overland flows. Often these flows are contained within the road system causing only minimal problems. The main problems arise where overland flows pass through private property.

A prioritised list of significant overland flow problem areas is provided. The prioritised list of has been ranked on the basis of criteria that were developed for the previous studies of the Middle Harbour and Cowan Creek catchments. The rankings listed herein are compatible with those form the previous studies. The rankings are presented in a spreadsheet which can be adopted should future circumstances require it.

The water quality assessment in this report provides estimates of sediment and nutrient loads generated from the different subcatchments. In general, land use throughout the catchments relatively uniform and the loads are a function of catchment size. Prioritised listings have been developed for two key aspects which affect water quality:

- discharge from stormwater outlets in to bushland, and
- flow and velocity in unlined watercourses.

Generic recommendations for addressing these two key issues have been provided in the previous studies, and these are equally relevant to the Lane Cove Northern catchments.

Stormwater harvesting has the potential to provide a net positive benefit for both the ecological health of downstream environments, as well as for the overall water balance in the catchment including the amount of imported potable water (ie via Sydney Water). Sites which are suitable



for water harvesting projects have been identified and are listed. However other sites may exist and potential projects should not be limited only to those sites listed.

Concept designs have been developed for integrated stormwater management measures at three locations selected in consultation with Council. They are:

- West Pymble Primary School: detention basin and stormwater harvesting
- The Glade Oval: detention basin, water quality improvements, creek stabilisation and pit inlet capacity upgrading.
- Auluba Reserve: drainage swales and water quality control pond or wetland.

A preliminary assessment of the three concept designs has been carried out in order to demonstrate the method as required in the Study Brief. The assessment includes both quantitative and qualitative aspects. It is recommended that before any or all of the options are selected, further investigation and community consultation be undertaken.

## **Executive Summary**

This Report presents a Local Catchment Plan that covers the areas of the Ku-ring-gai Local Government Area (LGA) that drain to the Lane Cove River, generally known as the Lane Cove South catchments. These catchments are an unnamed creek known as Lane Cove Creek 4, an unnamed creek known as Lane Cove Creek 5, Blue Gum Creek, Lofberg Quarry Creek, Lady Game Creek and Blackbutt Creek. The catchments are illustrated on Figure ES 1.

The material presented in this report is based on detailed analysis at the sub-catchment level to identify the issues to be addressed in the catchment plans, a general priority for capital works for improving drainage system capacity and stormwater quality within the framework set by the Council's Stormwater Management Plans (SMPs).

## **ES1.1** Catchment Summary

Table 1 provides a summary of the basic statistics relating to land use and the drainage system within each catchment. It can be seen that the majority of the land is urban residential (74%) and open space / bushland (21%), with the remainder being commercial areas or schools. The drainage systems comprise almost 57km of piped drainage and approximately 20km of open channel. Whilst some areas have significant reaches of open channel, the majority of the open channels are "natural" creeks downstream of residential areas.

**Table ES 1 - Catchment Landuse and Drainage Systems** 

			Drainage System				
Catchment	Total Area (ha)	Commercial (%)	School (%)	Urban (%)	Natural/ Open Space (%)	Pipe Culvert (m)	Channel (m)
Lane Cove Creek 4	46	0.0	0.0	87.1	12.9	1716	843
Lane Cove Creek 5	142	0.7	1.8	88.7	8.8	5,418	445
Blue Gum Creek	128	1.4	3.9	83.0	11.7	6,119	2,665
Lofberg Quarry Creek	126	1.8	2.0	76.3	19.8	7,837	1,703
Lady Game Creek	281	1.5	3.5	67.8	27.3	12,341	4,166
Blackbutt Creek	477	4.6	2.1	68.8	24.5	23,479	9,696
Total	1200	2.60	2.49	73.92	20.99	56,910	19,518

A key aspect of the work undertaken for this report has been to establish the current status of the catchment, its drainage network and its water quality status in order to develop a set of options for improvement measures.



## **Executive Summary**

## **ES1.2** Drainage System Assessment

The DRAINS® simulation program was used to assess drainage system performance for 5-year, 10-year, 20-year and 100-year average recurrence interval (ARI) storm events as well as the probable maximum precipitation event. The study area includes a total of 3366 pits and nodes, of which 2812 were included in the analysis. Table ES 2 below summarises the performance of the system in terms of the number of pits or pipes that limit the flow in the system for particular ARI storms.

ARI (years) 10 5 20 100 No. % No. % No. % No. % 1272 1192 Pit Inlet Constraint 78.96 1249 77.53 1226 76.10 73.99 Pipe Flow Constraint 455 21.54 481 22.77 511 24.20 549 25.99 **Headwall Constraint** 141 78.33 142 78.89 147 81.67 151 83.89 No Constraint 944 41.19 41.01 40.49 40.14

Table ES 2 - Drainage System performance Summary

## The Table indicates that:

- Some 40% of the pipe system complies with accepted practice and is capable of conveying flow from the 20-year ARI event; and
- About 79% of the inlet pits have inadequate capacity to drain flows from the 5-year ARI storm.

The data indicates that, in terms of meeting modern design standards, the inlet pits are the major deficiencies in the drainage system. The result of these deficiencies is that overland flow flooding occurs throughout the catchments. The hazardous locations for each sub-catchment are detailed in the relevant sections of the report. The hazard was determined using the provisional rating process described in the NSW Floodplain Development Manual (2005).

Table ES 3 summarises the number of locations for certain flow situations. It should be noted that the flow situations listed are not necessarily mutually exclusive. For instance, flow across a road may also continue into a downstream property. The basic conclusion to be drawn from Table ES 3 is that there are a significant number of locations where, even in a 5–year ARI storm, the overland flow is likely to be hazardous.



**Table ES.3: Summary of Overland Flows in Blackbutt Catchment** 

Flow Regime	Flow Range	Numbe	Number of flooding locations for nominated ARI								
	(m³/s)	5 year	10 year	20 year	100 year	PMP					
	>20	0	0	0	0	25					
Flow across road	10 - 20	0	0	3	12	29					
	5 - 10	19	20	22	25	98					
	1.5 - 5	25	36	39	70	65					
	<1.5	15	13	20	3	0					
	>20					21					
Flow along road	10 - 20				2	47					
	5 - 10	31	39	56	82	207					
	1.5 - 5	14	25	20	45	171					
	<1.5	38	40	31	83	13					
Flow out of an into mirroto	>20	2	6	6	9	69					
Flow out of, or into, private property	10 - 20	12	10	15	35	101					
	5 - 10	58	83	111	111	155					
	1.5 - 5	52	57	61	80	91					
	<1.5	16	19	31	17	2					

In order to provide a basis for prioritising locations that should receive attention, a ranking scheme was developed based on the following criteria.

- 1. Severity of the 'Problem' Scored according to 5-year ARI flow, the number of properties that have reported flooding or the depth of. flooding in ponding areas;
- 2. Indicative cost of solution comprising Estimated cost plus a Contingency cost. The Contingency cost is dependant on the level of technical analysis undertaken. Cost is scored by an equation, graded uniformly between 1 5, with minimum of 1 for costs of \$100,000 or more.;
- 3. Ease of implementation for a solution in the area, which depends on ease of access for machinery.

The ranking criteria listed were applied to all locations where the DRAINS® modelling showed that there were significant overland flows (ranging from  $\geq 2$  m³/s for larger catchments down to 1.0 m³/s for small catchments). For each of these locations, detailed assessment was made of the nature of the flooding problem and the constraints in the drainage system that caused the problem.



# **ES1.3** Stormwater Quality Assessment

The Model for Urban Stormwater Conceptualisation (MUSIC) was used to assess the water quality of the study catchments. The model was run using continuous daily rainfall data from Canisius College Pymble for a 54-year period (1948-2001). Default water quality parameters were used in the model and the model was verified using data from the Stormwater Monitoring Project (Sydney Water 1993 & 1994).

Due to the homogeneous nature of the landuse throughout the study catchments, it was not possible to identify any "hot spots" as would result due to industrial areas, large shopping centres or other specific landuses. Many of the drainage outlets throughout the study catchments are located at the residential-bushland interface. These outlets have been identified as "bushland outlets". Accordingly, the greatest threat to the health of ecological communities downstream from drainage system outlets is the load of nutrients (mainly phosphorus) as well as continued wetting of the soils in the gullies.

A summary of flows and pollutant loads in the study area is presented in Table ES 4. Results for the individual catchments are presented in Sections 7 to 12. Water quality results for each node within the MUSIC models and each catchment are provided in Appendix B. The MUSIC model layouts for each catchment are presented in Appendix D.

Catchment	Flow (ML/yr)	Total Suspended Solids (kg/yr)	Total Phosphorus (kg/yr)	Total Nitrogen (kg/yr)	Gross Pollutants (kg/yr)
Lane Cove 4	107	19,900	41	300	2,400
Lane Cove 5	430	66,300	156	1,100	10,100
Blue Gum	559	89,800	195	1,500	13,500
Lofberg Quarry	545	89,700	184	1,370	12,700
Lady Game	1,330	256,000	479	3,290	30,600
Blackbutt	2,220	341,000	682	6,020	52,800

Table ES 4: Pollutant Loads from Lane Cove River South Catchments

Considerably larger loads of stormwater pollutants are derived from the two largest catchments, i.e. Blackbutt and Lady Game catchments, than from the other catchments. These two catchments collectively generate more than two times the pollutant loads that are collectively generated by the other four catchments.

Due to the scales of stormwater runoff assessed for water quantity (large storm events) versus water quality (small storm events), integration of solutions that address both water quality and quantity are considered on a case by case basis. The priority of bushland outlets and the corresponding ranking of flooding problem areas have been presented. This will assist with identifying the locations for flooding solutions that should have a high priority for including water quality improvement solutions.



Design sewer overflow data obtained from Sydney Water Corporation is discussed in Section 3.5 of the report. There are four design sewer overflows in the study area, all of which are relatively small. It is not possible to simulate the water quality impacts of these sewer overflows and managing sewer overflows is the responsibility of Sydney Water and not Council.

# **ES1.4** Catchment Management Issues

Addressing the water quantity and water quality issues in the catchments covered by this report should not follow an ad-hoc approach, based on individual pits or pipes. There is a need to adopt a catchment based approach, where all issues are addressed in a comprehensive and sustainable manner.

Table ES 4 summarises the issues in each of the catchments.

**Table ES 4 Summary of Catchment Issues** 

	Inlet Constrained 5-year ARI	Overland Flows 100-year ARI	Hazardous Sites	Water Quality Concerns
Lane Cove Creek 4	93%	3	0	1
Lane Cove Creek 5	81%	45	23	5
Blue Gum Creek	81%	31	2	6
Lofberg Quarry Creek	76%	42	9	3
Lady Game Creek	66%	41	20	7
Blackbutt Creek	84%	90	36	14

Based on the assessments above, the following general measures should form the basis of long-term catchment plans for the study area.

- 1. Notwithstanding current drainage maintenance, construction and inspection programs, it is recommended that Council develop a prioritisation program to address the known and potential flooding risks identified in this Report, addressing aspects such as inspection of overland flow paths, compliance with Development Approval conditions, road profiles and maintenance requirements for the drainage system;
- 2. Detailed programs for inspection and maintenance of the pits, pipes and open channels that make up the drainage system;
- 3. Inspections of entrances to easements to ensure there are no high points that will divert flows to adjoining properties;
- 4. Co-ordination between Planning, Approvals and Engineering Sections within Council to ensure developments are not undertaken without sound consideration of flooding and overland flows;



- 5. Council's traffic engineers should examine the profiles of areas identified for overflows or other issues to determine whether improvements can be undertaken;
- 6. Community awareness program regarding water quality issues such as litter in drains and emphasis on where drainage water actually goes to;
- 7. Targeted awareness campaign regarding drainage easements, the need to keep these available for free passage of flows and the impacts of flows in the easements;
- 8. DCP 47 should be maintained and enhanced by the inclusion of a more detailed maintenance "contract", especially for works on private properties. DCP 47 should be strictly enforced and regular inspections carried out to ensure on-going compliance;
- 9. Detailed investigations should be undertaken for community basins that serve both water quality and water quantity objectives within all catchments. Wetlands and other Water Sensitive Urban Design features should be designed to suit the available open spaces;
- 10. Where space and budgetary/maintenance constraints allow, GPTs should be installed at the outlet of all commercial parking areas and at locations (to be determined) throughout each catchment; and
- 11. Detailed inspection of all drainage outlets should be undertaken and designs prepared for outlet works as described in Section 13.2 of the Main Report.

# ES1.5 Lofberg Quarry Creek – Future Directions and Concept Plan

The Lofberg Quarry catchment (see Figure ES 2) was selected for an integrated concept design approach in consultation with Council.

The principle underlying the concept plan for Lofberg Quarry catchment is the integration of water quantity and water quality management measures to achieve an efficient and effective use of any rainfall runoff within the catchment. This can be achieved through the construction of a storage and reticulation system based on open space availability, the use of underground storages and reconstruction of roads in accordance with Water Sensitive Urban Design principles and water quality measures.

Prior to any detailed design, it will be essential that detailed hydrologic modelling of the catchment be undertaken to establish runoff volumes and timing for the full range of storm events. Precise levels of pits, pipes and other drainage infrastructure will be required.

The principal benefits that will arise from establishing this process in this catchment, and other catchments, will include:

- Less pollution, physical and chemical, entering the receiving land and waters within the National Park;
- The natural areas within the catchment, particularly within Bicentennial Park, will be less affected by debris, pollution flooding; and

Through the construction of a storage and reticulation system, the ovals, bowling greens and other features (gardens) within Bicentennial Park can be maintained to the highest level possible with the least call on the potable water supply. Smaller open space areas may also be included in the reticulation system



(Kendall Green, Village Green) however it will need detailed investigation and design to include these areas. The overview of the concept plan is shown on Figure ES 3.



Figure ES 1 – Study Catchments

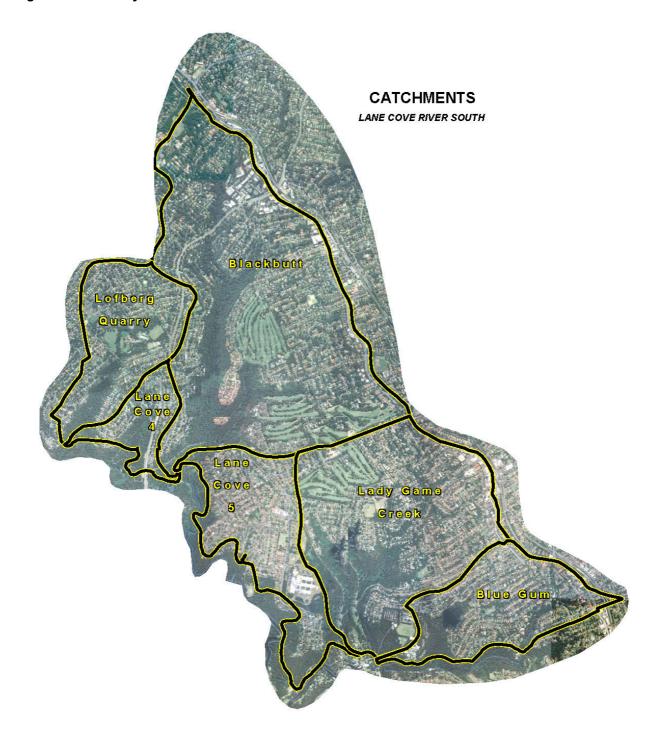






Figure ES 2 - Lofberg Quarry Creek Catchment



Figure ES 3 – Lofberg Quarry Creek Catchment – Water Management Proposal



Year							5-Year ARI Overland		Properties wi Flooding In:	th Reported	Equipment		Depth	Estimated Cost of		ncy Allowance				Severity	Raw Score			0	¥	*	2 . 5 3	
Inancial	rank	Location	Pit Label Identifier	Catchment	Problem	Flow Direction	Flow (m³/e)	Habit ands	8 a	Sand Mark	Properties Affected	Road hazard (V*d	Flooding (m)	Solution (\$)	Technical Analysis Undertaken	Contingency (\$)	Overall Cost	Overland Flow	Flooded Properties	Hazard	Depth of Flooding	Adopted Score	Cost	Easts of hinglements	10	3	Po Case	Tota Soon
-	1	Bolton PI	RC04A30	PG	Water may pond in basin to a depth of 3.85 m in 5 yr ARI storm. Pipes constrained from basin to channel.	1.4 m3/s across Bolton	1.4	1	0	0	1.0		3.85	\$80,000	Undertaken		\$60,000	1.8	4.0		10 5	10.6	2.60	3	10.6	2.1	1.2	13.5
6/07					- @																							
6/07	2	Gordon Golf Course	OFB807SA70	88	Inlet Capacity		11.32				0.0	4.25	0.6	\$8,000	D	\$4,000	\$12,000	5.0	0.0	4	2.5	5	4.52	4	5.0	3.6	1.6	10.2
6/07	3	Gordon Golf Course	OFB8078A90	98	Inlet Capacity		11.04				0.0	4.14	0.6	\$8,000	D	\$4,000	\$12,000	5.0	0.0	4	2.5	4.9837486	4.52	4	5.0	3.6	1.6	10.2
06/07	4	Woodward PI (Option 3)	MH05A110	MH41	This is a pipe capacity issue, the system is constrained by the capacity of pipe PMH-05A110, as a result of insufficient grade (<1%). Upstream and downstream (Blamey Rd) systems appear to have sufficient capacity.	-4 m3/s along road	4	2	0	0	2.0			\$65,000	d	\$32,500	\$97,500	3.0	4.0		0.0	4.0	1.10	5	4.0	0.9	2.0	6.9
	5	Carcocia Rd to creek	MH03A70	36(1	Inadequate inlet capacity. 1200mm pipe has 50%	3.3 m3/s through	3.3	1	0	0	1.0			\$20,000	d	\$10,000	\$30,000	2.7	4.0		0.0	4.0	3.80	5	4.0	3.0	2.0	9.0
6/07	6	Caiga SI sag near No. 27	MH11FAA10	Mişi	spare capacity. 750mm under street in main line is constrained. 750mm PMH11F20 is <30% full as grade steepens. Small pipes leading to main line are all constrained.	properties 2.0 m3/s across street and through properties to channels & Allard Ave		1	1	1	1.4			830,000	d	\$15,000	\$45,000	2.1	4.0		6.0	4.0	3.20	5	4.0	2.6	2.0	8.6
06/07	7	Griffith Ave sag near No. 25	MH11F030	1/544	MH11FD30 & MH11FDA10 sag pits are not located on main line & 675mm under road is located under ongrade pits. 675mm drops back to 600mm at MH11F60. 675mm and 600mm pipes running <50% full. Pipe constraint problem for pipes leaving sag	sag  1.1 m3/s across Griffith Ave and through properties to Calga St	1.1	1	0	0	1.0			\$15,000	d	\$7,500	\$22,500	1.6	4.0		0.0	4.0	4.10	5	4.0	3.3	2.0	9.3
					pits and inlet capacity																							
06/07					1110			-			0.0	0.40	0.455	****	10	\$4,000	\$12,000	4.3	0.0	2	1,4	4.3386058	4.52	5	4.3	3.6	2.0	10.
7/08	9	Across Highfield Rd	OFLG018V30	+G	Inlet Capacity		8.37	-			1.0	0.43	0.159	\$8,000	D	\$4,000	\$12,000	2.4	4.0	4	2.4	4.3300050	4.52	5	4.0	3.6	2.0	9.6
80.17	10	Pathway 4 m wide	OFLQ010A160	LQ	Inlet Capacity		3.21	1			0.0	0.68	0.574	\$8,000	D	\$4,000	\$12,000	2.7	0.0	4	2.0	4	4.52	5	4.0	3.6	2.0	9.6
80/1	11	Bicentental Park  Beaumont Road to	OFLQ010F10	LQ	Inlet Capacity Inlet Capacity, high overland flows from		-								1			-					4.52	5	1	3.6	2.0	9.6
7/08	12	Jinkers Green	OFLC508A140	i.C5	LC508NA  Inlet Capacity, high overland flows from		1.24				0.0	1.25	0.248	\$8,000	D	\$4,000	\$12,000	1.7	0.0	4	1.6	4	4.52	5	4.0	3.6	2.0	9.6
18	13	Jinkers Green	OFLC508A130	LC5	LC508A140		1.82				0.0	0.65	0.164	\$8,000	D	\$4,000	\$12,000	-		4	-			-	-			-
08		Bradfield Road	OFLC508A120	LCS	Inlet Capacity, overland flows from 2 branches converging		3.19				0.0	1.03	0.225	\$8,000	D	\$4,000	\$12,000	2.7	0.0	4	1.6	4	4.52	5	4.0	3.6	2.0	9.
801	14	Off Abingdon Rd	OFBG01/B10	BG	Inlet Capacity	-	1.35				0.0	0.54	0.133	\$8,800	D	\$4,400	\$13,200	1.7	0.0	4	1.3	4	4.47	5	4.0	3.6	2.0	9.
80	15	Off Vale St Park d's of Recreation Ave & Tennis Courts	OFBB021GA10 MC01A50	BA	Inlet Capacity  Not a major problem as of flow is through Park and Tennis Courts.	5.4 m3/s through Tennis, Courts, Park and backyards of 37-43 Bangraft five	5.4	0	0	0	0.1	0.4	0.133	\$8,000	D d	\$4,000	\$12,000 \$75,000	3.9	0.0	2	0.0	3.899423	2.00	5	3.9	1.6	2.0	7
7/08 1	17	İ	1	1	Inlet Conneits	Pontrann ava	6.51	i			0.0	0.24	0.23	\$8,000	To	\$4,000	\$12,000	3.8	0.0	2	16	3.8283809	4.52	5	3.8	3.6	2.0	9.
801	18	Lofberg Road	OFLQ010CAA10	10	Inlet Capacity		-	-			0.0	3	0.57	\$4,800	D	\$2,400	\$7,200	4.0	0.0	4	2.4	4.0436061	4.71	1	4.0	3.8	1.6	9
08	19	Off Highfield Rd	OFLG031A10 RC15A20	EG RE	Outlet System 1350mm under road is constrained. Pipe upgrade	13.5 m3/s down lileroy	7.27	-	-	-	-	3	-		-			-		-	-	-		1	1	1.6	0.4	7
7/08		Kalang Ave	no ioneo	-	needed possibly at steeper grade.	Ave	13.5	0	0	0	0.0			\$50,000	d	\$25,000	\$75,000	5.0	0,0		0.0	5.0	2.00	-	5.0	3.6	0.8	9
108	20	Into detention basin within golf course	OFBB07SA110	98	Inlet Capacity		10.76				0.0	4.03	0.6	\$8,000	D	\$4,000	\$12,000	4.9	0.0	4	2.5	4.9199085	4.52	2	4.9	-	+	- 353
7/08	21	Down Beaconsfield Pde	OFLG027F20	re.	Outlet System		3.61				0.0	0.85	0.374	\$7,200	D	\$3,600	\$10,800	2.9	0.0	4	1.9	4	4.57	4	4.0	3.7	1.6	9.
7/08	22	Corner Sheddock Ave and Ryde Rd	OFLQ010M10	LO	Inlet Capacity		1.54				0.0	0.64	0.202	\$8,000	D	\$4,000	\$12,000	1.9	0.0	4	1.5	4	4.52	4	4.0	3.6	1.6	9.
109	23	Shaddock Avenue	OFLQ010A180	t.Q	Inlet Capacity		2.79	1			1.0	0.87	0.259	\$8,000	D	\$4,000	\$12,000	2.5	4.0	4	1.6	4	4.52	4	4.0	3.6	1.6	9
109	24	Down Binalong Rd	OFLQ023A20	LQ.	Inlet Capacity		3.09	1			1.0	0.91	0.27	\$8,000	D	\$4,000	\$12,000	2.6	4.0	4	1.7	4	4.52	4	4.0	3.6	1.6	- 2550
109	25	Binalong Street	OFLQ023A10	LO.	Inlet Capacity		3.59	1			1.0	1.11	0.261	\$8,000	D	\$4,000	\$12,000	2.8	4.0	4	17	4	4.52	4	4.0	3.6	1.6	- CONTRACT
109	26	Kendali St	OFLQ022A10	LO	Inlet Capacity		3.70				0.0	0.87	0.382	\$8,000	D	\$4,000	\$12,000	2.9	0.0	4	2.9	4	4.52	4	4.0	3.6	1.6	- 5300
09	27	Bicenteniat Park	OFLQ010A100	LQ	Inlet Capacity		2.95				0.0	0.91	0.266	\$8,000	D	\$4,000	\$12,000	2.6	0.0	4	1.7	4	4.52	4	4.0	3.6	1.6	- 133
109	28	Kendali St	OFLQA390	LQ	Inlet Capacity		3.57				0.0	1.05	0.337	\$8,000	D	\$4,000	\$12,000	2.8	0.0	4	1.9	4	4.52	4	-	3.6		- 1000
09	30	Charles Street and Fiddens Wharf Road Down easement b/w	OFLC508H10	LGB	Outlet System Constraint		5.36	-			0.0	1.45	0.678	\$8,000	D	\$4,000	\$12,000	3.5	0.0	4	1.4	4	4.52	4	4.0	3.6	1.6	1000
09		14 and 16 Terrace Road	OFLC508C60	L05	Inlet Capacity		1.01				0.0	0.56	0.173	\$8,000	D	\$4,000	\$12,000 \$12,000	1.5	0.0	4	1.6	4	4.52	4	4.0	3.6	1.6	. 35
109	31	Down Bradfield Road	OFLC505B30	LOS	Inlet Capacity		1.47	-		-	0.0	0.52	0.228	\$8,000	D	\$4,000	\$12,000	2.1	3.0	4	1.5	4	4.52	4	4.0	3.6	1.6	- 66600
09	32	Down Provincial Rd	OFLGA360	LG	Inlet Capacity	-	3.03	-	-	3	0.0	0.6	0.27	\$8,000	D	\$4,000	\$12,000	2.6	0.0	4	1.7	4	4.52	1	4.0	3.6	1.6	- 450.75
09	34	Down Grosvenor Rd  Down Duma resq St		-	Inlet Capacity Inlet Capacity	1	2.00		1	-	0.0	0.89	0.195	\$8,000	D	\$4,000	\$12,000	2.1	0.0	4	15	4	4.52	4	4.0	3.6	1.6	307
-	35	Down Duma resq St		-	Inlet Capacity		2.40	1		2	0.2	0.87	0.223	\$8,000	D	\$4,000	\$12,000	2.3	3.0	4	1.6	4	4.52	4	4.0	3.6	1.6	300
09	36	Down Bushlands Aw	OFBB07SACCB		Inlet Capacity		2.58				0.0	0.79	0.258	\$8,000	D	\$4,000	\$12,000	2.4	0.0	4	1.6	4	4.52	4	4.0	3.6	1.6	200
709	37	Down Pymble Ave	A10 OFBB039B20	-	Inlet Capacity	1	2.66			1	0.1	0.75	0.284	\$8,000	D	\$4,000	\$12,000	2.4	3.0	4	1.7	4	4.52	4	4.0	3.6	1.6	100
109	38	Nadene Pl Into Ryde		1	Inlet Capacity		2.70				0.0	0.95	0.228	\$8,000	D	\$4,000	\$12,000	2.5	0.0	4	1.5	4	4.52	4	4.0	3.6	1.6	- 600
8/09	39	Rd Down Ryde Rd	OF88029A70	-	Inlet Capacity		2.78	1	-	1	0.0	1.01	0.222	\$8,000	D	\$4,000	\$12,000	2.5	0.0	4	1.6	4	4.52	4	4.0	3.6	1.6	
-	40	Down Norfolk St and	1	1			3.30				0.0	1,18	0.225	\$8,000	D	\$4,000	\$12,000	2.7	0.0	4	1.6	4	4.52	4	4.0	3.6	1.6	
08/09 0	41	Into drainage essement at sag Bristol Ave near water supply essement	OFBB07SR10 RC03A20	EB .	Inlet Capacity  Inlet capacity of headwall restricted by pipe diamete at RC03A20. More inlets to 1050 just d/s of RC03A20 in properties would assist.	5.4 m3/s from creek through properties.	5.4	1	0	1	1.1	1,10	0.225	\$70,000		No calculation	\$70,000	3.5	4.0		0.0	4.0	2.20	+	4.0	1.8	1	

# TURRAMURRA CENTRE TRAFFIC STUDY

#### **EXECUTIVE SUMMARY**

PURPOSE OF REPORT:

The purpose of this report is to provide Council

with further advice on the likely traffic

generation associated with the preferred option for the redevelopment of the Turramurra Town

Centre.

**BACKGROUND:** At Council's meeting of 7 February 2006, Council

considered a rescission motion on the Turramurra Town Centre and resolved to seek further advice on traffic issues associated with the future planning of the Turramurra Town Centre.

**COMMENTS:** An analysis of the traffic generation was

undertaken to determine the effectiveness of including the new bridge and it was found that there was a marginal improvement in traffic flow as a result of constructing the new bridge over the railway line. However, it would be difficult to argue that the benefits would justify the construction of the bridge. Railcorp were consulted and requested that the bridge be a single span bridge and be sufficient length to cover future quadruplication of the railway line. Consequently this would have a further impact

on the cost of the bridge.

**RECOMMENDATION:** That the report be received and noted and that

Council not incorporate the bridge over the railway in the draft LEP and DCP for the

Turramurra Town Centre.

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#### PURPOSE OF REPORT

The purpose of this report is to provide Council with further advice on the likely traffic generation associated with the preferred option for the redevelopment of the Turramurra Town Centre.

## **BACKGROUND**

At Council's meeting of 7 February 2006, Council considered a rescission motion on the Turramurra Town Centre and resolved to seek further advice on traffic issues associated with the future planning of the Turramurra Town Centre. Council resolved:

"That a best case traffic plan be prepared for the option D as adopted, both including and excluding a road bridge from Rohini Street to Ray Street. This is to be considered by Council separately prior to inclusion in the Draft LEP and Draft DCP.

That creation of new roads generally as indicated on the map in attachment H be further considered by Council prior to inclusion in the Draft LEP and Draft DCP."

At Council's meeting of 5 December 2005, Council considered a report on the Turramurra Town Centre which included information on the traffic impacts and options for dealing with traffic generation from the various options.

A traffic analysis of the various planning options has been carried out to assess the likely impact of these options on the existing network.

# **COMMENTS**

Traffic generations using RTA guidelines were used to assess the likely impact of traffic on each of the planning options. Results of the traffic analysis is in the form of an annual cost, which is an estimate of the collective yearly cost that motorists would experience when travelling through that section of the road network, in terms of vehicle operating costs and delay (time) costs.. This is related to the average vehicle delays and is another form of showing a comparison of the model. Other forms of comparison relate to the levels of service for the various intersections.

The existing traffic conditions were assessed and the proposed development from LEP 194 was included in the analysis to determine the likely extent of delays before assessing the impact from the proposed Stage 2 development. While there are delays likely to be experienced in the side streets both under existing conditions and with LEP 194 development, the network is still operating satisfactorily but further improvements would be required to cater for the likely traffic increases from Stage 2. The table below shows the levels of service and other analysis information based on the existing traffic arrangement with LEP 194 traffic generation added.

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# Existing Traffic Conditions with LEP 194 development included

Intersection	Peak Hour	Leg	Degree of Sat. for critical movement	Ave Queue Length	Ave Vehicle Delay	Movement LOS	Overall LOS post LEP 194
	AM	Pacific Hwy East	0.64	30	5	А	
Docific Highway	Peak	Ray Street	0.98	36	>200	F	
Pacific Highway /Ray Street	Peak	Pacific Hwy West	0.85	84	0	А	Α
	PM	Pacific Hwy East	0.91	42	23	Α	
	Peak	Ray Street	1.6	222	>200	F	Α
	Peak	Pacific Hwy West	0.95	144	17	В	A
	AM Peak	Pacific Hwy East	0.88	132	5	А	
Pacific		Kissing Point Road	0.88	72	77	F	Α
Highway/Kissing Point Road		Pacific Hwy West	0.88	72	5	А	
	PM	Pacific Hwy East	0.95	102	20	В	
	Peak	Kissing Point Road	0.95	78	131	F	В
		Pacific Hwy West	0.95	78	5	А	
	AM	Pacific Hwy East	1.02	54	0	Α	
Pacific	Peak	Rohini Street	1.02	102	>200	F	D
Highway/Rohini Street		Pacific Hwy West	1.02	240	57	Е	
	PM	Pacific Hwy East	1.04	54	0	А	
	Peak	Rohini Street	1.04	114	>200	F	В
		Pacific Hwy West	1.04	414	28	С	

LOS A is good conditions with no delays and LOS F is poor conditions with long delays. Degree of saturation greater than 1 means the flow is saturated and further traffic will result in delays.

Queue length is the length of the queue in metres.

Vehicle delay relates to delay time in seconds.

#### The above table shows that:

- Delays are increased on the Rohini Street approach in both AM and PM Peak.
- Delays are increased on the Ray Street approach in both the AM and PM Peak with the Ray Street approach reaching unacceptable limits in the PM Peak.
- Delays start to occur on the Kissing Point Road approach particularly in the PM Peak.
- The Pacific Highway continues to operate satisfactorily.

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Below is a summary of the proposed changes for the preferred Town Centre Option:

#### 1. New intersection with Pacific Highway

This involves the addition of a new set of traffic signals with a right turn bay from the Pacific Highway into Turramurra Avenue. The purpose of this new intersection is to direct traffic away from Rohini Street which is heavily used by pedestrians, commuters and people visiting the retail centre. It is not intended to make Turramurra Avenue the dominant link and with the new link to Eastern Road via Gilroy Road, it is intended to make Turramurra Avenue one way southbound around Nulla Nulla Street.

This new intersection will need to be assessed by the Roads and Traffic Authority to ensure that peak traffic flows along Pacific Highway are not adversely delayed by the proposed signalisation of the intersection.

# 2. Conversion of Rohini Street to Left In and Left Out with the removal of traffic signals and providing a new link to Turramurra Avenue

Because of the close proximity of the railway station and the retail frontage, motorists experience delays with the pedestrian crossing, parking of vehicles and the traffic signals at the Pacific Highway. In order to overcome the delays, it is intended to remove the traffic signals and only allow a left in and left out arrangement. Turramurra Avenue currently operates under this arrangement and the delays are not significant. The relocation of the pedestrian crossing to Turramurra Avenue will allow vehicles to exit Rohini Street and only concentrate on Pacific Highway traffic.

# 3. Provision of a direct connection from Kissing Point Road to William Street and a link to Ray Street via Forbes Lane

The purpose of this change is to allow a direct vehicular and pedestrian link from Kissing Point Road to the railway station and the facilities proposed for this precinct. This will allow better access and remove one of the turning bays on the Pacific Highway. Widening of the Pacific Highway will allow for a dedicated right turn bay into Ray Street and therefore allow removal of the tidal flow arrangement on the Pacific Highway. Variations to the circulation movements and drop off arrangements are still to be finalised.

#### 4. A new connection from Kissing Point Road to Duff Street (Stonex Street)

While there is an indirect link from Kissing Point Road to Duff Street through the shopping centre car park, it is proposed to formalise this link with a new road. This will assist traffic heading north along the Pacific Highway rather than being delayed by the traffic signals at Kissing Point Road and the Pacific Highway.

# 5. Removal of tidal flow on Pacific Highway

As mentioned above, removal of the tidal flow arrangements would enable dedicated right turn bays and maintain six lanes (3 in each direction) for through traffic. While 3 lanes are currently provided on the peak direction under tidal flow arrangement, some additional capacity would be obtained through the removal of the tidal flow.

Further information relating to the levels of service of the various intersections are summarised below showing the analysis for including the bridge and excluding the bridge over the railway line.

# Proposed improvements without bridge over railway line from Rohini Street to Ray Street:

Intersection	Peak Hour	Leg	Degree of Sat. for critical movement	Ave Queue Length	Ave Vehicle Delay	Movement LOS	Overall LOS for LEP 194	
		Pacific Hwy East	0.97	66	5	Α		
Pacific Highway	AM Peak	Ray Street	0.97	36	168	F	В	
/Ray Street	1 Cak	Pacific Hwy West	0.97	90	17	В		
		Pacific Hwy East	0.97	60	5	А		
	PM Peak	Ray Street	0.96	50	122	F	Α	
	reak	Pacific Hwy West	0.83	126	5	А	^	
	0.04	Pacific Hwy East	0.74	84	226	Е		
Pacific	AM Peak	Kissing Point Road	0.9	54	76	F	Α	
Highway/Kissing Point Road		Pacific Hwy West	0.91	84	5	А		
1 omit Road		Forbes Lane	0.9	42	157	F		
		Pacific Hwy East	0.98	114	238	F		
	PM Peak	Kissing Point Road	0.98	60	134	F	В	
		Pacific Hwy West	0.96	78	5	А		
		Forbes Lane	0.96	54	207	F		
		Pacific Hwy East						
Pacific	AM Peak	Rohini Street					Α	
Highway/Rohini		Pacific Hwy						
Street		West Pacific Hwy						
(SIGNALS	PM Peak	East Rohini					Δ.	
REMOVED)	Peak	Street Pacific Hwy					A	
		West Pacific Hwy		00		Δ.		
	AM	East	1	90	5	A		
Pacific Highway/	Peak	Turramurra Avenue	1	114	159	F	С	
Turramurra Avenue		Pacific Hwy West	1	144	>300	F		
	PM	Pacific Hwy East	1	126	36	С		
	Peak	Turramurra Avenue	1	132	132	F	С	
		Pacific Hwy West	0.85	90	117	F		

# Proposed improvements with bride over railway line from Rohini Street to Ray Street:

Intersection	Peak Hour	Leg	Degree of Sat. for critical movement	Ave Queue Length	Ave Vehicle Delay	Movement LOS	Overall LOS for LEP 194	
	0.04	Pacific Hwy East	0.46	48	5	Α		
Pacific Highway	AM Peak	Ray Street	0.98	66	122	F	В	
/Ray Street		Pacific Hwy West	0.98	96	20	В	_	
	D14	Pacific Hwy East	0.82	132	5	А		
	PM Peak	Ray Street	0.82	54	57	Е	Α	
	Teak	Pacific Hwy West	0.82	132	5	А	^	
	0.04	Pacific Hwy East	0.72	78	64	Е		
Pacific	AM Peak	Kissing Point Road	0.90	54	76	F	Α	
Highway/Kissing Point Road		Pacific Hwy West	0.90	84	5	А		
1 omit reduc		Forbes Lane	0.90	36	141	F		
	PM	Pacific Hwy East	0.96	108	>200	F		
	Peak	Kissing Point Road	0.96	54	116	F	С	
		Pacific Hwy West	0.95	72	7	А		
		Forbes Lane	0.96	48	186	F		
	AM	Pacific Hwy East						
Pacific	Peak	Rohini Street					Α	
Highway/Rohini Street		Pacific Hwy West						
(SIGNALS	PM	Pacific Hwy East						
REMOVED)	Peak	Rohini Street					Α	
		Pacific Hwy West						
	0.04	Pacific Hwy East	0.91	11	0	А		
Pacific Highway/	AM Peak	Turramurra Avenue	0.91	8	114	F	Α	
Turramurra Avenue		Pacific Hwy West	0.91	42	>200	F		
2	DM	Pacific Hwy East	0.66	15	0	А		
	PM Peak	Turramurra Avenue	0.80	5	62	Е	Α	
		Pacific Hwy West	0.67	34	48	D		

The estimated cost of the rail bridge is in excess of \$3 million. Railcorp was consulted to determine what would be its requirements for the construction of the new bridge over the railway line.

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Railcorp's main issue in relation to the structure was that it be built in one span and accommodate any future track quadruplication.

From the analysis above, there is a marginal benefit gained from the bridge in terms of traffic flow improvements mainly in Turramurra Avenue, where through traffic will be able to use Ray Street and hence put less demand on the intersection of Turramurra Avenue and the Pacific Highway.

The main issue from the construction of the new bridge is the proposed location being away from the intersection of Eastern Road and Rohini Street and the bridge would be located in a section of Rohini Street that is predominately a nursing home environment.

Given that the Ray Street precinct would be predominately housing community facilities, the traffic generation would be lower and therefore there is no real benefit in constructing the new bridge.

With regard to the connection between Rohini Street and Turramurra Avenue, it was proposed to create a new connection between Gilroy Road and Turramurra Avenue. Turramurra Avenue could be converted into a one way flow adjacent to Nulla Nulla Street to help reduce the amount of through traffic.

This connection is necessary to provide access to and around the area for those residents coming from the northern sections of Turramurra and Wahroonga.

#### CONSULTATION

Consultation has taken place with Rail Corporation New South Wales on the requirements for the construction of a new road bridge over the railway line from Rohini Street to Ray Street.

#### FINANCIAL CONSIDERATIONS

The cost of the rail bridge is estimated at \$3 million, however, some of the costs could be funded by Section 94 contributions.

## CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Staff from Planning, Technical Services and Finance were consulted in the preparation of this report.

#### SUMMARY

Council at its meeting of 7 February 2006 requested a further report on the traffic impacts associated with the preferred town centre development and a comparison of the traffic flow with or without the proposed road bridge over the railway line.

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An analysis of the traffic generation was undertaken to determine the effectiveness of including the new bridge and it was found that there was a marginal improvement in traffic flow as a result of constructing the new bridge over the railway line. However, it would be difficult to argue that the benefits would justify the construction of the bridge. Railcorp were consulted and requested that the bridge be a single span bridge and be sufficient length the cover future quadruplication of the railway line. Consequently this would have a further impact on the cost of the bridge.

#### RECOMMENDATION

That the report be received and noted and that Council not incorporate the bridge over the railway in the draft LEP and DCP for the Turramurra Town Centre.

Greg Piconi **Director Technical Services** 

Attachments: Draft Traffic Study Report Summary - 589494

# ST IVES CENTRE DRAFT LOCAL ENVIRONMENTAL PLAN - REVIEW OF RETAIL FLOOR SPACE

## **EXECUTIVE SUMMARY**

To present to Council a revised floor space provisions for the **PURPOSE OF REPORT:** 

St Ives Shopping Village to be incorporated into the Draft Local Environmental Plan for the St Ives Centre prior to its

exhibition.

Council resolved on 19 July 2005 to cap the retail floor **BACKGROUND:** 

space within St Ives Village Shopping Centre to 28,000sqm net letable floor area (NLFA) including the strip shops on Mona Vale Road. Following a recent meeting with the Department of Planning and representations from St Ives Shopping Village, it is apparent that the retail floor space provided for under the Draft LEP for both the St Ives Shopping Village and the St Ives Centre overall requires

further clarification and resolution by Council.

Staff have reviewed the development standards in the Draft **COMMENTS:** 

LEP applying to retail floor space in St Ives. Revised

standards have been developed that amend/modify Council's

previous resolutions and to be consistent with the

Department of Planning's expectations and the Minister's

Direction.

That the Draft Ku-ring-gai (Town Centres) Local **RECOMMENDATION:** 

Environmental Plan be amended prior to exhibition to

include floor space ratio development standards applying to

the St Ives Shopping Village site of Maximum

Retail/Commercial - 1.45:1; Community Facilities - 0.07:1;

Total Site 2.1:1.

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#### PURPOSE OF REPORT

To present to Council a revised floor space provisions for the St Ives Shopping Village to be incorporated into the Draft Local Environmental Plan for the St Ives Centre prior to its exhibition.

#### **BACKGROUND**

Council's resolution of the 19 July 2005 outlined the provision of a total of 35,000sqm of net letable retail floor area (NLFA) for the St Ives Centre. This included 28,000sqm for the St Ives Shopping Village (which includes the strip shops on Mona Vale Road owned by the Shopping Village) and 5,500sqm for the Eden Brae/Stanley Street shops area on the southern side of Mona Vale Road.

Following a recent meeting with the Department of Planning it is now apparent that the retail floor space provided for under the Draft LEP for the St Ives Shopping Village and St Ives Town Centre overall requires further clarification and resolution by Council.

With regard to the provision of retail floor space (including that within the St Ives Shopping Village) the Department requires Council to clearly demonstrate that the draft plans and controls can meet the required demand for retail/commercial space and address economic feasibility issues. The Department indicated that they will need to be satisfied that the proposed retail floor space is sufficient and feasible, prior to agreeing to the draft plan being placed on public exhibition.

The St Ives Village Shopping Centre has made representations to staff indicating that the current floor space ratio (FSR) for the site does not provide adequate NLFA to provide an economically feasible development.

The Department of Planning have indicated that it will not be acceptable to review shortfalls in retail within St Ives as part of the comprehensive LEP process and have some concern about the transfer of retail floor space to Gordon from St Ives.

#### COMMENTS

A review by staff has identified shortfalls in retail in two key areas of St Ives which then results in an overall shortfall of retail across the St Ives Centre.

## **Eden Brae**

Under the current draft development standards and controls for the Eden Brae/Stanley Street shops area (south side of Mona Vale Road) there is a shortfall of 1,100sqm NLFA of retail floor space when compared to the 19 July 2005 Council resolution which identified 5,500sqm of retail as the target for Eden Brae, Stanley Street and the strip shops along Mona Vale Road.

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As reported earlier this shortfall is a result of the inability to provide a supermarket on the site due to feasibility issues previously reported to Council.

## St Ives Shopping Village

The current draft floor space development standards for the St Ives Shopping Village (which includes the strip shops on Mona Vale Road owned by the Shopping Village) has a shortfall of some 1,200sqm NLFA of retail space which is less than the 28,000sqm resolved by Council in July 2005.

The shortfall is the result of one main factor:

i) The current NLFA within the Shopping Village has been calculated on the basis of an efficiency ratio of 80% of the gross floor area which is unrealistic for a large centre of this type which has large loading docks, broad circulation corridors etc. A figure of 70% is a more realistic and achievable. This figure has been confirmed in discussion with Council's consultants. The result is that the current gross floor area (GFA) and therefore the FSR are too low to provide the 28,000sqm of retail resolved by Council.

In addition to the shortfall noted above, the Shopping Village has outlined issues regarding the feasibility of the current retail FSR and have indicated that they require 31,000sqm NLFA of retail space in order for the redevelopment of the centre to proceed. This indicates a total shortfall of 4,200sqm of retail space when compared to Councils resolution of 19 July 2005. Representatives of the shopping village have been requested to provide justification of this position . They have agreed to provide to Council's feasibility consultant on a confidential basis their economic modelling. Hill PDA (Council's consultants) will provide to Council a confidential analysis of their modelling which will be circulated to Councillors prior to consideration of this item, once received by Council.

#### St Ives Centre

Finally, under the development standards contained in the draft Town Centre LEP, applying to retail floor space, there is a short fall of some 1,600sqm of retail NLFA across the whole Town Centre when compared with the 35,000sqm required by Council's resolution.

This means that under current controls Council would need to transfer 6,600sqm of retail floor space to Gordon to make up for the shortfall in St Ives

#### **Other Issues**

In addition to the above two other points are noted:

i.) There is 3,000sqm NLFA of commercial currently allowed under the draft controls for the Shopping Village which may be include ground floor shops or offices on the second floor. Representations from the Shopping Village indicate that this space is of little commercial value unless it is a more flexible use, with the bulk of commercial use within the centre likely to be in the form of shop front commercial such as banks and medical centre.

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ii) There is currently no allowance for community facilities including the library and neighbourhood centre within the FSR for the Shopping Village.

To resolve the above issues it is recommended to increase the Shopping Village to 30,500sqm NLFA of retail/commercial floor space. This increase would incorporate the following:

- 26,800sqm of retail floor space currently provided in the draft controls;
- 3,000sqm of commercial floor area which is currently allowed within the draft controls but given flexibility to be either retail or commercial (either shop front or second floor location); and
- an additional 1,100sqm which could not be provided on the Eden Brae site and transferred to the Shopping Village site.

This amendment would result in an overall potential total retail NLFA within the St Ives Town Centre of 38,000sqm and would require a transfer of only 2,000sqm of retail space to Gordon to satisfy Council's adopted retail strategy. It is likely such an approach would be supported by the Department in light of recent discussion.

To achieve this outcome, it is proposed that the following amendments be made to the floor space ratio (FSR) standards in the Draft LEP:

- i) A new retail/commercial FSR for the Shopping Village of 1.45:1 (currently 1.3:1 retail only);
- ii) Removal of the maximum commercial FSR requirement of 0.1:1;
- iii) Provide a new 0.07:1 FSR allowance within the Shopping Village for 2,000sqm of community facilities including a library and neighbourhood centre;
- iv) Retain the current residential FSR of 0.6:1 remains unchanged; and
- v) Provide a total site FSR for the Shopping Village (including residential) of 2.1:1 (currently 1.8:1)

It should be noted that the changes noted above have no impact on the Shopping Village building envelope shown in the Draft DCP. The height remains 2 storeys, and the site coverage remains as shown in the current controls (95%). The main change is a result of a revision to the efficiency ratio of the envelope. The changes will also provide an equitable distribution of retail space throughout the centre.

## **Traffic Impacts**

An assessment of the impact of the additional retail space within the St Ives Shopping Centre has been undertaken.

The assessment has identified the estimated following traffic generation effects are estimated:

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1. Additional 1,100sqm of retail space within the St Ives Shopping Village would result in additional 51 vehicle trips per hour (during the Thursday pm peak hour) and additional 118 vehicle trips per hour (during the Saturday peak hour), which would be distributed to the surrounding road network (the intersection of Mona Vale Road/New shopping centre access and Mona Vale Road/Memorial Avenue, and to a lesser extent, the intersection of Mona Vale Road/Cowan Road/Shinfield Avenue).

2. If 3,000sqm of commercial space within the St Ives Shopping Village is ultimately used as retail, this would result in some additional 72 vehicle trips per hour during the Thursday pm peak hour. During the Saturday peak, the change is expected to be about additional 320 vehicle trips per hour, as commercial is not typically expected to operate on Saturdays. These would also be distributed to the surrounding road network (ie intersections mentioned above).

In total, there would be about additional 123 vehicle trips during the Thursday pm peak hour and additional 438 trips during the Saturday peak hour.

The report for the St Ives Town Centre (November 2005) notes that under the Final Option, the following future levels of service (LOS) of the signalised intersections are expected:

- Mona Vale Road/Cowan Road/Shinfield Avenue: LOS B (am peak), LOS C (pm peak), LOS A (Sat peak)
- Mona Vale Road/New shopping centre access: LOS A (am peak), LOS B (pm peak), LOS A (Sat peak)
- Mona Vale Road/Memorial Avenue: LOS C (am peak), LOS C (pm peak), LOS A (Sat peak)

The assumptions made in the report for the St Ives Town Centre (November 2005) have been used i.e. that future retail/commercial traffic (trips) was assigned as 50% inbound and 50% outbound during the Thursday PM and Saturday peak. Also, the majority of access into/out of the St Ives Shopping Village is assumed to be through the intersection of Mona Vale Road with the new shopping centre access.

Based on the above levels of service, the impact that the above changes may have on the signalised intersections is expected to be:

1. Additional 123 vehicle trips per hour during the Thursday pm peak hour is likely to add about 30 vehicles per hour at each approach of the intersection of Mona Vale Road with the new shopping centre access. This would be equivalent to an average of about 1 vehicle every 2 minutes, or an average of about 1 vehicle per traffic signal cycle. On average, queue lengths would therefore be expected to increase by about 1 vehicle every cycle. It is not considered that this would have significant additional impact to this intersection, particularly since it is expected to operate under Level of Service B during the pm peak (good operation, minimal delays, spare capacity). Although the demand for the intersection of Mona Vale Road with Memorial Avenue may increase slightly, it is forecast to operate at Level of Service C during the pm peak (satisfactory, with spare capacity).

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2. Additional 438 vehicle trips per hour during the Saturday peak hour is likely to add about 95 vehicles per hour at each approach of the intersection of Mona Vale Road with the new shopping centre access. Again, this would be equivalent to an average of about 3 vehicles every 2 minutes, or an average of about 3 vehicles per traffic signal cycle (per approach). On average, queue lengths would therefore be expected to increase by about 3 vehicle every cycle. Based on the forecast Levels of Service on Saturday peak hour at surrounding intersections (LOS A), it is considered that there would be sufficient spare capacity to absorb the additional trips.

## CONSULTATION

The preparation of this report has followed a meeting with Department of Planning staff regarding approval to exhibit the Draft Town Centres LEP and DCP (St Ives Centre) and representations from the St Ives Shopping Village.

# FINANCIAL CONSIDERATIONS

The cost of the proposed amendments are covered by Planning Department Budget.

#### CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Council has adopted an integrated planning approach for the town centres and input has been sought from the relevant sections of Council in preparing this report.

#### SUMMARY

Following a recent meeting with the Department of Planning and representation from the St Ives Shopping Village, a further review of the development standards in the Draft LEP applying to retail floor space to be provided in St Ives has been undertaken. Revised standards have been developed that are consistent with Council's previous resolutions and with the Department of Planning's expectations.

To resolve the above issues it is recommended to increase the Shopping Village to 30,500sqm NLFA of retail/commercial. This includes:

- 26,800sqm currently provided in the draft controls;
- 3,000sqm of commercial which is currently allowed within the draft controls but given flexibility to be either retail or commercial (shop front or second floor);
- an additional 1,100sqm which could not be provided on the Eden Brae site transferred to the Shopping Village.

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The overall potential total retail NLFA within the within the St Ives town centre would be 38,000sqm, requiring a transfer of only 2,000sqm of retail space to Gordon to satisfy Council's adopted retail strategy.

The traffic impacts of this increase in floor space have been assessed and not considered to be significant. It is considered that there would be sufficient capacity within the network following the previously recommended traffic improvements to absorb the additional trips generated.

The proposed new FSR development standards to be included in the Draft LEP are:

- i) retail/commercial FSR for the Shopping Village of 1.45:1 (currently 1.3:1).
- ii) A specific community facilities FSR of 0.7:1 within the Shopping Village for a library and neighbourhood centre
- iii) a total site FSR for the Shopping Village (including residential) of 2.1:1 (currently 1.8:1)

No changes to the Draft DCP building envelope for the Shopping Village are required to meet the amended FSR. The height remains 2 storeys and the footprint remains as shown in the current controls.

#### RECOMMENDATION

That the Draft Ku-ring-gai (Town Centres) Local Environmental Plan be amended prior to exhibition to include the following floor space ratio development standards to apply to the St Ives Shopping Centre site as follows:

- i. Maximum Retail/Commercial 1.45:1
- ii. Maximum Community Facilities 0.07:1
- iii. Total Site -2.1:1

Craige Wyse Bill Royal

Senior Urban Planer Senior Urban Designer

Antony Fabbro Steven Head **Manager Director** 

Urban Planning Open Space and Planning

# **ANALYSIS OF LAND & ENVIRONMENT COURT COSTS,** 2ND QUARTER ENDED 31 DECEMBER 2005

# **EXECUTIVE SUMMARY**

To provide information in relation to proceedings to **PURPOSE OF REPORT:** 

which Council is a party in the Land & Environment Court for the second quarter ended 31 December 2005, including appeals commenced, costs incurred

by Council and outcomes.

An applicant may commence proceedings in the **BACKGROUND:** 

Land and Environment Court for an application which has either been refused by Council or is

deemed to have been refused. An appeal may also be commenced in relation to conditions in any consent

granted by Council.

For the half year ended December 2005, Council's **COMMENTS:** 

legal costs and associated expenses in relation to Land & Environment Court matters were \$701,300.

This compares to the year to date budget of

\$850,000.

That the analysis of Land & Environment Court RECOMMENDATION:

Costs for the quarter ended December 2005, be

received and noted.

#### PURPOSE OF REPORT

To provide information in relation to proceedings to which Council is a party in the Land & Environment Court for the second quarter ended 31 December 2005, including appeals commenced, costs incurred by Council and outcomes.

#### **BACKGROUND**

Pursuant to the *Environmental Planning and Assessment Act* 1979, an applicant may commence proceedings in the Land and Environment Court in respect of an application which has either been refused by Council or is deemed by the Act to have been refused. A development application is deemed to have been refused if it has not been determined within a period of 40 days or such longer period that may be calculated in accordance with the Act. An appeal may also be commenced in relation to conditions imposed on a consent granted by Council. Council is a respondent to such proceedings.

Under Section 428 of the *Local Government Act* 1993, Council is required to report legal costs, and the outcome of each case in its Annual Report.

#### **COMMENTS**

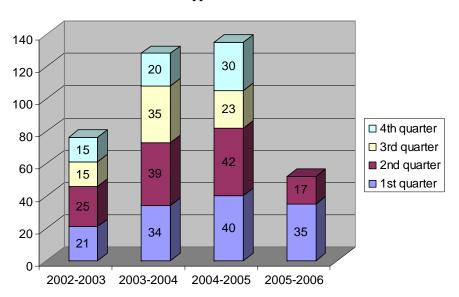
#### APPEALS LODGED

In the half year ended 31 December 2005, there were 52 new appeals lodged in respect of development applications with the Land and Environment Court, 17 of which incurred costs to Council. This represents a decrease compared to the same period in the previous year. The number of appeals received in prior years is as follows:

Financial year	Number of appeals received (whole year)
2001/2002	75
2002/2003	76
2003/2004	128
2004/2005	135
2005/2006@ 31 December	52

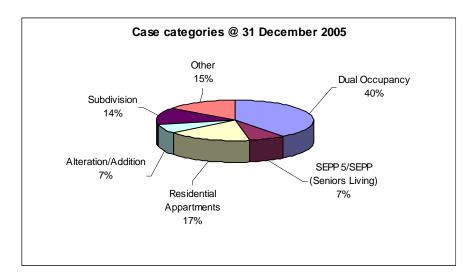
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63% of addresses in respect of which appeals were commenced during the half year were deemed (as opposed to actual) refusal. To date, 42% of these appeals have been discontinued as a result of Council approving the relevant development applications at an early stage of the proceedings.

Appeals commenced in the second quarter ended December 2005 are made up of the following development categories:



The larger categories are appeals in respect of dual occupancy development (40%), Residential Apartments (17%) and subdivisions (14%).

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The "Other" category in the previous chart comprises single dwellings, fences, demolition, telecommunications structures, Section 96 applications and appeals against conditions of consent.

#### **COSTS**

During the half year ended December 2005, Council expended \$701,300 on legal costs and associated expenses in relation to Land & Environment Court matters. This is \$148,700 less than the year to date budget of \$850,000, \$134,700 less than the same period in 2004/2005 and \$144,700 less than the same period in 2003/2004. This represents a 17% reduction in costs between budget and actual over the last three years

Two of the matters in which relatively large sums were expended related to the finalisation of costs in relation to completed matters that commenced two or more years ago (\$36,819 in relation to Dubler Group, 385 Bobbin Head Road North Turramurra; and \$20,939 in relation to Williams, 1A Kalang Avenue Killara).

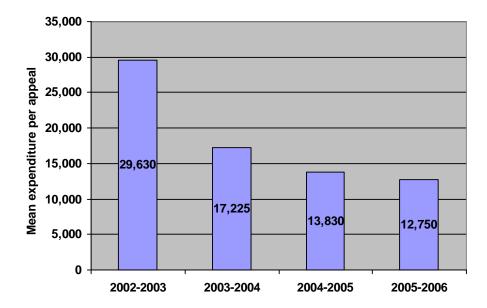
These costs are made up of legal fees, fees charged by consultants retained as expert witnesses (largely court-appointed experts) and other costs incurred as a result of Council's role in the proceedings. In addition to expenditure on appeals, a further amount of \$6,700 was spent on expert legal advice regarding development assessment matters.

	Legal Costs and Associated Expenses 2001/2002 - 2005/2006						
Financial Year	Total Costs	1st quarter September	2nd quarter December	3rd quarter March	4th quarter June		
2001/2002 (75 appeals lodged)	\$2,104,000	\$420,000	\$423,000	\$500,000	\$761,000		
2002/2003 (76 appeals lodged)	\$2,252,000	\$302,000	\$452,000	\$665,000	\$833,000		
2003/2004 (128 appeals lodged)	\$2,205,000	\$468,000	\$378,000	\$605,000	\$754,000		
2004/2005 (135 appeals lodged)	\$1,867,000	\$274,000	\$562,000	\$314,000	\$717,000		
2005/2006 (55 appeals lodged)	\$701,300	\$338,350	\$362,950				

The above table indicates that there has been a significant reduction in costs incurred compared to the same period in the previous year. Costs for the period January 2005 to December 2005 were \$462,700 less than in the period January 2004 to December 2004. This represents a 21% reduction in costs over the two years.

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A comparison of the average total costs incurred in relation to matters commenced in the past four years indicates that the cost per appeal incurred by Council has reduced substantially:



Factors which may be regarded as contributing to this reduction in costs are:

- More efficient processing of development applications that are subject to deemed refusal appeals so that they are determined at an earlier stage of Court proceedings;
- More efficient management of the process of instructing Council's external legal representatives;
- Faster progress and determination of appeals by the Court as a result of the revised practice directions;
- The practice of the Court of frequently appointing Court-appointed experts to provide expert opinion/evidence rather than allowing the parties to call their own witnesses, which results in the parties sharing the cost of the witness.

A total of \$116,400, or 17% of the total costs, was incurred in relation to 17 matters that commenced in the current financial year. The balance relates to appeals that were commenced prior to 1 July 2005.

#### **SUMMARY BY WARD**

A summary of Land & Environment Court costs by Ward is shown in the following table:

Land & Environ	ment Court costs by	y Ward for the Quarter ended December 2005
Comenarra	\$97,472	13.9%
Gordon	\$191,319	27.3%
Roseville	\$88,032	12.6%
St Ives	\$138,370	19.7%
Wahroonga	\$186,074	26.5%
Total Costs	\$701,267	100.0%

#### **OUTCOMES**

At an early stage of each appeal, Council, as respondent, is required to file with the Court a Statement of Issues outlining the grounds which Council asserts as warranting refusal of a development, or alternatively, that may be addressed by way of conditions of consent.

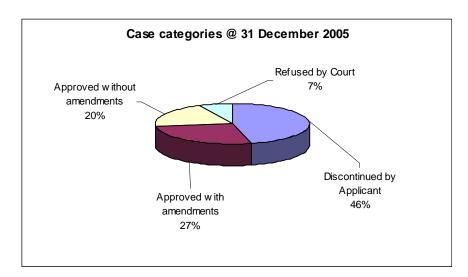
In cases where issues raised by Council are capable of resolution by the applicant providing additional information or amending the proposal, it is the Court's expectation that this should occur. The Court's current practice of appointing a Court-appointed expert witness, rather than allowing the parties to call their own expert evidence, strongly encourages this.

In this context, any of three outcomes can be regarded as favourable, namely:

- 1. If the appeal is in relation to a deemed refusal of an application which, upon assessment, is appropriate for approval: that the development is determined by Council, allowing the appeal to be discontinued by the applicant and avoiding, as much as is practicable, the incurring of unnecessary legal costs;
- 2. If the issues raised by Council are capable of resolution by the applicant providing further information, or amending the proposal: that this occurs, so that development consent should be granted, either by Council or the Court;
- 3. If the issues raised by Council are either not capable of resolution or the applicant declines to take the steps that are necessary to resolve them: that the appeal is either discontinued by the applicant, or dismissed (refused) by the Court.

Of the 52 appeals commenced in the financial year 2005/2006, only 19 were resolved prior to 31 December 2005. The following chart illustrates outcomes in these appeals.

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As indicated, over one half (53%) of the appeals concluded were either discontinued by the applicant or refused by the Court outright. Of the other appeals, the majority were subject to significant amendment to address some or all of the issues raised by Council prior to consent being granted by the Court.

# CONSULTATION

Not applicable.

## FINANCIAL CONSIDERATIONS

Land & Environment Court legal costs form part of Council's recurrent operating budget.

## CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

This report has been developed with input from Council's Corporate Lawyer, Finance and Business and Development and Regulation department directors.

# **SUMMARY**

For the second quarter ended December 2005 Council has expended \$701,300 on legal costs and associated expenses in relation to Land & Environment Court matters. This compares to the year-to-date budget of \$850,000, a positive variation of \$148,700 or 17%.

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# RECOMMENDATION

That the analysis of Land & Environment Court costs for the second quarter of the financial year 2005/2006 be received and noted.

Jamie Taylor John Clark Michael Miocic

Corporate Lawyer Acting Director Finance & Director Development &

Business Regulation

**Attachments:** Individual Case Recommendations December 2005 (confidential)