



**ORDINARY MEETING OF COUNCIL
TO BE HELD ON TUESDAY, 16 OCTOBER 2007 AT 7.00PM
LEVEL 3, COUNCIL CHAMBERS**

A G E N D A
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NOTE: For Full Details, See Council's Website –
www.kmc.nsw.gov.au under the link to business papers

APOLOGIES

DECLARATIONS OF INTEREST

CONFIRMATION OF REPORTS TO BE CONSIDERED IN CLOSED MEETING

ADDRESS THE COUNCIL

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

DOCUMENTS CIRCULATED TO COUNCILLORS

CONFIRMATION OF MINUTES

Minutes of Ordinary Meeting of Council

File: S02131

Meeting held 25 September 2007

Minutes numbered 351 to 396

MINUTES FROM THE MAYOR

PETITIONS

PT.1 **Opposition to Proposals in the Sir David Martin Reserve Masterplan which will lead to Increased Traffic & Parking Congestion in South Turramurra - (Forty-One [41] Signatures)**

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File: S04471

"In signing this petition we are, the undersigned, opposing those aspects of the Sir David Martin Reserve Masterplan which will lead to increased traffic and parking congestion at all times in South Turramurra.

(Some of those aspects include increasing the size or number of playing field in the area, either by converting and utilising the open space on Chisholm Street (the 'horse paddock') or amalgamation by acquiring adjoining properties, or increased lighting to playing fields that will attract an increase in night traffic to the area)".

REPORTS FROM COMMITTEES

Minutes of Inspections Committee

File: S02131

Meeting held 12 September 2007

Inspection at Swain Gardens for Draft Landscape Masterplan

GENERAL BUSINESS

- i. *The Mayor to invite Councillors to nominate any item(s) on the Agenda that they wish to have a site inspection.*
- ii. *The Mayor to invite Councillors to nominate any item(s) on the Agenda that they wish to adopt in accordance with the officer's recommendation and without debate.*

GB.1 **6, 8, 10, 12 & 14 Dumaresq Street, Gordon - Demolition of Five (5) Dwelling Houses & Construction of a Residential Flat Building comprising 45 Units, Communal Areas & Basement Car Parking for 84 Vehicles** **1**

.
File: DA0028/07

Ward: Gordon

Applicant: Futurespace

Owners: Mrs JF Leonard & Mrs BP Leonard, Ms J Hu & Ms XZ Salovara & Mr Shi-Xiang Zhang, Mr RG Donaldson, Mr GM Host, Mr EM Simko

To determine development application No 28/07, which seeks consent for the demolition of five (5) dwelling houses and construction of a residential flat building comprising 45 units, communal areas and basement car parking for 84 vehicles.

Recommendation:

Approval.

- GB.2 **132 to 138 Killeaton Street, St Ives - Adaptive re-Use of Former Monastery Building to Accommodate 3 Dwellings, Site Office & Gymnasium, Erection of 9 x 5-Storey Residential Flat Buildings accommodating 188 Dwellings, Basement Car Parking, Landscaping & Associated Site Works (Total of 191 Units)** 108

.
File: 1253/06

Ward: St Ives
Applicant: Dasmin Pty Ltd
Owner: Dasmin Pty Ltd

To determine development application No.1253/06 for adaptive re-use of former monastery building to accommodate 3 dwellings, site office and gymnasium, erection of 9 x 5-storey residential flat buildings accommodating 188 dwellings, basement car parking landscaping & associated site works (total of 191 Units).

Recommendation:

Approval.

- GB.3 **Companion Animals Advisory Committee - Minutes of 27 September 2007** 240

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File: S03449

To submit Minutes of the Companion Animals Advisory Committee Meeting of 27 September 2007.

Recommendation:

That the Minutes of the Companion Animals Advisory Committee Meeting of 27 September 2007 be received and noted.

- GB.4 **Ku-ring-gai Access Advisory Committee - Minutes of 16 August 2007** 249

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File: S02116

To provide Council with the Minutes of the Ku-ring-gai Access Advisory Committee of 16 August 2007.

Recommendation:

That the Minutes of the Ku-ring-gai Access Advisory Committee of 16 August 2007 be received and noted.

GB.5 Disclosure of Interests Returns Register 257

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File: S02167

To table Council's Disclosure of Interests Returns Register in accordance with the Local Government Act.

Recommendation:

That the tabling of the Disclosure of Interests Returns Register be noted.

GB.6 Audited General Purpose & Special Purpose Financial Reports for the year ended 30 June 2007 & Auditor's Report 259

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File: S05767

To present to Council the Annual Financial Statements and audit reports from Council's external auditor, Spencer Steer Chartered Accountants for the year ended 30 June 2007 and to provide a summary of Council's financial performance and financial position at 30 June 2007.

Recommendation:

That Council receives the audited Financial Statements and the report of Council's external auditor, Spencer Steer Chartered Accountants and that \$250,000 be transferred from unrestricted cash and \$175,000 from the Plant Replacement Reserve to the revenue funded carry-over works reserve.

GB.7 Amendments to Development Control Plan No 56 269

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File: S03673

To present to Council Draft Development Control Plan (DCP) No. 56 for consideration and exhibition.

Recommendation:

That Draft Development Control Plan No. 56 - Notification be placed on exhibition for not less than 28 days and that a report be brought back to Council for consideration following the exhibition period.

GB.8 Tryon Oval No 2 Sustainable Water & Playing Field Refurbishment Project To5/2006 302

File: S05506

Ward: Roseville

For Council to consider and accept the tender to undertake stormwater harvesting and refurbishment works at Tryon Oval No 2 in Lindfield Soldiers' Memorial Park.

Recommendation:

That ESD Land Management Pty Ltd be appointed to undertake the works and that all necessary documentation relating to the works be authorised by the Mayor and the General Manager.

GB.9 149 Pentecost Avenue, Turramurra - To Alter Terms of Council's Easement & Connection to Council Pipeline 308

File: DA595/06

Ward: Wahroonga

To consider a request by owner of No.149 Pentecost Avenue, Turramurra to alter the terms of the Council drainage easement over downstream properties to permit connection and discharge into a Council pipeline.

Recommendation:

That the proposal be approved subject to Conditions A to C noted in recommendation.

GB.10 Provision of Dog Waste Bins & Bag Dispensers at Off-Leash Dog Areas 314

File: S06048

To advise Council on the provision of dog waste bins and bag dispensers at off leash dog areas.

Recommendation:

That the provision of bag dispensers and ongoing supply of bags be provided at Bert Oldfield Reserve, Golden Jubilee Oval, Kissing Point Village Green, St Ives Showground (including cattle/dog rings) and Acron Oval in accordance with option 2 of this report.

File: S02073

The purpose of this report is to recommend to Council that the Draft Amendment 1 to Ku-ring-gai Section 94 Contributions Plan 2004-2009 be adopted.

Recommendation:

That Council adopt Ku-ring-gai Section 94 Contributions Plan 2004-2009 - Residential Development - Amendment 1 and that this adoption be advertised in accordance with the Environmental Planning and Assessment Regulation.

EXTRA REPORTS CIRCULATED AT MEETING

BUSINESS WITHOUT NOTICE - SUBJECT TO CLAUSE 14 OF MEETING REGULATION

QUESTIONS WITHOUT NOTICE

INSPECTIONS COMMITTEE - SETTING OF TIME, DATE AND RENDEZVOUS

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

Environmental Planning & Assessment Act 1979 (as amended)

Section 79C

1. Matters for consideration - general

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

a. The provisions of:

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

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

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

MAYORAL MINUTE

WAHROONGA VILLAGE

In the past five years, the Wahroonga village and surrounding streets have become more congested, due mainly to increased population, development, schools and the success of the shopping centre.

The village has grown and become more successful, providing great local shopping along with more opportunities for residents to interact with each other.

Council has recently undertaken a major upgrade of the centre, installing a new roundabout, footpaths, landscaping and street furniture.

But we have not yet developed an overall master plan for the area to address traffic issues in the village and in surrounding streets, to ensure that we restrict rat run traffic routes and increase parking.

I believe we must maintain a village atmosphere at the centre but we also need improved parking, reduced traffic and more opportunities for social interaction, possibly including a small amount of open space.

I propose that Council engage a consultant to undertake a wide-ranging review of the centre and provide options for improving it.

This review would look only at making the centre more workable and accessible and would not canvass any plans for increasing development or changing any built form in the area.

I also propose that Council organise a community workshop at which residents, retailers and associated stakeholders can provide input to the review.

RECOMMENDATION

I move:

- A. That Council engage a consultant to review options for improving traffic, parking, accessibility and open space in Wahroonga centre.
- B. That Council organise a community forum to allow residents, retailers and other stakeholders to provide input to the review. The forum would be held before the end of November 2007.
- C. That the consultant's report and results from the forum be provided for discussion at Council's Planning Committee.

Cr Nick Ebbeck
Mayor

MAYORAL MINUTE

MINISTER SARTOR'S LETTER

This week we have received the very unwelcome news that Planning Minister Frank Sartor is seeking to impose an external planning panel on Council.

In a letter to me, Mr Sartor has given Council 21 days to "show cause" why he should not appoint a panel to take over development of Ku-ring-gai's comprehensive Local Environment Plan and handle DAs valued over \$10 million or more than three months old.

Mr Sartor's letter contains many inaccurate claims about Council's performance in planning and development matters.

Councillors and staff are already working on a detailed response to these claims – and if common-sense prevails, we will be able to prove to the Minister that the proposal is totally unwarranted.

This Council has met the Government's every request on planning and development matters including completing our six centre plans on time. We have also slashed DA processing times by 70 per cent and halved our legal bills for planning matters.

The suggestion we are not providing for new housing growth is ludicrous considering there is \$1.7 billion worth of approved new development in Ku-ring-gai – more than any other NSW Council area apart from the City of Sydney.

This threat appears to be part of a broader strategy to centralise planning powers within the Department of Planning and over-ride the rights of local communities.

I want to assure all residents that Councillors will do everything we possibly can to stop this unjust and illogical proposal in coming weeks.

RECOMMENDATION

That this Council:

- A. Express strong opposition to Minister Sartor's proposal to impose a planning panel on Council.
- B. Express concern over the inaccurate claims in the Minister's letter about Council's performance in planning and development matters.
- C. Prepare a detailed response to Mr Sartor's letter for submission to the Council Meeting of 30 October 2007.

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S04151
17 October 2007

- D. Continue to work closely with NSROC to co-ordinate region-wide opposition to Mr Sartor's plans to centralise planning powers within his department.
- E. Support Bradfield MP, Dr Brendan Nelson's public petition and any other petition against the Minister's proposal by making it available in the Council Chambers and Libraries.

Nick Ebbeck
Mayor

PETITION

OPPOSITION TO PROPOSALS IN THE SIR DAVID MARTIN RESERVE MASTERPLAN WHICH WILL LEAD TO INCREASED TRAFFIC & PARKING CONGESTION IN SOUTH TURRAMURRA - (FORTY-ONE [41] SIGNATURES)

"In signing this petition we are, the undersigned, opposing those aspects of the Sir David Martin Reserve Masterplan which will lead to increased traffic and parking congestion at all times in South Turramurra.

(Some of those aspects include increasing the size or number of playing field in the area, either by converting and utilising the open space on Chisholm Street (the 'horse paddock') or amalgamation by acquiring adjoining properties, or increased lighting to playing fields that will attract an increase in night traffic to the area)".

RECOMMENDATION

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

PETITION

16 STANHOPE ROAD, KILLARA - PETITION TO OPPOSE DEMOLITION & SUPPORT THE HERITAGE LISTING OF "ST HELENS" - (SEVENTY-SIX [76] SIGNATURES)

Petition presented by Councillor Adrienne Ryan:

"We, the undersigned, strongly oppose the demolition and support the heritage listing of "St Helens", 16 Stanhope Road, Killara for the following reasons:

- "St Helens" has been recommended by two Council heritage experts for heritage listing.
- "St Helens" is significant as a largely externally intact example of the Inter-War Georgian Revival Styles, within the important streetscape of Stanhope Road.
- "St Helens" has social significance for its part in the development of the suburb of Killara and essential to the streetscape of Stanhope Road as the southern entrance to the suburb of Killara. Stanhope Road is considered to be one of Ku-ring-gai's important streetscapes (1987 Heritage Study).
- "St Helens" setbacks, building form and architectural detail reflect the planning instruments and condition of early 20th Century development and the high social standing of the occupants of the houses within this Killara street, eg Doctors and JPs.
- "St Helens" contributes significantly to the established character and feel of the street, as being a street which features substantial intact mansions of quality. "St Helens" is representative of the upper middle class development of Killara during 1890-1930.
- "St Helens" lies in the Killara UCA 10 first identified by the National Trust in 1996 and subsequently studied by Godden MacKay Logan and Perumal Murphy Alessi Pty Ltd. Both reports supported heritage listing "St Helens" and recommended UCA status for Culworth Precinct No10 in which "St Helens" is situated".

RECOMMENDATION

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

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DEVELOPMENT APPLICATION

SUMMARY SHEET

REPORT TITLE:	6, 8, 10, 12 & 14 DUMARESQ STREET, GORDON - DEMOLITION OF FIVE (5) DWELLING HOUSES AND CONSTRUCTION OF A RESIDENTIAL FLAT BUILDING COMPRISING 45 UNITS, COMMUNAL AREAS AND BASEMENT CAR PARKING FOR 84 VEHICLES
WARD:	Gordon
DEVELOPMENT APPLICATION N^o:	DA0028/07
SUBJECT LAND:	6, 8, 10, 12 & 14 Dumaresq Street, Gordon
APPLICANT:	Futurespace
OWNER:	Mrs JF Leonard & Mrs BP Leonard, Ms J Hu & Ms XZ Salovara & Mr Shi-Xiang Zhang, Mr RG Donaldson, Mr GM Host, Mr EM Simko
DESIGNER:	Futurespace
PRESENT USE:	Residential
ZONING:	Residential 2(d3)
HERITAGE:	No
PERMISSIBLE UNDER:	Ku-ring-gai Planning Scheme Ordinance
COUNCIL'S POLICIES APPLICABLE:	KPSO, Draft LEP 2006 (Town Centres - Gordon), DCP 55 - Multi-unit housing, DCP 31 - Access, DCP 40 - Waste Management, DCP 43 - Car Parking, DCP 47 - Water Management
COMPLIANCE WITH CODES/POLICIES:	Yes
GOVERNMENT POLICIES APPLICABLE:	SEPP 65, SEPP 55, SEPP (Sydney Harbour Catchment) 2005, SEPP (BASIX)
COMPLIANCE WITH GOVERNMENT POLICIES:	Yes
DATE LODGED:	16 January 2007
40 DAY PERIOD EXPIRED:	25 February 2007
PROPOSAL:	Demolition of five (5) dwelling houses and construction of a residential flat building comprising 45 units, communal areas and basement car parking for 84 vehicles
RECOMMENDATION:	Approval

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DEVELOPMENT APPLICATION N^o	DA0028/07
PREMISES:	6, 8, 10, 12 & 14 DUMARESQ STREET, GORDON
PROPOSAL:	DEMOLITION OF FIVE (5) DWELLING HOUSES AND CONSTRUCTION OF A RESIDENTIAL FLAT BUILDING COMPRISING 45 UNITS, COMMUNAL AREAS AND BASEMENT CAR PARKING FOR 84 VEHICLES
APPLICANT:	FUTURESPACE
OWNER:	MRS JF LEONARD & MRS BP LEONARD, MS J HU & MS XZ SALOVARA & MR SHI- XIANG ZHANG, MR RG DONALDSON, MR GM HOST, MR EM SIMKO
DESIGNER	FUTURESPACE

PURPOSE FOR REPORT

To determine development application No 28/07, which seeks consent for the demolition of five (5) dwelling houses and construction of a residential flat building comprising 45 units, communal areas and basement car parking for 84 vehicles.

EXECUTIVE SUMMARY

Issues:

- permissibility.
- front setback.
- building width.

Submissions:

No submissions have been received.

Pre DA meeting:

A pre DA meeting was held on 13 July 2006. The following issues were raised:

- Compliance with building height standard.
- Steep slope site provisions and Clause 25K.
- Zone interface.
- Building width.
- Setbacks.
- Draft LEP 2006 (Town Centres).

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Land and Environment Court appeal:

No.

Recommendation:

Approval.

HISTORY

Site history:

The site is currently used for residential purposes and has been previously zoned for low density residential development.

Rezoning history:

The site was rezoned to Residential 2(d3) as part of LEP 194. The rezoning conferred upon the site a development potential for residential flat development up to a maximum of five storeys, with provisions for an additional storey, where the site has a slope of greater than 15%.

Ku-ring-gai Draft LEP 2006 (Town Centres) Amendment No. 2

The Ku-ring-gai Draft LEP 2006 (Town Centres) Amendment No. 2 applies to the site. The site is included in the proposed Residential 'R4' (High Density Residential) zone. The proposed 'R4' zone permits residential flat development up to 18 metres in height.

Development application history:

DA 28/07

13 July 2006	Pre-DA meeting with Futurespace and Sunnycove Management Ltd. Issues identified included building height, number of storeys and ceiling height, steep sloping sites, zone interface, street setbacks, deep soil landscaping, solar Access to south facing units, consideration of Draft Town Centres LEP 2006.
16 January 2007	Application lodged with Council. The scheme submitted to Council was largely unchanged to that submitted at the Pre-DA stage.
24 January 2007	Neighbour notification undertaken. Referral to internal departments.
7 March 2007	Legal advice sought in relation to permissibility aspects of the proposal having regard to large internal communal areas, theatre, kitchen, library and dining areas at the entry level to the proposed building.

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16 March 2007 Legal advice received advising that the proposed development is permissible and Council should impose specific conditions preventing any commercial activities within the building.

The legal advice provided by Abbott Tout Lawyers (HWL) is attached as Annexure 11.

15 May 2007 Letter sent to applicant identifying issues of concern including; non-compliance with storey height control, built form and articulation, scale of development, inadequate solar access to south facing units, privacy to units, non-compliance with deep soil landscaping requirements and inadequate information.

8 June 2007 Amended plans received. Response from applicant addressing issues raised in Council's letter of 15 May 2007.

9 August 2007 Meeting held with applicant to advise that the following additional information and amendments were required:

Additional information

- Revised deep soil compliance diagram.
- Revised landscape plans to scale. Revised landscape details to include retaining wall detail and demonstrating compliance with BASIX commitments in terms of low water use plantings.
- Additional information to demonstrate compliance with the building height requirements.

Amendments sought

- Changes required to achieve compliance with the building height provisions.
- Façade changes including the re-introduction of relief into the street elevation to improve articulation to Dumaresq Street.
- Changes to basement garbage room to introduce aisles and improve internal circulation.
- Removal of arbour over the pedestrian entry from Dumaresq Street.
- Removal of air conditioning units from the roof.

16 & 22 August 2007 Further amended plans and additional information received to address outstanding issues raised at the meeting of 9 August 2007.

6 September 2007 Meeting held with applicant to clarify issues relating to the calculation of storey height within the building. The meeting resulted in the need for further amendment to the overall height of the building.

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14 September 2007 Further amendments to the design submitted to reduce the number of storeys and overall height of the proposal, resulting the removal of two (2) top floor units from the design.

THE SITE AND SURROUNDING AREA

The site:

Zoning	Residential 2(d3)
Visual character study category:	1920-1945
Lot & DP Number:	Lots 5, 6, 7 & 8 DP 6791 and Lot 1 DP 301386.
Area:	4658m ²
Side of Street:	Southern
Cross Fall:	15%
Stormwater drainage:	Street
Easements/rights of way:	No
Heritage Affected:	Within proximity of heritage item at 818 Pacific Highway, Gordon (Council Chambers).
Required Setback	13 to 15 metres
Integrated Development:	No
Bush fire prone land:	No
Endangered species:	Yes (Sydney Blue Gum High Forest habitat – Not affected)
Urban bushland:	No
Contaminated land:	No

Surrounding area:

The site is located on the southern side of Dumaresq Street, to the west of the Gordon Centre shopping complex and opposite the Council Chambers and car park. The site is located approximately 90 metres from the intersection of the Pacific Highway and Dumaresq Street.

The site is comprised of five allotments identified as Nos 6, 8, 10, 12 & 14 Dumaresq Street, Gordon which form an irregular shaped parcel with a total area of 4658m². The site has a combined frontage of 82.56 metres to Dumaresq Street and an average depth of approximately 57 metres from the front boundary to the rear. The site is generally rectangular in shape but has an angled frontage to Dumaresq Street. The longest boundary (west) has a depth of 60.73 metres whilst the shortest boundary (east) has a depth of 53.73 metres.

The site is situated below the street and falls away towards its south-western corner. The site has an approximate fall of 8.5 metres along the street boundary and a cross fall of approximately 13 metres from the north-east corner of the site to the south-west corner.

The site contains 5 detached residences, one on each allotment, with one minor outbuilding being a detached garage on No. 10 Dumaresq Street, Gordon.

The site adjoins residential properties to the west, south and south-west. The adjoining property to the rear (No. 7 Moree Street) contains two storey townhouses, the adjoining property to the south-west contains a 5 storey residential flat development containing 42 units that is currently under construction (DA 240/05). The adjoining property to the west contains a detached dwelling.

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The site contains a large number of trees along the eastern side and rear boundary of the site. The principle tree cover is located at the rear of the site adjoining the rear boundary and adjacent the Gordon Centre car park. A total of sixty six (66) trees are protected by Council's Tree Preservation Order owing to their size and location. There are no significant street trees.

THE PROPOSAL

The proposal involves the demolition of existing structures and the construction of a residential flat building comprising 45 units, basement car parking for 84 vehicles and associated landscaping. Details of the proposed development are as follows:

- Demolition of the existing residences situated on each allotment, including the removal of outbuildings, the removal of trees and the removal of driveways and other paved areas.
- Construction of a residential flat building comprising 3 levels of basement parking and 6 residential levels. A large internal communal area including a theatre, library, bar, sitting room, dining room & communal kitchen is proposed as part of Level 4. External terrace areas are proposed to the front and rear of the building. The entry level also includes a manager's flat and office area.
- The proposed unit mix consists of 23 x 3 bedroom, 17 x 2 bedroom and 5 x 1 bedroom units.
- The proposed basement levels contain a total of 84 parking spaces, including 72 parking spaces for residents and 12 visitor parking spaces. A total of 6 disabled spaces are included in the basement. The basement levels contain secured storage areas, plant rooms and garbage collection rooms.
- The proposal necessitates the removal of ten (10) trees on site and tree replenishment of an additional fifteen (15) tall canopy trees. In addition to the proposed canopy tree plantings, additional planting is proposed as part of the new garden areas and courtyard spaces.
- Associated site works include the construction of a variable width driveway and crossover, new pedestrian pathways, reconstruction of the adjoining public footpath, new retaining walls and garden beds, construction of 600 millimetres high boundary wall along Dumaresq Street and drainage works.

CONSULTATION - COMMUNITY

In accordance with Council's Notifications Policy, owners and occupants of surrounding properties were given notice of the proposed application. No submissions were received in response to the notification period.

The modified proposal did not require re-notification under Council's Notification Policy as the amendments reduced the environmental impact of the proposed development and would not detrimentally affect the owners and occupiers of adjoining and surrounding properties.

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CONSULTATION - WITHIN COUNCIL

Urban Design

Council's Urban Design Consultant, Russell Ollson, has reviewed the amended application against the provisions of SEPP 65 and has provided the following comments:

"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:

This site adjoins Gordon town centre commercial zone to the east, and other 2(d3) zoned properties to the north and west. The Gordon Centre and Woolworths carpark adjoin the site immediately to the east, and abut the Dumaresq Street property boundary. Ku-ring-gai Council's offices are diagonally opposite the site to the north-east. The Council car park contains some large scale trees towards the Dumaresq Street boundary, and the properties to the west of the Council car park contain very large trees in the front setback.

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 proposal has a building height of six storeys based on LEP194 Clause 25K which states that a building may be six storeys on a site with a slope greater than 15%.

The site slope is greater than 15% in 2 locations and the building complies with the height limit.

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

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Comment:

The building is reasonably articulated in plan and elevation. The building setbacks and built form of the proposed development are acceptable.

Principle 4: Density

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

Comment:

The density is acceptable.

Principle 5: Resource, energy and water efficiency

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

Comment:

Shadow modelling has been presented to show that 72.3% of living rooms/balconies in apartments have the potential to receive greater than 3 hours sunlight between 9am and 3pm in mid-winter.

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

The Residential Flat Design Code recommends 25% of kitchens to be located on external walls. Amendments required by Council planners that the breakfast rooms be deleted from apartments 5.05, 5.06, 6.05, 6.06, 7.04, 7.05 8.02 and 8.03 will lift the percentage of kitchens on external walls to be above 25%, thus satisfying the recommendation.

Principle 6: Landscape

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

Comment:

The landscape design is satisfactory.

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

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outdoor space, efficient layouts, and service areas, outlook and ease of access for all age groups and degrees of mobility.

Comment:

This proposal is set back a minimum of 9 metres from the eastern boundary, where the Gordon Centre and Woolworths carpark abut the boundary. This complies with LEP194 transition zone requirements. However, the car park has continuous openings for ventilation, which allow views out from the car park towards the proposed development. The proposed bedroom windows and balconies in units 5.10, 6.10, 7.09 and 8.07 in the eastern facade of the proposed building have been provided with privacy screens to resolve this issue.

The Design Controls in DCP55 with regards to 4.5.4 Internal Amenity require that:

C-3 - One and two bedroom units have a minimum plan dimension of 3m (excluding wardrobe space) in all bedrooms

C-4 - Units with three or more bedrooms shall have at least two bedrooms with a minimum plan dimension of 3m (excluding wardrobe space)

The bedrooms have been re-designed to comply with these controls.

Principle 8: Safety and security

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

Comment:

No issues of safety and security are perceived.

Principle 9: Social dimensions

SEPP 65: Good design responds to the social context and needs of the local community in terms of lifestyles, affordability and access to social facilities. New developments should optimise the provision of housing to suit the social mix and needs in the neighbourhood, or, in the case of precincts undergoing transition, provide for the desired future community.

Comment:

The apartment mix is acceptable in this area.

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

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

Comment:

Face brick panels in the facades provide some unpainted, more natural materials to counterbalance the painted render facades.

2.0 Conclusion and recommendation

All previous recommendations have been addressed in the latest design and, based on SEPP 65 principles, it is recommended that the DA is approved.

Council's Urban Design Consultant has raised no objection to the amended proposal and has recommended the development application be approved.

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

Landscaping

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

"Deep Soil

Numerical compliance 52.11% (Deep Soil Diagram, Futurespace, dated 28/08/07, DA16/E)

Tree removal/impacts/tree replenishment

A tree report prepared by Naturally Trees Aboricultural Consulting, dated 15/12/06, has been submitted.

Number of existing trees to be removed: 10

Number of existing trees to be retained: 11

Significant trees proposed to be retained:

Trees 193, 196, 198, 201, 203, 205, 209, 270, 385, 396, 401.

- *Eucalyptus saligna (Sydney Blue Gum)/ Tree 193, 27H, 19S, 6-700DBH, good condition, SULE A2 – 7.1m from building, construction outside 6.5m recommended tree protection zone*

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- *Pittosporum undulatum* (Sweet Pittosporum) / Tree 196, 14H, 8S, 4-500DBH, good condition, SULE A2 – construction outside recommended tree protection zone
- *Camellia sasanqua* (Chinese Camellia) / Tree 198, 8H, 8S, 200DBH, good condition, SULE A2 – construction outside recommended tree protection zone
- *Brachychiton acerifolius* (Flame Tree) / Tree 201, 11H, 4S, 200DBH, good condition, SULE A2 – construction outside recommended tree protection zone
- *Angophora costata* (Sydney Red Gum) / Tree 203, 25H, 18S, 500DBH, good condition, SULE A2 – construction outside recommended tree protection zone
- *Angophora costata* (Sydney Red Gum) / Tree 205, 25H, 11S, 500DBH, evidence of branch failures, 3.6m from existing carpark, SULE A2 - construction outside recommended tree protection zone
- *Pittosporum undulatum* (Sweet Pittosporum) / Tree 270, 12H, 7S, 2-300DBH, good condition, SULE A2 – construction outside recommended tree protection zone
- *Eucalyptus microcorys* (Tallowood) / Tree 385, 28H, 20S, 8-900DBH, good condition, SULE A2 – 8.25m to building, construction within 9 metre recommended tree protection zone
- *Araucaria heterophylla* (Norfolk Island Pine) / Tree 396, 16H, 7S, 2-300DBH, good condition, SULE A2 – construction outside recommended tree protection zone, young tree within canopy spread of Tree 385. Removal recommended and replacement with endemic species.
- *Eucalyptus saligna* (Sydney Blue Gum) / Tree 401, 28H, 13S, 4-500DBH, good condition, SULE A2 – construction outside recommended tree protection zone

Significant trees to be removed:

1. *Angophora costata* (Sydney Red Gum) / Tree 190, 16H, 10S, 500 DBH, good condition, SULE A2 – building construction 0.5m from tree
2. *Eucalyptus saligna* (Sydney Blue Gum) / Tree 191, 25H, 12S, 500 DBH, good condition, SULE A1 – construction 2m from tree
3. *Angophora costata* (Sydney Red Gum) / Tree 340, 28H, 16S, 500 DBH, poor condition, SULE Z5
4. *Eucalyptus saligna* (Sydney Blue Gum) / Tree 395, 28H, 20S, 6-700 DBH, good condition, suppressed by Tree 385, SULE A1 – construction requires removal
5. *Eucalyptus saligna* (Sydney Blue Gum) / Tree 406, 27H, 20S, >1000 DBH, poor form and condition, SULE Z5 – 5.2m from building. Removal supported.

Remaining trees to be removed are in poor condition or not considered significant. Removal is supported.

Trees on adjoining properties

No significant impacts on trees on adjoining properties.

Comment on vegetation removal

- *Phoenix canariensis* (Canary Island Palm) Tree 209/11H, self sown, 2m from car park. Removal recommended.

Item 1

- *Street trees have been pruned for overhead wires and are in poor condition.
Street trees to be removed and replaced with advanced stock.*

Number of canopy trees to be planted: 15

Landscape design

Front setback

The front setback has a central entrance to the building, with two minor paths that access the sides and rear of the property.

Common open space

The proposed principle common open space is located at the rear of the site along the southern boundary. Steps at centre of rear yard to be deleted and replaced with ramp to enable disabled access through this area.

Screen planting

*Eastern boundary – Ceratopetalum gummiferum (NSW Christmas Bush) 4-5m
Western boundary – Rothmania globosa (Tree Gardenia) 3m
Southern boundary – Leptospermum laevigatum (Tea Tree) 4m to be substituted with species of similar size representative of Blue Gum High Forest community such as Notolaea longifolia, Persoonia linearis or Pittosporum revolutum.*

Other comments

Front fence

A 600mm high masonry fence is proposed to the front boundary. Supported. Additional low planting to nature strip in association to street tree planting to be conditioned."

Council's Landscape Development Officer supports the proposed development application and has recommended conditions to be imposed. ***(Refer Conditions Nos 3 to 14, 27 to 29, 52 to 67 and 105 to 106).***

Engineering

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

"Water management

The BASIX commitments are for at least 20 cubic metres of rainwater retention, with re-use for irrigation only (although the Statement of Environmental Effects claims that recycled water will be used for toilet flushing). A score of 43 % has been achieved, by the use of water-saving fixtures. The stormwater concept plan shows 60 cubic metres each of retention and detention.

Item 1

The stormwater concept plan demonstrates that discharge from the combined retention/ detention tank can be conveyed to the street drainage system, by constructing a short length of 375mm diameter pipe connected to the nearest kerb inlet pit. This is acceptable under Section 5.4.3 of DCP 47. Runoff from the unchanged deep soil areas at the rear of the site can continue to follow the natural fall of the land.

There is a depression within the rear of the adjoining property, 11-15 Moree Street. This depression is not at that point a watercourse, nor is it mapped on Council's Riparian Map. The concentrated discharge of runoff into this depression without an easement is not considered appropriate for this site.

Parking and vehicular access

The site is further than 400 metres from Gordon Station. The development requires 72 residential and 12 visitor spaces. A total of 84 spaces have been provided and the dimensions and grades of the carpark comply with AS2890.1:2004.

Traffic generation

The development is expected to generate some 20 to 25 vehicle trips per peak hour (approximately 1 vehicle every 2 to 3 minutes). This is not expected to have a significant impact on the surrounding road network.

Waste collection

A waste collection area is shown on the upper basement level, just inside the carpark entrance. The driveway grades and headroom allow for access by the small waste collection vehicle and there is sufficient room for it to enter and leave the site in a forward direction.

Construction management

The traffic report contains a general discussion of construction traffic management. A detailed construction and traffic management plan will not be prepared until a builder is appointed, and this document will have to be submitted to Council for approval before commencement of any works on the site.

Geotechnical investigation

Up to 10-12 metres of excavation will be required to achieve basement level. The site is underlain by shale above about RL 101 (AHD) and sandstone below. Generally the shale was of low strength whereas the sandstone was of high strength. Groundwater was measured in two boreholes, but it was considered to be seepage along discontinuities in the rock rather than a water table.

The report contains recommendations for excavation support such as temporary rock anchors or battering, as well as for inspections during excavation to identify any potential adverse jointing.

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Dilapidation reporting and vibration monitoring of structures within 25 metres of the proposed excavation is recommended. This will include residences at 16 Dumaresq Street and the rear unit at 7 Moree Street, as well as the Gordon Centre carpark. These recommendations are included in the engineering conditions.

Dewatering of the excavation will be required as well as permanent drainage of the basement. The report states that nearby structures are not likely to be adversely affected."

The application is supported by Council's Development Engineering Team Leader, subject to conditions. (Refer Conditions Nos 18 to 23, 30 to 38, 49, 71 to 84, 89 to 98 and 107).

Heritage

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

"Heritage Status

There site is not a heritage item and no items directly adjoin the site, but there are several heritage items within the vicinity of the subject site. Clause 61E of the KPSO requires Council to make an assessment of the impact of the proposed works on the heritage significance of the items within the vicinity of the development. Chapter 3.5 of DCP 55 established design guidelines and controls for residential flat buildings within the vicinity of a heritage item

The site is located in the National Trust Urban Conservation Area No 15 – West Gordon. UCA 15 is also identified in DCP 55 as an Urban Conservation Area recognized for its collection of 1920s & 1930s bungalows. The uniform appearance of the area stems from its development within a single period as well as the almost universal use of face brick. Chapter 3.4 of DCP 55 establishes design guidelines and controls for residential flat buildings in an UCA

Nearby Heritage Items

There are two items within the vicinity of the site.

- *Ku-ring-gai Council Chambers – 818 Pacific Highway*
- *Moree Street Cottage Group*

The Council Chambers is a Georgian Revival style building that faces the Pacific Highway. The original building has been adapted and there are several additions to the rear of the building. Only the Pacific Highway and side elevations are original. Other components including the annex and garage off the Pacific Highway have been demolished. The item includes the whole of the building and the carpark. Radford Place is not included in the site, but the Right of Way under the office component of the site is included in the listing.

Item 1

The Moree Street Group of cottages includes 4 timber cottages (no 42, 33, 49 & 55). Eight cottages were identified in the original 1986 heritage study and included as items with gazettal of the LEP, but 4 have been removed with consent of Council. The group relate to the "Gordon heights Estate" subdivision offered for sale in 1897. The lots were intended for working class residents while the middle class residents favoured the eastern side of the railway line with level walking access to the station. The group of cottages are now physically separated from each other and do not appear as a "group". Recent development in the street has altered its character with loss of its former identity.

Demolition of existing buildings

There are 5 houses on the subject site. No 6 & 8 Dumaresq Street are post war brick houses and demonstrate a slight level of heritage significance. The cottages at 10, 12 & 14 Dumaresq Street are earlier Federation period cottages built between 1900 and 1920. They have a moderate level of heritage significance as they represent modest cottages from the period. The existing houses have not been identified as having heritage value other than representative examples of the type and there is no heritage objection to demolition. To be consistent with requirements for recording of other houses on sites rezoned for medium density development and to provide information on the houses demolished for medium density development it is recommended to undertake photographic recording of the houses before demolition.

DCP 55 issues – Chapter 3.5 - Development within the vicinity of a heritage item –

Demolition of the existing houses is considered acceptable provided photographic recording is undertaken before any works commence on the site.

This site is opposite the rear additions to the Council Chambers but is visually isolated from the main Pacific Highway elevation and it would not have an adverse impact on its heritage significance. Similarly the existing cottages in Moree Street are separated from the subject by a reasonable distance and this development would not visually dominate them or cause adverse heritage impact on them.

The proposed development extends into UCA 15 and is similar to the scale of the adjacent Gordon Centre. The proposed building is up to 6 floors in height taking advantage of and responding to the slope of the site.

Conclusions and recommendations.

There is no objection to demolition of the existing houses provided photographic recording is undertaken before any works commence on the site.

There are no adverse impacts on the nearby heritage items, mainly due to the physical and visual separation of the site from the nearby items. "

The application is supported by Council's Heritage Advisor, subject to photographic recording of the existing dwellings prior to demolition. (Refer Condition No 51).

Item 1

STATUTORY PROVISIONS

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

SEPP 65 aims to improve the design quality of residential flat buildings across NSW and to provide an assessment framework and design code for assessing 'good design'.

A Design Verification Statement prepared by Futurespace Pty Ltd has been submitted with the application in accordance with the requirements of the SEPP.

Part 2 sets out design principles against which design review panels and consent authorities may evaluate the merits of a design. This section is to be considered in addition to the comments of Council's *Urban Design Consultant* above. The proposal has been assessed against the heads of consideration specified in SEPP 65, as follows:

Principle 1: Context:

The site is located in close proximity to the Gordon Town Centre and has been zoned for residential flat development, as have adjoining properties to the immediate north, south and west.

Development in the vicinity of the site is a mixture of commercial development, community uses, medium density residential and single detached dwellings. The Gordon Town Centre and nearby commercial buildings dominate the streetscape along this part of Dumaresq Street, with existing single dwellings and new residential flat development contributing to an evolving urban setting with a mixture of development.

The site is included as part of the Draft LEP 2006 (Town Centres) controls for Gordon and is identified as an area in which residential flat development, or similar development, is permitted. The area is one of transitional character that will see an increase in density in the coming years.

The development is consistent with the desired future character for the locality as encouraged within LEP 194 and Council's Draft LEP 2006 (Town Centres)

Principle 2: Scale:

The development complies with the prescribed building envelope requirements of LEP 194, most notably building height, deep soil landscaping, site coverage and setbacks. The development complies with the floor space ratio requirement of 1.3:1 as stipulated within DCP 55.

Principle 3: Built form:

The proposed development is fully compliant with the planning controls contained within LEP 194 and is satisfactory with regard to the setback and landscaping requirements contained within DCP 55. The development is well set back from site boundaries, is well articulated along the street boundary and will accommodate significant canopy trees and new landscaping within the site. The development is consistent with the desired local character and the future context of the locality.

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Principle 4: Density:

The development complies with the development standards and controls relating to density. The proposal achieves a high level of residential amenity, with reasonable solar access and cross ventilation to a majority of units within the building. Large areas of open space areas are provided for occupants, with adequate access for people with a disability. The density proposed is consistent with the Residential 2(d3) zoning.

Principle 5: Resource, energy and water efficiency:

Greater than 70% of living areas or balconies for the apartments will achieve greater than 3 hours sunlight to living areas between 9am and 3pm in mid winter. Greater than 60% of apartments have natural cross ventilation as required by the Residential Flat Design Code. Communal open spaces will also receive greater than 3 hours direct solar access during mid winter.

A BASIX certificate has been submitted to demonstrate that the proposed development will achieve the building sustainability aims of SEPP (BASIX) including low water use fittings, use of appropriate construction materials and insulation and low water use landscaping.

The proposal is satisfactory with regard to resource, energy and water efficiency

Principle 6: Landscape:

The proposed development results in a total deep soil area of 52.11% and complies with the prescribed standard in LEP 194.

The proposed landscaping is consistent with the desired future character of the area and maintains existing large canopy trees at the site perimeters which will soften the buildings, provide privacy for occupants of the development and adjoining properties and will contribute to the streetscape.

Principle 7: Amenity:

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

Principle 8: Safety and security:

Good design optimises safety and security, both internally and externally by maximising overlooking to public areas and allowing passive surveillance.

The development addresses the street and provides a main pedestrian connection and reasonable passive surveillance to the entries of the building. The development is acceptable with respect to Principle 8.

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Principle 9: Social dimensions:

Development should respond to lifestyles, affordability and local community needs, providing a mixture of housing choices.

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

Principle 10: Aesthetics:

The proposed built form is well articulated along the street elevation and is responsive to the site characteristics. The development is well set back from street and is consistent with the desired character encouraged by DCP 55.

The façade facing Dumaresq Street is composed of a variety of horizontal and vertical elements and is articulated into three defined elements, being a central core and two subordinate wings based around two entry foyers and punctuated by communal areas both internal and external. The top two floors are set in from the edges of the building as the building increases in height down the site, and recede in form and finish.

The choice of materials includes a combination of masonry, glass and concrete, which are considered acceptable architectural compositions and mediums, creating a modern development in natural and recessive colour tones. Council's urban design consultant has advised that the proposed materials and finishes are acceptable.

Residential Flat Design Code

Relating to the local context:

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

Site analysis:

An appropriate site analysis was submitted, indicating building envelopes, landscape response, access and parking and building performance. The site analysis included an assessment of adjoining developments and the proposed future development envisaged in adjoining zones and within the development potential likely to result, should the Draft LEP 2006 (Town Centres) be adopted.

The development is well set back from the street boundary as well as from side and rear boundaries. Adequate design has been incorporated into the proposed building to ensure future occupants have good levels of residential amenity, consistent with that envisaged in an urban setting.

Existing significant vegetation at the provided to adjoining residential properties. A minimum of 12 metres separation is maintained between the proposed development and the potential location of residential flat buildings on adjoining properties to the west.

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

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

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

Building design:

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

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

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.

State Environmental Planning Policy (Sydney Harbour Catchment) 2005

Matters for consideration include biodiversity, ecology and environmental protection, public access to and scenic qualities of foreshores and waterways, maintenance of views, control of boat facilities and maintenance of a working harbour. The proposal is not in close proximity to or within views of the waterway or wetland and is considered satisfactory. Water re-use measures will minimise the impact on downstream waterways.

State Environmental Planning Policy - Building Sustainability Index (BASIX)

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

Ku-ring-gai Planning Scheme Ordinance (KPSO)

Part A - Permissibility – Residential 2(d3) zone

The proposed development involves the demolition of existing dwellings and construction of a residential flat building comprising a total of 45 residential units. The proposed development includes approximately 300m² of internal communal area, including a theatrette, library, bar, sitting room, dining room & communal kitchen. The proposed use also incorporates a 'manager's unit' and office.

The applicant has advised that the proposed residential flat building is to be used and operated for long term lease accommodation for independent seniors living.

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The applicant has provided details of the intended management of the site by SCV Group Limited, also known as Sunnycove Management Limited. It is proposed that the development be managed in the following manner:

- *The apartment building will be managed by SunnyCove Management Limited;*
- *Apartments will be leased to intending permanent residents;*
- *The terms of the leases will be a minimum of six months, but generally 12 months;*
- *The leases will be ordinary residential leases;*
- *A resident may move to another apartment in the building (or indeed another building managed by Sunnycove) if it becomes available;*
- *Sunnycove will provide certain on-site services which will be available on a "user pays" basis. That is, there is not a fixed service fee for any additional services. The on-site services available, but not compulsory for tenants to use, will include the provision of meals, cleaning and the like;*
- *There will not be services such as health care, grooming, personal assistance or the like provided;*
- *The apartments will not be serviced;*
- *There is no minimum age requirement for proposed residents, nor any requirement related to disability;*
- *There are not intended to be any controls over the residents apart from what one would consider the usual controls which would be imposed by an Owners' Corporation in the case of strata title subdivision.*

Each of the developments proposes generous communal facilities such as lounge areas, dining area, outdoor passive recreation areas and theatrette.

Council officers sought legal advice in relation to the proposed use of the building, specifically, in relation to the use of the communal space within the building for commercial purposes and the management of leases for occupation of the proposed units. Concerns were initially raised relating to the potential use of internal communal spaces for a commercial use such as a restaurant, café, bar or cinema and the potential for short term occupancy as a hotel or hostel through the use of short term lease agreements.

The legal advice provided by Abbott Tout Lawyers (HWL) is attached (see Annexure 11). This advice indicates that the proposed development Council is permissible as the primary purpose of the building is to provide for private residential accommodation. This advice is provided, having regard for the following:

1. Each one of the units is capable of being occupied or used as a separate domicile in the sense that kitchens, washing and bathing facilities are provided within each dwelling.
2. Occupation of each unit would be available through a minimum 6 monthly lease agreements, being standard lease agreements under the relevant real estate and rental agreement provisions of NSW Acts and Regulations.

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3. Appliances, crockery, cutlery and implements, linen and towels are provided by the occupants only and are not provided by the management company.
4. There is no linen service or catering service provided on site, except on a user pays basis only.
5. The company controlling the proposed building does not have supervisory control over the conduct of the persons occupying the separate units as proposed.
6. Ownership/occupation of any unit is not subject to any minimum age requirement or other such restriction.
7. The extra facilities provided such as dining bar/cafe and theatre are available to the residents of each unit on a 'user-pays' basis. It would therefore be possible to reside in one of the units without having such contact with the company.
8. Any contact between occupants/residents of the building and the management body would be no different to contact with an Owners Corporation in strata titled building.

The primary purpose of the building is to provide for private residential accommodation. Whether for seniors or otherwise the design of the building reflects this residential use. However, it is recommended that Council impose a condition to ensure the use of the premise remains residential in nature and to prevent any commercial activity being undertaken within the building.

A condition to this effect has been recommended to ensure the use of the building is for residential purposes only, and to prevent any commercial activity within the premises. *(Refer Condition No. 2).*

Part B - Development Standards (LEP 194) – Multi-unit housing

COMPLIANCE TABLE		
Development standard	Proposed	Complies
Site area (min): 2400m ²	4658m ²	YES
Deep landscaping (min): 50%	52.11% (2427m ²)	YES
Street frontage (min): 30m	82.56m	YES
Number of storeys (max): 5 storeys plus top storey (CL.25I(8) & CL.25K)	5 storey plus top storey	YES
Site coverage (max): 35%	34.5% (1630.3m ²)	YES
Top floor area (max): 60% of level below	59.9% (2427.7m ²)	YES
Storeys and ceiling height (max): 5 and 16.4m	5 & 16.4m	YES
Car parking spaces (min):		
• 12 (visitors)	12	YES
• 68 (residents)	72	YES
• 80 (total)	84	YES

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COMPLIANCE TABLE		
Development standard	Proposed	Complies
Steep slope sites (Cl.25K): 25% (max) of footprint as additional floor (5 th floor): 407.6m ²	19.8% 323m ²	YES YES
Zone interface setback (min): South boundary & east boundary: 9m (min) setback to 3rd & 4th storey	South: 15.5m East: 9m	YES
Manageable housing (min): 10% or 5 units to be adaptable.	10% (5 units)	YES
Lift access: required if greater than three storeys	Lift access provided	YES

Storeys and ceiling height (cl.25l(8)) and steep slope sites (cl.25K):

Clause 25l(8) permits a residential flat building located in the Residential 2(d3) zone to achieve a height of 4 storeys (excluding the top storey being 60% of the storey below). A maximum perimeter ceiling height of 13.4 metres is allowed for the 4th storey.

This Clause is subject to subclause (5) which stipulates a maximum height of 5 storeys for a development on a site of 2,400m² or more and Clause 25K which allows height concessions, where a site experiences a slope of 15% or more.

The proposed development achieves a storey height of 5 storeys plus a top storey of less than 60% of the floor below. The proposed development relies upon the steep slope provisions provided by Clause 25K in order to achieve the proposed building height.

Clause 25K stipulates that '*consent may be granted for a building on site with a slope greater than 15% that would:*

- a) *exceed the number of storeys controls in Clause 25l(8) by only one storey for up to 25% of the building footprint, or*
- b) *exceed the height controls in Clause 25l(8), but only by up to 3 metres for up to 25% of the building footprint, or*
- c) *take advantage of the concessions conferred by both paragraphs (a) and (b), but only for up to the same 25% of the building footprint.*

The applicant seeks to utilise the allowance provided by Clause 25K. The site achieves a fall of 15% in two locations across the building footprint which permits additional height where the slope of the site causes the proposed Basement to protrude above ground level by greater than 1.2 metres and results in a part 5th floor.

The resulting development achieves the concessions permitted by Clause 25K and would result in an additional storey for less than 25% of the total building footprint and not exceeding 3 metres above the ceiling height limit imposed by Clause 25l(8).

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The proposed development has a maximum storey height of 5 storeys with a top storey area that is less than 60% of the floor below. The proposal complies with the building height provisions of Clause 25I(8) and achieves the concessions permitted by Clause 25K.

Development within the vicinity of a heritage item (cl.61E):

The proposed development is within proximity to a heritage item. The heritage item is identified as 818 Pacific Highway, Council's Chambers.

The proposed development will be visible from the heritage item but, at 90 metres away is sufficiently distant from the item that the development will have a negligible impact. The proposed development is therefore acceptable with regard to impacts on nearby heritage item and the provisions of Clause 61E of the KPSO. Council's Heritage advisor supports the proposed development.

Residential zone objectives and impact on heritage:

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

POLICY PROVISIONS

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

COMPLIANCE TABLE		
Development control	Proposed	Complies
Part 4.1 Landscape design:		
Deep soil landscaping (min) • 150m ² per 1000m ² of site area = 600m ²	2427m ²	YES
No. of tall trees required (min): 16 trees	Existing trees retained = 11 New canopy trees = 15 Total trees = 26	YES
Part 4.2 Density:		
Building footprint (max): • 35% of total site area	34.5%	YES
Floor space ratio (max): • 1.3:1	1.18:1	YES
Part 4.3 Setbacks:		
Street boundary setback (min):		

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COMPLIANCE TABLE		
Development control	Proposed	Complies
<ul style="list-style-type: none"> 13-15 metres (<40% of the zone occupied by building footprint) 	<p>12m to 17.7m (average = 14.8m)</p> <p><40% of the building footprint occupies the 13-15m front setback zone</p>	<p>NO</p> <p>YES</p>
Rear boundary setback (min): <ul style="list-style-type: none"> 6m 	14m	YES
Side boundary setback (min): <ul style="list-style-type: none"> 6m 	<p>East: 9m West: 6m</p>	<p>YES YES</p>
Setback of ground floor courtyards to street boundary (min): <ul style="list-style-type: none"> 8m/11m 	>11m	YES
% of total area of front setback occupied by private courtyards (max): <ul style="list-style-type: none"> 15% 	<15%	YES
Part 4.4 Built form and articulation:		
Façade articulation: <ul style="list-style-type: none"> Wall plane depth >600mm 	<600mm	YES
<ul style="list-style-type: none"> Wall plane area <81m² 	<81m ²	YES
Built form: <ul style="list-style-type: none"> Building width <36m 	65.5m	NO
<ul style="list-style-type: none"> Balcony projection <1.2m 	<1.2m or >1.2m	YES
Part 4.5 Residential amenity		
Solar access: <ul style="list-style-type: none"> >70% of units receive 3+ hours direct sunlight in winter solstice 	>82.2%	YES
<ul style="list-style-type: none"> >50% of the principle common open space of the development receives 3+ hours direct sunlight in the winter solstice 	>50%	YES
<ul style="list-style-type: none"> <15% of the total units are single aspect with a western orientation 	<15%	YES

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COMPLIANCE TABLE		
Development control	Proposed	Complies
Visual privacy: Separation b/w windows and balconies of a building and any neighbouring building on site or adjoining site: Storeys 1 to 4 <ul style="list-style-type: none"> • 12m b/w habitable rooms >12m • 9m b/w habitable and non-habitable rooms >9m • 6m b/w non-habitable rooms >6m 5th Storey <ul style="list-style-type: none"> • 18m b/w habitable rooms >18m • 13m b/w habitable and non-habitable rooms >13m • 9m b/w non-habitable rooms >9m 		YES YES YES YES YES YES YES
Internal amenity: <ul style="list-style-type: none"> • Habitable rooms have a minimum floor to ceiling height of 2.7m 3.2m • Non-habitable rooms have a minimum floor to ceiling height of 2.4m >3.0m • 1-2 bedroom units have a minimum plan dimension of 3m in all bedroom >3m • 3+ bedroom units have a minimum plan dimension of 3m in at least two bedrooms >3m • Single corridors: <ul style="list-style-type: none"> - serve a maximum of 8 units 5 units (max) - >1.5m wide >1.5m - >1.8m wide at lift lobbies 1.8m 		YES YES YES YES YES YES YES
Outdoor living: <ul style="list-style-type: none"> • ground floor apartments have a terrace or private courtyard greater than 25m² in area >25m² 		YES

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COMPLIANCE TABLE		
Development control	Proposed	Complies
<ul style="list-style-type: none"> Balcony sizes: <ul style="list-style-type: none"> - 10m² – 1 bedroom unit - 12m² – 2 bedroom unit - 15m² – 3 bedroom unit 	<ul style="list-style-type: none"> 12m² 12m² 15m² 	<ul style="list-style-type: none"> YES YES YES
NB. At least one space >10m ²		
<ul style="list-style-type: none"> primary outdoor space has a minimum dimension of 2.4m 	>2.4m	YES
Part 4.7 Social dimensions:		
Visitable units (min): <ul style="list-style-type: none"> 70% 	100%	YES
Housing mix: <ul style="list-style-type: none"> Mix of sizes and types 	Mix of 1, 2 & 3 bedroom units	YES
Part 5 Parking and vehicular access:		
Car parking (min): <ul style="list-style-type: none"> 68 resident spaces 12 visitor spaces 80 total spaces 	<ul style="list-style-type: none"> 72 spaces 12 spaces 84 spaces 	<ul style="list-style-type: none"> YES YES YES

Part 2: Elements of good design

- Articulation & materials

The proposal utilises high quality finishes and building materials and is well set back from the street, side and rear boundaries. The street façade includes satisfactory articulation and complimentary materials. The resulting development will introduce development that is consistent with the scale and appearance of new residential flat development envisaged in the Residential 2(d3) zone.

Satisfactory areas of deep soil landscaping are provided forward of the building which will ensure that the development is consistent with the building setback and landscape objectives as expressed in DCP 55. The articulation of the building and use of materials is consistent with the elements of good design.

- Air conditioning plant

Air conditioning units have been located within the basement and will not be visible from adjoining properties or public areas. Air conditioning plant is integrated into the design of the building and achieves the requirements of DCP 55.

Part 3 Local context:

The proposed development is satisfactory with regard to the planning controls contained in LEP 194 and the design guidelines in DCP 55.

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The development achieves the design principles of SEPP 65 and DCP 55 and is consistent with the desired local character and the future context of the locality as well as the provisions of the Draft LEP 2006 (Town Centres).

Part 4.1 Landscape design:

The proposal complies with the deep soil landscaping requirement of LEP 194 and is satisfactory with regard to the landscape design guidelines of DCP 55. The proposal will reinforce the landscape character of the area, allows adequate area for canopy tree planting to the front and rear of the development and incorporates satisfactory deep soil areas forward of the building to soften the appearance to the street.

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

Part 4.2 Density:

The proposal complies with the maximum floor space ratio provisions of DCP 55.

Part 4.3 Setbacks:

Front setback

The north-eastern corner of the proposed building will encroach up to 12 metres from the street boundary for a small portion of Level 4. The maximum intrusion into the front setback is 1 metre in the north-eastern corner and occurs for a distance of 4 metres along the street frontage, representing approximately 6% of the overall building width.

Upper levels of the development, including balcony areas, fully comply with the minimum setback requirement.

Despite the encroachment of Level 4 into the front setback zone, the majority of the development exceeds the minimum setbacks requirement, with less than 40% of the building frontage occupying the 13m-15m setback zone.

The resulting development would achieve the intention of Part 4.3 of DCP 55 in that substantial landscaping is provided along the Dumaresq Street frontage and adequate separation is provided to adjoining properties. The scale of the proposed development is consistent with that envisaged in the Residential 2(d3) zoning and the presentation of the development to Dumaresq Street will be satisfactory.

The proposal is acceptable with regard to the setback requirements of DCP 55.

Part 4.4 Built form and articulation:

Part 4.4 contains design guidelines to ensure buildings provide a positive contribution to the streetscape and the broader public domain. The intention of Part 4.4 is to encourage buildings which do not dominate the street and to encourage a predominance of landscape features.

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The proposed building is well articulated, achieves adequate setbacks from the street and is satisfactory with regard to side & rear boundary setbacks. The development also achieves the deep soil landscaping requirements and maintains adequate areas for deep soil landscaping forward of the building.

Building width

The proposed building has a maximum width of 65.5 metres to the street, which exceeds the building width control. Despite this, the proposal incorporates significant articulation along the street frontage, with recesses of 4.5 metres on either side of the central core which contribute positively to the relief of the overall building length.

The use of a mixture of horizontal and vertical building elements, materials choice and the provision of adequate setbacks and good areas of deep soil landscaping at the front and side of the development will result in a development that is situated in a well landscaped setting. The proposal is acceptable in relation to built form and articulation.

Part 4.5 Residential amenity:

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

The location of balconies adjacent to the Gordon Centre car park, required the inclusion of louvred privacy screens along the western edged of balconies. The inclusion of the privacy screen and the setback from the car park will ensure that overlooking is minimised.

The development achieves compliance with the applicable controls. The proposal provides good residential amenity for future occupants in terms of solar access, private open space, room dimensions and building separation.

Part 4.6 Safety and security:

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

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

Part 4.7 Social dimensions:

The proposal provides 10% 'manageable' units in accordance with LEP 194 Clause 25N and 100% 'visitable' units, internal paths of travel and visitor and resident parking spaces in accordance with DCP55 Clause 4.7 C-3.

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

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of the development as down-sized seniors living, with an on site management, will not significantly affect the availability of units within the wider residential market in Ku-ring-gai. The proposal remains consistent with the aims of LEP 194 and will provide for improved housing choice within the locality.

Part 5 Parking and vehicular access:

Car parking is provided in accordance with the numerical requirements of DCP 55 and DCP 43 (Car Parking) for resident, visitor and accessible parking spaces is also compliant.

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

Development Control Plan 31 – Access

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

Development Control Plan 40 – Construction and Demolition Waste Management

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

Development Control Plan No. 43 – Car Parking

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

Development Control Plan 47 – Water Management

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

Section 94 Plan

The development attracts a section 94 contribution of \$862,646.23, which is required to be paid by **Condition No. 51**.

LIKELY IMPACTS

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

SUITABILITY OF THE SITE

The site is suitable for the proposed development.

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ANY SUBMISSIONS

There were no submissions.

PUBLIC INTEREST

The proposal is considered to be in the public interest.

OTHER RELEVANT CONSIDERATIONS

Draft Ku-ring-gai LEP 2006 (Town Centres) Amendment No. 2 (Gordon Town Centre)

The proposed Draft Ku-ring-gai LEP 2006 (Town Centres) Amendment No. 2 (Gordon Town Centre) is a matter for consideration under S.79C of the Environmental Planning and Assessment Act 1979.

The development standards applicable to the site under the Draft LEP (DLEP) 2006 differ from those which currently apply to the site under LEP 194 and the Ku-ring-gai Planning Scheme Ordinance (KPSO). The relevant considerations for the proposed developments under the DLEP are identified as follows:

Zoning - Draft Residential 'R4' (High Density Residential) zone

The proposed Draft Residential 'R4' (High Density Residential) zone differs slightly from the existing Residential 2(d3) zone in that a wider array of development types are permitted including, *inter alia*, the following forms of development:

- i. Bed and Breakfast Accommodation;
- ii. Boarding houses;
- iii. Community facilities;
- iv. Multi dwelling housing;
- v. Residential flat buildings;
- vi. Seniors housing;
- vii. Spa pools; Swimming pools;

The proposed development is defined as residential flat development and is therefore permissible within the proposed draft 'R4' zone.

Development Standards

The development standards applicable to the site under the Draft LEP differ from those which currently apply to the site under Part 3A of the Ku-ring-gai Planning Scheme Ordinance (LEP 194).

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The development standards which apply to the site are identified in the following compliance table:

COMPLIANCE TABLE			
Development standard	Requirement	Proposed Compliance	Complies (Yes/No)
Minimum lot size (CL.19(4)):	1200m ² m2	4658m ²	YES
Minimum street frontage (CL. 19(6)):	30m	82.56m	YES
Height of Buildings (CL. 21):	18m	17.8m	YES
Floor Space Ratio (CL. 22):	1.3:1	1.18:1	YES

Consideration of Draft LEP 2006 (Town Centres)

The proposed development is permissible within the proposed Draft Residential 'R4' (High Density Residential) zone and complies with the development standards included in the Draft LEP 2006 (Town Centres) Amendment No. 2.

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

THAT the Council, as the consent authority, grant development consent to DA 0028/07 for demolition of five (5) dwelling houses and construction of a residential flat building comprising 45 units, communal areas and basement car parking for 84 vehicles on land at 6 to 14 Dumaresq Street, Gordon, for a period of two (2) years from the date of the Notice of Determination, subject to the following conditions:

CONDITIONS THAT IDENTIFY APPROVED PLANS:

1. Approved architectural plans and documentation (alterations and additions)

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

Dwg No	Issue	Description	Drawn by	Dated	Lodged
DA-02	C	Site Plan	Futurespace Pty Ltd	10 Aug 2007	16 Aug 2007
DA-03	C	Level 1 Plan – Basement	Futurespace Pty Ltd	10 Aug 2007	16 Aug 2007
DA-04	C	Level 2 Plan – Basement	Futurespace Pty Ltd	10 Aug 2007	16 Aug 2007
DA-05	C	Level 3 Plan –Basement/ Units 3.01 & 3.02	Futurespace Pty Ltd	10 Aug 2007	16 Aug 2007
DA-06	C	Level 4 Plan – Ground floor & Communal areas	Futurespace Pty Ltd	10 Aug 2007	16 Aug 2007
DA-07	C	Level 5 Plan	Futurespace Pty Ltd	10 Aug 2007	16 Aug 2007

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DA-08	C	Level 6 Plan	Futurespace Pty Ltd	10 Aug 2007	16 Aug 2007
DA-09	D	Level 7 Plan	Futurespace Pty Ltd	19 Sept 2007	24 Sept 2007
DA-10	D	Level 8 Plan	Futurespace Pty Ltd	19 Sept 2007	24 Sept 2007
DA-11	D	Roof Plan	Futurespace Pty Ltd	12 Sept 2007	14 Sept 2007
DA-13	C	Elevations north & west	Futurespace Pty Ltd	12 Sept 2007	14 Sept 2007
DA-14	C	Elevations south & east	Futurespace Pty Ltd	12 Sept 2007	14 Sept 2007
DA-15	D	Sections	Futurespace Pty Ltd	12 Sept 2007	14 Sept 2007
DA-21	B	Street Elevation	Futurespace Pty Ltd	12 Sept 2007	14 Sept 2007
502.01A	F	Landscape Plan – General layout	Tramonte Jensen	13 Aug 07	22 Aug 2007
502.01B	F	Landscape Plan – planting layout	Tramonte Jensen	13 Aug 07	22 Aug 2007
502.02	F	Landscape Materials & Schedules	Tramonte Jensen	13 Aug 07	22 Aug 2007

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

GENERAL CONDITIONS:

2. No commercial use

No part of the approved building may be utilised for a commercial purpose. All services provided within the communal areas of the building shall be for the use of occupants of the development and their guests.

Reason: To ensure that communal areas on Level 4 of the development are used solely for the benefit of residents of the building, to protect residential amenity and to ensure that no commercial activity is carried out within the building.

3. Approved tree works

Approval is given for the following works to be undertaken to trees on the site. A tree report prepared by Naturally Trees Aboricultural Consulting, dated 15/12/06, has been submitted. Tree numbers refer to this report.

Schedule

Tree location

Trees 82-189

Jacaranda mimosifolia (Jacaranda) Tree 195

Jacaranda mimosifolia (Jacaranda) Tree 197

Angophora costata (Sydney Red Gum) Tree 190

Eucalyptus saligna (Sydney Blue Gum) Tree 191

Jacaranda mimosifolia (Jacaranda) Tree 194

Jacaranda mimosifolia (Jacaranda) Tree 195

Jacaranda mimosifolia (Jacaranda) Tree 197

Camellia sasanqua (Chinese Camellia) Trees 199 and 200

Pittosporum undulatum (Sweet Pittosporum) Tree 206

Phoenix canariensis (Canary Island Palm) Tree 209

Stenocarpus sinuatus (Firewheel Tree) Tree 249

Approved tree works

Removal

Removal

Removal

Removal

Removal

Removal

Removal

Removal

Removal

Removal

Removal

Removal

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<i>Camellia sasanqua</i> (Chinese Camellia) Trees 250	Removal
<i>Pittosporum undulatum</i> (Sweet Pittosporum) Tree 270	Removal
<i>Eucalyptus sp</i> Tree 294	Removal
Trees 295-340	Removal
<i>Jacaranda mimosifolia</i> (Jacaranda) Tree 387	Removal
<i>Eucalyptus saligna</i> (Sydney Blue Gum) Tree 388	Removal
<i>Eucalyptus saligna</i> (Sydney Blue Gum) Tree 395	Removal
<i>Pittosporum undulatum</i> (Sweet Pittosporum) Tree 405	Removal
<i>Araucaria heterophylla</i> (Norfolk Island Pine) /Tree 396	Removal
<i>Eucalyptus saligna</i> (Sydney Blue Gum) Tree 406	Removal
Tree 460 -772	Removal

Removal or pruning of any other tree on the site is not approved.

4. Arborist's report

The trees to be retained shall be inspected, monitored and treated by a qualified arborist 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:

Schedule

Tree/location

Time of inspection

<i>Eucalyptus saligna</i> (Sydney Blue Gum) Tree 193	Commencement of excavation, stormwater lines within 6m of tree
<i>Pittosporum undulatum</i> (Sweet Pittosporum) Tree 196	Commencement of excavation, stormwater lines within 6m of tree
<i>Camellia sasanqua</i> (Chinese Camellia) Tree 198	Commencement of excavation, stormwater lines within 6m of tree
<i>Brachychiton acerifolius</i> (Flame Tree) Tree 201	Commencement of excavation, stormwater lines within 6m of tree
<i>Angophora costata</i> (Sydney Red Gum) Tree 203	Commencement of excavation, stormwater lines within 6m of tree
<i>Angophora costata</i> (Sydney Red Gum) Tree 205	Commencement of excavation, stormwater lines within 6m of tree
<i>Eucalyptus microcorys</i> (Tallowood) Tree 385	Commencement of excavation, stormwater lines within 6m of tree
<i>Eucalyptus saligna</i> (Sydney Blue Gum) Tree 401	Commencement of excavation, stormwater lines within 6m of tree

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Reason: To ensure protection of existing trees

5. Tree removal on nature strip

Following removal of the following trees from Council's nature strip, the nature strip shall be rehabilitated to the satisfaction of Council's Landscape Assessment Officer at no cost to Council.

Schedule**Tree location****Approved tree works**

<i>Stenocarpus sinuatus</i> (Firewheel Tree) Tree 249	Removal
<i>Camellia sasanqua</i> (Chinese Camellia) Trees 250	Removal
<i>Stenocarpus sinuatus</i> (Firewheel Tree) Tree 460	Removal
<i>Jacaranda mimosifolia</i> (Jacaranda) Tree 472	Removal
<i>Jacaranda mimosifolia</i> (Jacaranda) Tree 473	Removal
<i>Cinnamomum camphora</i> (Camphor laurel) Tree 578	Removal
<i>Fraxinus excelsior</i> (Ash) Tree 696	Removal
<i>Stenocarpus sinuatus</i> (Firewheel Tree) Tree 697	Removal
<i>Cupressus species</i> (Cypress) Tree 699	Removal
<i>Cupressus species</i> (Cypress) Tree 700	Removal
<i>Cupressus species</i> (Cypress) Tree 701	Removal
<i>Camellia sasanqua</i> (Chinese Camellia) Trees 713	Removal

Reason: To protect the streetscape.

6. Treatment of tree roots

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 horticulture certificate or tree surgery certificate

Reason: To protect existing trees.

7. Hand excavation

All excavation within the specified radius of the trunk(s) of the following tree(s) shall be hand dug:

Schedule**Tree/location****Radius from trunk**

<i>Eucalyptus saligna</i> (Sydney Blue Gum) / Tree 193	10m
<i>Pittosporum undulatum</i> (Sweet Pittosporum) / Tree 196	4m
<i>Camellia sasanqua</i> (Chinese Camellia) / Tree 198	4m
<i>Brachychiton acerifolius</i> (Flame Tree) Tree 201	2m
<i>Angophora costata</i> (Sydney Red Gum) / Tree 203	9m
<i>Angophora costata</i> (Sydney Red Gum) / Tree 205	6m
<i>Eucalyptus microcorys</i> (Tallowood) / Tree 385	5m
<i>Eucalyptus saligna</i> (Sydney Blue Gum) / Tree 401	6m

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Reason: To protect existing trees.

8. No storage of materials beneath trees

No activities, storage or disposal of materials shall take place beneath the canopy of any tree protected under Council's Tree Preservation Order at any time.

Reason: To protect existing trees.

9. Tree planting on nature strip

The following tree species shall be planted, at no cost to Council, in the nature strip fronting the property along Dumaresq Street. The tree(s) used shall be a minimum 25 litres container size specimen(s):

Schedule

Tree/ species	Quantity	Location
<i>Syncarpia glomulifera (Turpentine)</i>	7	Dumaresq Street at approx 10m centres

Reason: To provide appropriate landscaping within the streetscape.

10. Removal of refuse

All builders' refuse, spoil and/or material unsuitable for use in landscape areas shall be removed from the site on completion of the building works.

Reason: To protect the environment.

11. Canopy replenishment trees to be planted

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

Reason: To maintain the treed character of the area.

12. Stockpiling of top soil

Top soil shall be stripped from areas to be developed and stock-piled within the site. Stock-piled topsoil must be located outside drainage lines and tree canopies and be protected from run-on water by suitably positioned diversion banks. Where the period of storage will exceed fourteen (14) days, stock-piles are to be seeded or sprayed with an appropriate emulsion solution to minimise particle movement.

Reason: To protect the environment.

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13. Temporary groundcover

On disturbed areas which will otherwise remain exposed for more than fourteen (14) days before permanent stabilisation works are undertaken, a temporary cover of mulch shall be applied or a dense cover crop shall be established utilising sterile/non seed-setting species.

Reason: To protect the environment.

14. Vegetating steep slopes

Constructed slopes greater than 1:3 gradient shall be vegetated immediately after earthworks are completed.

Reason: To protect the environment.

CONDITIONS TO BE SATISFIED PRIOR TO DEMOLITION, EXCAVATION OR CONSTRUCTION:

15. Notice to be given prior to demolition or excavation

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

Reason: Statutory requirement.

16. Notice of commencement

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

Reason: Statutory requirement.

17. Notification of builder's details

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

Reason: Statutory requirement.

18. Dilapidation survey and report (private property)

Prior to the commencement of any demolition or excavation works on site, the Principal Certifying Authority shall be satisfied that a dilapidation report on the visible and structural condition of all structures upon the following lands, has been completed and submitted to Council:

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Address

- 16 Dumaresq Street and the rear unit at 7 Moree Street
- Gordon Centre car park, 802-808 Pacific Highway, Gordon

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

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

Note: A copy of the dilapidation report is to be provided to Council prior to any excavation works been undertaken. The dilapidation report is for record keeping purposes only and may be used by an applicant or affected property owner to assist in any civil action required to resolve any dispute over damage to adjoining properties arising from works.

Reason: To record the structural condition of likely affected properties before works commence.

19. Dilapidation survey and report (public infrastructure)

Prior to the commencement of any demolition or excavation works on site, the Principal Certifying Authority shall be satisfied that a dilapidation report on the visible and structural condition of all structures of the following public infrastructure, has been completed and submitted to Council:

Public infrastructure

- Full road pavement width, including kerb and gutter, of Lorne Avenue over the site frontage.
- 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 written and photographic) existing damaged areas on the aforementioned infrastructure so that Council is fully informed when assessing any damage to public infrastructure caused as a result of the development.

The developer may be held liable to any recent damage to public infrastructure in the vicinity of the site, where such damage is not accurately recorded by the requirements of this condition prior to the commencement of works.

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Note: A written acknowledgment from Council must be obtained (attesting to this condition being appropriately satisfied) and submitted to the Principal Certifying Authority prior to the commencement of any excavation works.

Reason: To record the structural condition of public infrastructure before works commence.

20. Construction and traffic management plan

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

a) A plan view of the entire site and frontage roadways indicating:

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

b) Traffic control plan(s) for the site

All traffic control plans must be in accordance with the RTA publication "Traffic Control Worksite Manual" and prepared by a suitably qualified person (minimum 'red card' qualification). The main stages of the development requiring specific construction management measures are to be identified and specific traffic control measures identified for each stage.

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

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

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

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

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

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

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

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

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

As the plan has a direct impact on the local road network, the plan shall be submitted to and reviewed by Council's Development Engineer. Written acknowledgment from Council's Engineer shall be obtained (attesting to this condition being appropriately satisfied) and submitted to the Principal Certifying Authority prior to the commencement of any works on site.

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

21. Work zone

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. Work 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. Work 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 work zone is approved by the Local Traffic Committee, the applicant must obtain a written copy of the related resolution from the Ku-ring-gai Local Traffic Committee and submit this to the Principal Certifying Authority prior to commencement of any works on 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

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commencement of any works on site. At the expiration of the work zone approval, the applicant is required to remove the work zone signs and reinstate any previous signs at their expense.

In the event the work zone is required for a period beyond that initially approved by the Traffic Committee, the applicant shall make a payment to Council for the extended period in accordance with Council's schedule of fees and charges for work zones prior to the extended period commencing.

Reason: To ensure that appropriate measures have been made for the operation of the site during the construction phase.

22. Sediment controls

Prior to any work commencing on site, sediment and erosion control measures shall be installed along the contour immediately downslope of any future disturbed areas.

The form of the sediment controls to be installed on the site shall be determined by reference to the 'NSW Department of Housing manual 'Managing Urban Stormwater: Soils and Construction'. The erosion controls shall be maintained in an operational condition until the development activities have been completed and the site fully stabilised. Sediment shall be removed from the sediment controls following each heavy or prolonged rainfall period.

Reason: To preserve and enhance the natural environment.

23. Erosion and drainage management

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

Reason: To preserve and enhance the natural environment.

24. Temporary construction exit

A temporary construction exit, together with necessary associated temporary fencing, shall be provided prior to commencement of any work on the site and shall be maintained throughout the duration and progress of construction.

Reason: To reduce or eliminate the transport of sediment from the construction site onto public roads.

25. Noise and vibration management plan

Prior to the commencement of any works, a noise and vibration management plan is to be prepared by a suitably qualified expert addressing the likely noise and vibration from demolition, excavation and construction of the proposed development and provided to the

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Principal Certifying Authority. The management plan is to identify amelioration measures to ensure the noise and vibration levels will be compliant with the relevant Australian Standards and Ku-ring-gai Council's Code for the Control and Regulation of Noise on Building Sites. The report shall be prepared in consultation with any geotechnical report that itemises equipment to be used for excavation works.

The management plan shall address, but not be limited to, the following matters

- identification of the specific activities that will be carried out and associated noise sources
- identification of all potentially affected sensitive receivers, including residences, churches, commercial premises, schools and properties containing noise sensitive equipment
- the construction noise objective specified in the conditions of this consent
- the construction vibration criteria specified in the conditions of this consent
- determination of appropriate noise and vibration objectives for each identified sensitive receiver
- noise and vibration monitoring, reporting and response procedures
- assessment of potential noise and vibration from the proposed demolition, excavation and construction activities, including noise from construction vehicles and any traffic diversions
- description of specific mitigation treatments, management methods and procedures that will be implemented to control noise and vibration during construction
- construction timetabling to minimise noise impacts including time and duration restrictions, respite periods and frequency
- construction timetabling to minimise noise impacts including time and duration restrictions, respite periods and frequency
- procedures for notifying residents of construction activities that are likely to affect their amenity through noise and vibration
- contingency plans to be implemented in the event of non-compliances and/or noise complaints
- compliance with Council's Code for the Control and Regulation of Noise on Building Sites

Reason: To protect the amenity afforded to surrounding residents during the construction process.

26. Support for Council roads, footpaths, drainage reserves

Council property adjoining the construction site must be fully supported at all times during all excavation and construction works. Details of shoring, propping and anchoring of works adjoining Council property, prepared by a qualified structural engineer or geotechnical engineer, must be submitted to and approved by the Principal Certifying Authority (PCA), before the commencement of the works. A copy of these details must be forwarded to Council. Backfilling of excavations adjoining Council property or any void remaining at completion of construction between the building and Council property must be fully compacted prior to the completion of works.

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Reason: To protect Council's infrastructure.

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE:

27. Amendments to approved landscape plan

Prior to the issue of a Construction Certificate, the Certifying Authority shall be satisfied that the approved landscape plans, listed below and endorsed with Council's stamp, have been amended in accordance with the requirements of this condition as well as other conditions of this consent:

<i>Plan no.</i>	<i>Title</i>	<i>Drawn by</i>	<i>Dated</i>
502.01A/F	Landscape Plan – general layout	Tramonte Jensen	13/08/07
502.01B/F	Landscape Plan – planting layout	Tramonte Jensen	13/08/07
502.02/F	Landscape Materials and Schedules	Tramonte Jensen	13/08/07

The above landscape plan(s) shall be amended as follows:

- Low shrub and groundcover landscape treatment to be shown to nature strip/ sloping bank in association to street tree planting between footpath and front fence.
- Existing street trees to be shown deleted and replaced with canopy trees as conditioned.
- Proposed planting of *Leptospermum laevigatum* (Tea Tree) 4m to southern boundary shall be substituted with species of similar size representative of Blue Gum High Forest community such as *Notolaea longifolia*, *Persoonia linearis* or *Pittosporum revolutum*.
- Steps at centre of rear yard to be deleted and replaced with ramp to enable disabled access through this communal open space area.
- Existing tree numbers to be clearly shown on both Landscape Plan – general layout and Landscape Plan – planting plan.
- Tree 198 to be shown on Landscape plans as being retained.
- Tree 209 and Tree 396 to be shown on Landscape Plans as being removed.
- Levels to private courtyards to Unit 3.01 (RL 104.8) and associated Top of Fence level (RL 106.3), Unit 3.02 (RL 104.8) to be shown at correct levels.
- To preserve streetscape and neighbour amenity, minimum 1.5m setback to substation is to be shown to allow sufficient area for screen planting along site boundary. Screen planting to substation along western boundary, that can attain 1.5m in height, to be provided.
- Two additional tall endemic canopy trees capable of attaining a minimum height of 13m, such as *Allocasuarina torulosa* (Forest Oak) or *Angophora floribunda* (Rough-barked Apple), are to be planted with a minimum spacing of 5m, to building along eastern site boundary.
- Three additional tall endemic canopy trees capable of attaining a minimum height of 13m, such as *Allocasuarina torulosa* (Forest Oak) or *Angophora floribunda* (Rough-barked Apple), are to be planted with a minimum spacing of 5m, to building along western site boundary.

Reason: To ensure adequate landscaping of the site

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28. Landscape plan

Prior to the issue of the Construction Certificate, the Principal Certifying Authority shall be satisfied that a landscape plan has been completed in accordance with Council's DA Guide, relevant development control plans and the conditions of consent by a landscape architect or qualified landscape designer.

Note: The landscape plan must be submitted to the Principal Certifying Authority.

Reason: To ensure adequate landscaping of the site.

29. Excavation for services

Prior to the issue of the Construction Certificate, the Principal Certifying shall be satisfied that no proposed underground services (ie. water, sewerage, drainage, gas or other service) unless previously approved by conditions of consent, are located beneath the canopy of any tree protected under Council's Tree Preservation Order, located on the subject allotment and adjoining allotments.

Note: A plan detailing the routes of these services and trees protected under the Tree Preservation Order, shall be submitted to the Principal Certifying Authority.

Reason: To ensure the protection of trees.

30. Lot consolidation

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.

Reason: To ensure continuous structures will not be placed across separate titles.

31. Stormwater management plan

Prior to issue of the Construction Certificate, the applicant must submit, for approval by the Principal Certifying Authority, scale construction plans and specifications in relation to the stormwater management and disposal system for the development. The plan(s) must include the following detail:

- exact location and reduced level of discharge point to the public drainage system
- Layout of the property drainage system components, including but not limited to (as required) gutters, downpipes, spreaders, pits, swales, kerbs, cut-off and intercepting drainage structures, subsoil drainage, flushing facilities and all ancillary stormwater plumbing - all designed for a 235mm/hour rainfall intensity for a duration of five (5) minutes (1:50 year storm recurrence)

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

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

Reason: To protect the environment.

32. Stormwater retention

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

- A mandatory rainwater retention and re-use system, comprising storage tanks and ancillary plumbing is provided. The minimum total storage volume of the rainwater tank system, and the prescribed re-use of the water on site must satisfy all relevant BASIX commitments and the requirements specified in Chapter 6 of Ku-ring-gai Water Management Development Control Plan 47; and
- An on-site stormwater detention system must be provided to control the rate of runoff leaving the site. The minimum volume of the required on-site detention system must be determined in accordance with Chapter 6 of the Ku-ring-gai Council Water Management Development Control Plan 47 - having regard to the specified volume concession offered in lieu of installing rainwater retention tanks. The on-site detention system must be designed by a qualified civil/hydraulic engineer and must satisfy the design controls set out in Appendix 5 of DCP 47.

Reason: To protect the environment.

33. Driveway crossing levels

Prior to issue of the Construction Certificate, driveway and associated footpath levels for any 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

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and driveways are to be constructed according to Council's specifications "Construction of Gutter Crossings and Footpath Crossings".

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.

This development consent is for works wholly within the property. Development 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.

Reason: To provide suitable vehicular access without disruption to pedestrian and vehicular traffic.

34. Driveway grades – basement car parks

Prior to the issue of the Construction Certificate, longitudinal driveway sections are to be prepared by a qualified civil/traffic engineer and be submitted for to and approved by the Certifying Authority. These profiles are to be at 1:100 scale along both edges 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 and
- all changes in grade (transitions) comply with Australian Standard 2890.1 – "Off-street car parking" (refer clause 2.5.3) to prevent the scraping of the underside of vehicles.

If a new driveway crossing is proposed, the longitudinal sections must incorporate the driveway crossing levels as issued by Council upon prior application.

Reason: To provide suitable vehicular access without disruption to pedestrian and vehicular traffic.

35. Basement car parking details

Prior to issue of the Construction Certificate, certified parking layout plan(s) to scale showing all aspects of the vehicle access and accommodation arrangements must be submitted to and approved by the Certifying Authority. A qualified civil/traffic engineer must review the

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proposed vehicle access and accommodation layout and provide written certification on the plans that:

- all parking space dimensions, driveway and aisle widths, driveway grades, transitions, circulation ramps, blind aisle situations and other trafficked areas comply with Australian Standard 2890.1 – 2004 “Off-street car parking”
- a clear height clearance of 2.5 metres (required under DCP40 for waste collection trucks) is provided over the designated garbage collection truck manoeuvring areas within the basement
- no doors or gates are provided in the access driveways to the basement car park which would prevent unrestricted access for internal garbage collection at any time from the basement garbage storage and collection area
- the vehicle access and accommodation arrangements are to be constructed and marked in accordance with the certified plans

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

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

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

- installation of 375mm diameter pipe to connect site with public drainage system
- construction of kerb inlet pit outside property.

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

The required plans and specifications are to be designed in accordance with the General Specification for the Construction of Road and Drainage Works in Ku-ring-gai Council, dated November 2004. The drawings must detail existing utility services and trees affected by the works, erosion control requirements and traffic management requirements during the course of works. Survey must be undertaken as required. Traffic management is to be certified on the drawings as being in accordance with the documents SAA HB81.1 – 1996 – Field Guide for Traffic Control at Works on Roads – Part 1 and RTA Traffic Control at Work Sites (1998). Construction of the works must proceed only in accordance with any conditions attached to the Roads Act approval issued by Council.

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

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in Council's adopted fees and charges) is payable and Council will withhold any consent and approved plans until full payment of the correct fees. Plans and specifications must be marked to the attention of Council's Development Engineers. In addition, a copy of this condition must be provided, together with a covering letter stating the full address of the property and the accompanying DA number.

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

37 Energy Australia requirements

Prior to issue of the Construction Certificate, the applicant must contact Energy Australia regarding power supply for the subject development. A written response detailing the full requirements of Energy Australia (including any need for underground cabling, substations or similar within or in the vicinity the development) shall be submitted to the Principal Certifying Authority for approval prior to issue of the Construction Certificate.

Any structures or other requirements of Energy Australia shall be indicated on the plans issued with the Construction Certificate, to the satisfaction of the Principal Certifying Authority and Energy Australia. The requirements of Energy Australia must be met in full prior to issue of the Occupation Certificate.

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

38. Utility provider requirements

Prior to issue of the Construction Certificate, the applicant must make contact with all relevant utility providers whose services will be impacted upon by the development. A written copy of the requirements of each provider, as determined necessary by the Certifying Authority, must be obtained. All utility services or appropriate conduits for the same must be provided by the developer in accordance with the specifications of the utility providers.

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

39. Long service levy

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

Reason: Statutory requirement.

40. Outdoor lighting

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

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

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

41. Air drying facilities

Prior to the issue of the Construction Certificate, the Certifying Authority shall be satisfied that a common open space area dedicated for open air drying of clothes is provided. This area is to be located at ground level behind the building line and in a position not visible from the public domain.

In lieu of the above, written confirmation that all units will be provided with internal clothes drying facilities prior to the Occupation Certificate is to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: Amenity & energy efficiency.

42. Access for people with disabilities (residential)

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

Compliant access provisions for people with disabilities shall be clearly shown on the plans submitted with the Construction Certificate. All details shall be provided to the Principal Certifying Authority prior to the issue of the Construction Certificate. All details shall be prepared in consideration of the Disability Discrimination Act, and the relevant provisions of AS1428.1, AS1428.2, AS1428.4 and AS 1735.12.

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

43. Adaptable units

Prior to the issue of the Construction Certificate, the Certifying Authority shall be satisfied that the nominated adaptable units within the development application, 5.09, 6.09, 5.10, 6.10, 7.09, are designed as adaptable housing in accordance with the provisions of Australian Standard AS4299-1995: Adaptable Housing.

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

Reason: Disabled access & amenity.

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44. Garbage storage

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

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

Reason: Environmental protection.

45. Noise from plant in residential zone

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

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

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

46. Location of plant (residential flat buildings)

Prior to the issue of the Construction Certificate, the Certifying Authority shall be satisfied that all plant and equipment (including but not limited to air conditioning equipment) is located within the basement.

Note: Architectural plans identifying the location of all plant and equipment shall be provided to the Certifying Authority.

Reason: To minimise impact on surrounding properties, improved visual appearance and amenity for locality.

47. Builder's indemnity insurance

The applicant, builder, developer or person who does the work on this development, must arrange builder's indemnity insurance and submit the certificate of insurance in accordance with the requirements of Part 6 of the Home Building Act 1989 to the Certifying Authority for endorsement of the plans accompanying the Construction Certificate.

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It is the responsibility of the applicant, builder or developer to arrange the builder's indemnity insurance for residential building work over the value of \$12,000. The builder's indemnity insurance does not apply to commercial or industrial building work or to residential work valued at less than \$12,000, nor to work undertaken by persons holding an owner/builder's permit issued by the Department of Fair Trading (unless the owner/builder's property is sold within 7 years of the commencement of the work).

Reason: Statutory requirement.

48. External finishes and materials (new building)

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

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

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

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE OR PRIOR TO DEMOLITION, EXCAVATION OR CONSTRUCTION

49. Infrastructure restorations fee

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

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

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responsibilities contained in (a) to (b) above. Restoration work to be undertaken by the Council referred to in this condition is limited to work that can be undertaken by Council at a cost of not more than the Infrastructure Restorations Fee payable pursuant to this condition.

e) In this condition:

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

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

Reason: To maintain public infrastructure

50. **Public liability insurance – works on public land**

Any person or contractor undertaking works on public land must take out public risk insurance with a minimum cover of \$10 million in relation to the occupation of, and approved works within Council’s road reserve or public land, as approved in this consent.

The policy is to note and provide protection for Ku-ring-gai Council as an interested party and a copy of the policy must be submitted to Council prior to the commencement of any development (including demolition) or prior to the issue of the Construction Certificate (whichever comes first). The policy must be valid for the entire period that the works are being undertaken on public land.

Note: Applications for hoarding permits, vehicular crossings etc will require evidence of insurance upon lodgement of the application.

Reason: To ensure the community is protected from the cost of any claim for damages arising from works on public land

51. **Section 94 contribution – residential development**

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

Column A	Column B
community facilities	\$1117.76
park acquisition and embellishment works	\$8223.35
sportsgrounds works	\$1318.32
aquatic / leisure centres	\$27.82
traffic and transport	\$150.28

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section 94 Plan administration	\$100.04
Total contribution is:	\$862,646.25

The contribution shall be paid to Council prior to the commencement of any development (including demolition) or prior to the issue of the Construction Certificate (whichever comes first). The charges may vary at the time of payment in accordance with Council's Section 94 Contributions Plan to reflect changes in land values, construction costs and the consumer price index. Prior to payment, you are advised to check the contribution amount required with Council.

Reason: To ensure the provision, extension or augmentation of community facilities, recreation facilities, open space and administration that will, or are likely to be, required as a consequence of the development.

52. Tree protection fencing

To preserve the following tree/s, no work shall commence until the area beneath their canopy 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.

Schedule

Tree/location	Radius from trunk
<i>Eucalyptus saligna</i> (Sydney Blue Gum)/Tree 193	10m
<i>Pittosporum undulatum</i> (Sweet Pittosporum) /Tree 196	4m
<i>Camellia sasanqua</i> (Chinese Camellia) /Tree 198	4m
<i>Brachychiton acerifolius</i> (Flame Tree) Tree 201	2m
<i>Angophora costata</i> (Sydney Red Gum) /Tree 203	9m
<i>Angophora costata</i> (Sydney Red Gum) /Tree 205	6m
<i>Eucalyptus saligna</i> (Sydney Blue Gum) /Tree 401	6m

The tree protection fencing 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 in height prior to work commencing.

Reason: To protect existing trees during the construction phase.

53. Tree protection fencing excluding structure

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

Schedule

Tree/location	Radius from trunk
<i>Eucalyptus microcorys</i> (Tallowood) /Tree 385	10m

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The tree protection fencing 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 in height prior to work commencing.

Reason: To protect existing trees during construction phase

54. Tree protection signage

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

- tree protection zone
- this fence has been installed to prevent damage to the trees and their growing environment both above and below ground and access is restricted
- any encroachment not previously approved within the tree protection zone shall be the subject of an arborist's report
- the arborist's report shall provide proof that no other alternative is available
- the arborist's report shall be submitted to the Principal Certifying Authority for further consultation with Council
- The name, address, and telephone number of the developer.

Reason: To protect existing trees during the construction phase.

55. Tree protection mulching

Prior to works commencing and throughout construction, 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.

Reason: To protect existing trees during the construction phase.

56. Tree fencing inspection

Upon installation of the required tree protection measures, an inspection of the site by the Principal Certifying Authority is required to verify that tree protection measures comply with all relevant conditions.

Reason: To protect existing trees during the construction phase.

57. Underground services

All electrical services (existing and proposed) shall be undergrounded from the proposed building on the site to the appropriate power pole(s) or other connection point. Undergrounding of services must not disturb the root system of existing trees and shall be undertaken in accordance with the requirements of the relevant service provided. Documentary evidence that the relevant service provider has been consulted and that their

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requirements have been met are to be provided to the Certifying Authority prior to the issue of the Construction Certificate. All electrical and telephone services to the subject property must be placed underground and any redundant poles are to be removed at the expense of the applicant.

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

CONDITIONS TO THE SATISFIED DURING THE DEMOLITION, EXCAVATION AND CONSTRUCTION PHASES:

58. Approved plans to be on site

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

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

59. Prescribed conditions

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

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

Reason: Statutory requirement.

60. Statement of compliance with Australian Standards

The demolition work shall comply with the provisions of Australian Standard AS2601: 2001 The Demolition of Structures. The work plans required by AS2601: 2001 shall be accompanied by a written statement from a suitably qualified person that the proposal contained in the work plan comply with the safety requirements of the Standard. The work plan and the statement of compliance shall be submitted to the satisfaction of the Principal Certifying Authority prior to the commencement of any works.

Reason: To ensure compliance with the Australian Standards.

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61. Demolition, excavation and construction work hours

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

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

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

62. Construction noise

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

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

63. Site notice

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

The site notice must:

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

Reason: To ensure public safety and public information.

64. Dust control

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

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

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

65. Use of road or footpath

During excavation, demolition and construction phases, no building materials, plant or the like are to be stored on the road or footpath without written approval being obtained from Council beforehand. The pathway shall be kept in a clean, tidy and safe condition during building operations. Council reserves the right, without notice, to rectify any such breach and to charge the cost against the applicant/owner/builder, as the case may be.

Reason: To ensure safety and amenity of the area.

66. Guarding excavations

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

Reason: To ensure public safety.

67. Toilet facilities

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

Reason: Statutory requirement.

68. Protection of public places

If the work involved in the erection, demolition or construction of the development is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or building involves the enclosure of a public place, a hoarding or fence must

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be erected between the work site and the public place.

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

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

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

Reason: To protect public places.

69. Construction signage

All construction signs must comply with the following requirements:

- are not to cover any mechanical ventilation inlet or outlet vent
- are not illuminated, self-illuminated or flashing at any time
- are located wholly within a property where construction is being undertaken
- refer only to the business(es) undertaking the construction and/or the site at which the construction is being undertaken
- are restricted to one such sign per property
- do not exceed 2.5m²
- are removed within 14 days of the completion of all construction works

Reason: To ensure compliance with Council's controls regarding signage.

70. Erosion control

Temporary sediment and erosion control and measures are to be installed prior to the commencement of any works on the site. These measures must be maintained in working order during construction works up to completion. All sediment traps must be cleared on a regular basis and after each major storm and/or as directed by the Principal Certifying Authority and Council officers.

Reason: To protect the environment from erosion and sedimentation.

71. Engineering fees

For the purpose of any development related inspections by Ku-ring-gai 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 consent from Council.

Reason: To protect public infrastructure.

Item 1

72. Post-construction dilapidation report

The applicant shall engage a suitably qualified person to prepare a post construction dilapidation report at the completion of the construction works. This report is to ascertain whether the construction works created any structural damage to adjoining buildings, infrastructure and roads. The report is to be submitted to the Principal Certifying Authority. In ascertaining whether adverse structural damage has occurred to adjoining buildings, infrastructure and roads, the Principal Certifying Authority must:

- compare the post-construction dilapidation report with the pre-construction dilapidation report
- have written confirmation from the relevant authority that there is no adverse structural damage to their infrastructure and roads.

A copy of this report is to be forwarded to Council at the completion of the construction works.

Reason: Management of records.

73. Further geotechnical input

The geotechnical and hydro-geological works implementation, inspection, testing and monitoring program for the excavation and construction works must be in accordance with the report by Jeffery and Katauskas. Over the course of the works, a qualified geotechnical/hydro-geological 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

Reason: To ensure the safety and protection of property.

74. Compliance with submitted geotechnical report

A contractor with specialist excavation experience must undertake the excavations for the development and a suitably qualified and consulting geotechnical engineer must oversee excavation.

Geotechnical aspects of the development work, namely:

- appropriate excavation method and vibration control
- support and retention of excavated faces
- hydro-geological considerations

Item 1

must be undertaken in accordance with the recommendations of the geotechnical report prepared by Jeffery and Katauskas. Approval must be obtained from all affected property owners, including Ku-ring-gai Council, where rock anchors (both temporary and permanent) are proposed below adjoining property(ies).

Reason: To ensure the safety and protection of property.

75. Approval for rock anchors

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.

Reason: To ensure the ongoing safety and protection of property.

76. Maintenance period for works in the public road

A maintenance period of six (6) months applies to all work in the public road reserve carried out by the applicant - **after** the works have been completed to the satisfaction of Ku-ring-gai Council. In that maintenance period, the applicant shall be liable for any section of the 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.

Reason: To protect public infrastructure

77. Road reserve safety

All public footways and roadways fronting and adjacent to the site must be maintained in a safe condition at all times during the course of the development works. Construction materials must not be stored in the road reserve. A safe pedestrian circulation route and a pavement/route free of trip hazards must be maintained at all times on or adjacent to any public access ways fronting the construction site. Where public infrastructure is damaged, repair works must be carried out when and as directed by Council officers. Where pedestrian circulation is diverted on to the roadway or verge areas, clear directional signage and protective barricades must be installed in accordance with AS1742-3 (1996) "Traffic Control Devices for Work on Roads". If pedestrian circulation is not satisfactorily maintained across the site frontage, and action is not taken promptly to rectify the defects, Council may undertake proceedings to stop work.

Reason: To ensure safe public footways and roadways during construction

78. Road repairs necessitated by excavation and construction works

It is highly likely that damage will be caused to the roadway at or near the subject site as a result of the construction (or demolition or excavation) works. The applicant, owner and builder (and demolition or excavation contractor as appropriate) will be held responsible for

Item 1

repair of such damage, regardless of the Infrastructure Restorations Fee paid (this fee is to cover wear and tear on Council's wider road network due to heavy vehicle traffic, not actual major damage).

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

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

Reason: To protect public infrastructure

79. Services

Where required, the adjustment or inclusion of any new utility service facilities must be carried out by the applicant and in accordance with the requirements of the relevant utility authority. These works shall be at no cost to Council. It is the 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.

Reason: Access to public utilities

80. Temporary rock anchors

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.

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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.

Reason: To ensure the ongoing safety and protection of property.

81. Erosion control

Temporary sediment and erosion control and measures are to be installed prior to the commencement of any works on the site. These measures must be maintained in working order during construction works up to completion. All sediment traps must be cleared on a regular basis and after each major storm and/or as directed by the Principal Certifying Authority and Council officers.

Reason: To protect the environment from erosion and sedimentation.

82. Drainage to street

Stormwater runoff from all new impervious areas and subsoil drainage systems shall be piped to the street drainage system. New drainage line connections to the street drainage system shall conform and comply with the requirements of Sections 5.3 and 5.4 of Ku-ring-gai Water Management Development Control Plan No. 47.

Reason: To protect the environment.

83. Grated drain at garage

A 200mm wide grated channel/trench drain, with a heavy-duty removable galvanised 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.

Reason: Stormwater control.

84. Sydney Water Section 73 Compliance Certificate

The applicant must obtain a **Section 73 Compliance Certificate** under the *Sydney Water Act 1994*. An application must be made through an authorised Water Servicing CoOrdinator. The applicant is to refer to "Your Business" section of Sydney Water's web site at www.sydneywater.com.au then the "e-develop" 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

Item 1

building, driveway or landscape design.

Reason: Statutory requirement.

CONDITIONS TO BE COMPLIED WITH PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE:

85. Compliance with BASIX Certificate

Prior to the issue of an Occupation Certificate, the Principal Certifying Authority shall be satisfied that all commitments listed in BASIX Certificate No. 115133M have been complied with.

Reason: Statutory requirement.

86. Clotheslines and clothes dryers

Prior to the issue of the Occupation Certificate, the Principal Certifying Authority shall be satisfied that the units either have access to an external clothes line located in common open space or have a mechanical clothes dryer installed.

Reason: To provide access to clothes drying facilities.

87. Mechanical ventilation

Prior to the issue of the Occupation Certificate, the Principal Certifying Authority shall be satisfied that all mechanical ventilation systems are installed in accordance with Part F4.5 of the Building Code of Australia and comply with Australian Standards AS1668.2 and AS3666 Microbial Control of Air Handling and Water Systems of Building.

Reason: To ensure adequate levels of health and amenity to the occupants of the building.

88. Fire safety certificate

Prior to the issue of the Occupation Certificate, the Principal Certifying Authority shall be satisfied that a Fire Safety Certificate for all the essential fire or other safety measures forming part of this consent has been completed and provided to Council.

Note: A copy of the Fire Safety Certificate must be submitted to Council.

Reason: To ensure suitable fire safety measures are in place.

89. Retention and re-use positive covenant

Prior to issue of the Occupation Certificate, the applicant must create a positive covenant and restriction on the use of land under Section 88E of the Conveyancing Act 1919, burdening the property with the requirement to maintain the site stormwater retention and re-use facilities on the property.

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The terms of the instruments are to be generally in accordance with the Council's "draft terms of Section 88B instruments for protection of retention and re-use facilities" and to the satisfaction of Council (refer to appendices of Ku-ring-gai Water Management Development Control Plan No. 47). For existing titles, the positive covenant and the restriction on the use of land is to be created through an application to the Land Titles Office in the form of a request using forms 13PC and 13RPA. The relative location of the reuse and retention facility, in relation to the building footprint, must be shown on a scale sketch, attached as an annexure to the request forms.

Registered title documents showing the covenants and restrictions must be submitted to and approved by the Principal Certifying Authority prior to issue of an Occupation Certificate.

Reason: To protect the environment.

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

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

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

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

91. Certification of drainage works (dual occupancies and above)

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

- the stormwater drainage works have been satisfactorily completed in accordance with the approved Construction Certificate drainage plans
- the minimum retention and on-site detention storage volume requirements of BASIX and Ku-ring-gai Water Management Development Control Plan No. 47 respectively, have been achieved
- retained water is connected and available for use
- basement and subsoil areas are able to drain via a pump/sump system installed in accordance with AS3500.3 and Appendix 7.1.1 of Ku-ring-gai Water Management Development Control Plan No. 47
- all grates potentially accessible by children are secured
- components of the new drainage system have been installed by a licensed plumbing contractor in accordance with the Plumbing and Drainage Code AS3500.3 2003 and the Building Code of Australia
- all enclosed floor areas, including habitable and garage floor levels, are safeguarded from outside stormwater runoff ingress by suitable differences in finished levels, gradings and provision of stormwater collection devices

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The rainwater certification sheet contained in Appendix 13 of the Ku-ring-gai Water Management Development Control Plan No. 47, must be completed and attached to the certification. Where an on-site detention system has been constructed, the on-site detention certification sheet contained in Appendix 4 of DCP 47 must also be completed and attached to the certification.

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

Reason: To protect the environment.

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

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

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

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

Reason: To protect the environment.

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93. Basement pump-out maintenance

Prior to issue of the Occupation Certificate, the Principal Certifying Authority shall be satisfied that a maintenance regime has been prepared for the basement stormwater pump-out system.

Note: A maintenance regime specifying that the system is to be regularly inspected and checked by qualified practitioners is to be prepared by a suitable qualified professional and provided to the Principal Certifying Authority.

Reason: To protect the environment.

94. OSD positive covenant/restriction

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" and to the satisfaction of Council (refer to appendices of Ku-ring-gai Council Water Management DCP 47). For existing titles, the positive covenant and the restriction on the use of land is to be created through an application to the Land Titles Office in the form of a request using forms 13PC and 13RPA. The relative location of the 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.

Reason: To protect the environment.

95. Sydney Water Section 73 Compliance Certificate

Prior to issue of an Occupation Certificate the Section 73 Sydney water Compliance Certificate must be obtained and submitted to the Principal Certifying Authority

Reason: Statutory requirement.

96. Certification of as-constructed driveway/car park – RFB

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

- the as-constructed car park complies with the approved Construction Certificate plans

Item 1

- the completed vehicle access and accommodation arrangements comply with Australian Standard 2890.1 – 2004 “Off-Street car parking” in terms of minimum parking space dimensions
- finished driveway gradients and transitions will not result in the scraping of the underside of cars
- no doors, gates, grilles or other structures have been provided in the access driveways to the basement car park, which would prevent unrestricted access for internal garbage collection from the basement garbage storage and collection area
- the vehicular headroom requirements of:
 - Australian Standard 2890.1 – “Off-street car parking”,
 - 2.44 metres height clearance for waste collection trucks (refer DCP 40) are met from the public street into and within the applicable areas of the basement car park.

Note: Evidence from a suitably qualified and experienced traffic/civil engineer indicating compliance with the above is to be provided to and approved by the Principal Certifying Authority prior to the issue of an Occupation Certificate.

Reason: To ensure that vehicular access and accommodation areas are compliant with the consent.

97. Reinstatement of redundant crossings and completion of infrastructure works

Prior to issue of the Occupation Certificate, the Principal Certifying Authority must be satisfied that the following works in the road reserve have been completed:

- new concrete driveway crossing in accordance with levels and specifications issued by Council
- removal of all redundant driveway crossings and kerb laybacks (or sections thereof) and reinstatement of these areas to footpath, turfed verge and upright kerb and gutter (reinstatement works to match surrounding adjacent infrastructure with respect to integration of levels and materials)
- full repair and resealing of any road surface damaged during construction
- full replacement of damaged sections of grass verge with a non-friable turf of native variety to match existing

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

Reason: To protect the streetscape.

Item 1

98. Construction of works in public road – approved plans

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

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

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

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

99. Swimming pool/Spa

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

1. Access to the pool/spa shall be restricted by a child resistant barrier in accordance with the regulations prescribed in the Swimming Pools Act, 1992:
 - (a) The pool shall not be filled with water or be allowed to collect stormwater until the child resistant barrier is installed; and
 - (b) The barrier is to conform to the requirements of AS 1926 Fences and Gates for Private Swimming Pools.
2. Any mechanical equipment associated with the swimming pool and spa shall be located in a sound-proof container and positioned so that there is no increase in noise level at any point at the boundary with another property, including a public place. Prior to operation of the pool pump, the Principal Certifying Authority shall be satisfied that noise levels associated with spa/pool pumping units shall not exceed 5dB(A) at the boundaries of the site.

Note: Evidence from a practising acoustical engineer demonstrating compliance with the above shall be submitted to the Principal Certifying Authority prior to the operation of the pool.

Reason: To ensure the safety of children. To protect the amenity of surrounding properties.

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CONDITIONS TO BE SATISFIED AT ALL TIMES:

100. Outdoor lighting

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

Reason: To protect the amenity of surrounding properties.

101. Noise control – plant and machinery

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. The operation of the unit outside these restricted hours shall emit a noise level of not greater than 5dbA above the background when measured at the nearest boundary.

Reason: To protect the amenity of surrounding residents.

102. Car parking

At all times, the visitor car parking spaces are to be clearly identified and are to be for the exclusive use of visitors to the site. On site permanent car parking spaces are not to be used by those other than an occupant or tenant of the subject building. Any occupant, tenant, lessee or registered proprietor of the development site or part thereof shall not enter into an agreement to lease, license or transfer ownership of any car parking spaces to those other than an occupant, tenant or lessee of the building.

These requirements are to be enforced through the following:

- restrictive covenant placed on title pursuant to Section 88B of the Conveyancing Act, 1919
- restriction on use under Section 68 of the Strata Schemes (Leasehold Development) Act, 1986 to all lots comprising in part or whole car parking spaces

Reason: To ensure adequate provision of visitor parking spaces.

103. Mechanical ventilation

Following completion, installation and testing of all the mechanical ventilation systems, the Principal Certifying Authority shall be satisfied of the following prior to the issue of any Occupation Certificate:

1. The installation and performance of the mechanical systems complies with:

Item 1

- the Building Code of Australia
 - Australian Standard AS1668
 - Australian Standard AS3666 where applicable
2. The mechanical ventilation system in isolation and in association with other mechanical ventilation equipment, when in operation will not be 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. The operation of the unit outside these restricted hours shall emit a noise level of not greater than 5dbA above the background when measured at the nearest adjoining boundary.

Note: Written confirmation from an acoustic engineer that the development achieves the above requirements is to be submitted to the Principal Certifying Authority prior to the issue of the Occupation Certificate.

Reason: To protect the amenity of surrounding properties.

104. Accessibility

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

- the lift design and associated functions are compliant with AS 1735.12 & AS 1428.2
- the level and direction of travel, both in lifts and lift lobbies, is audible and visible
- the controls for lifts are accessible to all persons and control buttons and lettering are raised
- international symbols have been used with specifications relating to signs, symbols and size of lettering complying with AS 1428.2
- the height of lettering on signage is in accordance with AS 1428.1 – 1993
- the signs and other information indicating access and services incorporate tactile communication methods in addition to the visual methods

Reason: Disabled access & services.

105. Completion of landscape works

Prior to the release of the Occupation Certificate, the Principal Certifying Authority is to be satisfied that all landscape works, including the removal of all noxious and/or environmental weed species, have been undertaken in accordance with the approved plan(s) and conditions of consent.

Reason: To ensure that the landscape works are consistent with the development consent.

Item 1

106. Removal of noxious plants & weeds

The following noxious and/or environmental weed species shall be removed from the property prior to completion of building works:

Schedule

Plant species

Hedera sp. (Ivy)
Senna pendula (Cassia)
Ligustrum lucidum (Large-leaved Privet)
Ligustrum sinense (Small-leaved Privet)
Lantana camara (Lantana - Pink Flower)
Olea europaea subsp. africana (African Olive)
Cinnamomum camphora (Camphor laurel)
Tradescantia albiflora (Wandering Jew)

Reason: To protect the environment.

107. No door restricting internal waste collection in basement

At all times, the basement garbage storage and collection area is to be accessible by Council's Waste Collection Services. No doors, grilles, gates or other devices shall be provided in any location which would prevent this service. Where a gate, door or the like is to be erected, unimpeded access to the garbage collection point is to be provided by other means through written agreement with Council's Waste Collection Services.

Reason: Management of records.

D Hoy
Executive Assessment Officer

R Kinninmont
Team Leader
Development Assessment - Central

M Prendergast
Manager
Development Assessment Services

M Miocic
Director
Development & Regulation

Attachments:

- Locality Map - 838280
- Zoning extract - 838280
- Site analysis - 838281
- Floor plans - 838285
- Basement and lower basement plans - 838285
- Elevations - 838288
- Sections - 838291
- Deep soil landscaping calculations - 838294
- Solar access (view from the sun) study – 838300, 838307
- Landscape plan - 838311
- Legal advice from Abbott Tout regarding permissible use – 838314

LOCATION SKETCH

6-14 DUMARESQ ST GORDON

DEVELOPMENT APPLICATION No 28/07



NO WRITTEN RESPONSES



Scale : 1:2500

08-10-2007



SUBJECT LAND



CIRCULATED AREA

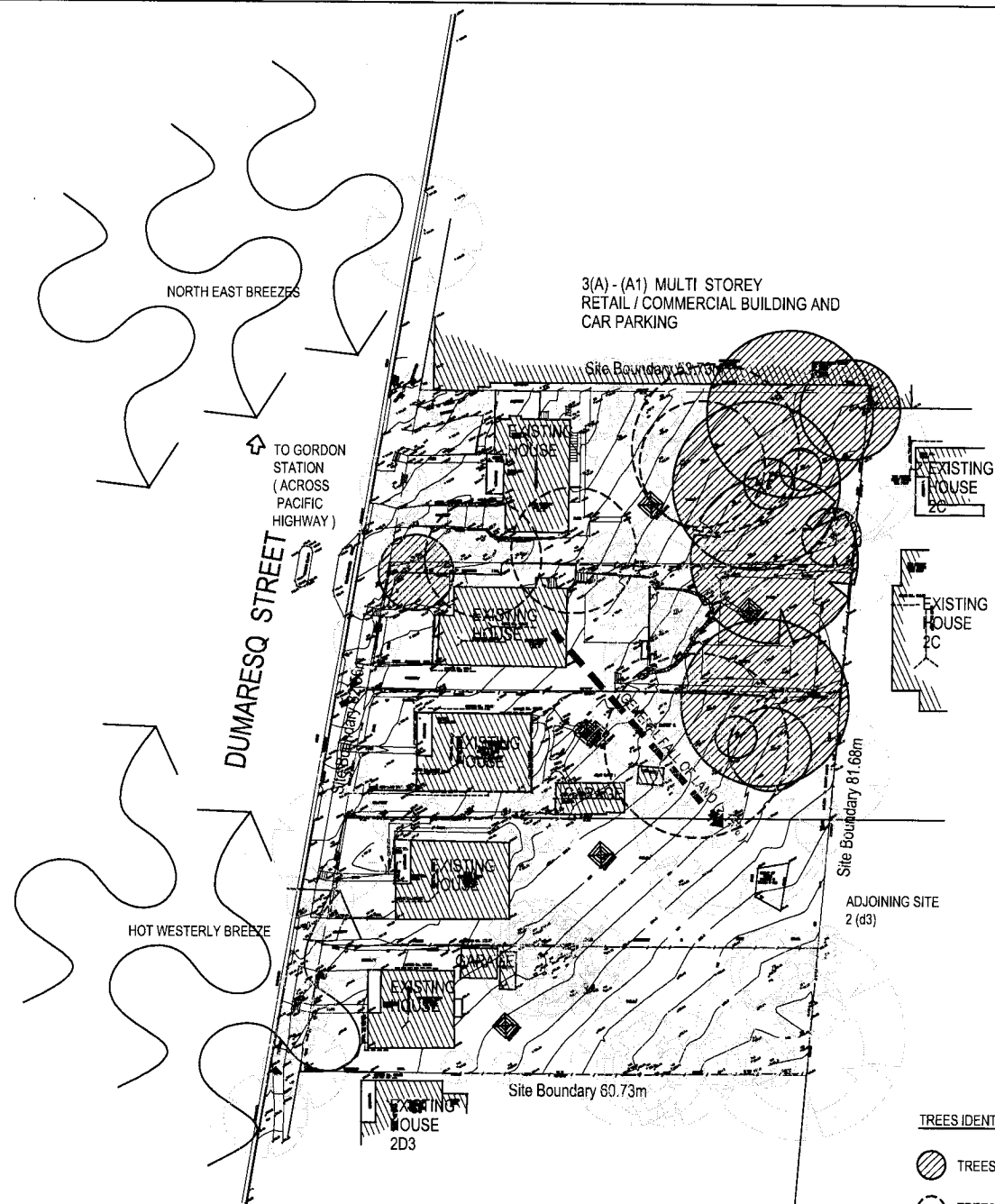




Zoning Extract

6-14 DUMARESQ ST GORDON DA 28/07



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



 TREES TO BE RETAINED
 TREES TO BE REMOVED

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 specifications and instructions, and shall comply with the
 relevant Australian Standards.
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doi:10.1371/journal.pone.0174025.g002

PROPOSED APARTMENT BUILDING
6 - 14 DuMarcq Street

SunnyCove Management
Limited

SCALE
1:200

PROJECT NO.	1-200
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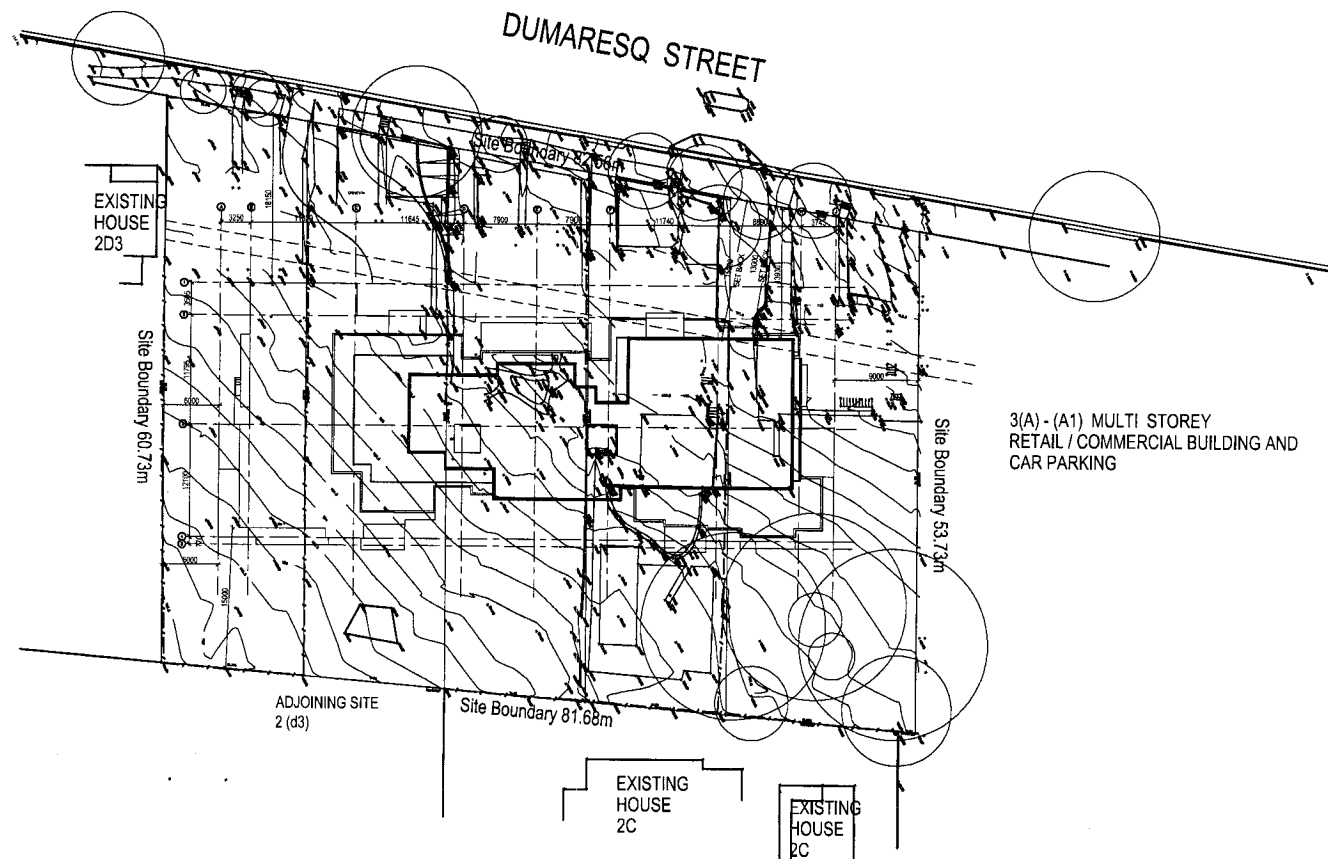
06041

DRAWING NO.

AUG 07

DA-01

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1.0	REVISIONS	DATE
1.1	REVISIONS	DATE
1.2	REVISIONS	DATE
1.3	REVISIONS	DATE
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1.11 REVISIONS

1.12 REVISIONS

1.13 REVISIONS

1.14 REVISIONS

1.15 REVISIONS

1.16 REVISIONS

1.17 REVISIONS

1.18 REVISIONS

1.19 REVISIONS

1.20 REVISIONS

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ARCHITECTS

11-12 DUMARESQ STREET

SYDNEY NSW 2000

TEL: 02 9550 1234

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PROJECT & SITE ADDRESS

PROPOSED APARTMENT BUILDING

6 - 8 DUMARESQ STREET

LONDON

CLIENT

SunnyCove Management Limited

DRAWING

SITE PLAN

SCALE

1:200

PROJECT NO

060436

DRAWING NO

TP

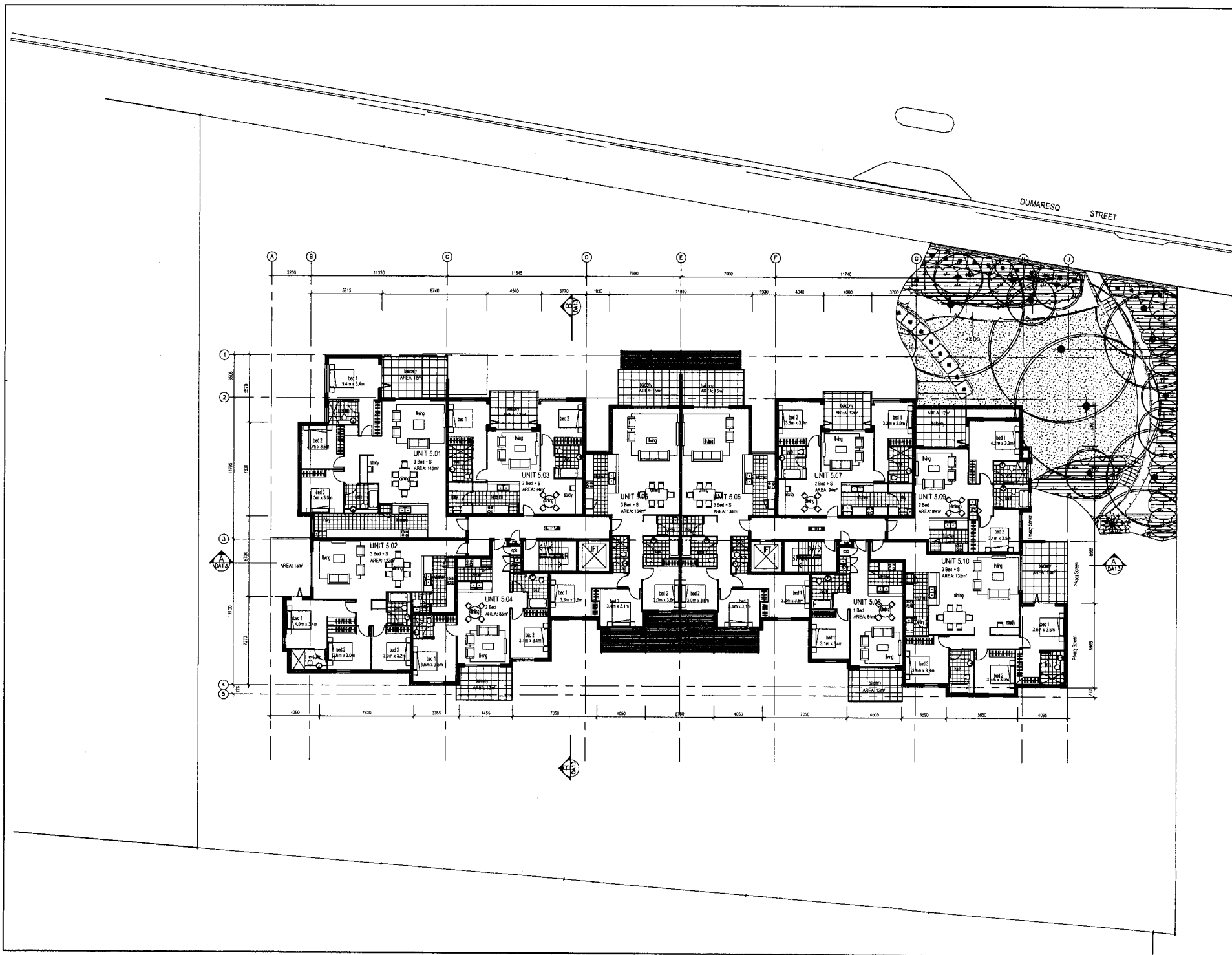
DATE


AUG 07

ISSUE

DA-02

C



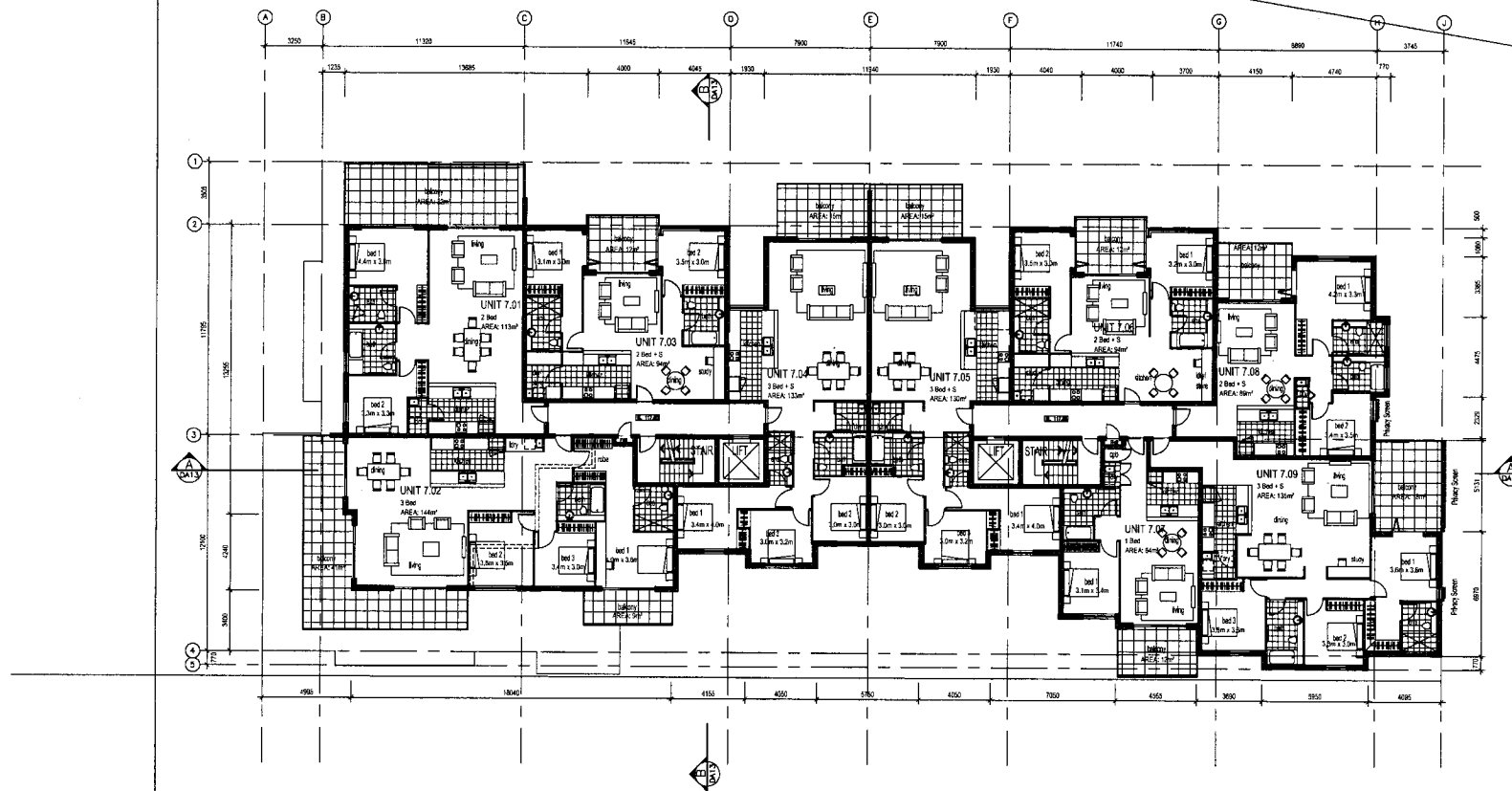


PROPOSED APARTMENT BUILDING 5 - 11 DUMARESQ STREET GORDON	
CLIENT SunnyCove Management Limited	
DRAWING FLOOR PLAN LEVEL 5	
SCALE 1:100	
PROJECT NO 060416	DESIGNER MM/TP/BJ
DRAWING NO 1004	DATE AUG 07
DA-07 1004	

REVISIONS

NO.	REVISION	DATE
1	ISSUED FOR CONSTRUCTION	08/07
2	ISSUED FOR CONSTRUCTION	08/07
3	ISSUED FOR CONSTRUCTION	08/07

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1	NO. HOUSE UNIT COUNT	10000
2	ADDITIONAL INFORMATION TO COUNCIL	17/01/21
3	DATE SUBMITTED	16/11/21

DATE: 16/11/21

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Architect
11/11/21
11/11/21
11/11/21
11/11/21

PROJECT & SITE ADDRESS

PROPOSED APARTMENT BUILDING
6 - 10 Dumaresq Street
GORDON

CLIENT

SunnyCove Management Limited

DESIGNER

FLOOR PLAN

LEVEL 7

SCALE

1:100

PROJECT NO.

060416

DRAWN BY

MM/TP/BJ

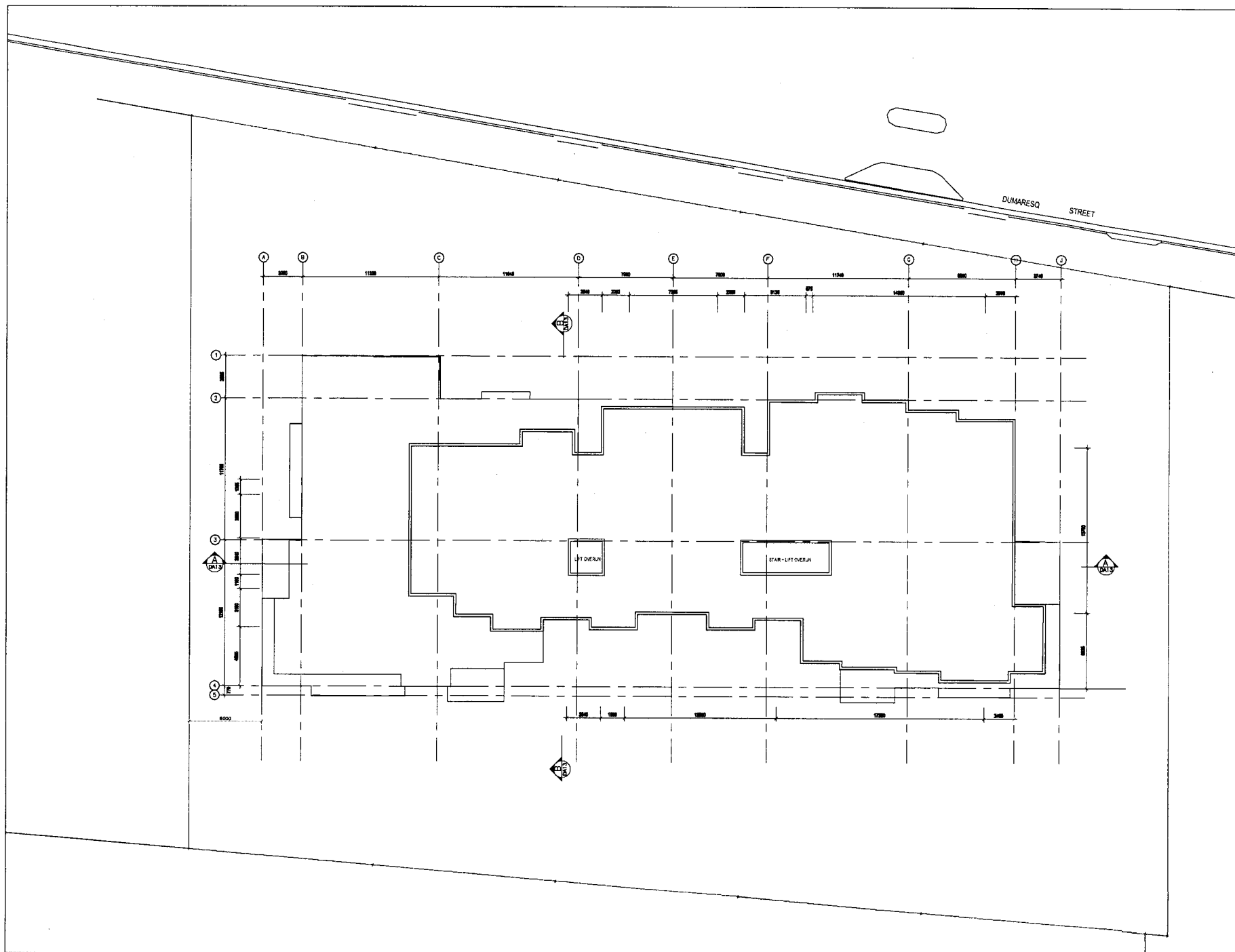
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AUG 07

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DA-09

C

[illegible]

B	RE-STATE FOR COUNCIL	10.15.17
C	RE-STATE FOR COUNCIL	10.15.17
B	ADDITIONAL SPENDING FOR THE COUNCIL	17.15.17
A	STATE FOR APPROVAL	20.12.14
FINANC	INVESTMENT	0.1.17

- Use written dimensions only. • Do not scale from drawings.
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PROJECT & SITE ADDRESS

PROPOSED APARTMENT BUILDING
6 - 14 DuManoir Street

CLIENT	SunnyCove Management Limited
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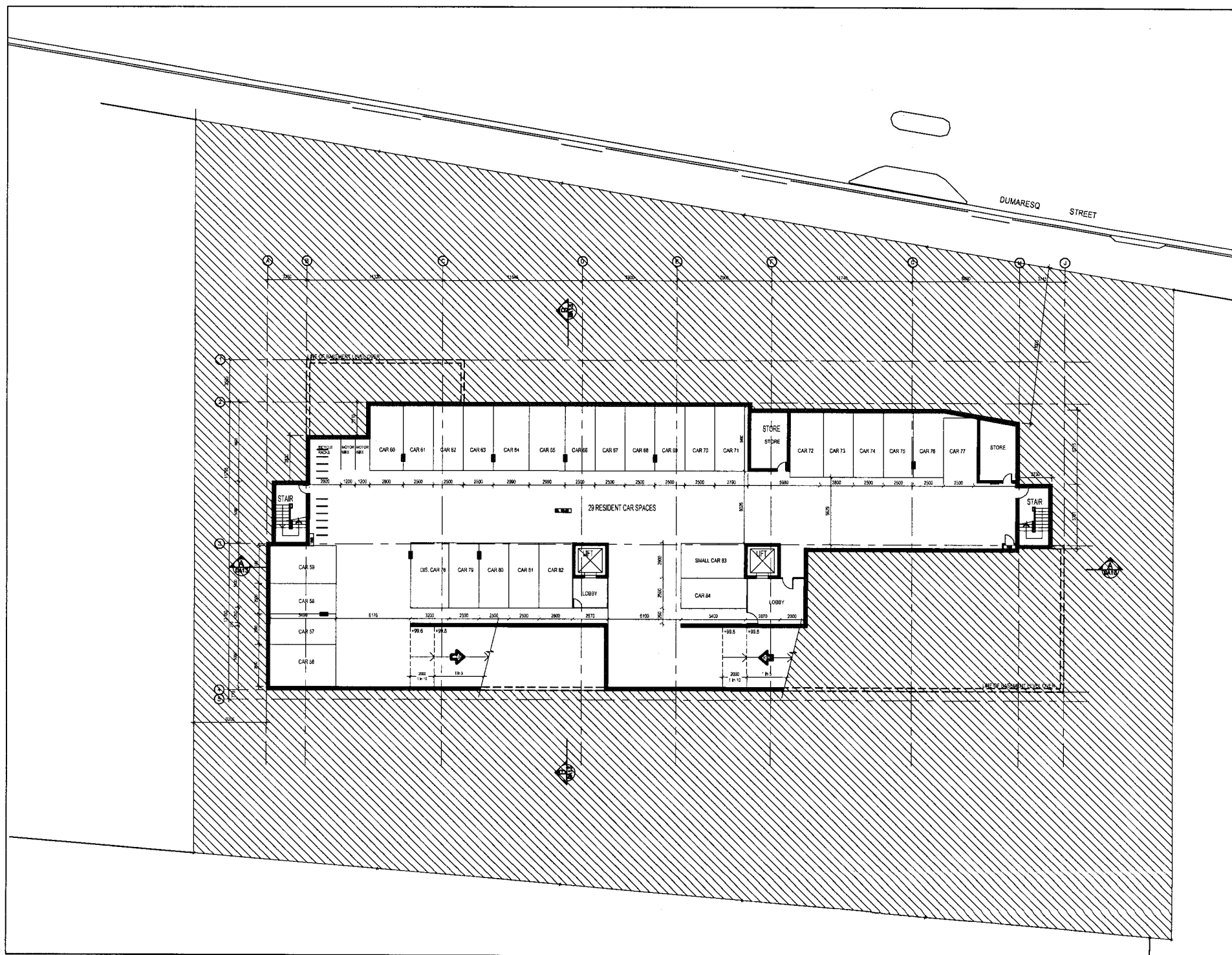
FLOOR PLAN
LEVEL 9

SCALE
1:100

PROJECT NO	060416
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000410
DRAWING NO.

DA-11



C	RE-SHOW PER CONCL.	12/01/71
B	ADDITIONAL INFORMATION TO CONCL.	11/01/71
A	SA INFORMATION	11/01/71
DATE	APPROVED	DATE

- Use written dimensions only, do not scale from drawings
- Contractors shall confirm all dimensions on-site prior to commencing any work or adding any shop drawings
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PROJECT & SITE ADDRESS

PROPOSED APARTMENT BUILDINGS
6 - 14 DuMarney Street
GORDON

CLIENT
**SunnyCove Management
Limited**

**FLOOR PLAN
LEVEL 1**

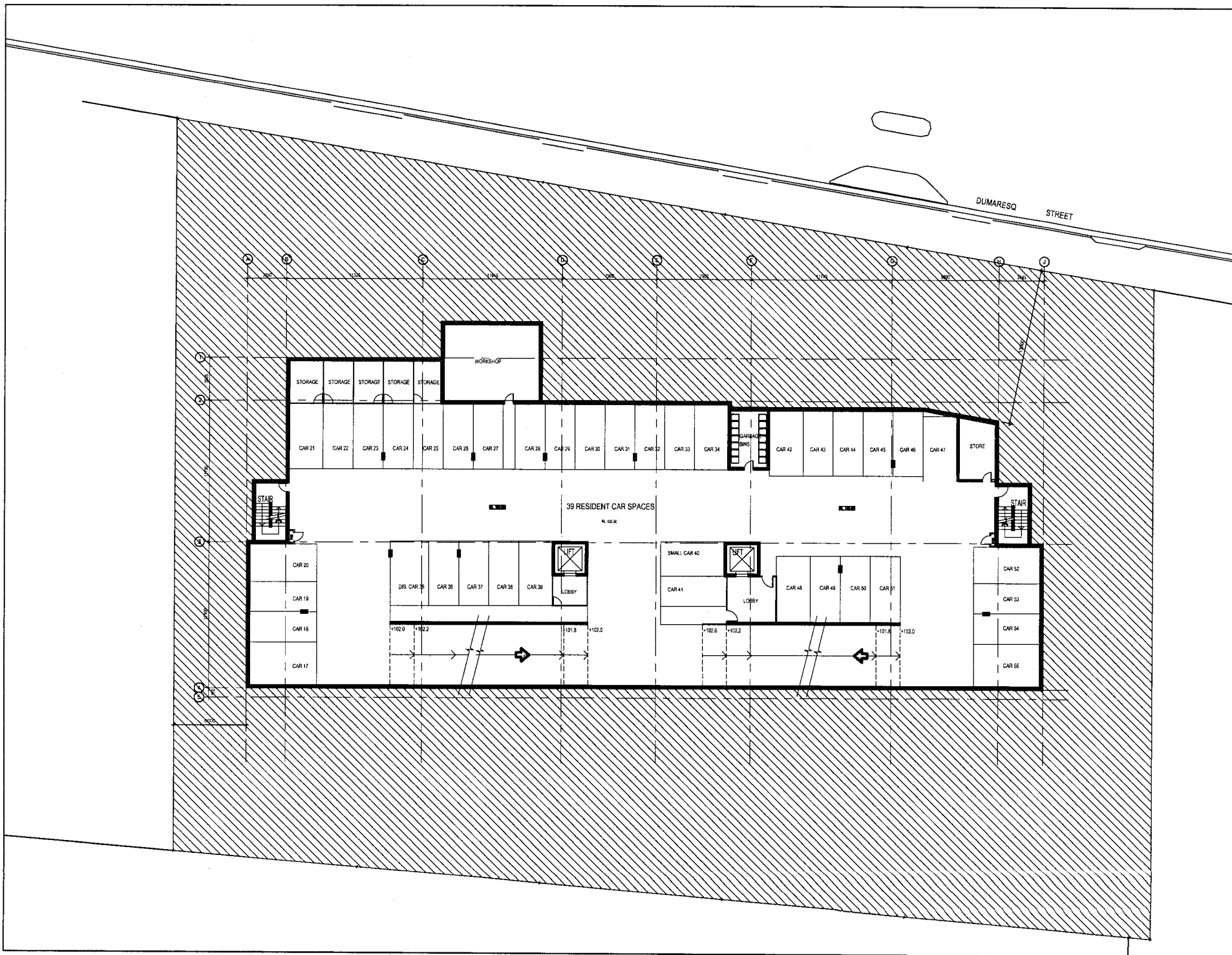
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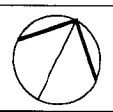
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060416	MM/TP

CLAIMING NO	DATE
DA 03	AUG 07

DA-03

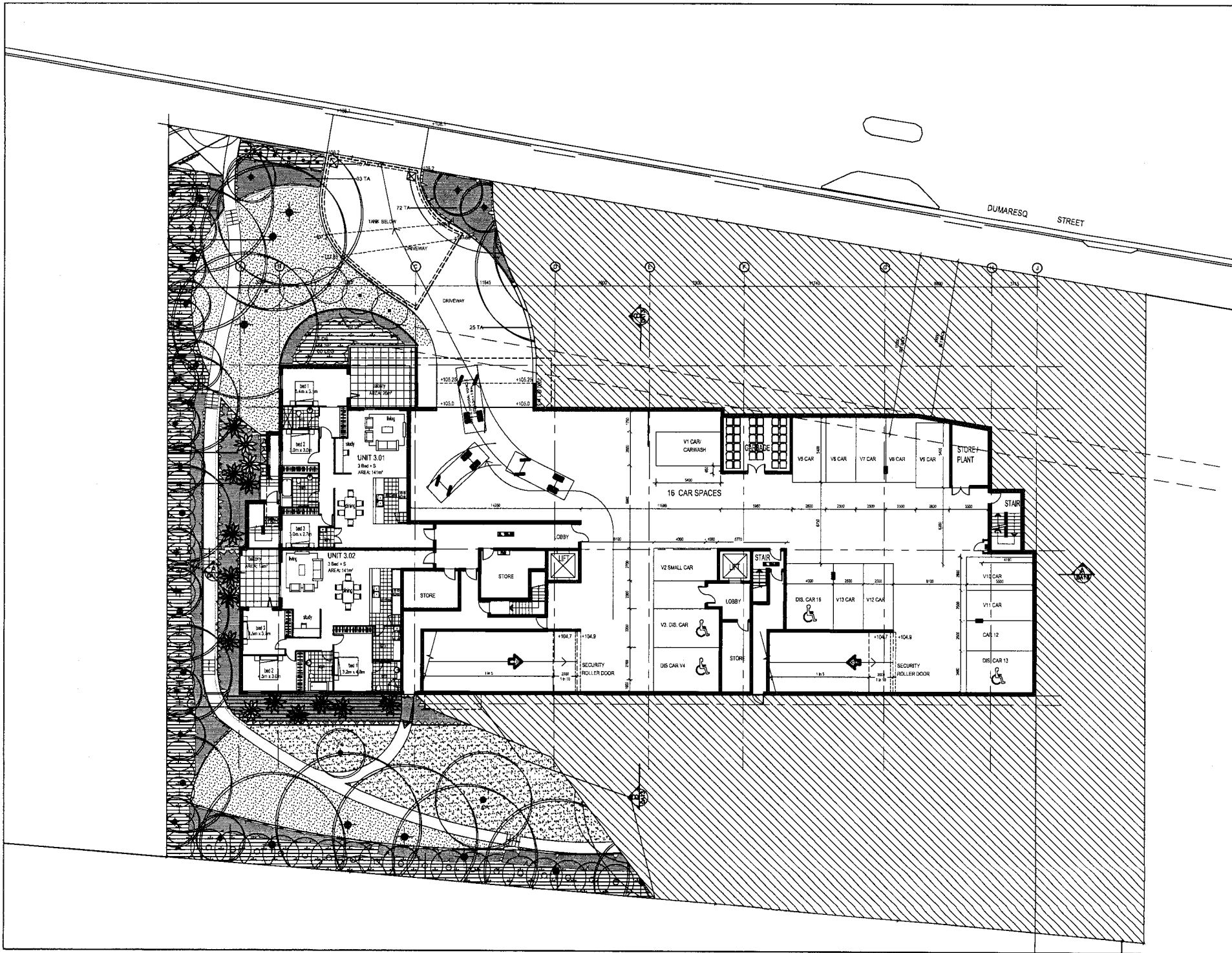
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<p>REVISIONS</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th>NO.</th> <th>DESCRIPTION</th> <th>DATE</th> </tr> <tr> <td>1</td> <td>ISSUED FOR TENDERS</td> <td>20/04/16</td> </tr> <tr> <td>2</td> <td>REVISIONS APPROVED BY CLIENT</td> <td>20/04/16</td> </tr> <tr> <td>3</td> <td>FINAL DESIGN</td> <td>20/04/16</td> </tr> </table>	NO.	DESCRIPTION	DATE	1	ISSUED FOR TENDERS	20/04/16	2	REVISIONS APPROVED BY CLIENT	20/04/16	3	FINAL DESIGN	20/04/16	<p>PROJECT & SITE ADDRESS</p> <p>PROPOSED APARTMENT BUILDING 5 - 10 Dumaresq Street GARDENS</p> <p>CLIENT SunnyCove Management Limited</p> <p>DESIGN FLOOR PLAN LEVEL 2</p> <p>SCALE 1:100</p> <p>PROJECT NO. 060416</p> <p>DRAWN MM/TP</p> <p>DRAWING NO. 060416</p> <p>DATE AUG 07</p> <p>PROJECT DA-04</p>
NO.	DESCRIPTION	DATE											
1	ISSUED FOR TENDERS	20/04/16											
2	REVISIONS APPROVED BY CLIENT	20/04/16											
3	FINAL DESIGN	20/04/16											

This drawing is prepared by the Architect and is to be used for the purpose of obtaining planning consent only. It is not to be used for any other purpose without the written consent of the Architect. The Architect is not responsible for the accuracy of the information provided by the client or for the accuracy of the information provided by any other source. The Architect is not responsible for the accuracy of the information provided by any other source. The Architect is not responsible for the accuracy of the information provided by any other source.



1. ALL DIMENSIONS ARE IN METERS	2. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED
3. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED	4. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED
5. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED	6. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED

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PROJECT & SITE ADDRESS

PROPOSED APARTMENT BUILDING
6 - 10, Dumaresq Street
GOSFORD

CLIENT

SunnyCove Management Limited

DESIGNER

FLOOR PLAN LEVEL 3

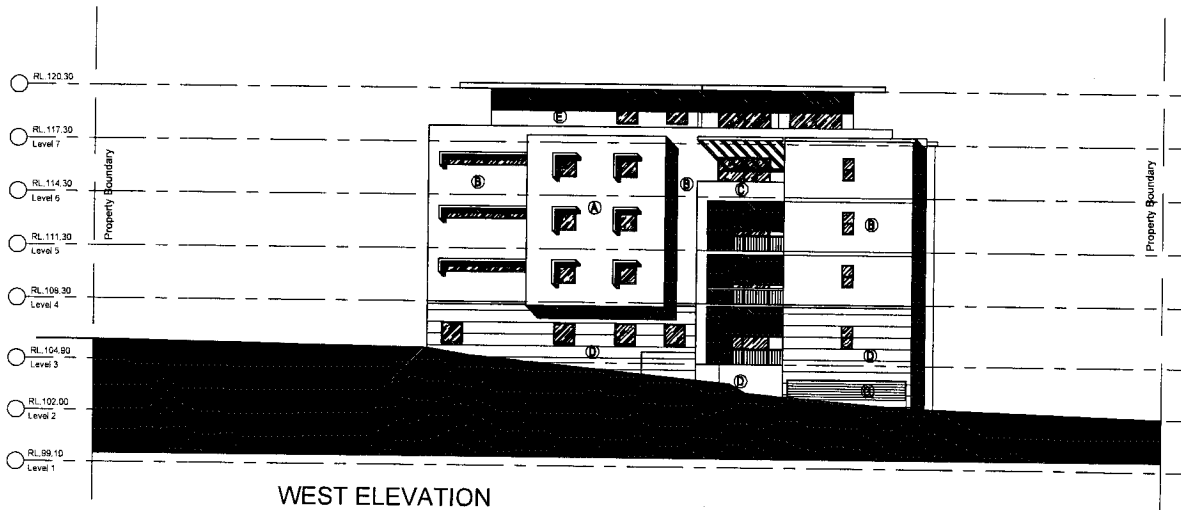
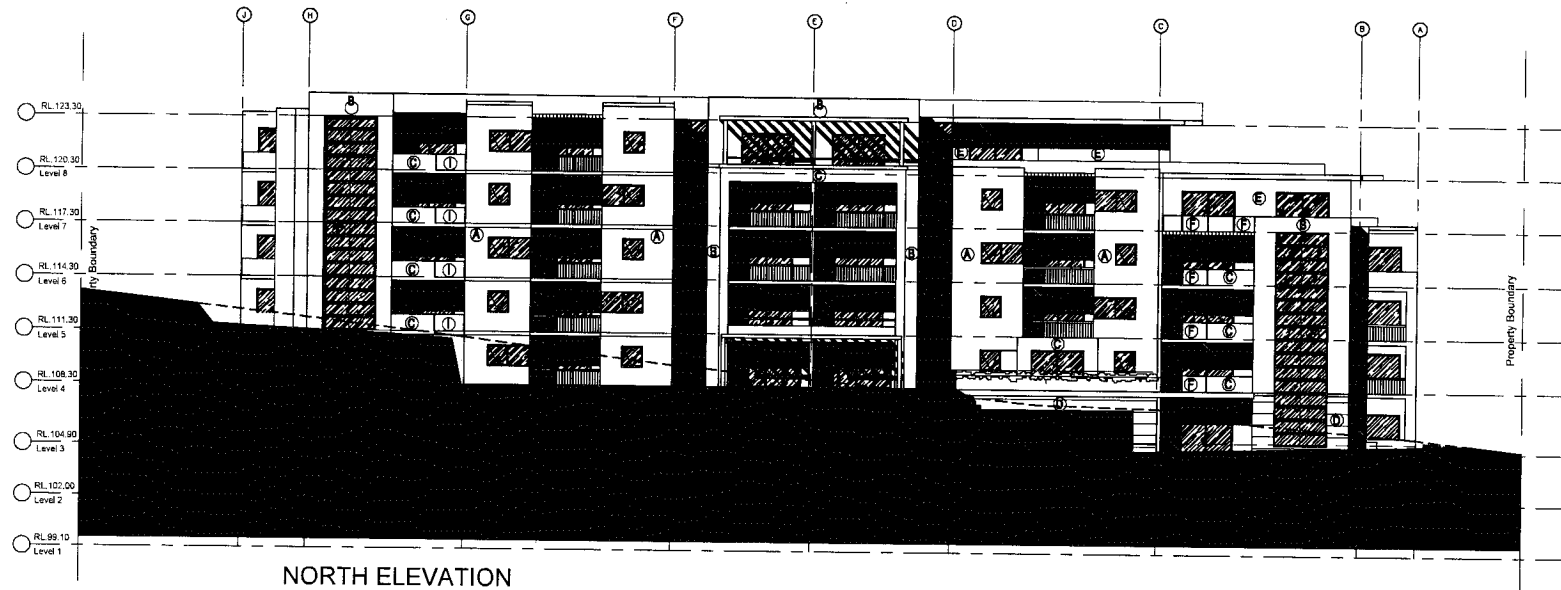
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PROJECT NO. 060416

DATE AUG 07

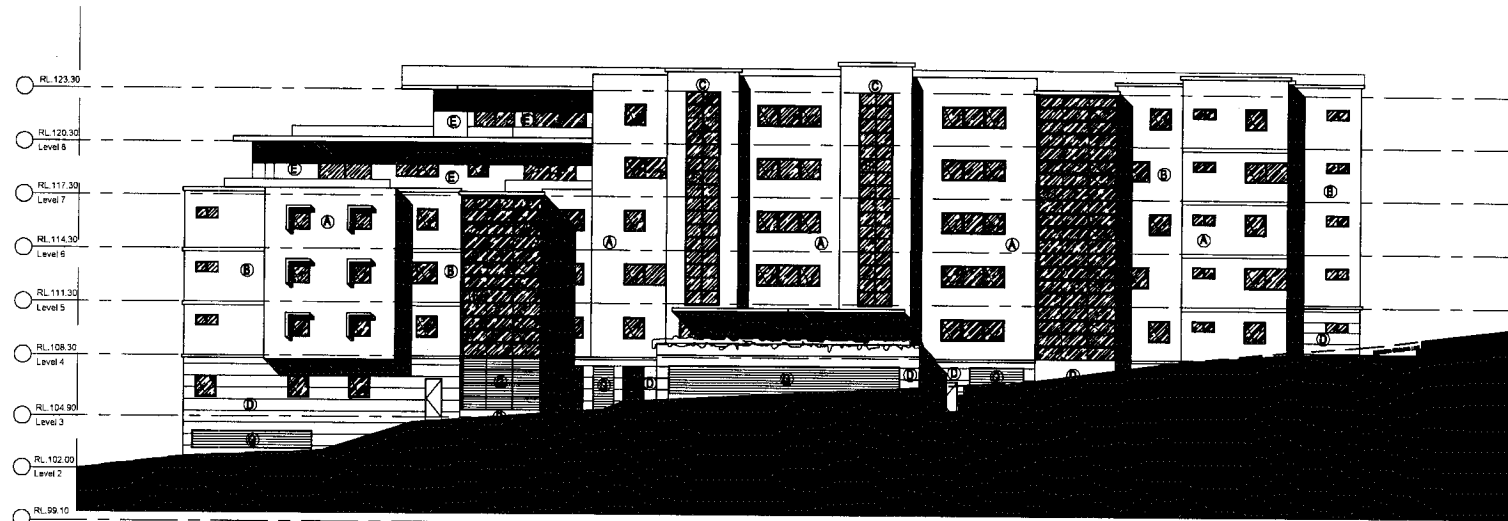
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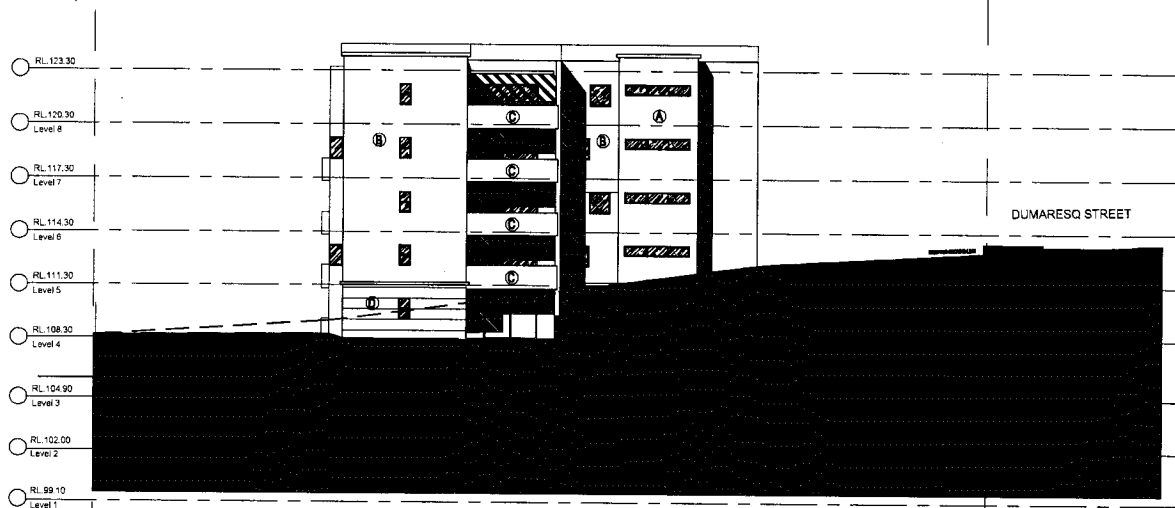
- LEGEND:**
- Ⓐ BRICK
 - Ⓑ RENDER - TYPE 1
 - Ⓒ RENDER - TYPE 2
 - Ⓓ RENDER - TYPE 3
 - Ⓔ METAL CLADDING
 - Ⓕ GLASS
 - Ⓖ ALUMINIUM LOUVERS

PROPOSED APARTMENT BUILDING	
1.1.100	1.1.100
060416	MM/BJ
AUG 07	DA-13
c	

PROPERTY'S SITE ADDRESS	
PROPOSED APARTMENT BUILDING	
1 - 14 Dufferin Street	
GORDON	
CLIENT	
SunnyCove Management Limited	
DRAWING	
ELEVATIONS	
SCALE	
1:100	
PROJECT NO	DRAWN
060416	MM/BJ
DATE	DATE
AUG 07	DA-13
c	



SOUTH ELEVATION



EAST ELEVATION

- LEGEND:**
- (A) BRICK
 - (B) RENDER - TYPE 1
 - (C) RENDER - TYPE 2
 - (D) RENDER - TYPE 3
 - (E) METAL CLADDING
 - (F) GLASS
 - (G) ALUMINIUM LOUVERS

<p>PROPOSED APARTMENT BUILDING</p> <p>10 DUMARESQ STREET GORDON</p>	
<p>CLIENT</p> <p>SunnyCove Management Limited</p>	<p>DATE</p> <p>AUG 97</p>
<p>DRAWING</p> <p>ELEVATIONS</p>	<p>SCALE</p> <p>1:100</p>
<p>PROJECT NO</p> <p>060416</p>	<p>DRAWN</p> <p>MM/BJ</p>
<p>DATE</p> <p>AUG 97</p>	<p>REVISION</p> <p>C</p>

<p>PROJECT'S SITE ADDRESS</p> <p>PROPOSED APARTMENT BUILDING</p> <p>10 DUMARESQ STREET</p> <p>GORDON</p>	
<p>CLIENT</p> <p>SunnyCove Management Limited</p>	<p>DATE</p> <p>AUG 97</p>
<p>DRAWING</p> <p>ELEVATIONS</p>	<p>SCALE</p> <p>1:100</p>
<p>PROJECT NO</p> <p>060416</p>	<p>DRAWN</p> <p>MM/BJ</p>
<p>DATE</p> <p>AUG 97</p>	<p>REVISION</p> <p>C</p>

DA-14

MULTI-STOREY
RETAIL / COMMERCIAL
BUILDING AND CARPARKING
TO BUILT FORM CONTROLS
AS PROPOSED IN DRAFT GORDON
TOWN CENTRE LEP / DCP

22000
13000 9000

ADJOINING
DEVELOPMENT
ENVELOPE

NORTH ELEVATION AT FOOTPATH LEVEL
INCLUDING ADJOINING BUILDINGS & NEW STREET

FOOTPATH LEVEL

NEW STREET

10764

14180

FOOTPATH LEVEL

BUILDING LEVEL AT FACADE

EXISTING
MULTI-STOREY
RETAIL / COMMERCIAL
BUILDING AND CARPARKING

8000

ADJOINING
DEVELOPMENT
ENVELOPE

NORTH ELEVATION AT FOOTPATH LEVEL
INCLUDING ADJOINING BUILDINGS

FOOTPATH LEVEL

80763

14180

FOOTPATH LEVEL

BUILDING LEVEL AT FACADE

BUILDING LEVEL AT FACADE

C	10 YEAR FOR LAYOUT	10/01/20
A	APPROVALS, AMENDMENTS TO LAYOUT	01/01/20
A	DATE	01/01/20
DATE	APPROVED	DATE

I, the undersigned, hereby certify that the information contained in this drawing is true and correct to the best of my knowledge and belief, and that I am a duly qualified and licensed professional person in the field of architecture, engineering, or surveying, and that I am not aware of any fraud or deception in connection with the preparation of this drawing.

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Architects
10/100 Pacific Highway
SUNNY COVE NSW 1586
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Fax: (02) 9470 1001
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PROJECT & SITE ADDRESS
PROPOSED APARTMENT BUILDING
1-3/100 Pacific Highway Street
SUNNY COVE

CLIENT
SunnyCove Management
Limited

DRAWING
NORTH ELEVATION
INCLUDING ADJ. BUILDINGS

SCALE

1:750

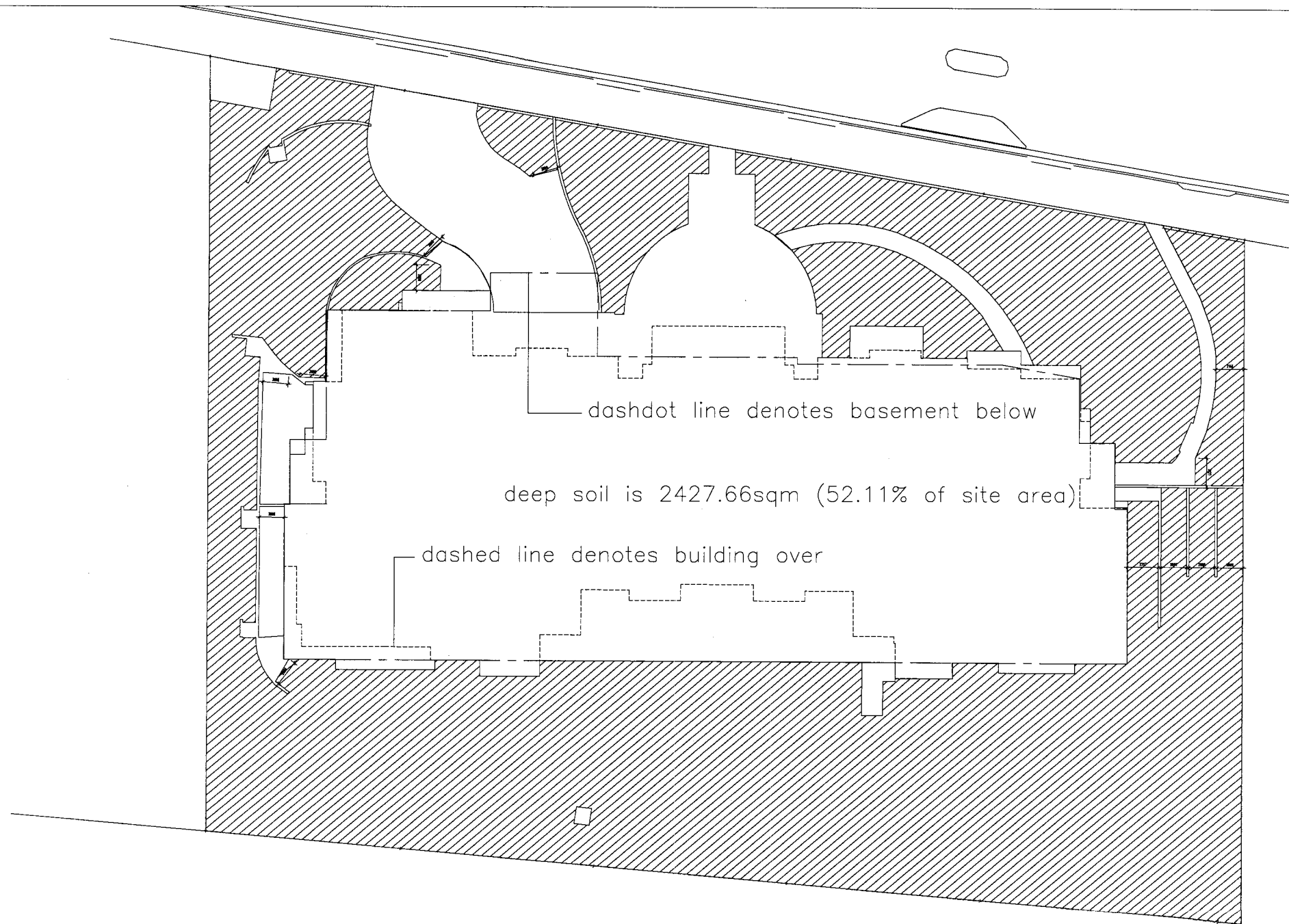
PROJECT NO. 060416 DRAWING NO. TP

DATE 07/08/20

DATE 07/08/20

DA-20

C



1	REVIEWED NAME TO COUNCIL	DATE
2	APPROVAL	DATE
3	ADDITIONAL INFORMATION TO COUNCIL	DATE
4	ADDITIONAL INFORMATION TO COUNCIL	DATE
5	ADDITIONAL INFORMATION TO COUNCIL	DATE
6	ADDITIONAL INFORMATION TO COUNCIL	DATE
7	ADDITIONAL INFORMATION TO COUNCIL	DATE
8	ADDITIONAL INFORMATION TO COUNCIL	DATE
9	ADDITIONAL INFORMATION TO COUNCIL	DATE
10	ADDITIONAL INFORMATION TO COUNCIL	DATE

I, the undersigned, being a duly qualified person, do hereby certify that the information contained in this plan is true and correct to the best of my knowledge and belief, and that I am not aware of any facts or circumstances which might render the same misleading or inaccurate.

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FUTURESPACE PTY LTD
1/111 QUEEN STREET
SYDNEY NSW 2000
AUSTRALIA
P.O. BOX 1000
SYDNEY NSW 2000
AUSTRALIA

PROJECT & SITE ADDRESS
PROPOSED APARTMENT BUILDING
8-10 Duff Street
GORDON

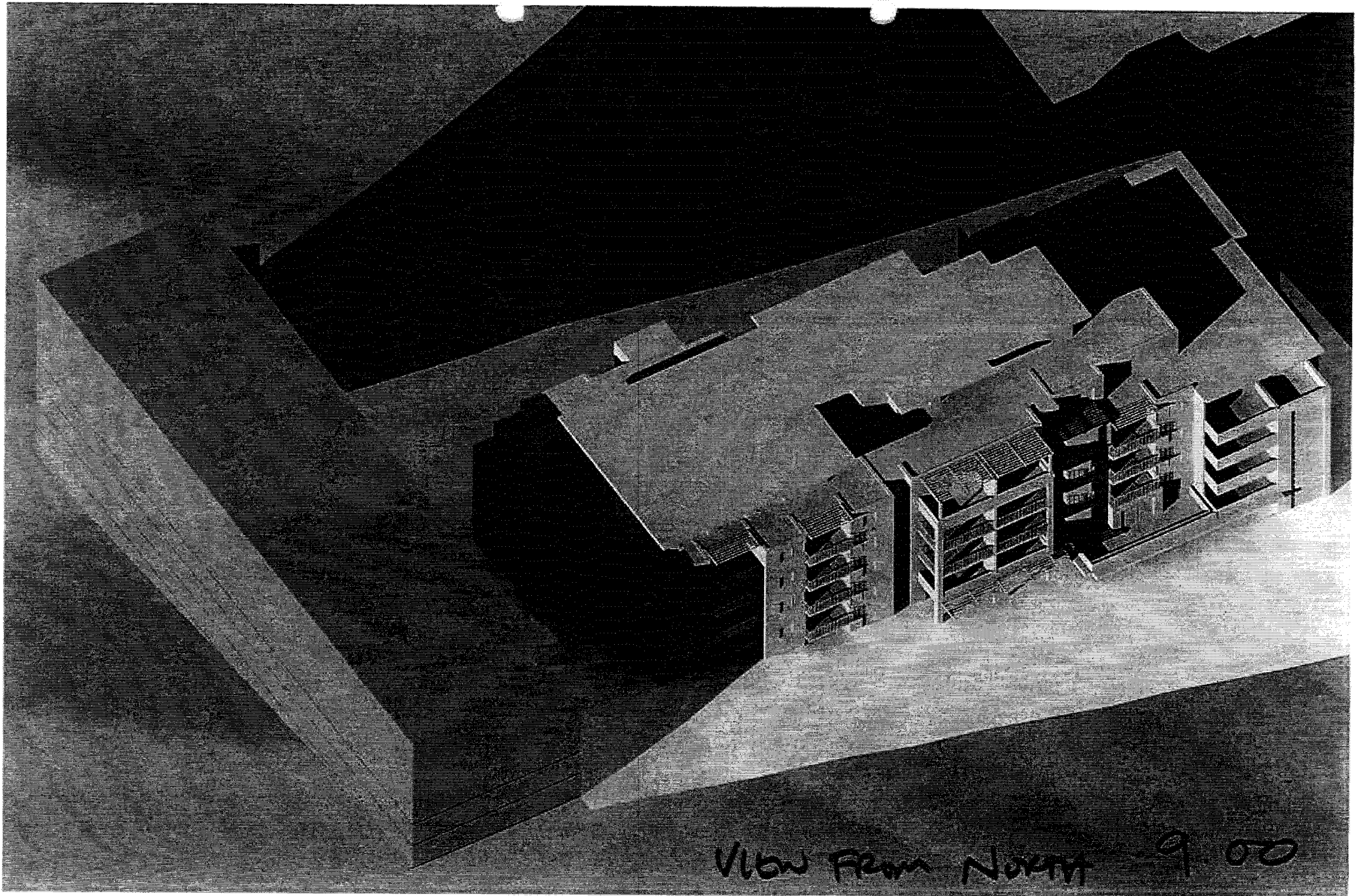
CLIENT
SunnyCove Management
Limited

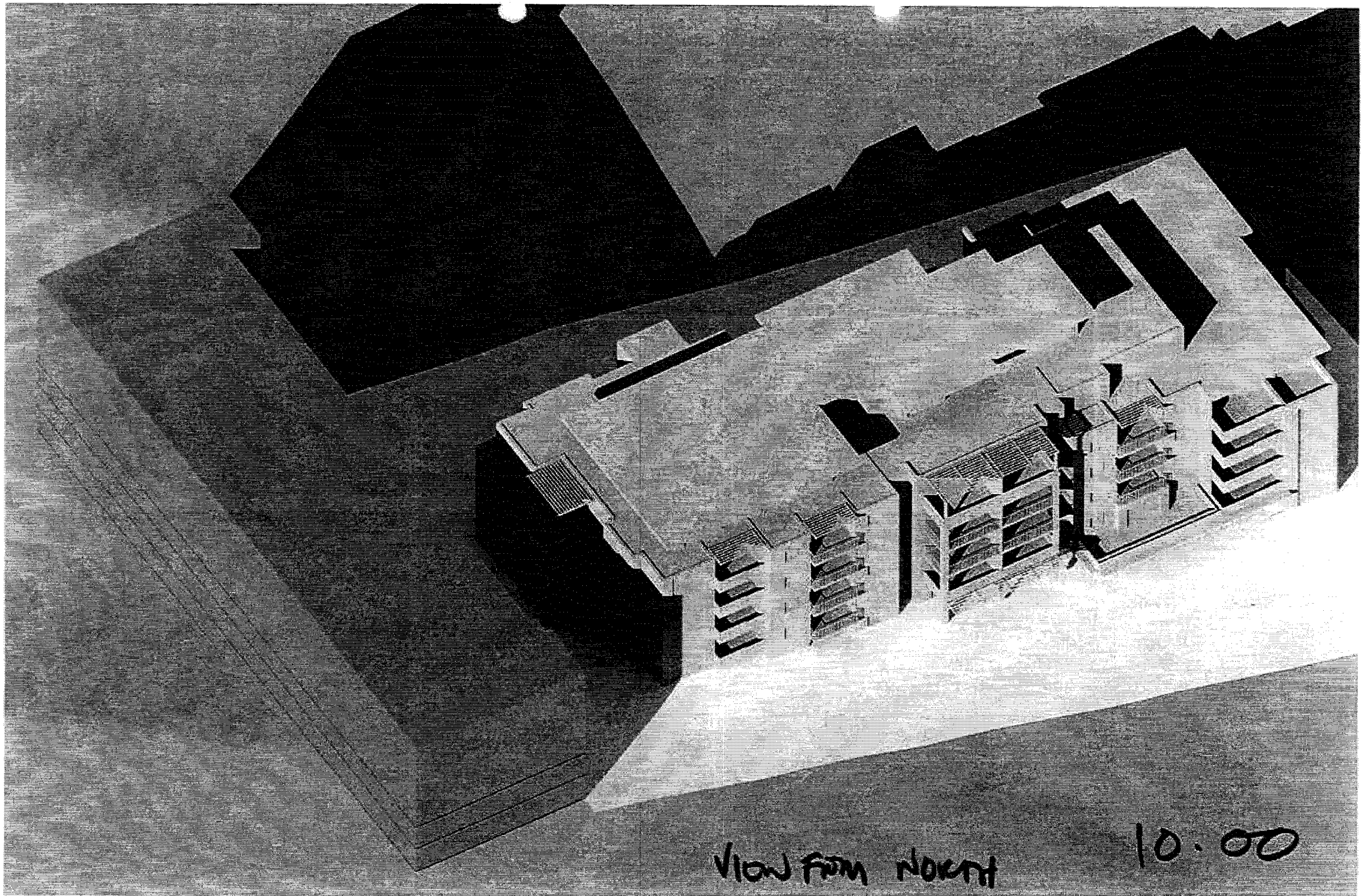
DRAWING
DEEP SOIL DIAGRAM

SCALE
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PROJECT NO	060416
DRAWING NO	DW
DATE	AUG 07
REVISION	

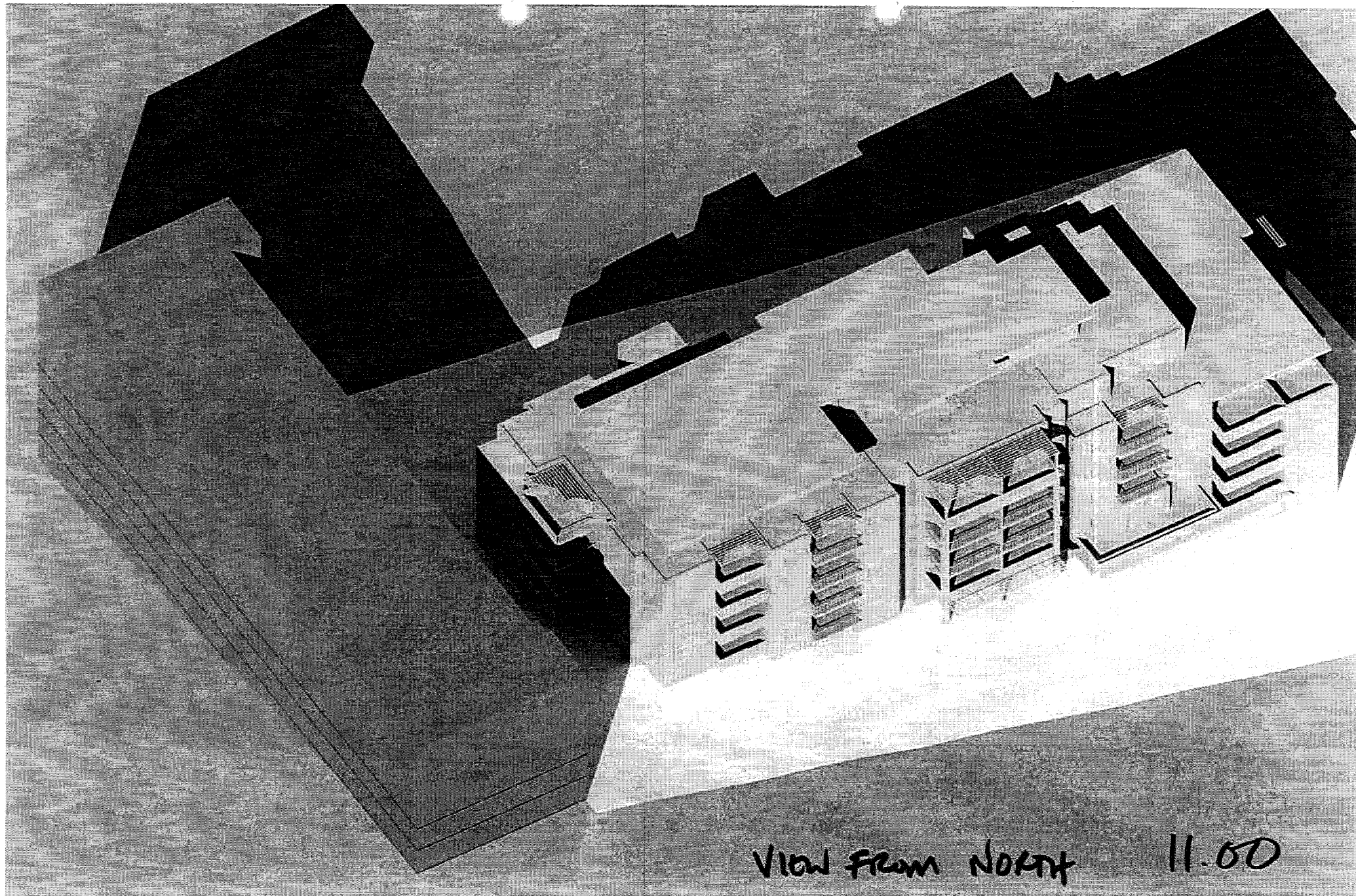
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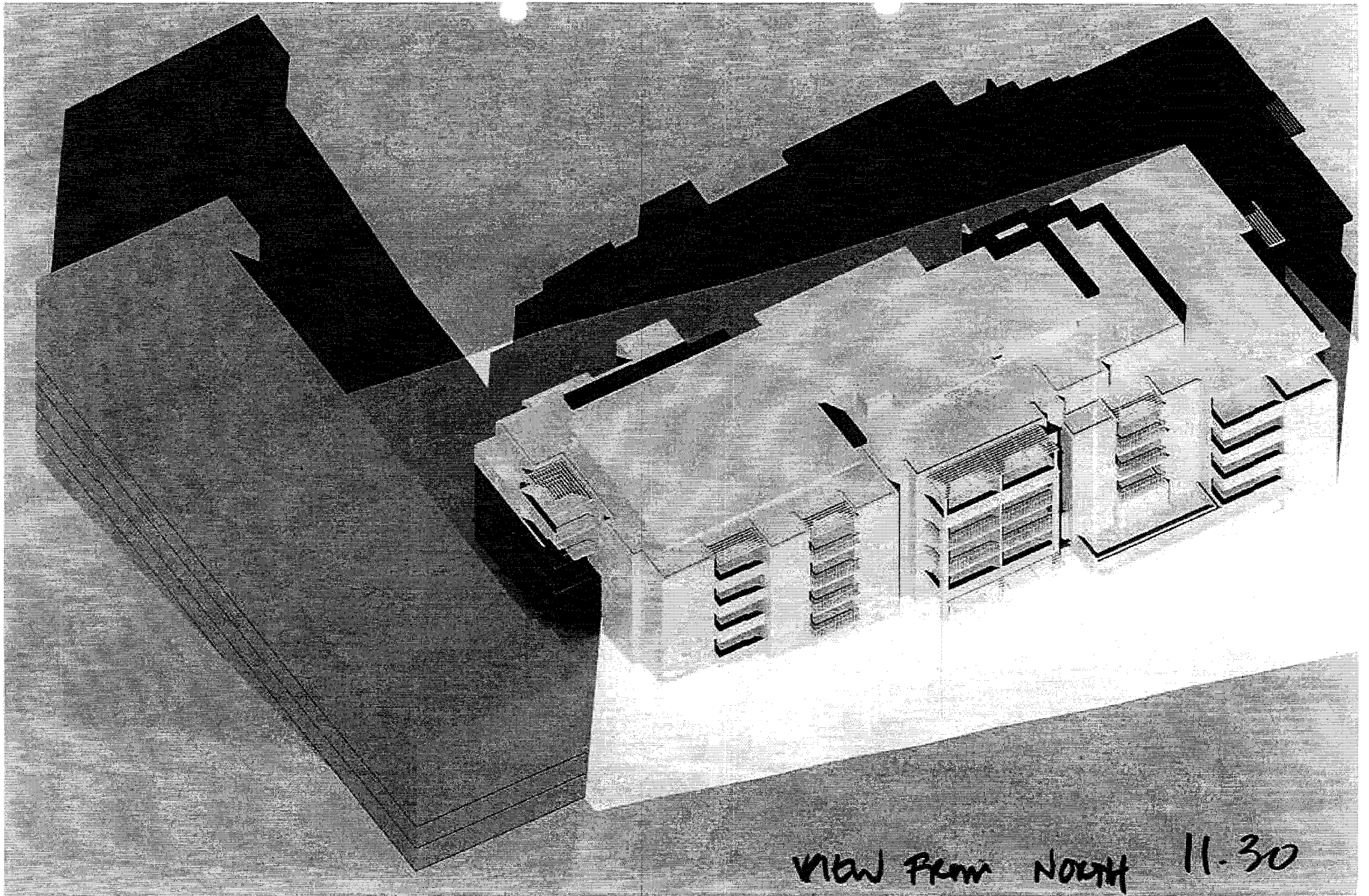




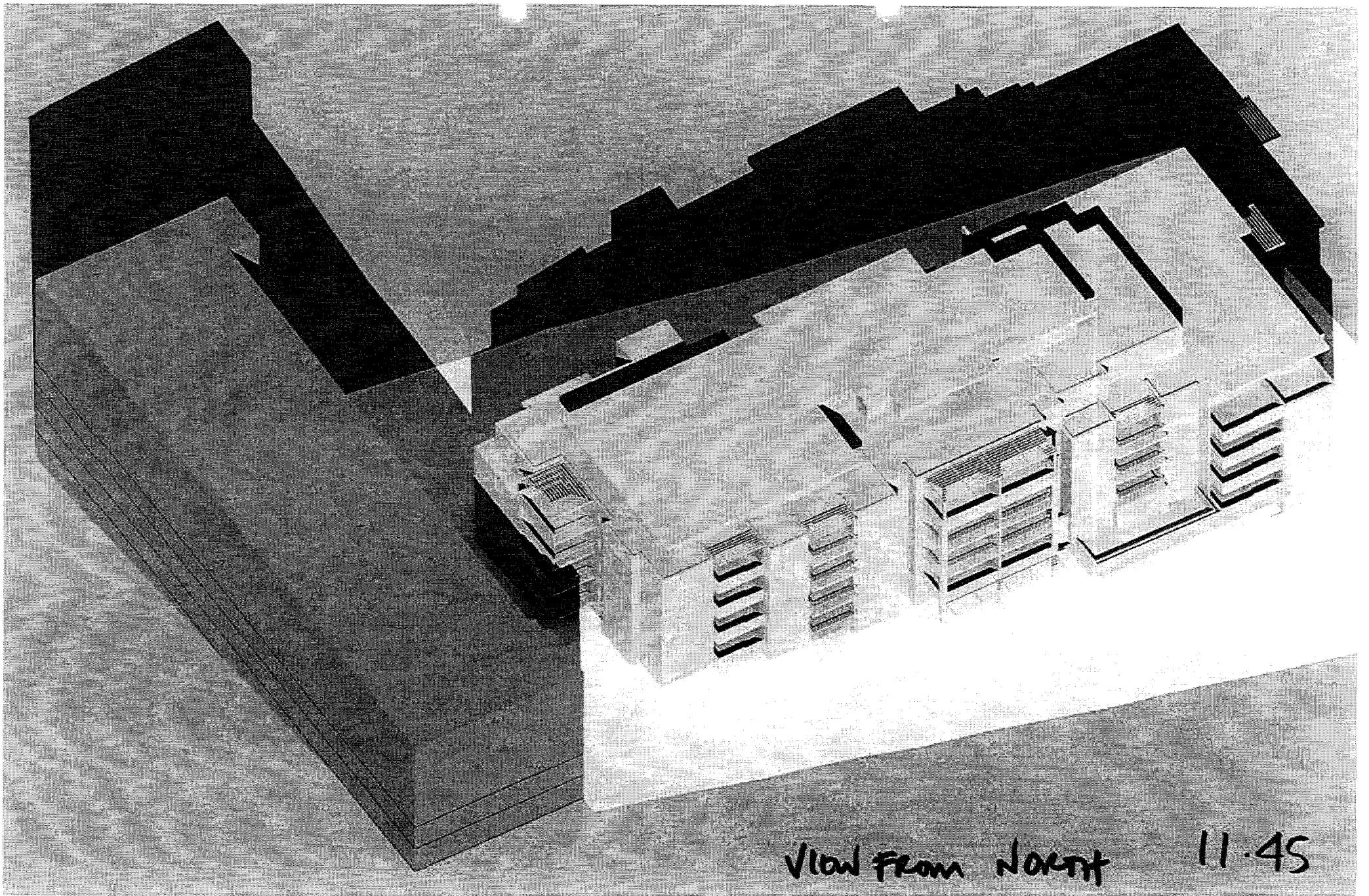
VIEW FROM NORTH

10.00

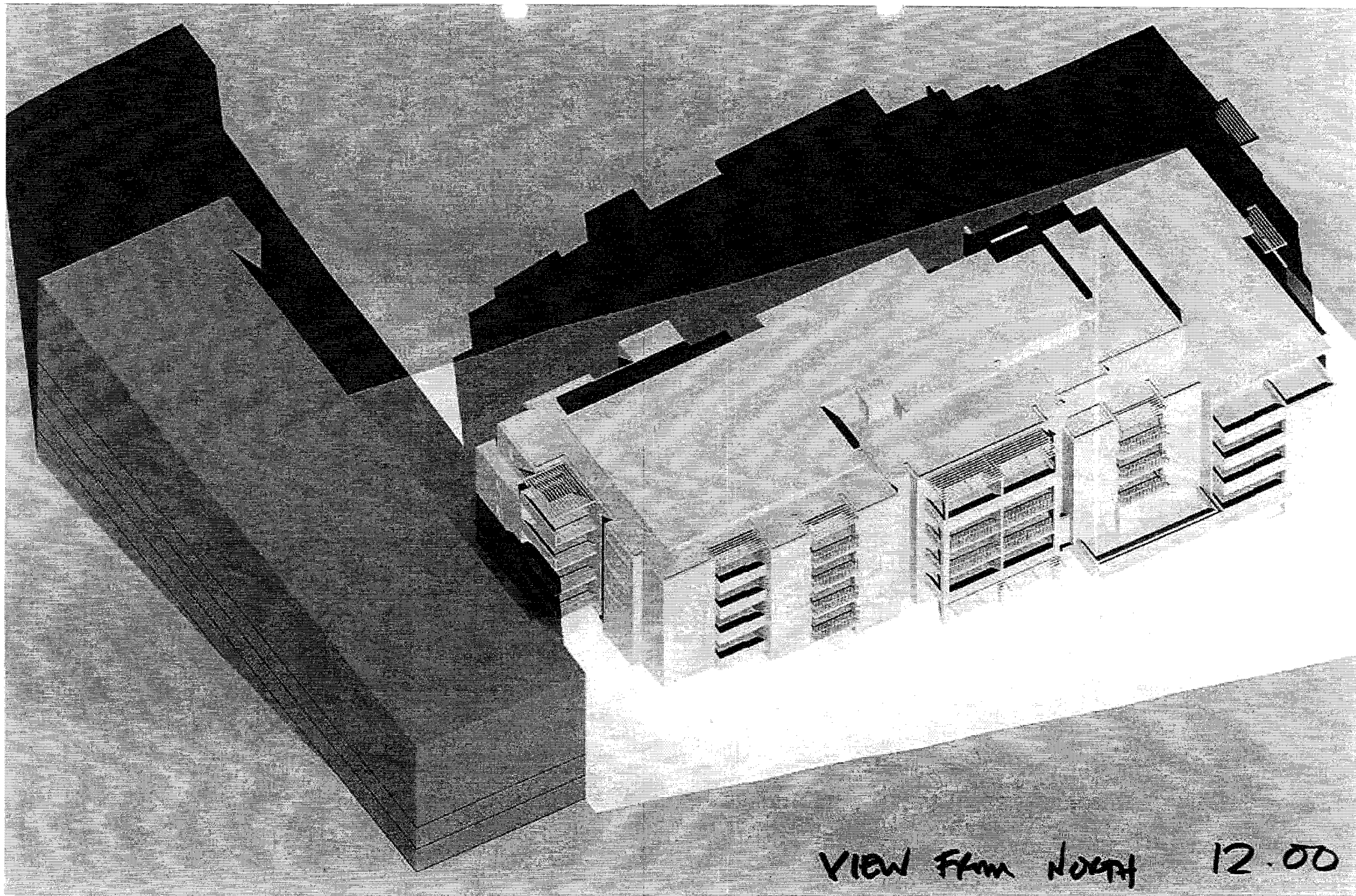




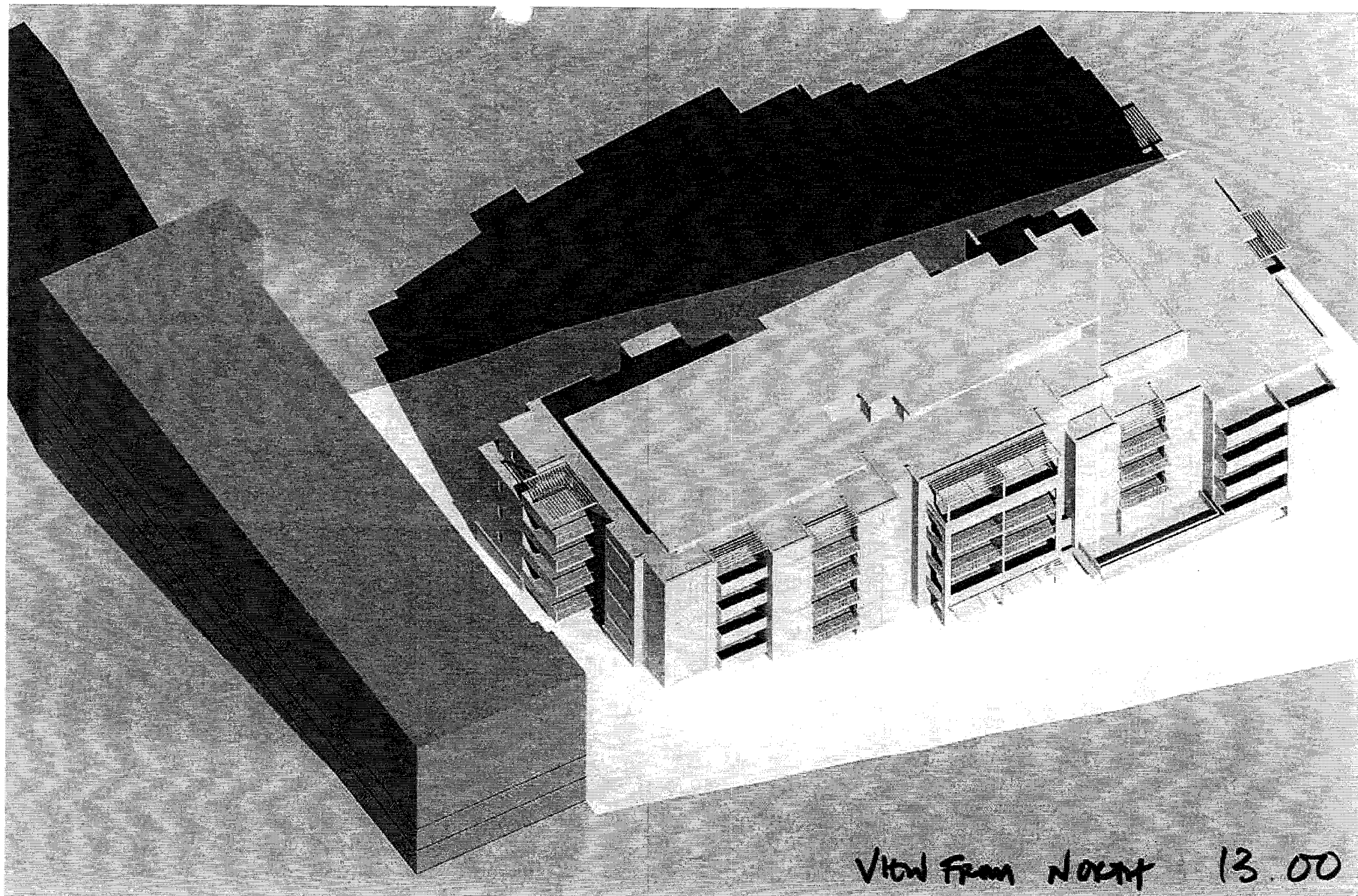
VIEW FROM NORTH 11-30



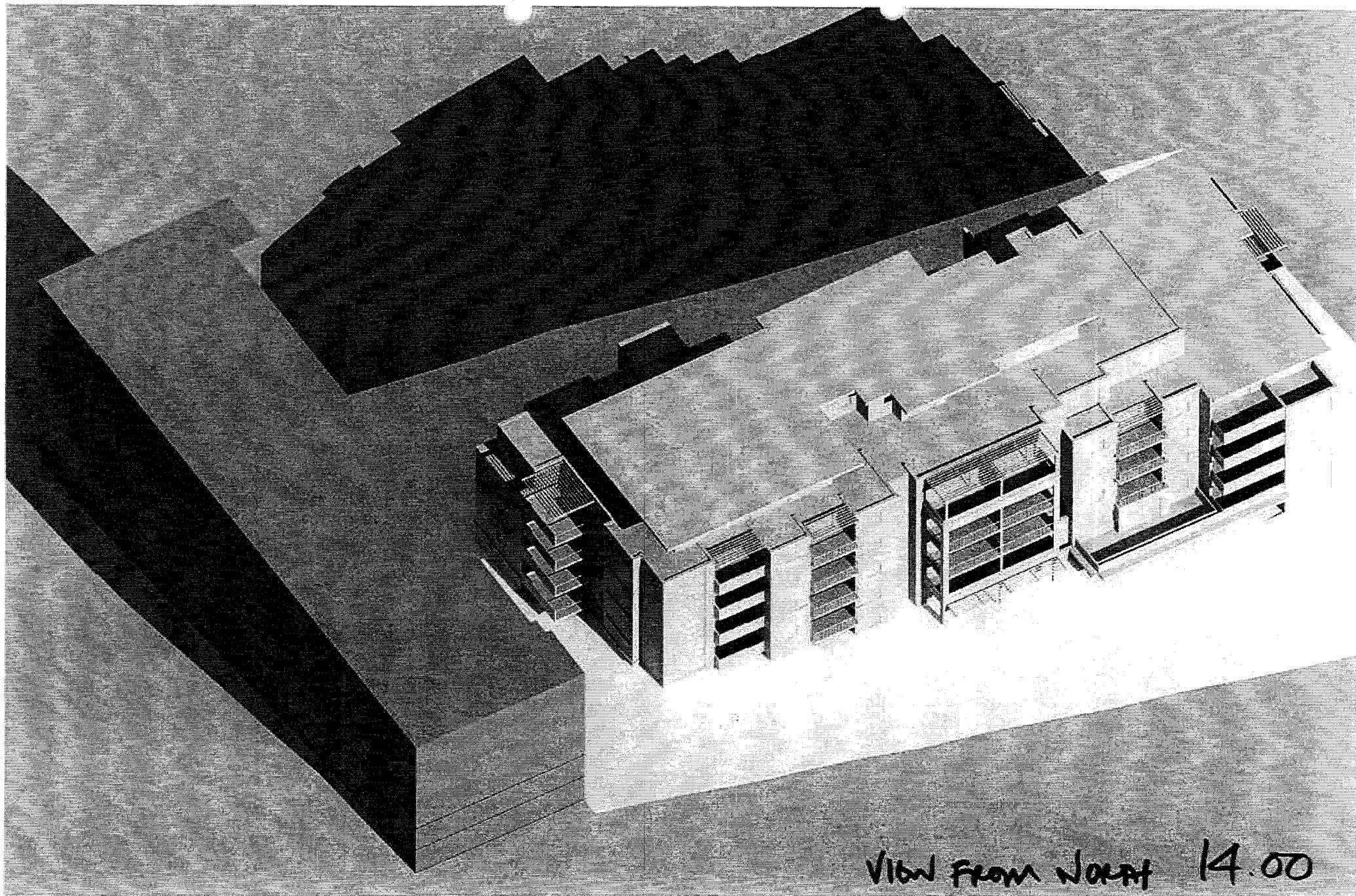
View from North 11-45



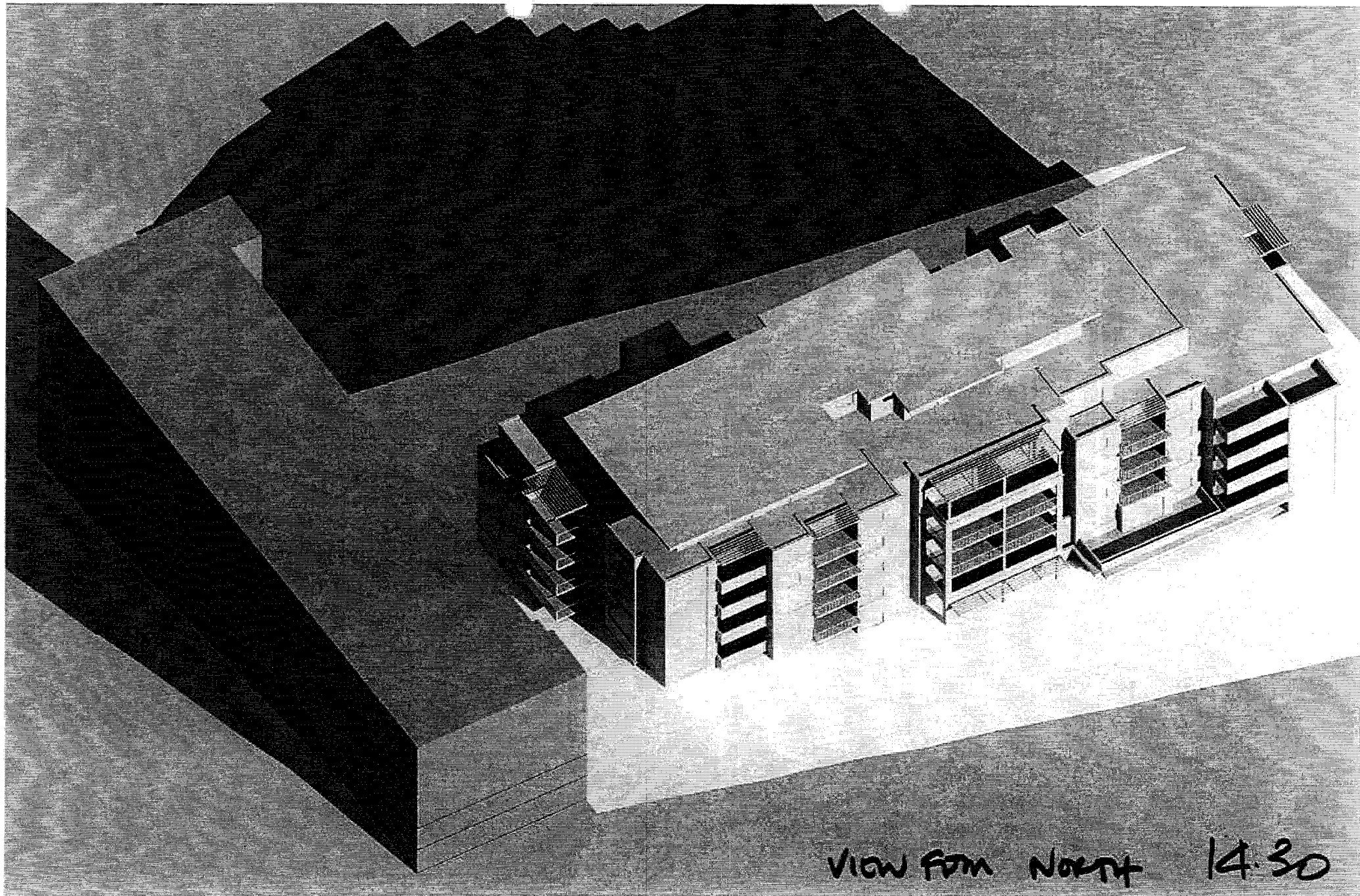
VIEW FROM NORTH 12.00



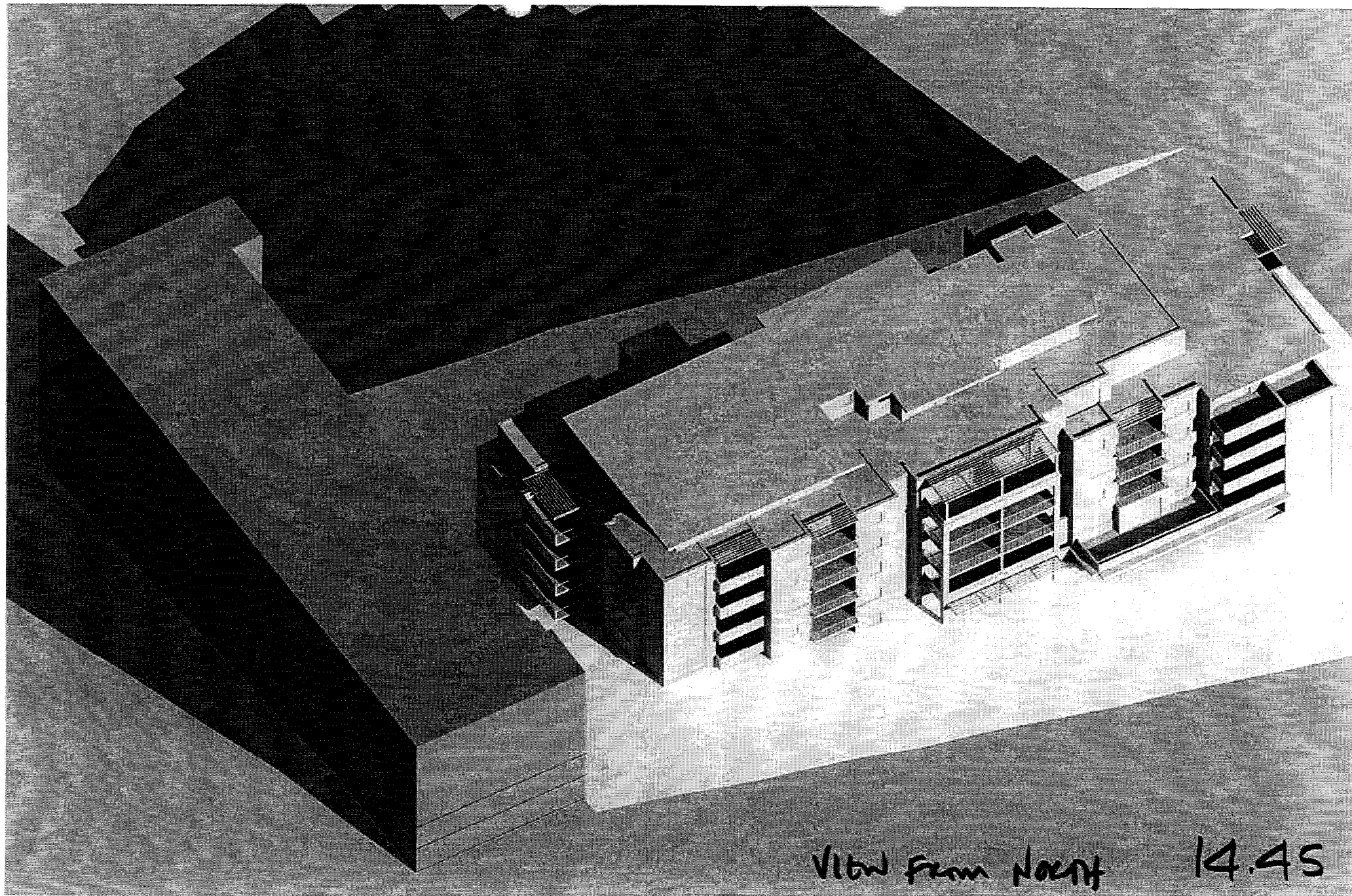
View from North 13.00



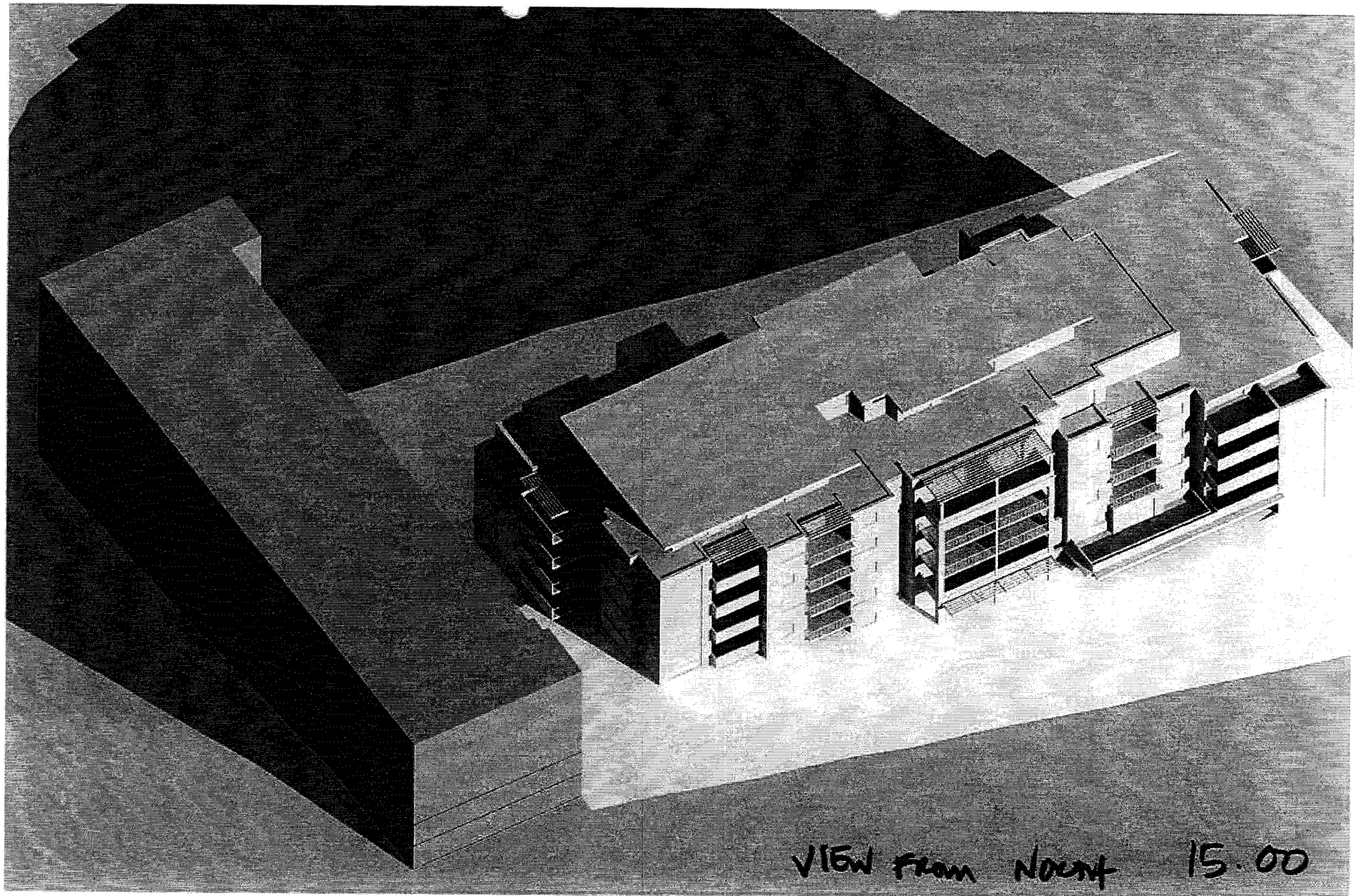
View From North 14.00

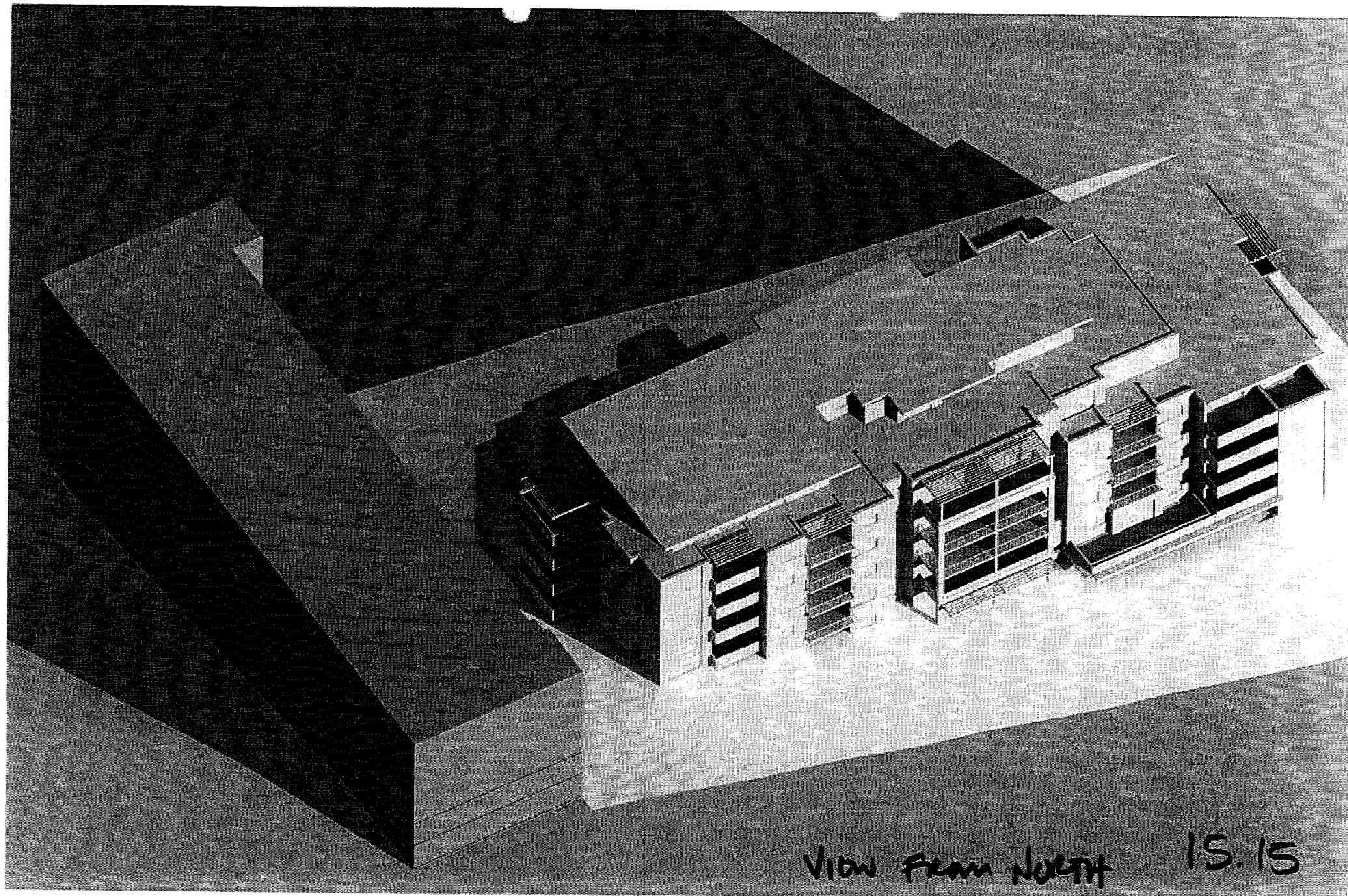


VIEW FROM NORTH 14.30



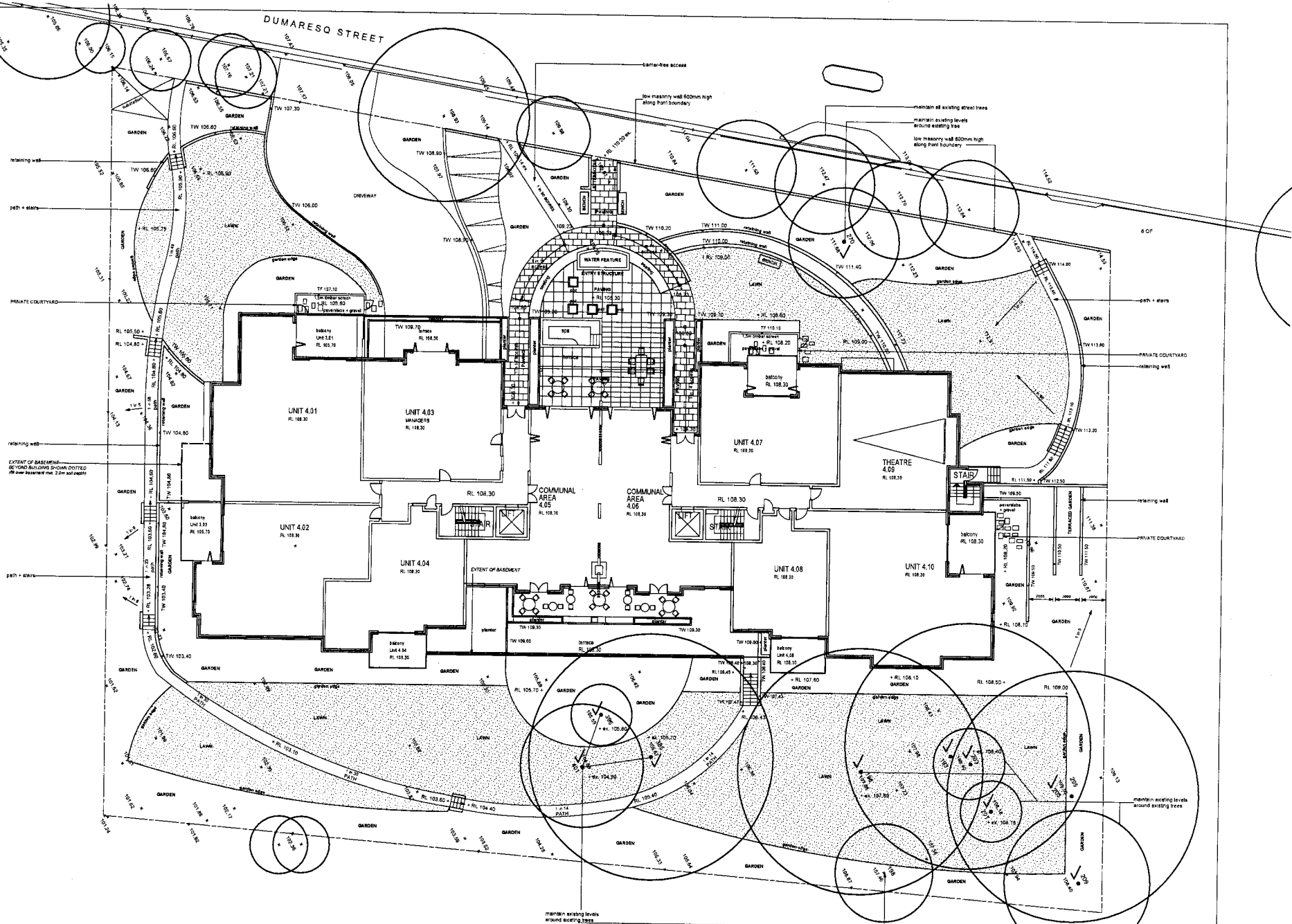
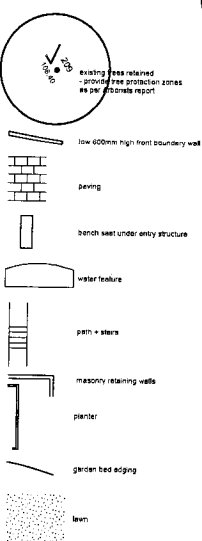
View from North 14.45





VIEW FROM NORTH 15.15

LANDSCAPE KEY



for Landscape Works Materials
refer to Dwg 502.02

PROPOSED RESIDENTIAL DEVELOPMENT
6-14 DUMARESQ STREET GORDON

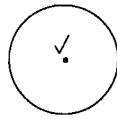
LANDSCAPE PLAN - general layout

TRAMONTE JENSEN
Landscape Architecture
Level 1, 122 Palmerston Road
Brookvale NSW Australia 2100
PO Box 296 Brookvale NSW 2100
Telephone 61 2 9938 8100
Facsimile 61 2 9938 1711
W: www.tramontejensen.com.au

Drawing Number 502.01A
Issue F
Scale 1:100 @ A0 page size
Date 13.08.2007



LANDSCAPE WORKS



existing trees marked 193, 196, 198, 203, 205, 206, 270, 365, 396, 401 + at street trees)
- provide tree protection fencing and works as per Arborist report



low 1.2m high front boundary wall finish to match architectural external finish



paving
- selected pavers on permeable subbase 75mm depth



bench seat under entry structure



water feature with lighting



path + stairs concrete non-slip finish



masonry retaining walls masonry with clad / paint finish



planter:
- waterproofed internal walls
- drainage connector to sump
- filter fabric geotextile over drainage
- 100mm soil depth
- install planter system
- match to 75mm depth with crushed pebbles
- install drip-line irrigation



garden bed preparation:

- retain existing soil layers
- mix in soil conditions
- cultivate to 300mm depth
- incorporate water crystals to soil layer
- match to 75mm depth with recycled native source woodchip
- install drip-line irrigation



lawn preparation:

- retain existing soil layers
- mix in soil conditions
- cultivate to 150mm depth
- incorporate water crystals to soil layer
- install drip-line irrigation

OTHER NOTES

Tree Planting

- excavate planting holes min. 1000mm x 1000mm
- incorporate drainage layer (gravel) at base to 200mm depth
- retain existing soil
- mix in soil conditions
- incorporate water crystals to soil layer and install water gel pack at regular base

Maintenance

- maintain the landscape works for 12 months to ensure establishment
- establish a program for maintenance activities

PLANT SCHEDULE

INDIGENOUS TREES OVER 15m high

Qty/Key	Botanical Name	Common Name	Planting Size	Mature Size	Shading
6 (BS)	Eucalyptus saligna	Sydney Blue Gum	3 x 100 lire 2 x 35 lire	20m +	yes
3 (SD)	Syzygium glaucum	Turpentine	3 x 100 lire 2 x 35 lire	20m +	yes
5 (EP)	Eucalyptus plurima	Blackbutt	1 x 100 lire 2 x 35 lire	20m +	yes
4 (AC)	Angophora costata	Sydney Red Gum	1 x 100 lire 2 x 35 lire	20m +	yes

INDIGENOUS SMALL TREES 6-15m high

Qty/Key	Botanical Name	Common Name	Planting Size	Mature Size	Shading
8 (BS)	Banksia myrtilloides	Grey Myrtle	100 lire	8-10m	yes
8 (CA)	Ceratopetalum apetalum	Cashew	100 lire	8-10m	yes

SMALL FEATURE TREES 6m high

Qty/Key	Botanical Name	Common Name	Planting Size	Mature Size	Shading
27 (SL)	Syzygium leucomela	Small Leaved Lillypilly	200 lire	5m	yes
16 (PA)	Pantonia aculeata	Gordonia	200 lire	6m	yes
9 (CJ)	Camellia japonica	Japanese	200 lire	5-6m	yes

SMALL FEATURE TREES 4-6m high

Qty/Key	Botanical Name	Common Name	Planting Size	Mature Size	Shading
6 (CB)	Camellia sasanqua	Sasanqua	400 lire	4-5m	guying
4 (MJD)	Magnolia liliifera	Port Wine Magnolia	400 lire	4-5m	guying

INDIGENOUS TALL SHRUBS 4-6m high

Qty/Key	Botanical Name	Common Name	Planting Size	Mature Size	Shading
44 (CG)	Ceratopetalum gummifera	NSW Knap Bush	350mm pot	4-5m	
42 (LL)	Leptospermum laevigatum	Tea Tree	300mm	4-5m	
40 (SPD)	Syzygium paniculatum 'dwarf'	Dwarf Magenta Cherry	75 lire	4-5m	

LOW SHRUBS 2m high

Qty/Key	Botanical Name	Common Name	Planting Size	Mature Size	Shading
64 (AD)	Abelia grandiflora	Grey Abelia	300mm pot	2m	
77 (DP)	Chamaelirium luteum	Small Camellia	300mm pot	2m	

INDIGENOUS LOW SHRUBS 1m high

Qty/Key	Botanical Name	Common Name	Planting Size	Mature Size	Shading
98 (EM)	Eriostemon myrsinoides	Wine Flower	200mm pot	1m	

MIXED SHRUBS + GROUNDCOVERS

Qty/Key	Botanical Name	Common Name	Planting Size	Mature Size	Shading
88 (DS)	Doryanthes aegyptia	Queen Lily	300mm pot	1m	
91 (SP)	Eriostemon myrsinoides	Bird of Paradise	300mm	1.5m	
101 (LSD)	Lythrum hyssagifolium	Claret Linole	140mm	0.6m	
70 (TJ)	Tetrachloa paniculata	Star Jasmine	140mm	0.3m	

MIXED FERNS + GROUNDCOVERS

Qty/Key	Botanical Name	Common Name	Planting Size	Mature Size	Shading
32 (CY)	Cyrtocarpus australis	Rough Tree Fern	300mm pot	5-6m	
184 (AA)	Adiantum australe	Bird Nest Fern	300mm	1m	
6 (CR)	Cyrtocarpus australis	Cyrtocarpus	300mm	2m	
272 (CA)	Cladonia aspera	Rasp Fern	140mm	0.6m	
100 (AD)	Adiantum anthracinum	Madagascar Fern	140mm	0.3m	

MIXED GROUNDCOVERS + NATIVE GRASSES

Qty/Key	Botanical Name	Common Name	Planting Size	Mature Size	Shading
148 (DC)	Dianella caerulea 'Breeze'	Blue Flag Lily	140mm pot	0.4m	
104 (DP)	Dianella pruriens	Flax Lily	140mm	0.6m	
67 (GL)	Grevillea linifolia	Trellis Grevillea	140mm	0.3m	
90 (HS)	Hibiscus scandens	Guinea Flower	140mm	0.3m	
42 (MY)	Myoporum laetifolium	Crabapple	140mm	0.4m	
174 (TA)	Themeda australis	Kangaroo Grass	140mm	0.4m	
44 (DL)	Dianella caerulea 'Little River'	Dwarf Flax Lily	140mm	0.3m	

LAWN AREAS

Qty	Botanical Name	Common Name	Planting Size	Mature Size	Shading
1156x2	Buffalo	St. Walter	25mm tote		

GARDEN AREAS

Qty

1412x2

plants outlined in green are on show plant
list in landscape schedule. Water, Soil, and Fertiliser
Requirements are listed in the schedule.

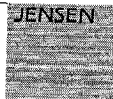
Qty/Key	Botanical Name	Common Name	Planting Size	Mature Size	Shading
1	Angophora costata				
1	Banksia myrtilloides				
1	Ceratopetalum apetalum				
1	Syzygium leucomela				
1	Pantonia aculeata				
1	Camellia japonica				
1	Camellia sasanqua				
1	Magnolia liliifera				
1	Ceratopetalum gummifera				
1	Leptospermum laevigatum				
1	Syzygium paniculatum 'dwarf'				
1	Abelia grandiflora				
1	Chamaelirium luteum				
1	Eriostemon myrsinoides				
1	Doryanthes aegyptia				
1	Tetrachloa paniculata				
1	Cyrtocarpus australis				
1	Adiantum australe				
1	Cyrtocarpus				
1	Cladonia aspera				
1	Adiantum anthracinum				
1	Dianella caerulea 'Breeze'				
1	Dianella pruriens				
1	Grevillea linifolia				
1	Hibiscus scandens				
1	Myoporum laetifolium				
1	Themeda australis				
1	Dianella caerulea 'Little River'				

PROPOSED RESIDENTIAL DEVELOPMENT
6-14 DUMARESQ STREET GORDON

LANDSCAPE MATERIALS + SCHEDULES

TRAMONTE
Landscape Architecture

Level 1
122 Pittman Road
Brookside NSW Australia 2100
PO Box 796 Brookside NSW 2100
Telephone: 61 2 99 88 4190
Facsimile: 61 2 99 38 1711
W: www.tramonte.com.au



Drawing Number 502.02

Issue Scale F n/a

Date 13.08.2007





Home Wilkinson Lowry
LAWYERS

Our Ref: LRF:82594

16 March 2007

The General Manager
Ku-ring-Gai Council
DX 8703
GORDON NSW

Attention: Rebecca Eveleigh

By email: reveleigh@kmc.nsw.gov.au

Dear Sir

**Ku-Ring-Gai Council and Futurespace
Development Application 28/07-6-14 Dumaresq St, Gordon
Application by Andrew Owens on behalf of Futurespace**

We refer to the abovementioned Development Application. We are instructed to provide advice to Council in relation to the permissibility of the proposed development having regard to the services and facilities proposed to be included in the development including a dining area.

Summary of advice

On balance, having regard to the case authorities on the issue of what constitutes a residential flat building, in our opinion, what is proposed can be characterised as a residential flat building.

The facts

The facts as we understand them to be are:

1. Council is in receipt of a Development Application for the demolition of the existing dwellings at 6-14 Dumaresq St, Gordon and the construction of a residential flat building containing 47 units and associated carparking and other facilities comprising:
 - (a) 5 - 1 bedroom plus study apartments;
 - (b) 17 - 2 bedroom apartments;
 - (c) 25 - 3 bedroom apartments;
 - (d) Communal activities area;
 - (e) A communal kitchen;
 - (f) Dining area;
 - (g) Bar/cafe

Brisbane

Melbourne

Norwest

Sydney

ABN: 37 246 549 189

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abbott tout
LAWYERS

- (h) Communal recreation areas both external and internal; and
 - (i) A theatre.
2. The apartment buildings will not be strata subdivided.
 3. The apartment buildings will be managed by Sunnycove Management Pty Limited.
 4. The apartments will be leased to intending residents with leases generally twelve months in length but the minimum will be six months.
 5. The leases will be ordinary residential leases.
 6. A resident may move to another apartment in the building if it becomes available.
 7. Sunnycove will provide certain on-site services which will be available on a "user pays" basis. Those on-site services will include the provision of meals, cleaning and the like but it is not compulsory for tenants to use these facilities.
 8. There will be no services provided such as health care, grooming or personal assistance.
 9. The apartments will not be serviced.
 10. There is no minimum age requirement for proposed residents nor any requirement related to disability.
 11. The subject land is zoned Residential 2(d3) pursuant to Ku-Ring-Gai Local Environmental Plan 194 gazetted in May 2004.
 12. Within that zone, residential flat buildings are permissible with consent.

Advice

LEP 194 inserted Part (III) A "Rail Corridor and St Ives Centre" Sections 25 A through to 25 N into the Planning Scheme Ordinance.

Section 25 B defines residential flat building:

"Residential flat building means a building containing three or more dwellings."

Dwelling is defined as:

"Dwelling means a room or suite of rooms occupied or used, or so constructed or adapted to be capable of being occupied or used, as a separate domicile."

It is clear from the plans we have been forwarded and the Statement of Environmental Effects that each one of the 47 units is capable of being occupied or used as a separate domicile in the sense that kitchens, washing and bathing facilities are provided which, in accordance with authorities, have been held to provide an element of permanence of occupation necessary to sustain the concept of a dwelling *Mackenzie v Warringah Shire Council* 124 LGERA 208, *Church of England Childrens Homes Burwood v Burwood Municipal Council* 1981 45 LGRA 165.

However, in *North Sydney Municipal Council v Sydney Serviced Apartments* 1990 71 LGRA 432, the Court of Appeal held that the requisite degree of permanence was not met by circumstances where flats in a building were booked through an office in one of the units of the building for a minimum of three days and most commonly for periods of eight to thirteen days. Furthermore, in the circumstances of that case, each of the units was equipped with crockery, cutlery, electrical appliances and implements, linen and towels and the company with control of the units arranged for the cleaning of the units and the allocated car spaces.

The company controlling the proposed building does not, as in the *Mackenzie v Warringah* case have supervisory control over the conduct of the persons occupying the separate units as proposed. The extra

facilities provided such as dining, bar/cafe and theatre are available to the residents of each unit on a user pays basis and it would therefore be possible to reside in one of the units without having such contact with the company which has on-site management of the building. Any contact should be no different to contact with an Owners Corporation in Strata Titled Building.

The situation is clearly different to that in *Mackenzie v Warringah* where the Court observed:

"The obligations imposed by the applicable residential rules upon the residents were extensive and the development manager retained supervisory control over their conduct. Such obligations were consistent with the business use, namely the provisions of lodgings, subject to conditions, for reward. They were not the kind of obligations consistent with a dwelling, a residence or housing wherein the occupant was entitled to enjoy his or her abode without imposed supervision or control"

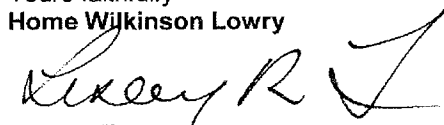
Leaving aside the availability of other facilities such as dining, the situation is analogous to that which existed in residential flat buildings prior to the *Strata Titles Act* or the ability to issue company title.

For the above reasons, therefore we are of the view that what is proposed is a residential flat building within the definition in the Ku-Ring-Gai Planning Scheme Ordinance as so amended.

To ensure that the communal facilities including the theatre are only available to those who are residents of the building, a condition could be imposed on any consent to that effect.

We trust the above remarks have been of assistance.

Yours faithfully
Home Wilkinson Lowry



Lesley Finn

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DEVELOPMENT APPLICATION

SUMMARY SHEET

REPORT TITLE:	132 TO 138 KILLEATON STREET, ST IVES - ADAPTIVE RE-USE OF FORMER MONASTERY BUILDING TO ACCOMMODATE 3 DWELLINGS, SITE OFFICE AND GYMNASIUM, ERECTION OF 9 X 5 STOREY RESIDENTIAL FLAT BUILDINGS ACCOMMODATING 188 DWELLINGS, BASEMENT CARPARKING, LANDSCAPING AND ASSOCIATED SITE WORKS (TOTAL OF 191 UNITS)
WARD:	St Ives
DEVELOPMENT APPLICATION N^o:	1253/06
SUBJECT LAND:	132 to 138 Killeaton Street, St Ives
APPLICANT:	Dasmin Pty Ltd
OWNER:	Dasmin Pty Ltd
DESIGNER:	Bates Smart
PRESENT USE:	Vacant, former monastery building
ZONING:	Residential 2(d3)
HERITAGE:	No
PERMISSIBLE UNDER:	Ku-ring-gai Planning Scheme Ordinance
COUNCIL'S POLICIES APPLICABLE:	KPSO - LEP 194, Draft LEP 2006 (Town Centres), DCP 31 - Access, DCP 40 - Waste Management, DCP 43 - Car Parking, DCP 47 - Water Management, DCP 55 - Multi- unit housing, DCP 56 - Notification policy
COMPLIANCE WITH CODES/POLICIES:	Yes
GOVERNMENT POLICIES APPLICABLE:	SEPP 6 - Number of storeys in a building, SEPP 11 - Traffic generating developments, SEPP 55 - Remediation of land, SEPP 65 - Design quality of residential flat development, SEPP (Sydney Harbour Catchment) 2005, SEPP (Basix)
COMPLIANCE WITH GOVERNMENT POLICIES:	Yes
DATE LODGED:	10 November 2006
40 DAY PERIOD EXPIRED:	20 December 2006
PROPOSAL:	Adaptive re-use of former monastery building to accommodate 3 dwellings, site office and gymnasium, erection of 9 x 5 storey residential flat buildings accommodating 188 dwellings, basement carparking, landscaping and associated site works (total of 191 units)
RECOMMENDATION:	Approval

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DEVELOPMENT APPLICATION N^o	1253/06
PREMISES:	132 TO 138 KILLEATON STREET, ST IVES
PROPOSAL:	ADAPTIVE RE-USE OF FORMER MONASTERY BUILDING TO ACCOMMODATE 3 DWELLINGS, SITE OFFICE AND GYMNASIUM, ERECTION OF 9 X 5 STOREY RESIDENTIAL FLAT BUILDINGS ACCOMMODATING 188 DWELLINGS, BASEMENT CARPARKING, LANDSCAPING AND ASSOCIATED SITE WORKS (TOTAL OF 191 UNITS)
APPLICANT:	DASMIN PTY LTD
OWNER:	DASMIN PTY LTD
DESIGNER	BATES SMART

PURPOSE FOR REPORT

To determine development application No.1253/06 for adaptive re-use of former monastery building to accommodate 3 dwellings, site office and gymnasium, erection of 9 x 5 storey residential flat buildings accommodating 188 dwellings, basement carparking,(total of 191 units).

EXECUTIVE SUMMARY

Issues:	Out-of character with surrounding development, setbacks, traffic, parking and safety, loss of privacy, overshadowing, construction/excavation impacts, loss of trees, landscaping, security, contamination/remediation, waste management and retention of farm shed.
Pre DA meeting:	4 October 2006
Submissions:	Original application: 36 submissions including a submission on behalf of the 'Killeaton Street Action Group', which includes 33 signatures. Amended application: 20 submissions including a submission on behalf of the 'Killeaton Street Action Group', which includes 27 signatures.
Land & Environment Court Appeal:	No
Recommendation:	Approval

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HISTORY

Site history:

During the 1830's the site was part of a 40 acres land grant which was given the name of 'Macquarie Farm'. In the 1880's an orchard was established on the site with a farmhouse and farm shed (Nancarrow Farmhouse). During the 1930's, the Passionist Fathers, an order of the Catholic Church, bought the property and built a two storey monastery building towards the centre of the site. During the 1970's, the site was subdivided and Masada College was built. The farmhouse was destroyed in a fire during the 1980s. The farm shed remains at the south-west corner of the site.

The site was previously zoned 'Special Uses A – Seminary' under the KPSO. On 28 May 2004, Local Environmental Plan 194 was gazetted, rezoning the site to Residential 2(d3) which permits five storey residential flat development.

Development application history:

DA 809/01 (previous SEPP5 approval)

29 June 2001	Development application 809/01 was submitted proposing an 86 unit SEPP5 development and restoration of the existing monastery building.
December 2001	Council received a Class 1 Appeal to the Land & Environment Court for deemed refusal of DA809/01.
26 March 2002	Council considered DA809/01 (83 units as amended). Council resolved to defer the matter to obtain prospects advice regarding the appeal.
27 May 2002	Senior Commissioner Dr Roseth upheld the appeal and approved DA809/01, subject to deferred commencement consent.
14 March 2003	Council issued a letter to the applicant advising that the additional information submitted in response Schedule A of deferred commencement consent 809/01 was satisfactory and that operation of the consent had commenced. Development consent 809/01 lapses on 15 March 2008 (5 year consent).

DA809/01A

14 October 2003	Council approved modification to development consent No.809/01A for an additional unit (84 units in total), reduction in carparking and other amendments.
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In accordance with DA809/01, demolition works involving partial demolition of the former monastery building have commenced on the site. No construction works have commenced to date.

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Pre-DA meeting

- 4 October 2006 Pre-DA meeting for adaptive reuse of the former monastery building (3 dwellings) and erection of 12 x 5 storey residential flat buildings (187 dwellings) at 132 – 138 Killeaton Street, St Ives.
- Issues discussed included design philosophy, the interpretation of controls under the KPSO - LEP194 (including deep soil), DCP55, SEPP65, the Residential Flat Design Code, standard of information required (including compliance diagrams), zone interface non-compliance, air conditioning, vehicular access and basement design.

DA 1253/06 (current proposal)

- 10 November 2006 Development application 1253/06 lodged for adaptive reuse of former monastery building to accommodate 3 dwellings, site office & gymnasium, erection of 12, 5 storey residential flat buildings (187 dwellings) basement car parking, associated landscaping and site works. Access to the site was proposed via the existing driveway located adjacent to the east side boundary of the site.
- 21 November 2006 Letter sent to the applicant requesting owner's consent to the lodgement of DA1253/06. Applicant faxed valid owner's consent.
- 24 November 2006 Notification of original application.
- 10 January 2007 Preliminary assessment letter was sent to the applicant advising of design issues and inadequate information. Issues raised included zone interface non-compliance (SEPP1 not supported), inadequate BASIX certificate, no detailed landscape plan, internal amenity, building separation, solar access, unsatisfactory deep soil, site coverage and top storey compliance diagrams, non-compliance with basement parking requirements and no detail regarding air conditioning units.
- 19 January 2007 Council receives a letter from the applicant requesting an extension of time to submit additional information.
- 30 January 2007 Letter sent to the applicant granting an extension of time to lodge amended plans and additional information (extension granted to 28 February 2008).
- 28 February 2007 Council receives conceptual amended plans in response to letter dated 10 January 2007.
- 20 March 2007 Meeting held with the applicant to discuss conceptual amendments. Letter sent to the applicant providing comments on the conceptual amendments.
- 17 April 2007 Meeting held with applicant to discuss information required for amended application.
- 3 May 2007 Council receives formal amended plans. The amended application proposes the erection of 9 x 5 storey residential flat buildings accommodating 188 dwellings and the adaptive reuse of the monastery building (as originally proposed). The amended proposal includes relocation

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of the driveway to the centre of the site, compliance with zone interface requirements and compliance with building separation. A detailed landscape plan was also submitted.

23 May 2007 Notification of amended application.

15 August 2007 Letter sent to the applicant advising outstanding issues including non-compliance with manageable and visitable housing, internal amenity, waste management, out-of-date contamination report (September 2001), no air conditioning detail, unsatisfactory landscape plan, and additional stormwater and driveway detail required.

6, 17 & 26 September 2007 Applicant submits amended plans/additional information in response to Council's letter of 15 August 2007.

THE SITE AND SURROUNDING AREA

The site

Zoning:	Residential 2(d3)
Visual Character Study Category:	1945-68
Easements/rights of way:	The site benefits from three drainage easements through 9 and 17 College Crescent and 142-148 Killeaton Street.
Heritage Item:	No
Heritage conservation area:	No
In the vicinity of a heritage item:	No
Bush fire prone land:	No
Endangered species:	Yes – Sydney Turpentine Ironbark Forest (no impact)
Urban Bushland:	No
Contaminated Land:	Yes

The site is located to the southern side of Killeaton Street, between Mona Vale Road and Yarrabung Road, St Ives (approximately 100 metres east of the Killeaton Street and Mona Vale Road intersection). The site is irregular in shape, with a frontage of 145.535 metres to Killeaton Street and a depth of 209.89 metres (maximum). The area of the site is 22,970m². The site falls approximately 3 metres from the centre of the front boundary (RL161.15) to its rear (south-eastern) corner (RL158.05), at an average gradient of approximately 1.4% (gently sloping).

The site presently contains a two storey building which was formally used as a monastery. The building is located towards the centre of the site. Driveway access to the monastery is located adjacent to the eastern side boundary.

A number of mature canopy trees are located within the front boundary of the site and in the road reserve of Killeaton Street. The site features a row of brushbox trees either side of the existing driveway.

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Photo A: The existing streetscape of 132 Killeaton Street, St Ives viewed in an easterly direction.



Photo B: The existing driveway located adjacent to the east side boundary of the site. A row of brush box trees feature either side of the driveway.

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Photo C: The former monastery building located towards the centre of the site (northern elevation) as viewed from the street frontage of 132-138 Killeaton Street, St Ives.

Surrounding development:

Singe and two storey dwellings prevail to the east and north (opposite) the site.

To the south and south-east of the site is Masada College. To the south-west of the site is Corpus Christi School.

To the west of the site (130 Killeaton Street) is a two storey dwelling. Development further to the west also consists of two storey dwelling houses.

St Ives shopping centre is located approximately 800 metres to the south-west of the site.

THE PROPOSAL

The proposal (as amended) involves:

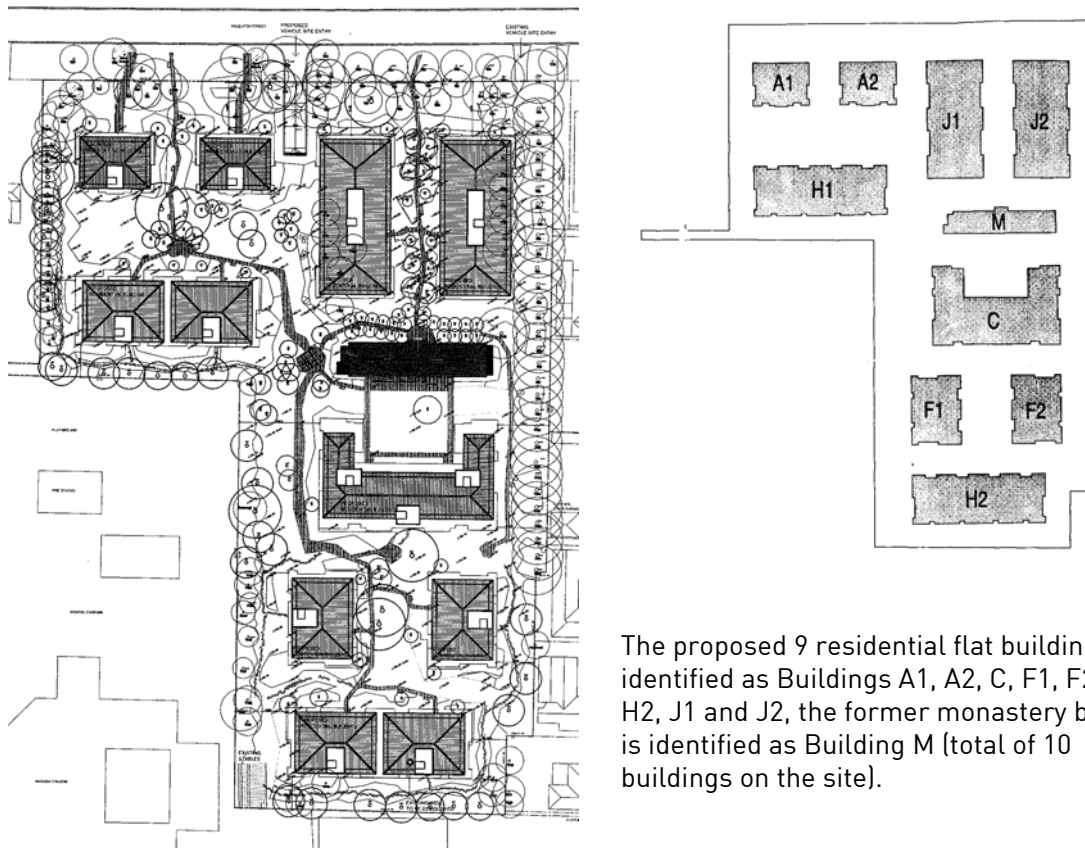
- adaptive re-use of former monastery building to accommodate 1 dwelling, site/body corporate office (23.76m²) and gymnasium (90m²) at ground level and 2 dwellings at first floor (total of 3 units);
- erection of 9 x 5 storey residential flat buildings accommodating 188 units;
- two levels of basement car parking (400 car parking spaces) with associated service facilities and mechanical plant;
- landscaping and associated site works; and

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- retention of the existing farm shed to the south-west corner of the site.

Site layout

Diagram A – Site layout of the proposed 9 residential flat buildings and the former monastery building (as amended):



The proposed 9 residential flat buildings are identified as Buildings A1, A2, C, F1, F2, H1, H2, J1 and J2, the former monastery building is identified as Building M (total of 10 buildings on the site).

The 10 buildings on the site would accommodate a total of 191 units as follows:

Building A1	1 x 2 bedroom & 8 x 3 bedroom units (9 units)
Building A2	1 x 2 bedroom & 8 x 3 bedroom units (9 units)
Building C	1 x 1 bedroom, 28 x 2 bedroom & 3 x 3 bedroom units (32 units)
Building F1	1 x 1 bedroom, 5 x 2 bedroom & 8 x 3 bedroom units (14 units)
Building F2	1 x 1 bedroom, 5 x 2 bedroom & 8 x 3 bedroom units (14 units)
Building H1	2 x 1 bedroom, 10 x 2 bedroom & 16 x 3 bedroom units (28 units)
Building H2	2 x 1 bedroom, 10 x 2 bedroom & 16 x 3 bedroom units (28 units)

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Building J1	2 x 1 bedroom, 6 x 2 bedroom & 19 x 3 bedroom units (27 units)
Building J2	2 x 1 bedroom, 6 x 2 bedroom & 19 x 3 bedroom units (27 units)
Building M	Office area, communal gymnasium & 3 x 3 bedroom units (3 units)

The total unit mix is 11 x 1 bedroom, 72 x 2 bedroom & 108 x 3 bedroom units.

Vehicular access and car parking

A two-way driveway is proposed to the centre of the site which is to provide vehicular access from Killeaton Street to two levels of basement car parking.

Upper level basement:-

Car parking:	48 visitor parking spaces, including 3 disabled spaces 160 residential parking spaces, including 20 adaptable spaces
Waste Mgt:	2 garbage storage areas (accommodating 191 x 240L bins) 2 service vehicle/car wash bays 1 green waste storage area (16 x 240L bins) 13 garbage chute rooms
Bicycle parking:	20 visitor bays and 52 residential bays
Storage:	58 storage units
Service areas for mechanical plant and stormwater retention tanks	

Lower level basement:-

Car parking:	192 residential spaces
Storage:	133 storage units

Landscaping and ancillary site works

Tree removal:	77 trees which include 68 trees on site and 9 trees located on the nature strip
Tree retention:	56 trees
Tree replenishment:	42 existing trees with an additional 46 locally occurring species to be planted (88 trees in total)
Communal open space:	The landscape design includes 4 deep soil communal open space areas (ranging in size from 1000m ² to 1440m ²)

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Staging of construction

The applicant proposes 3 stages of construction:

- Stage 1 Construction of Buildings J1 and J2, driveway and associated basement car parking.
- Stage 2 Conservation and adaptive reuse of the monastery building (building M), construction of Buildings C, F1, F2 and H2 and associated basement car parking areas.
- Stage 3 Construction of Buildings A1, A2 and H1 and associated basement car parking areas.

Air conditioning

Air conditioning units are proposed within the roofs of the 10 buildings.

CONSULTATION - COMMUNITY

In accordance with Council's Notifications DCP, owners of surrounding properties were given notice of both the original and amended applications.

24 November 2006 Notification of original application. In response, 36 submissions were received, including a submission on behalf of the 'Killeaton Street Action Group', which included 33 signatures (**Attachment J**).

23 May 2007 Owners of surrounding properties and all persons who made a submission to the original application were given notice of the amended application. In response, 20 submissions were received, including a submission on behalf of the 'Killeaton Street Action Group', which included 27 signatures (**Attachment K**).

Submissions to the original and amended application were received from the following:

<i>Submissions</i>	<i>submission to original DA</i>	<i>submission to amended DA</i>
1. Calvin Stein, 1 College Crescent, St Ives	*	
2. Alan and Lyndy Lipman, 4 College Crescent, St Ives	*	
3. Lorna Serbutt, 6 College Crescent, St Ives	*	
4. Sharlene Pack, 7 College Crescent, St Ives	*	*
5. Mr and Mrs S J Eggleton, 9 College Crescent, St Ives	*	*
6. Mrs S Brown, 10 College Crescent, St Ives	*	
7. Glynis & Cecil Bass, 11 College Crescent, St Ives	*	*
8. Mandy Kilgore, 12 College Crescent, St Ives	*	*
9. M Smith, 14 College Crescent, St Ives	*	*
10. Alex Ostermayer, 20 Northcote Avenue, Killara (owner of No.15 College Street)	*	*
11. Connie Tong, 16 College Crescent, St Ives	*	

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<i>Submissions</i>	<i>submission to original DA</i>	<i>submission to amended DA</i>
12. Michael and Lorraine Rook, 17 College Street, St Ives	*	*
13. Kevin and Shelley Wundram, 18 College Crescent, St Ives	*	*
14. Wam and PM Vine, 24 College Crescent, St Ives		*
15. Mani, Sangeetha and Preme Raman, 101 Killeaton Street, St Ives	*	*
16. Claude and Wendy Pasquali, 105 Killeaton Street, St Ives	*	
17. Gavin and Marcelle Cohen, 109 Killeaton Street, St Ives	*	*
18. Anthony & Sheryl Kellman, 111 Killeaton Street, St Ives	*	
19. Dr and Mrs R Sacks, 113 Killeaton Street, St Ives	*	*
20. Sylvia E Bedwin, 117 Killeaton Street, St Ives	*	
21. Dr Mark H Arnold, 119 Killeaton Street, St Ives	*	
22. Katrina Turkington, 140 Killeaton Street, St Ives	*	*
23. Graham Horton, 142 Killeaton Street, St Ives	*	*
24. Helen Einstein, 143 Killeaton Street, St Ives	*	
25. Zalman and Shoshana Kastel, 146 Killeaton Street, St Ives	*	
26. Jennifer Teoh-Young, 170 Killeaton Street, St Ives	*	
27. Lesley Cooper and Bruce Scott, 6 Yarrabung Road, St Ives	*	
28. David Gentle, 17 Yarrabung Road, St Ives	*	*
29. Dawn Wade (McCorquodale), 1 Lucia Avenue, St Ives	*	
30. Masada College, 9-15 Link Road, St Ives	*	
31. PD Mayoh Pty Ltd on Behalf of Masada College, 9-15 Link Road, St Ives	*	
32. Colston Budd Hunt & Kafes Pty Ltd on Behalf of Masada College, 9-15 Link Road, St Ives		*
33. Mrs E Wong, dkkwong@bigpond.net.au (owner of No.42 Flinders Avenue, St Ives)	*	
34. Elizabeth Way, 52 Catherine Street, St Ives	*	
35. Eugene Sarich, 6 Barana Parade, Roseville Chase (on behalf of the Killeaton Street Action Group)	*	*
36. Elspeth Hendry, edhendry@optusnet.com.au	*	
37. Mrs L Kaplan, PO Box 956, St Ives	*	
38. Dick and Gillian Miles, 6 Carcoola Road, St Ives	*	
39. Neil Gabriel, 31 Lawson Parade, St Ives		*
40. Tony and Helen Price, 30 Flinders Avenue, St Ives		*
41. St Ives Progress Association, PO Box 938, St Ives		*
Total submissions:	36	20

The submissions raised the following issues:

Five storey development out-of-keeping with the landscape and two storey residential character of surrounding development and the streetscape, development should be no more than 3 storeys in height.

Five storey development is permissible within the 2(d3) zone. The proposal satisfies Principle 1 (context) and Principle 2 (scale) under SEPP65.

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Overdevelopment of the site, excessive height, density, size and bulk.

The proposal complies with the requirements of SEPP65, the Residential Flat Design Code (RFDC), the KPSO-LEP194 and DCP55.

Traffic, access, parking and safety, transport infrastructure not capable of supporting the size of the development, providing one vehicular access to the site is inadequate.

Both the original and amended applications were referred to the RTA for comment and no objections were raised, subject to conditions (refer RTA comments). Council's Development Engineer raises no objection to the proposal, subject to conditions.

Traffic noise from the proposed driveway located adjacent to the east side boundary.

The amended application relocates the driveway from alongside the eastern side boundary to the centre of the site in response to this issue.

Loss of privacy to residential properties east of the site and Masada College.

The buildings adjacent to the side and rear boundaries comply with the minimum 9 metres zone interface requirements under the KPSO-LEP194 and DCP55. Council's Landscape Officer has advised that satisfactory planting has been provided adjacent to the boundaries of the site subject to one additional tree being provided to the east side boundary adjacent to Building F2, between the 2 proposed Turpentine (Condition No.49).

Loss of solar access to residential properties east of the site.

During the midwinter 3 hour morning period between 9am to 12pm, solar access to adjoining properties east of the site will remain unchanged. The proposal satisfies the solar access requirements under C-6, Section 4.5.1 of DCP55.

Overshadowing of children's and students communal areas at Masada College.

The submitted shadow diagrams indicate that between 9am – 3pm mid winter, the proposal would overshadow Masada College grounds adjacent to the rear boundary of the site. Solar access to the majority of the school grounds will remain unchanged. The development does not result in unreasonable overshadowing to Masada College.

Security to Masada College and children's safety.

The applicant has submitted a crime risk assessment and the proposal satisfies Principle 8 (safety and security) under SEPP65.

Construction impacts (noise, traffic and access from large vehicles, dust, hours of construction), tree damage during construction (including brush box trees), staged development with heavy trucks and construction staggered over a number of years will result in a loss of quality of life.

Standard construction and site management conditions have been recommended to address these issues (see Conditions Nos. 12, 13, 14, 16, 17, 18, 19, 20, 21, 22, 61, 62, 63, 64, 68, 69, 71 and 81).

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Excavation impacts, geological issues associated with the excavation of the carpark, structural damage from excavation to adjoining dwelling houses east of the site.

The applicant has submitted a geotechnical report which has been assessed by Council's Development Engineer and no objections have been raised, subject to conditions. A dilapidation report for all adjoining residential properties is recommended prior to commencement of any demolition or excavation works on the site (**Conditions Nos.9 and 65**).

Loss of trees

The proposal includes the removal of 77 trees. Council's Landscape Officer has raised no objection to the proposed tree removal, subject to the retention of Tree 51 - Thuya plicata (Giant Arborvitae) located to the frontage of the site. The proposal includes an additional 46 tall canopy trees (locally occurring species) to be planted in addition to the existing 42 tall canopy trees on the site.

Non-compliance with building separation.

The amended application complies with the minimum building separation requirements under SEPP65/Residential Flat Design Code.

Insufficient landscape area on the site for tall tree planting, inadequate deep soil landscaping, the buildings will dominate the landscape.

The proposal complies with the minimum deep soil requirements (proposing 50.17%). Satisfactory tall canopy tree planting has been proposed, subject to an additional tall tree planted adjacent to the eastern boundary (**Condition No.49**).

Inadequate information regarding site layout, distances between buildings, boundary setbacks and no landscape plan.

The original proposal did not comply with the zone interface, front setback and building separation requirements. No landscape plan was submitted. The submission of additional information was requested via letter dated 10 January 2007 and 15 August 2007 to enable a proper assessment. The amended application includes satisfactory information for a complete assessment. The amended proposal resolves the design issues raised under the original application.

Drainage

Council's Development Engineer has raised no objection to the proposed stormwater management of the site, subject to conditions.

Site coverage

The amended application complies with the site coverage requirements, proposing 32.1%.

Inadequate interface zone

The original application submitted a SEPP1 Objection to vary the zone interface requirements under the KPSO-LEP194. The SEPP1 was not supported. The amended application has

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addressed this issue and the development now complies with the minimum 9 metres zone interface requirement.

The avenue of Brushbox trees adjacent to the east side boundary is low level vegetation and will not obscure or soften the 5 storey appearance.

The existing brushbox trees are of a satisfactory height (14-16 metres) to soften the visual impact of the adjacent five storey buildings. Additional landscaping will further serve to soften and complement the development.

Loss of property value

This is not a relevant consideration under Section 79C of the EPA Act.

Request that properties in College Street be given opportunity to 5 storey development.

Properties east of the site are zoned Residential 2(c) under the KPSO which do not permit five storey development. Moreover, College Street is not subject to DRAFT LEP 2006 (town centres).

Inadequate pedestrian footpaths within St Ives.

A condition of consent is recommended that a pedestrian footpath be provided along the full frontage of the site and extending to the intersection of Killeaton Street and Mona Vale Road [Condition No.117].

Environmental impacts, sewage, water and waste management.

The proposal complies with the water and waste management requirements of DCP40 and DCP 47.

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

SEPP65: Good design responds and contributes to its context...Responding to context involves identifying the desirable elements of a location's current character or, in the case of precincts undergoing a transition, the desired future character as stated in planning and design policies."

Comment:

The proposed site is located on Killeaton Street and is approximately 800m from St Ives Shopping Centre and St Ives Village Green.

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*The site consists of one parcel of land known as 132 – 138 Killeaton Street, zoned 2(d3).
The site has an area of approximately 22,971m².*

The built form context is comprised of –

- *On the proposed site, a two storey brick building, formally a Monastery, and a timber farm shed.*
- *Lots to the west and north of the site, detached residential dwellings zoned 2(c).*
- *To the west of the site, a seminary.*
- *To the south of the site, a school.*

The proposed development relates to its context insofar as the development complies with the building setbacks from all boundaries, it complies with the building height controls and the building lengths fronting the public domain (Killeaton Street) are less than 36 metres. The buildings are object buildings within a landscaped setting, which is an objective of the DCP in relation to context.

Principle 2: Scale

SEPP65: Good design provides an appropriate scale in terms of the bulk and height that suits the scale of the street and surrounding buildings. Establishing an appropriate scale requires a considered response to the scale of existing development. In precincts undergoing a transition, proposed bulk and height needs to achieve the scale identified for the desired future character of the area.

Comment:

The scale of the proposed building is acceptable, as it complies with the height controls in LEP194.

Principle 3: Built Form

SEPP65: 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...

Comment:

The buildings comply with building setbacks from all boundaries and the building lengths fronting the public domain (Killeaton Street) are less than 36 metres.

Principle 4: Density

SEPP65: Good design has a density appropriate for a site and its context, in terms of floor space yields (or number of units or residents)...

Comment:

The site coverage of proposed development complies with LEP194.

Principle 5: Resource, energy and water efficiency

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SEPP65: Sustainability is integral to the design process. Aspects include...layouts and built form, passive solar design principles,...soil zones for vegetation and reuse of water.

Comment:

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

More than 75% of apartments are naturally ventilated. The minimum recommended in the Residential Flat Design Code is 60%.

Principle 6: Landscape

SEPP65: Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in greater aesthetic quality and amenity for both occupants and the adjoining public domain.

Comment:

This is a large site and this development creates the opportunity to provide substantial areas of landscape at all scales, from large canopied trees to a range of low level soft and hard landscaping. The various spaces created by the buildings offer the opportunity for a range of landscaped characters access the site. It is recommended that Council's landscape architect review the landscape design to maximise the landscape opportunities created by the development on the site.

Principle 7: Amenity

SEPP65: 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:

There are no privacy issues as the building separations comply with the SEPP65 RFDC building separation guidelines.

The drawings indicate that suspended ceilings may be proposed, with ceiling heights less than 2.7m. The buildings are below the height limit. It is recommended that all floor to ceiling dimensions are a minimum 2.7m

The DCP contains minimum bedroom dimensions of 3m for 1 and 2 bedroom apartments and for 2 and 3 bedrooms in a 3 bedroom apartment. The DCP also contains minimum corridor widths in communal spaces. It is recommended that all bedrooms and communal corridors comply with the DCP recommended widths.

The SEPP65 Residential Flat Design Code recommends a minimum 8m to the rear of a kitchen wall and that 25% of kitchens be located on external walls. The proposed

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development contains a range of kitchen locations, however the single orientation 2 bedroom apartments in buildings F1, F2 and H2 are particularly poorly located, and will require artificial lighting and ventilation for most of the day and evening. It is recommended that the kitchen and bathroom are swapped over, so that the kitchen is closer to the windows and is open, or with an island bench, between the kitchen and the dining/living area. This would improve the amenity and energy consumption of 16 apartments.

The development should comply with the manageable housing standards of Council.

Principle 8: Safety and Security

SEPP65: Good design optimises safety and security, both internal to the development and for the public domain. This is achieved by maximising overlooking of public and communal spaces while maintaining internal privacy, avoiding dark and non-visible areas, maximising activity on streets, providing clear, safe access points, providing quality public spaces that cater for desired recreational uses, providing lighting appropriate to the location and desired future activities, and clear definition between public and private spaces.

Comment: There are no perceived safety and security issues.

Principle 9: Social dimensions

SEPP65: Good design responds to the social context and needs of the local community in terms of lifestyles, affordability, and access to social facilities. New development 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 community.

Comment: The mix of apartments is acceptable.

Principle 10: Aesthetics

SEPP65: Quality aesthetics require the appropriate composition of building elements, textures, materials and colours and reflect the use, internal design and structure of the development. Aesthetics should respond to the environment and context, particularly to desirable elements of the existing streetscape, or, in precincts undergoing transition, contribute to the desired future character of the area.

Comment:

The choice of dark brick facades with punched openings and louvred windows will create a residential character related to neighbouring brick houses. The palette of brick walls, stone low level walls and timber eaves soffits, upper floor setbacks and balcony walls is a palette of natural materials which will relate to the landscaped setting for the buildings. The aesthetics of the development are acceptable.

2.0 Conclusions and recommendations

It is recommended that:

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- All floor to ceiling dimensions are a minimum 2.7 metres
- All bedrooms and corridors comply with the DCP recommended widths
- The kitchen and bathroom are swapped over in the single orientation 2 bedroom apartments in buildings F1, F2 and H2, so that the kitchen is closer to the windows and is open, or with an island bench, between the kitchen and the dining/living area.
- Council's landscape architect review the landscape design to maximise the landscape opportunities created by the development of this site."

The amended plans satisfy points 1- 3 above. An amended landscape plan has been assessed by Council's Landscape Officer and no objections are raised to the proposed landscape design, subject to conditions.

Heritage

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

"Revised scheme

Following a number of concerns with the original scheme, a revised scheme was lodged in May 2007. The revised scheme proposed reworking the location of buildings on the site proposing 'longer' buildings running north south, removal of the existing driveway on the eastern side and a new driveway in the centre of the site.

Concerns with previous scheme

The site is not a heritage item, but despite that the main monastery building has considerable merits and I am pleased that it is to be reused and the former cloistered square at the rear of the building is being recreated.

Given the architectural and aesthetic strength of the front elevation of the monastery building, there is justification for an appropriate setting and view corridors to be established.

The earlier scheme was arranged with little regard to the symmetrical front elevation of the monastery building and the setback from it were about 9m and are considered inadequate to retain an appropriate setting to the impressive main elevation. The view corridor created between proposed buildings A1 – F1 and A2 – F2 was considered inadequate and only reveals a small part of the symmetrical front elevation of the building from the public realm.

My advice was that an appropriate setting could be based on the existing forecourt area directly in front of the building. The new buildings should be arranged so that a symmetrical view of the façade of the building is presented to the public realm.

The other concern is reuse of the existing timber shed at the rear of the site and management of archaeological deposits known to exist on the site.

Comments on revised scheme

The revised layout had resulted in a view corridor of the monastery building being available from Killeaton Street that reveals the main entrance area. This is a better design

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approach. The space in front of the monastery building is larger with a setback of 13m metres which is an improvement over the first scheme. It is noted that a larger area would provide an appropriate setting to the existing building.

Council's Urban Design consultant made a suggestion that the two buildings directly in front of the monastery building could be amended with recessing part of the façade back a few metres to increase the sense of a 'square' in front of the monastery building. This had been done with setback of the living areas on the south side of Building J1 & J2. The layout of the monastery building, Building M has been amended with a functional connection through the building to access the cloistered square.

The amended scheme is a better design approach and is supported. Much of the success of retaining a view corridor will rest with a detailed landscape scheme such as 'civic' type elements such as water features with a mix of paved areas, grass and low shrubs arranged in formal hedges rather than screen planting between the buildings so that the space can take on a different character from the rest of the site and provide a more formal setting and curtilage to the monastery building.

The application has no proposal for the existing stables building. Although unlisted, this structure has considerable heritage values and should be conserved/reconstructed/reused for a suitable use such as a common workshop area ("mens" shed), potting shed or similar structure for common use of the residents. The structure dates to c1850 and as such is possibly the oldest extant structure in Ku-ring-gai. During the construction period, the structure must be protected by appropriate fencing and must not be used for storage of construction equipment or material due to the possibility of the building being damaged.

The application has no proposal to reuse or demolish the former stables/shed at the rear of the site. While the structure has the potential to be used for several uses such as storage for gardening equipment, a "mans shed" or general storage, provided it is retained on site, it may be reused/adapted in the future.

It is known that relics are contained within the rear parts of the site and there is some possibility of other relics being discovered during excavation works. To address this issue, a archaeologist should be employed to assess the archaeological potential of the site and special conditions should be imposed to manage the known and unknown relics within the site. The heritage report submitted by the applicant notes that archaeology will be an issue on the site during excavation works and it will be managed by an archaeologist. Several archaeological reports have been prepared including:

- *Phase 2 Archaeological Excavation of Nancarrow Farmhouse, 3 June 2003. HLA-Envirosiences Pty Ltd. Unpublished report prepared for Noel Bell Ridley Smith & partners.*
- *Farm Shed Interpretative strategy & Conservation Works. February 2003. Noel Bell Smith & Partners. Report prepared as partial fulfilment of Conditions of Consent attached to the Development Approval issued by the Land & Environment Court*

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- *Photographic Archival Recording, February 2003. Noel Bell Ridley Smith & Partners. Report prepared as partial fulfilment of Conditions of Consent attached to the Development Approval issued by the Land & Environment Court.*

Photographic recording of the well has been provided. Any relics uncovered are protected under the relics provision of the NSW Heritage Act and must be appropriately managed. Standard archaeological conditions are recommended to be included in any consent provided by Council.

Conclusions and recommendations

The revised scheme proposes an axial alignment of Buildings J1 & J2 and would provide a views corridor from the public realm to the former monastery building. The monastery building is proposed to be retained and reused as a key feature of the site. The revised scheme is generally acceptable and is supported.

The proposed cloistered square behind the retained monastery building should be a successful space on the site and will recreate much of the character of the former space before the seminary use of the site ceased.

The former stables structure must be conserved and reused for an appropriate facility for the common use of residents. Its conservation/reuse must be undertaken by an experienced conservation architect. During the construction period, the building must be protected by a temporary fence and must not be used as storage of machinery or building materials.

As the site is known to contain relics, conditions of consent must include archaeological conditions to ensure that any relics uncovered during excavations will be managed in accordance with the archaeological provisions of the NSW Heritage Act.

Archaeology conditions

- *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 areas) based on the nature of the discovery.*

Reason: To ensure that the site is managed in accordance with the relics provisions of the NSW Heritage Act so that if relics are uncovered they will be appropriately managed.

- *Adequate protection must be given to protecting the former stables/farm shed and other archaeological relics during construction works. No building materials or equipment is to be stored in the structure during construction works. A temporary fence must be built around the structure during the construction period.*

Reason: The former stables/shed has archaeological potential and is subject to the relics provisions of the NSW Heritage Act. As no works to the

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structure is proposed in this application, the structure should not be damaged or removed during the works must be protected from potential damage during the extensive construction period.

Conditions for former Stables/Shed

- *Temporary Fencing*

The building shall be fenced off with a temporary fence constructed of galvanized pipe at 2.4m spacings and chain wire mesh fencing to minimum of 1.8m in height prior to work commencing. Machinery or building materials shall not be stored in the building.

Reason: To ensure the building is not damaged during construction work.

- *Conservation/reuse of former Stables/Shed*

The building must be conserved to plans and specifications prepared by an experienced conservation architect and reused for an appropriate facility for common use of the future residents. Acceptable uses include a common workshop area ("mens" shed), potting shed, garden shelter/BBQ area etc.

Reason: To ensure conservation and appropriate reuse of an early stables building."

[The above are included as **Conditions Nos.24, 25, 53 and 93** of the recommendation].

Landscaping

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

"The amended proposal

The development consists of 10 individual buildings including the existing Monastery. There is an existing stable in the rear south western corner that will also be retained. 191 units are proposed for the site.

The central part of the site is mostly devoid of vegetation, with the most significant tree planting along the northern (front) and eastern (side) boundaries. The landscape has been highly modified with very little remnant plant species present. The original vegetation for the site is Sydney Turpentine Ironbark Forest.

Deep soil landscaping

The site has an area of 22,970 sqm and the DSL has been calculated at 11 524.82 sqm or 50.17%. The Deep Soil Compliance Plan by Bates Smart, Drawing No. AR DA 01 10 Rev. P3 dated 06/09/07 complies with LEP194 and DCP55.

Setbacks

The proposed development will comply with the objectives of LEP194 and DCP55 by providing side, front and rear setbacks that enable effective landscaping. The separation between the buildings is also adequate in terms of establishing trees.

Landscape design principles and communal open space

To comply with Clause 4.1 C-1 of DCP55, the site is required to have at least one area of not less than 150 sqm per 1000 sqm of site area for deep soil planting. This area is required to be concentrated towards the rear or middle of the site.

In accordance with this clause, the proposed development should have an area of 3445 sqm for deep soil planting towards the rear or middle of the site. Due to the good separation of the buildings and the wider than normal side and rear setbacks the deep soil areas have been divided into 4 areas ranging in size from 1000 to 1440 sqm which are spread evenly throughout the site, resulting in a total area of 4240 sqm.

The breaking down of the deep soil planting into smaller areas is considered appropriate for a very large site with multiple detached buildings. This has resulted in 4 very useable areas ideal for tree planting and social interaction.

The proposed development complies with Clause 4.5.5 C-9 of DCP55 and the "rule of thumb" of the RFDC for communal open space. The communal open space has been well considered with numerous opportunities available for passive and active recreation with good availability to solar access.

Impact on trees - driveway

The RTA has required that the vehicle entrance to the site be amended to a Category 3 driveway which will require widening of the driveway crossing. Should the driveway within the property also require widening near the front boundary it is requested that it be widened on the western side to preserve Tree 46 a Eucalyptus saligna (Sydney Blue Gum) 20 metres high in a good condition.

Tree removal

The arborist has identified and assessed 133 trees on the site, the adjoining properties and the nature strip. A total of 77 trees are proposed to be removed.

Trees proposed to be removed include:

*13 trees located within the building footprints.
55 trees located outside the building footprints.
9 trees located on the nature strip.*

The most dominant landscape element of the site is the mature avenue planting of Lophostemon confertus (Brushbox) located along the eastern boundary. These trees lined the original driveway which leads to the former Catholic Monastery.

To provide a viewing corridor from the street through to the Monastery entrance, the layout of the unit blocks was amended and will require the removal of 9 Brushbox. The removal of these trees is justified due to the historical significance of the Monastery building. The outer row of trees which includes 31 Brushbox located along the eastern

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boundary will be preserved and will provide a good visual screen for the adjoining properties to the east.

Excluding the 9 Brushbox to be removed, the majority of the trees to be removed are in poor or declining health. The removal of Tree 51 - *Thuja plicata* (Giant Arborvitae) located adjacent to the front boundary of the site, is not supported and shall be retained due to its good health and contribution to the streetscape.

List of trees to be removed on the site;

* Denotes located on nature strip

Tree No	Species	Height & Condition
1	<i>Melaleuca armillaris</i> (Bracelet Honey Myrtle)	9 metres high in poor condition
2	<i>Melaleuca styphelioides</i> (Prickly Paperbark)	10 metres high in good condition
3 – 7	5 x <i>Melaleuca armillaris</i> (Bracelet Honey Myrtle)	9 metres high in poor condition
8	<i>Melaleuca styphelioides</i> (Prickly Paperbark)	6 metres high in good condition
9 – 18	10 x <i>Melaleuca armillaris</i> (Bracelet Honey Myrtle)	9 metres high in poor condition
20 – 22	2 x <i>Melaleuca armillaris</i> (Bracelet Honey Myrtle)	9 metres high in poor condition
25	<i>Eucalyptus elata</i> (River Peppermint)	10 metres high in poor condition
26 *	<i>Eucalyptus elata</i> (River Peppermint)	7 metres high in good condition
27	<i>Eucalyptus robusta</i> (Swamp Mahogany)	11 metres high in poor condition
28 *	<i>Eucalyptus elata</i> (River Peppermint)	9 metres high in fair condition
29	<i>Eucalyptus elata</i> (River Peppermint)	12 metres high in poor condition
31	<i>Eucalyptus elata</i> (River Peppermint)	7 metres high in poor condition
33	<i>Eucalyptus elata</i> (River Peppermint)	12 metres high in fair condition
34 *	<i>Eucalyptus elata</i> (River Peppermint)	7 metres high in fair condition
35 & 36	2 x <i>Pittosporum undulatum</i> (Sweet Pittosporum)	5 metres high in fair condition
38	<i>Acacia baileyana</i> (Cootamundra Wattle)	5 metres high in poor condition
39 *	<i>Eucalyptus elata</i> (River Peppermint)	9 metres high in poor condition
40	<i>Eucalyptus elata</i> (River Peppermint)	14 metres high in poor condition
41	<i>Acacia</i> sp. (Wattle)	9 metres high in poor condition
42 *	<i>Eucalyptus saligna</i> (Sydney Blue Gum)	17 metres high in good condition
43 *	<i>Pistacia chinensis</i> (Pistacia)	5 metres high in fair condition
44 *	<i>Cupressus torulosa</i> (Bhutan Cypress)	10 metres high in fair condition
45 *	<i>Brachychiton populneus</i> (Kurrajong Tree)	7 metres high in fair condition
47 – 50	4 x <i>Cupressus torulosa</i> (Bhutan Cypress)	9-15 metres high in fair condition
52	<i>Pittosporum undulatum</i> (Sweet Pittosporum)	10 metres high in fair condition
53 *	<i>Lophostemon confertus</i> (Brushbox)	12 metres high in poor condition
55	<i>Pittosporum undulatum</i> (Sweet Pittosporum)	6 metres high in fair condition
56	<i>Leptospermum petersonii</i> (Lemon Scented Tea Tree)	11 metres high in poor condition
57	<i>Flindersia australis</i> (Crow's Ash)	10 metres high in poor condition
58	<i>Leptospermum petersonii</i> (Lemon Scented Tea Tree)	11 metres high in poor condition
59	<i>Pittosporum undulatum</i> (Sweet Pittosporum)	10 metres high in fair condition
61	<i>Pittosporum undulatum</i> (Sweet Pittosporum)	6 metres high in fair condition
69 – 77	9 x <i>Lophostemon confertus</i> (Brushbox)	13 to 15 metres high in fair to good condition
113	<i>Acacia elata</i> (Cedar Wattle)	5 metres high in poor condition
114	<i>Acacia elata</i> (Cedar Wattle)	7 metres high in poor condition
115	<i>Harpephyllum caffrum</i> (Kaffir Plum)	7 metres high in poor condition
116 119	4 x <i>Eucalyptus scoparia</i> (Willow Gum)	7 – 16 metres high in poor to fair health
120	<i>Eucalyptus saligna</i> (Sydney Blue Gum)	11 metres high in fair condition

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<i>Tree No</i>	<i>Species</i>	<i>Height & Condition</i>
124 126	3 x <i>Harpephyllum caffrum</i> (Kaffir Plum)	5 to 7 metres high in good condition
127	<i>Hakea salicifolia</i> (Willow Leafed Hakea)	5 metres high in good condition
128	<i>Pittosporum undulatum</i> (Sweet Pittosporum)	6 metres high in poor condition
129	<i>Eucalyptus punctata</i> (Grey Gum)	18 metres high in poor condition
130	<i>Agonis flexuosa</i> (Willow Myrtle)	5 metres high in poor condition
131	<i>Eucalyptus resinifera</i> (Red Mahogany)	16 metres high in fair condition
132	<i>Eucalyptus punctata</i> (Grey Gum)	18 metres high in poor condition

BASIX

The proposal is required to provide 6581.7 sqm of indigenous or low water use species. The amended Basix Compliance Plan by Anton James Design, Drawing No. LA-13 Issue B dated 06/09/07 indicates a total of 7930.9 sqm of low water use species. The proposal complies with the Basix landscape requirement.

Tree replenishment

In accordance with DCP55, the property should support a minimum of 76 trees that attain a height of 13 metres and at least 50% shall be locally occurring species. The property supports 42 existing trees with an additional 46 locally occurring species to be planted. Therefore the total number of trees will be 88 which complies with Clause 4.1 C-8 of DCP55.

Landscape proposal

The amended landscape plans by Anton James Design, Drawing No's LA-00, LA-01, LA-01b, LA-12, LA-15 Revision B, LA-02, LA-03, LA-04, LA-05, LA-06, LA-07, LA-08, LA-09, LA-10, LA-11 Revision C, dated 06/09/07 are considered satisfactory subject to the following minor changes;

- To provide adequate visual, amenity to the adjoining property, 1 additional tree shall be planted on the eastern side boundary adjacent to the F2 Building, between the 2 proposed Turpentine.*
- Deletion of 2 proposed *Lophostemon confertus* (Brushbox) located at the eastern end of the nature strip as these will interfere with the existing Brushbox (Tree's 54, 60 & 62).*
- The construction details shall indicate that the following trees are to be protected with no over excavation of the basement to take place.*
- Tree 51 - *Thuja plicata* (Giant Arborvitae) shall be retained.*

Stormwater

The amended stormwater plan by Connell Wagner, Drawing No. 23411-002, Rev 6 dated 30/08/07 is considered satisfactory in relation to landscape issues.

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Conclusion

The Landscape Team finds the proposal acceptable in relation to landscape issues, subject to the following conditions."

Engineering

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

"The following documents were used for the assessment:

*Bates Smart architectural drawings DA02/001/P2, DA02/00/P2, and DA02/002/P1;
Robinson Urban Planning Amended Statement of Environmental Effects, dated April 2007;
Connell Wagner Concept Stormwater Drainage Plan (30.08.07) and report, 22833-001-01;
Golder Associates Stage 1 Preliminary Contamination Assessment 01623109/005 September 2001, and supplementary letter of 31 August 2007;
BASIX Certificates 133313M and 128244M, both dated 19 April 2007;
Transport and Traffic Planning Associates Assessment of Traffic and Parking Implications 06163, April 2007;
Lean Lackenby & Hayward Survey plans 56885 Sheets 1 to 7;
Jeffery and Katauskas Pty Ltd Report on Geotechnical Investigation 20607Vrpt, 30 October 2006.*

Water management

The subject property has the benefit of three drainage easements, through 9 and 17 College Crescent and 142-148 Killeaton Street. Reference to DPs 609871, 230508 and 261957 confirms that the property benefits from these easements.

The condition of the pipes within the easements is unknown as no investigation seems to have been carried out. At present, overland flow from the large grassed areas of the site is collected in a half round pipe with a grate over which extends partway along the eastern boundary and conveys flows into the easements. For connection of the new development into one or more of these pipes, it will be necessary for the condition and capacity of the pipes to be confirmed. The previous consent included a requirement that a CCTV investigation be carried out, with a design prepared for new pipes if the conditions or capacity of the existing pipes warranted. This condition would appear equally appropriate for the subject development and is recommended again.

The BASIX commitments are for four 30 000 litres rainwater tanks, with retained roofwater to be used for toilet flushing, clothes washing, car washing and irrigation. The architectural plans indicate two retention tanks. Dimensions are not indicated, however they appear to be of sufficient plan area to provide the storage. Additional pipes will be required to convey the overflow from the tanks into the detention storages.

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The stormwater concept plan shows three above ground detention storage areas. This is satisfactory and landscaping and planting of these areas may be carried out. The very flat nature of the site makes achieving the required freeboard and outlet characteristics for the detention systems more challenging.

The report attached to the concept plan states that the internal drainage system has been designed for the 1 in 20 year ARI event, however DCP 47 specifies 1 in 50. The concept nature of the plans means that this should be easily remedied for the Construction Certificate.

Traffic generation

The application was referred to the Sydney Regional Development Advisory Committee and was considered on 20 December 2006 and again on 30 May 2007. The Committee made a number of recommendations, including the provision of a Category 3 driveway (6 metres entry and 4 metres exit, 1 metre separated). This is consistent with Table 3.2 of AS2890.1:2004.

Additional works recommended by the Committee include a concrete island at the intersection of Killeaton Street and Mona Vale Road, to minimise the potential for vehicles to effectively cross Mona Vale Rd into Killeaton Street (west), and the construction of a footpath along the entire Killeaton Street frontage and west to connect with the existing path in Mona Vale Road.

The approval of the Roads and Traffic Authority (RTA) and Council as the Roads Authorities for various components of these works will be required prior to issue of the Construction Certificate. The recommended conditions include a condition that the plans etc be submitted and approved by Council or RTA as appropriate.

Parking and vehicular access

The proposed development requires 299 resident and 48 visitor spaces. The plans show a total of 400 spaces (in a number of cases, two single parking spaces have been designated "disabled", so the reduced number of spaces has been counted) which results in a surplus of 53 spaces. The parking spaces and aisles are compliant with AS2890.1:2004.

Construction management

A detailed construction management plan will be required prior to commencement of works. Heavy vehicle routes and construction access to the site will have to be addressed. It is expected that access will only be approved via Mona Vale Road, not via Yarrabung Road.

Geotechnical investigation

Approximately 6 metres of excavation will be necessary to achieve basement level.

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The current investigation comprised two boreholes, however the report includes results from 10 boreholes drilled by the same firm in 2002. The site is underlain by fill over residual clays to about 1.4 to 4 metres depth, variably weathered shale and medium to high strength sandstone or shale, generally below about 6 metres depth. Groundwater was encountered at depths between 3.4 and 6.4 metres.

The report contains a recommendation for further investigation, mainly to confirm suitable foundation materials. Dilapidation reporting of neighbouring structures and instrumental vibration monitoring are recommended, and these recommendations will be included in the recommended conditions. Structures within the site will need to be included in the monitoring.

With respect to groundwater, the report states "We do not consider that there is a likelihood of the construction of the basement causing significant interference to the groundwater flow due to limited footprint basement and relatively impermeable nature of the subsurface profile...".

Contamination report

The contamination report by Golder Associates is dated September 2001. An area of elevated lead concentration, a suspected underground storage tank and possible asbestos sheeting were identified. The report concludes that the proposed residential use of the site is acceptable, subject to the removal of the above contamination.

A letter from Golder, confirming the findings of the report, has now been received. The letter states that a Remedial Action Plan (RAP) is being prepared. This will document the works to be carried out to make the site suitable for the proposed use. The works required by the RAP can be carried out following demolition and prior to or during bulk earthworks, so the report should be submitted to Council and to the PCA prior to the commencement of excavation. The Validation Report, confirming that the site has been remediated, would then be submitted prior to occupation of the first stage of the development.

Conclusion

The application is supported, subject to conditions."

Waste

Council's Manager Waste, Drainage & Cleaning, Colin Wright, commented on the proposal as follows:

1. *The applicant is to demonstrate that sufficient space within the nominated waste storage and collection rooms has been provided to allow adequate manoeuvring of bins.*
2. *The entry to the waste storage and collection rooms are to be reoriented away from opening directly onto the main basement access road.*

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3. *The applicant is to demonstrate how bins from the ex Monastery are to be transferred to a location suitable for collection by the waste and recycling collection vehicles.*
4. *The Body Corporate or Housing Association when formed is to provide legal documentation indemnify Council and its Contract against damages while conducting waste and recycling collection services.*
5. *Council's standard conditions relating to minimum floor to ceiling height of 2.5mm, and conditions relating of the construction and finishing of the storage room is to be applied."*

In response to Point 1, the applicant submits:

"It is not envisioned that all 191 bins would be collected at the same time even though this proposal does possess the ability for this to happen. There will at all times be at least one garbage bin under each waste chute and one paper bin and one recycling bin in each chute room at the time of Council's waste collection from the 2 bins stores. Given that there are 13 chute rooms in the basement there would be 39 bins out of the total 191 bins on site that are not located in the 2 bin stores at the time of Council's collection. Thus there would usually be more room in the central bin stores for access and circulation."

The applicant has submitted an amended upper level basement plan which addresses Point 2 above. It is recommended that the construction and finishes of the of the bin storage areas comply with the recommendations contained within the Waste Management Plan dated 30/8/2007 prepared by Evans & Peck (**Condition No.94**).

The bins located in the monastery building will be maintained by the site supervisor. Full bins from Building M will be relocated to the basement bin store area via the carpark entry ramp.

Council's Development Engineer recommends that an easement for waste collection be created (under Section 88B of the Conveyancing Act 1919) to permit legal access for Council to service waste bins from the property (**Condition No.115**).

CONSULTATION - OUTSIDE COUNCIL

Roads & Traffic Authority (RTA)

The original and amended application has been referred to the RTA in accordance with the provisions of Schedule 1(n) of SEPP11.

The Sydney Regional Development Advisory Committee (SRDAC) considered the traffic impacts of the **original application** at its meeting on 20 December 2006. The Committee's recommendation and RTA's comments are as follows:

1. *Council should be mindful that a number of key local streets within the area already experience heavy delays and congestion during peak hours and that the additional traffic from such a development would worsen the existing level of delay.*
2. *To minimise the potential for vehicles egressing from Killeaton Street (east) to manoeuvre across into the existing right turn bay on Mona Vale Road and then turn into*

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Killeaton Street (west) the applicant shall construct a triangular concrete island at the intersection of Mona Vale Road / Killeaton Street (east).

This island should be appropriately designed to canalise left-in / left-out movements only at the Mona Vale Road / Killeaton Street (east) intersection and be designed to ensure that it accommodates the turning paths of the largest vehicle likely to use Killeaton Street (east).

"Left Turn Only" signage should be installed within the proposed concrete island for vehicles approaching Mona Vale Road and the concrete island should be appropriate designed to include a pedestrian refuge.

- 3. To facilitate pedestrian desire lines to public transport / bus facilities along Mona Vale Road the applicant should construct a standard concrete footpath along the site's entire Killeaton Street frontage and extend it further west to connect with Mona Vale Road.*
- 4. Subject to Council's Local Traffic Committee's approval, "No Stopping" restrictions should be installed along the site's entire Killeaton Street frontage.*
- 5. Council should also give consideration to this development implementing appropriate Local Area Traffic Management devices to minimise the traffic impact and high speed rat-running along Killeaton Street.*
- 6. The applicant should prepare and submit a Construction Traffic Management Plan to Council for approval prior to the issue of a construction certificate. This plan should address key issues such as minimising the heavy vehicle impact on the local street system and ensuring that it addresses pedestrian safety along Killeaton Street (ie: particularly during times of high pedestrian activity).*
- 7. Car parking provision to Council's satisfaction.*
- 8. In accordance with Table 3.1 of AS2890.1 – 2004, Council should give consideration to the development providing a "Category 3" driveway (ie 6metre entry, 1metre separation, 4metre exit).*
- 9. The layout of the car parking areas associated with the subject development (including driveways, ramp grades, turn paths, sight distance requirements, aisle widths, and parking by dimensions) should be in accordance with AS2890.1-2004 and AS2890.2-2002 for servicing areas/vehicles.*
- 10. Suitable provision should be made to accommodate furniture removalist vehicles within the site.*
- 11. The proposed concrete triangular island at the Mona Vale Road/Killeaton Street (east) intersection shall be designed to meet RTA's requirements, and endorsed by a suitably qualified and chartered Engineer (ie who is registered with the Institute of Engineers, Australia). The design requirements shall be in accordance with the RTA's Road Design Guide and other Australian Codes of Practice. The certified copies of the design plans shall be submitted to the RTA for consideration and approval prior to the release of the construction certificate by Council and commencement of road works.*

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The RTA fees for administration, plan checking, civil works inspections and project management shall be paid by the developer prior to the commencement of works.

- 12. All work / regulatory signposting associated with the proposed development shall be at no cost to the RTA."*

The Sydney Regional Development Advisory Committee (SRDAC) considered the traffic impacts of the **amended application** at its meeting on 30 May 2007. The Committee's recommendation and RTA comments are as follows:

- 1. Because of the traffic generated by this and nearby developments, impacts on the signalised and un-signalised intersections of Mona Vale Road with Link Road, Memorial Avenue and Killeaton Street should be analysed (see previous comments)*
- 2. Currently there is significant queuing at the approaches to the subject signalised intersections of Link Road and Memorial Avenue with Mona Vale Road, during the AM and PM peak periods. There is also a history of accidents at these intersections, therefore an improvement to both intersections in terms of capacity and safety is required.*
- 3. With the proximity of the development site to a major public transport carrier (Mona Vale Road) and the already existing traffic congestion in the area, the extra 73 parking spaces provided by the developer seems inappropriate. Council should consider requesting a Section 94 contribution towards public transport improvement in the area.*
- 4. Driveway width for such a development should be a type 4 driveway hence requiring:*
 - 6 metres entry, 6 metres exit, 1 metre separation of driveways and 1 metre splay at kerb line.*
- 5. 'No stopping' restriction should be applied along the frontage of the property.*
- 6. Suitable provisions should be made on site for all construction vehicles to alleviate any need to park on Killeaton Street.*
- 7. Suitable provision should be made to retard storm water run-off onto Killeaton Road.*
- 8. The Authority response to the Council's St Ives Town Centre Rezoning Traffic and Parking Study should be taken into account in response to the Development Application.*
- 9. All work / regulatory signposting associated with the proposed development shall be at no cost to the RTA"*

Council's Development Engineer has recommended that the RTA comments be addressed by conditions **(Condition Nos.12, 42, 116, 117 and 118)**.

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NSW Police

The original application was referred NSW Police for comment (29 November 2006). No submission was received. No further referral to NSW Police has been undertaken as the amended proposal is not a significant change to the original application.

Heritage Council

The Heritage Council have provided the following comments in relation to the proposal:

"A Section 140 Excavation Permit was previously issued for the site (number 2001/S140/037) and that works undertaken identified foundations of the 1880s farmhouse at the site, which was destroyed by fire in the 1980's. That archaeological work and recording was undertaken to mitigate the impacts anticipated as a result of an earlier development proposal on the site (DA809/01).

The assessment report prepared by HLA Envirosciences dated 18 April 2007 indicates that most of the surviving remains of the former farmhouse would not be disturbed by the new proposal; an existing stables building is to be retained; and that the main impact of the new development proposal would be upon a brick well. It is considered unlikely that the well would contain any significant archaeological material relevant to the occupation of the site. Some archival recording of the well has been recommended, but no further archaeological work or recording is considered necessary for the site of the Nancarrow Farmhouse.

The recommendations made in the Assessment prepared by HLA in April 2007 are considered appropriate to guide the future work at the site associated with the current development proposal (DA1253/06).

It is considered by the Heritage Office that no further archaeological work would be required."

STATUTORY PROVISIONS

State Environmental Planning Policy No.11 - Traffic Generating Developments (SEPP11)

The proposal is subject to the provisions of SEPP11 as the development involves a basement parking area for 200+ motor vehicles (Schedule 1(n) of SEPP11).

The original and amended application has been referred to the Roads and Traffic Authority of NSW (RTA) in accordance with the provisions of the SEPP (refer to RTA comments).

State Environmental Planning Policy No.55 - Remediation of Land

Pursuant to Clause 7 of SEPP55, a 'Stage 1 Preliminary Contamination Assessment', prepared by Golder Associates Pty Ltd (dated September 2001) was carried out under the previous development application 809/01. The report identified that remediation and validation was required for the following:

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- Removal and decommission of the underground storage tank, with subsequent validation sampling and installation of 3 groundwater wells;
- Remediation of lead impacted areas which will involve excavation and removal of material off-site, validation of remediated area and assessment of groundwater underneath the lead contaminated areas; and
- Validation sampling around the footprint of the above ground storage tank.

Demolition of the east, south and west wings of the former monastery has occurred since the Stage 1 report dated 2001.

The site was re-inspected by Golder Associates Pty Ltd on 31 August 2007 to determine whether an updated investigation report would be required for DA1253/06 and the following advice was received:

"The site appeared to be securely fenced, limiting the potential for uncontrolled dumping of fill materials on the site. A large stockpile of crushed masonry from the site demolition works was present on the southern side of the property. The landuse of the surrounding sites, being residential dwellings, schools and playing fields, does not appear to have significantly changed since the time of the 2001 investigation."

Based on the site observations made in January and August 2007, and on the scope of work for the Remedial Action Plan (RAP) currently being prepared, we conclude that the findings of the 2001 investigation remain valid, and that an updated investigation report is not required. The RAP is likely to include recommendations for the assessment of the stockpile of crushed masonry at the rear of the property."

Council's Development Engineer recommends that a Remediation Action Plan be prepared prior to the commencement of bulk excavation (**Condition No.23**) and a Validation Report be completed prior to construction and occupation of Stage 1 of the development (**Condition No.114**).

State Environmental Planning Policy No. 65 – Design quality of residential flat development (SEPP65) and the Residential Flat Design Code (RFDC)

SEPP65 aims to improve the design quality of residential flat buildings across NSW and provides an assessment framework, the Residential Flat Design Code (RFDC), for assessing 'good design'.

In accordance with Clause 50 of the EP&A Regulation 2000, a Design Verification Statement has been submitted by Simon Swaney, Director of Bates Smart (dated 26 April 2007) which verifies that the amended application has been designed in accordance with the design quality principles under Part 2 of the SEPP.

Part 2 of SEPP65 includes 10 design principles which a residential flat development must satisfy. The 10 principles are assessed as follows:

Principle 1: Context

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

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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. New buildings will thereby contribute to the quality and identity of the area."

Development surrounding the site consists of single and two storey dwellings to the west, east and north of the site and school grounds to the south and south-west. The side and rear boundaries of the site are subject to the zone interface controls under the KPSO-LEP194.

The 9 residential flat buildings comply with height, building separation and setback/zone interface requirements of the KPSO-LEP194 and the SEPP65/RFDC. The proposal complies with the deep soil requirements and provides an acceptable landscape setting to the surrounds of the buildings and to the street. The proposal is in-keeping with the landscape character of the area.

The proposal appropriately responds and retains the existing features of the site (former monastery building and the outer row of brush box trees).

Principle 2: Scale

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

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

The 5 storey scale of the proposal is permissible within the Residential 2(d3) zone. The top storeys of the buildings are set back from the outer face of the floors below. The proposal complies with the top storey reduced floor area requirements under the KPSO-LEP194. The proposal exceeds the minimum 6m side and rear setback requirements (proposing 9+metres). The proposal provides an acceptable transition between the scale of buildings on the site and on adjoining properties.

Principle 3: Built Form

"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.

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

The buildings comply with the building separation requirements under the RFDC. Buildings fronting Killeaton Street comply with the 36 metres building length requirements under DCP55, proposing 22.8 metres. The buildings are well articulated and use a range of complementary materials and external finishes.

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Principle 4: Density

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

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

The proposal accommodates 191 dwellings and basement carparking for 400 vehicles. The proposed FSR is 1.17:1, significantly below the maximum permissible FSR of 1.3:1 under DCP55.

Principle 5: Resource, energy and water efficiency

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

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

A BASIX certificate has been provided which demonstrates that the amended application satisfies the thermal comfort, water and energy consumption requirements of SEPP (BASIX). The proposal satisfies the solar access and natural ventilation requirements of the Residential Flat Design Code.

Principle 6: Landscape

"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.

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

Landscape design should optimise useability, privacy and social opportunity, equitable access and respect for neighbours amenity and provide for practical establishment and long-term management."

The development provides 50.17% deep soil landscaping on the site which complies with Council's KPSO-LEP194 requirement.

A detailed landscape plan has been provided which provides 4 communal open space areas and a variety of plantings and tall canopy trees throughout the site. The landscape treatment to the surrounds of the site provides an adequate level of internal amenity to the future occupants of

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the development. Adequate screen planting has been provided adjacent to the side and rear boundaries of the site in order to maintain an acceptable level of amenity to adjoining properties.

Principle 7: Amenity

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

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

The applicant has submitted a solar access report, prepared by JM Computer Modelling. The report concludes that 72.8% of dwellings achieve 3+ hours of sunlight to living areas and private open space areas between 9am and 3pm in mid winter, which exceeds the minimum 70% requirement under the RFDC. The northern orientation of the development ensures adequate solar access to habitable areas and private open space both internally and to adjoining residential development.

The amended design addresses the internal amenity issues raised by Council's Urban Design Consultant. The design layout and provision of private open space for the 191 dwellings satisfy the DCP55 and RFDC requirements.

Principle 8: Safety and security

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

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

A crime assessment report (prepared by Armour Consulting Pty Ltd, dated March 2007) has been submitted (as required under the RFDC for all residential developments of more than 20 new dwellings). The proposal provides good passive surveillance to the surrounds of the buildings. Security lighting is proposed throughout the development, including pedestrian accessways. The buildings will have security access (via a card key). Security gates are proposed to the residential parking areas of the basement. Visitor parking is unobstructed.

Principle 9: Social dimensions

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

New development 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 community."

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The proposed size and mix of apartments, which includes 11 x 1 bedroom, 72 x 2 bedroom & 108 x 3 bedroom units, is satisfactory.

Principle 10: Aesthetics

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

External finishes to the proposed 9 x 5 storey buildings include:

- sliding timber and fixed aluminium louvres screens
- bowral blue brick work, timber and metal panel cladding to walls
- profiled metal deck roof sheeting with colourbond finish
- glazed balustrading, with powdercoated aluminium framing

The existing terracotta tiled roof and face brickwork to the monastery building will be retained and restored.

The external finishes provide good visual interest to the facades of the building. The materials and finishes suitably blend with the existing landscape and the built environment.

SEPP (Sydney Harbour Catchment) 2005

The site is located within the Sydney Harbour Catchment area (Clause 3(1) of the SREP). The proposal will not have a detrimental impact on the catchment. The planning principles of the SREP are generally satisfied and the site is not in close proximity to or within view of any waterway, wetland or riparian zone.

State Environmental Planning Policy - Building Sustainability Index (BASIX)

A BASIX certificate has been submitted with the amended application. The proposed development satisfies the requirements for building sustainability.

Ku-ring-gai Planning Scheme Ordinance (KPSO)

Zoning and Permissibility

The site is zoned Residential 2(d3).

Under Clause 25B (definitions) of the KPSO – LEP194, a residential flat building is defined as ‘a building containing three or more dwellings.’ The 10 buildings proposed on the site satisfy this definition and are permissible with Council’s consent pursuant to the development control table under Clause 23 of the KPSO. The development satisfies the zone objectives.

The proposed site/body corporate office (23.76m²) and gymnasium (90m²) located within the monastery building are permissible as an ancillary use of the site for the purposes of residential flat development. **Condition No.119** limits the gymnasium and office use to residents of the development only.

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COMPLIANCE TABLE		
Development standard	Proposed	Complies
Site area (min): 2400m ²	22,971m ²	YES
Deep landscaping (min): 50%	50.17%	YES
Street frontage (min): 23m	145.5m	YES
Number of storeys (max): 4 + top storey (5)	Buildings A1, A2, C, F1, F2, H1, H2, J1, J2: 5 storeys Building M: 2 storeys	YES
Site coverage (max): 35%	32.1%	YES
Top floor area (max): 60% of level below	Building A1: 56.6% Building A2: 56.6% Building C: 59.7% Building F1: 59% Building F2: 59% Building H1: 58.8% Building H2: 58.8% Building J1: 56.7% Building J2: 57.7%	YES
Storeys and ceiling height (max): 4 and 13.4m	Building A1: 4 storeys & <13.4m Building A2: 4 storeys & <13.4m Building C: 4 storeys & <13.4m Building F1: 4 storeys & <13.4m Building F2: 4 storeys & <13.4m Building H1: 4 storeys & <13.4m Building H2: 4 storeys & <13.4m Building J1: 4 storeys & <13.4m Building J2: 4 storeys & <13.4m Building M: 2 storeys & 8.5m	YES
Car parking spaces (min): • 48 (visitors) • 299 (residents) • 347 (total)	48 352 400	YES YES YES
Zone interface setback (min): 9m	> 9m	YES
Manageable housing (min): 19.1 (19)	10.47% (20 units)	YES
Lift access: required if greater than three storeys	Buildings A1, A2, C, F1, F2, H1, H2, J1, J2 include lift access	YES

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

COMPLIANCE TABLE		
Development control	Proposed	Complies
Part 3 Local context:		
Part 4.1 Landscape design:		
Deep soil landscaping (min) <ul style="list-style-type: none"> 150m² per 1000m² of site area = 3445.5m² 	4 deep soil communal open space areas, ranging in size from 1000sqm – 1440sqm, providing a total of 4240m ²	YES
No. of tall trees required (min): 76 trees	42 existing trees + 46 proposed trees (locally occurring species) 88 trees in total	YES
Part 4.2 Density:		
Building footprint (max): <ul style="list-style-type: none"> 35% of total site area 	32.1%	YES
Floor space ratio (max): <ul style="list-style-type: none"> 1.3:1 	1.17:1	YES
Part 4.3 Setbacks:		
Street boundary setback (min): <ul style="list-style-type: none"> 13-15 metres (<40% of the zone occupied by building footprint) 	15m	YES
Rear boundary setback (min): <ul style="list-style-type: none"> 6m 	> 9m	YES
Side boundary setback (min): <ul style="list-style-type: none"> 6m 	> 9m	YES
Setback of ground floor courtyards to street boundary (min): <ul style="list-style-type: none"> 8m/11m 	15m	YES
% of total area of front setback occupied by private courtyards (max): <ul style="list-style-type: none"> 15% 	0%	YES
Part 4.4 Built form and articulation:		
Façade articulation: <ul style="list-style-type: none"> Wall plane depth >600mm 	>600mm	YES
<ul style="list-style-type: none"> Wall plane area <81m² 	<81m ²	YES
Built form: <ul style="list-style-type: none"> Building width < 36m 	Buildings A1, A2, J1 & J2 22.8m	YES

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COMPLIANCE TABLE		
Development control	Proposed	Complies
<ul style="list-style-type: none"> Balcony projection < 1.2m 	<1.2m	YES
Part 4.5 Residential amenity		
Solar access: <ul style="list-style-type: none"> >70% of units receive 3+ hours direct sunlight in winter solstice >50% of the principle common open space of the development receives 3+ hours direct sunlight in the winter solstice No single aspect units will have a southern orientation <15% of the total units are single aspect with a western orientation Retention of 3+hrs of sunlight between 9am-3pm June 21 to adjoining single house zones 	81% of units receive 3+hrs of solar access to private open space 72.8% of units receive 3+hrs of solar access to living areas and private open space >50% 0% 12 units within Buildings F2, J1 and J2 6.3% 3 hours +	YES YES YES YES YES
Visual privacy: Separation b/w windows and balconies of a building and any neighbouring building on site or adjoining site: Storeys 1 to 4 <ul style="list-style-type: none"> 12m b/w habitable rooms 9m b/w habitable and non-habitable rooms 6m b/w non-habitable rooms 5th Storey <ul style="list-style-type: none"> 18m b/w habitable rooms 13m b/w habitable and non-habitable rooms 9m b/w non-habitable rooms 	 12m 18m 	 YES YES
Internal amenity: <ul style="list-style-type: none"> Habitable rooms have a minimum floor to ceiling height of 2.7m 1-2 bedroom units have a minimum plan dimension of 3m in all bedroom 	2.7m ≥3m	YES YES

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COMPLIANCE TABLE		
Development control	Proposed	Complies
<ul style="list-style-type: none"> 3+ bedroom units have a minimum plan dimension of 3m in at least two bedrooms Single corridors: <ul style="list-style-type: none"> - serve a maximum of 8 units 	$\geq 3\text{m}$	YES
<ul style="list-style-type: none"> - >1.5m wide - >1.8m wide at lift lobbies 	Buildings A1 & A2: 2 units Building C: 7 units Buildings F1 & F2: 3 units Buildings H1 & H2: 6 units Buildings J1 & J2: 6 units Building M: 2 units	YES
Outdoor living: <ul style="list-style-type: none"> ground floor apartments have a terrace or private courtyard greater than 25m² in area Balcony sizes: <ul style="list-style-type: none"> - 10m² – 1 bedroom unit - 12m² – 2 bedroom unit - 15m² – 3 bedroom unit NB. At least one space >10m ²	$\geq 25\text{m}^2$	YES
<ul style="list-style-type: none"> primary outdoor space has a minimum dimension of 2.4m 	$\geq 2.4\text{m}$	YES
Part 4.7 Social dimensions:		
Visitable units (min): <ul style="list-style-type: none"> 70% (133.7) 134 units 	114 visitable units + 20 adaptable/visitable units. (134 units) 70%	YES
Housing mix: <ul style="list-style-type: none"> Mix of sizes and types 	Mix of 11 x 1 bedroom, 72 x 2 bedroom & 108 x 3 bedroom units	YES
Part 4.8 Resource, energy and water efficiency:		
Energy efficiency: <ul style="list-style-type: none"> >65% of units are to have natural cross ventilation single aspect units are to have a maximum depth of 10m 25% of kitchens are to have an external wall for natural ventilation and light 	76% <10m >25% kitchens located adjacent to a wall or a meals area adjacent to a wall	YES YES YES

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COMPLIANCE TABLE		
Development control	Proposed	Complies
<ul style="list-style-type: none"> BASIX 	BASIX Certificates (Nos.133313M & 128244M)	
Water: Target 40	40	YES
Energy: Target 30	34	YES
Thermal comfort: Target pass	Pass	YES
Part 5 Parking and vehicular access:		
Car parking (min):		
<ul style="list-style-type: none"> 299 resident spaces 	48 spaces	YES
<ul style="list-style-type: none"> 48 visitor spaces 	352 spaces	YES
<ul style="list-style-type: none"> 347 total spaces 	400 spaces	YES

Part 2 Elements of Good Design

- Air conditioning

Air conditioning (A/C) units have been integrated within the pitched roof design of the 10 buildings. The design effectively screens the A/C units from view and they will not be externally visible.

Part 4.5 Residential amenity:

- Storage

The two basement levels provide 191 individual storage areas. The storage areas comply with the DCP55 and RFDC requirements.

Part 4.8 Resource, energy and water efficiency:

- Waste Management

The development generates the following number of bins:

1 x 240L garbage bin per 2 units = 95.5 bins

1 x 240L paper bin per 4 units = 47.75 bins

1 x 240L recycling bin 4 units = 47.75 bins

Total bins: 191

The proposal includes 13 garbage chute rooms and two bin storage areas (bin store 1: 100 bins and bin store 2: 91 bins) which are conveniently located within the upper level of the basement. A garbage truck service bay is provided directly adjacent to each bin store. Unobstructed vehicular access is provided to each service bay.

A caretaker/site supervisor will be employed to manage waste management within the proposed development. The supervisor will transfer waste and recyclable material from the 13 chute rooms to the bin storage area for Council's weekly collection.

A green waste storage area (16 bins) is located adjacent to the entrance of the basement. The site supervisor will transfer green waste bins to the kerbside for Council's collection. Council's Manager Waste has advised that green waste will only be collected from the street frontage.

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Part 5 Parking and vehicular access:

Parking Requirement	Proposed	Complies
Residential car parking 299 spaces	352 residential spaces	Yes
1 disabled space per adaptable unit (19)	20 residential spaces allocated to 20 adaptable units and located to the upper basement level	Yes
Visitor parking 48 spaces	48 visitor spaces not obstructed by security gates and located to the upper basement level	Yes
1 adaptable/disabled visitor space	3 disabled visitor spaces	Yes
1 service/removalist vehicle/carwash bay	2 spaces located to the upper basement level	Yes
1 bicycle parking space per 5 residential units (38.2 spaces)	52 residential bays	Yes
1 bicycle parking space per 10 visitor spaces (19.1)	20 visitor bays	Yes

- Adaptable parking spaces

The provisions of Clause 5.1 C-2 under DCP55, states:

"For each adaptable unit, one of the spaces provided for each unit is to comply with the requirements for people with a disability AS2890.1."

The upper level basement identifies 2 standard spaces for each adaptable unit (20 x 2 bedroom units). The parking dimensions of 2 spaces do not comply with the dimensional requirements of AS2890.1. The 2 spaces have therefore been counted as 1 disabled adaptable space (Clause 25J of the KPSO requires one parking space per 2 bedroom dwelling). The calculation of adaptable spaces above does not result in a non-compliance with the parking requirements of the KPSO-LEP194, due to the excess of car parking provided in the basement (53 spaces).

Development Control Plan 31 – Access

An access audit has been submitted by ILC Access (dated 18 April 2007) which satisfactorily addresses the requirements for access by people with disabilities under DCP55 and DCP31.

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 acceptable.

Development Control Plan No. 43 – Car Parking

Under Section 3.1 DCP43, the car parking rates for an office and gymnasium are as follows:

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Section 3.1 of DCP43	Requirement	Complies
Office and commercial 1 space per 33sqm GFA plus 1 space if resident manager or caretaker	Office area : 23.76m ² 1 space	YES
1 space per 17sqm gross floor area	Gymnasium area: 90 m ² , 5.3 spaces	YES
TOTAL	6.3 spaces	YES (excess of 53 spaces)

The gymnasium and site/body corporate office, are classified as ancillary uses to the residential flat development (do not operate independently) and in this instance do not generate additional carparking on site. Separate carparking allocation for the gymnasium and office is not required.

Development Control Plan 47 – Water Management

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

Section 94 Plan

The development attracts a section 94 contribution of \$4,103,194.40, which is required to be paid by **Condition No.56**.

The applicant requests that the Section 94 contributions be paid periodically prior to the release of the construction certificate for each 3 stages of construction.

Clause 9 (deferred payments or periodic payments) under Council's Section 94 Plan states that deferred payments generally will not be accepted by Council. Council may accept deferred or periodic payments if the applicant satisfies Council that it is unreasonable and unnecessary to comply with the payment requirements under Clause 8 (payment prior to the issue of the first construction certificate) and that timing of the works programme will not be prejudiced. The decision to accept a deferred/periodic payment is at the sole discretion of Council. The applicant's arguments and evidence must be reported to full Council and therefore made public.

The application fails to address the requirements of Clause 9 (deferred payments or periodic payments) under Council's Section 94 Plan. There are no extreme unforeseen circumstances which arise where the provisions of Clause 9 can be reasonably exercised in this instance. The request is therefore not supported and the full amount is to be paid at the issue of the first construction certificate.

DRAFT KU-RING-GAI LOCAL ENVIRONMENTAL PLAN 2006 (Town Centres)

The site is included under Draft Ku-ring-gai Local Environmental Plan 2006 (Town Centres) (DLEP) for the locality of St Ives. The development standards applicable to the site under DLEP are as follows:

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Clause 11 Zoning

The proposed zoning for the site is Residential 'R4' (High Density Residential). Under this zoning, a 'Residential Flat Building' is permissible with Council's consent.

Clause 21 Height of Buildings

The Height Map under Clause 21 of DLEP indicates a maximum building height of 5 storeys/18m applies to the site. The proposed buildings comply with this requirement.

Clause 22 Floor Space Ratio

The Floor Space Ratio Map under Clause 22 of DLEP requires a maximum floor space ratio of 1.3:1. The proposal complies with this requirement (proposing 1.17:1).

LIKELY IMPACTS

The proposal does not result in any unreasonable impacts to surrounding development.

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

Approval of the application is considered to be in the public interest.

OTHER RELEVANT MATTERS

There are no other matters for consideration.

CONCLUSION

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

RECOMMENDATION

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

THAT the Council, as the consent authority, grant development consent to DA1253/06 for adaptive re-use of former monastery building to accommodate 3 dwellings, site office and gymnasium, erection of 9 x 5 storey residential flat buildings accommodating 188 dwellings, basement car parking, landscaping and associated site works (total of 191 units) on land at

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132 to 138 Killeaton Street, St Ives, for a period of two (2) years from the date of the Notice of Determination, subject to the following conditions:

CONDITIONS THAT IDENTIFY APPROVED PLANS:

1. Approved architectural plans and documentation

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

<i>Plan no.</i>	<i>Drawn by</i>	<i>Dated</i>
SITE PLANS		
AR DA 01 02 P1	Batessmart	01/05/07
AR DA 02 001 P3	Batessmart	25/09/07
AR DA 02 002 P1	Batessmart	02/05/07
AR DA 02 00 P2	Batessmart	06/09/07
AR DA 02 01 P2	Batessmart	06/09/07
AR DA 02 02 P2	Batessmart	06/09/07
AR DA 02 03 P2	Batessmart	06/09/07
AR DA 02 04 P2	Batessmart	06/09/07
AR DA 02 05 P2	Batessmart	26/09/07
BUILDING A1		
AR DA 02 20 P3	Batessmart	14/09/07
AR DA 05 20 P1	Batessmart	02/05/07
AR DA 06 20 P2	Batessmart	06/09/07
AR DA 06 20 P3	Batessmart	26/09/07
BUILDING A2		
AR DA 02 21 P3	Batessmart	14/09/07
AR DA 05 21 P1	Batessmart	02/05/07
AR DA 06 21 P2	Batessmart	06/09/07
AR DA 06 21 P3	Batessmart	26/09/07
BUILDING C		
AR DA 02 30 P3	Batessmart	13/09/07
AR DA 02 31 P3	Batessmart	13/09/07
AR DA 02 32 P3	Batessmart	13/09/07
AR DA 02 33 P2	Batessmart	02/05/07
AR DA 02 34 P3	Batessmart	14/09/07
AR DA 05 30 P1	Batessmart	02/05/07
AR DA 05 31 P1	Batessmart	02/05/07
AR DA 05 32 P1	Batessmart	02/05/07
AR DA 06 30 P2	Batessmart	06/09/07
AR DA 06 30 P3	Batessmart	26/09/07
BUILDING F1		
AR DA 02 40 P3	Batessmart	14/09/07

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<i>Plan no.</i>	<i>Drawn by</i>	<i>Dated</i>
AR DA 05 40 P1	Batessmart	02/05/07
AR DA 06 40 P2	Batessmart	06/09/07
AR DA 06 40 P3	Batessmart	26/09/07

BUILDING F2

AR DA 02 41 P3	Batessmart	14/09/07
AR DA 05 41 P1	Batessmart	02/05/07
AR DA 06 41 P2	Batessmart	06/09/07
AR DA 06 41 P3	Batessmart	26/09/07

BUILDING H1

AR DA 02 50 P2	Batessmart	28/08/07
AR DA 02 51 P3	Batessmart	14/09/07
AR DA 05 50 P1	Batessmart	02/05/07
AR DA 05 51 P1	Batessmart	02/05/07
AR DA 06 50 P2	Batessmart	06/09/07
AR DA 06 50 P3	Batessmart	26/09/07

BUILDING H2

AR DA 02 52 P2	Batessmart	28/08/07
AR DA 02 53 P3	Batessmart	14/09/07
AR DA 05 52 P1	Batessmart	02/05/07
AR DA 05 53 P1	Batessmart	02/05/07
AR DA 06 51 P2	Batessmart	06/09/07
AR DA 06 51 P3	Batessmart	26/09/07

BUILDING J1

AR DA 02 60 P2	Batessmart	28/08/07
AR DA 02 61 P3	Batessmart	14/09/07
AR DA 05 60 P1	Batessmart	02/05/07
AR DA 05 61 P1	Batessmart	02/05/07
AR DA 06 60 P2	Batessmart	06/09/07
AR DA 06 60 P3	Batessmart	26/09/07

BUILDING J2

AR DA 02 62 P2	Batessmart	28/08/07
AR DA 02 63 P3	Batessmart	14/09/07
AR DA 05 62 P1	Batessmart	02/05/07
AR DA 05 63 P1	Batessmart	02/05/07
AR DA 06 61 P2	Batessmart	06/09/07
AR DA 06 61 P3	Batessmart	26/09/07

BUILDING M

AR DA 02 10 P1	Batessmart	02/05/07
AR DA 02 11 P1	Batessmart	28/08/07
AR DA 05 10 P1	Batessmart	02/05/07
AR DA 05 11 P3	Batessmart	26/09/07

MANAGEABLE APARTMENTS

AR DA 2 70 P2	Batessmart	13/09/07
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<i>Plan no.</i>	<i>Drawn by</i>	<i>Dated</i>
AR DA 2 71 P2	Batessmart	13/09/07

TYPICAL ROOF TOP PLANT

AR DA 06 70	Batessmart	12/09/07
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STAGE CONSTRUCTION PLAN

AR DA 07 01 P1	Batessmart	02/05/07
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COMPLIANCE PLANS

AR DA 01 10 P3	Batessmart	06/09/07
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AR DA 01 11 P1	Batessmart	02/05/07
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<i>Document(s)</i>	<i>Dated</i>
Audit of DA drawings - Manageable Housing Units, prepared by ILC Access	12 September 2007
Audi of DA drawings – Visitable Housing Units, prepared by ILC Access	12 September 2007
Stage 1 Preliminary Contamination Assessment for 132-138 Killeaton Street, St Ives, prepared by Golder Associates	September 2001
Letter to Council regarding follow-up inspection of the site, prepared by Golder Associates	31 August 2007
Revised Waste Management Plan, prepared by Evans & Peck	30 August 2007
BASIX Certificates: 133313M 128244M	19 April 2007 19 April 2007
Geotechnical Investigation, prepared by Jeffery and Katauskas Pty Ltd	30 October 2006
Assessment of Traffic and Parking Implications, prepared by Transport and Traffic Planning Associates	April 2007

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

2. Inconsistency between documents

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

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

3. No demolition of extra fabric

Alterations to, and demolition of the existing building shall be limited to that documented on the approved plans (by way of notation). No approval is given or implied for removal and/or rebuilding of any portion of the existing building which is shown to be retained.

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Reason: To ensure compliance with the development consent.

CONDITIONS TO BE SATISFIED PRIOR TO DEMOLITION, EXCAVATION OR CONSTRUCTION:

4. Notice to be given prior to demolition or excavation

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

Reason: Statutory requirement.

5. Notice of commencement

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

Reason: Statutory requirement.

6. Notification of builder's details

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

Reason: Statutory requirement.

7. Dilapidation survey and report (public infrastructure)

Prior to the commencement of any development or excavation works on site, the Principal Certifying Authority shall be satisfied that a dilapidation report on the visible and structural condition of all structures of the following public infrastructure, has been completed and submitted to Council:

Public infrastructure

- Full road pavement width, including kerb and gutter, of Killeaton Street between Mona Vale Road and Yarrabung Road.
- 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 written and photographic) existing damaged areas on the aforementioned infrastructure so that Council is fully informed when assessing any damage to public infrastructure caused as a result of the development.

The developer may be held liable to any recent damage to public infrastructure in the vicinity of the site, where such damage is not accurately recorded by the requirements of this condition prior to the commencement of works.

Note: A written acknowledgment from Council must be obtained (attesting to this condition

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being appropriately satisfied) and submitted to the Principal Certifying Authority prior to the commencement of any excavation works.

Reason: To record the structural condition of public infrastructure before works commence.

8. Dilapidation photos (public infrastructure)

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

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

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

Reason: To protect public infrastructure.

9. Dilapidation survey and report (private property)

Prior to the commencement of any demolition or excavation works on site, the Principal Certifying Authority shall be satisfied that a dilapidation report on the visible and structural condition of all structures upon the following lands, has been completed and submitted to Council:

Properties:

- 130, 140 and 142 Killeaton Street
- 7, 9, 11, 15 and 17 College Crescent
- the existing monastery building

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

In the event that access for undertaking the dilapidation survey is denied by a property owner, the applicant must demonstrate in writing to the satisfaction of the Principal Certifying Authority

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that all reasonable steps have been taken to obtain access and advise the affected property owner of the reason for the survey and that these steps have failed.

Note: A copy of the dilapidation report is to be provided to Council prior to any excavation works been undertaken. The dilapidation report is for record keeping purposes only and may be used by an applicant or affected property owner to assist in any civil action required to resolve any dispute over damage to adjoining properties arising from works.

Reason: To record the structural condition of likely affected properties before works commence.

10. Geotechnical report

Prior to the commencement of any bulk excavation works on site, the applicant shall submit to the Principal Certifying Authority, the results of the additional geotechnical investigation as recommended in the report by Jeffery and Katauskas. The report is to address such matters as:

- appropriate excavation methods and techniques
- vibration management and monitoring
- dilapidation survey
- support and retention of excavated faces
- hydrogeological considerations

The recommendations of the report are to be implemented during the course of the works.

Reason: To ensure the safety and protection of property.

11. Structural adequacy (the existing monastery building)

Prior to commencement of any development or excavation works, the Principal Certifying Authority shall be satisfied that those components of the building to be retained and/or altered will be structurally sound and able to withstand the excavation and demolition process.

Note: Evidence from a qualified practising structural engineer, demonstrating compliance with the above and detailing, where relevant, means of support for those parts of the retained building shall be provided to the Principal Certifying Authority.

Reason: To ensure that the development can be undertaken in accordance with accepted construction practices as indicated on the endorsed development plans, without the need for modification of the consent.

12. Construction and traffic management plan

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

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

- dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and construction related vehicles in the

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- frontage roadways
- turning areas within the site for construction and spoil removal vehicles, allowing a forward egress for all construction vehicles on the site
- the locations of proposed work zones in the frontage roadways
- location of any proposed crane and concrete pump and truck standing areas on and off the site
- a dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries
- material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected
- an on-site parking area for employees, tradespersons and construction vehicles as far as possible

2. Traffic control plan(s) for the site

All traffic control plans must be in accordance with the RTA publication "Traffic Control Worksite Manual" and prepared by a suitably qualified person (minimum 'red card' qualification). The main stages of the development requiring specific construction management measures are to be identified and specific traffic control measures identified for each stage.

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

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

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

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

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

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

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

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

The construction and traffic management plan shall be prepared by a suitably qualified and experienced traffic consultant and be certified by this person as being in accordance

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with the requirements of the abovementioned documents and the requirements of this condition. The construction management measures contained in the approved plan shall be implemented in accordance with the plan prior to the commencement of, and during, works on-site including excavation.

As the plan has a direct impact on the local road network, the plan shall be submitted to and reviewed by Council's Development Engineer. Written acknowledgment from Council's Engineer shall be obtained (attesting to this condition being appropriately satisfied) and submitted to the Principal Certifying Authority prior to the commencement of any works on site.

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

13. Sediment controls

Prior to any work commencing on site, sediment and erosion control measures shall be installed along the contour immediately downslope of any future disturbed areas.

The form of the sediment controls to be installed on the site shall be determined by reference to the 'NSW Department of Housing manual 'Managing Urban Stormwater: Soils and Construction'. The erosion controls shall be maintained in an operational condition until the development activities have been completed and the site fully stabilised. Sediment shall be removed from the sediment controls following each heavy or prolonged rainfall period.

Reason: To preserve and enhance the natural environment.

14. Erosion and drainage management

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

Reason: To preserve and enhance the natural environment.

15. Construction waste management plan

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

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

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

Reason: To ensure appropriate management of construction waste.

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16. Noise and vibration management plan

Prior to the commencement of any works, a noise and vibration management plan is to be prepared by a suitably qualified expert addressing the likely noise and vibration from demolition, excavation and construction of the proposed development and provided to the Principal Certifying Authority. The management plan is to identify amelioration measures to ensure the noise and vibration levels will be compliant with the relevant Australian Standards and Ku-ring-gai Council's Code for the Control and Regulation of Noise on Building Sites. The report shall be prepared in consultation with any geotechnical report that itemises equipment to be used for excavation works.

The management plan shall address, but not be limited to, the following matters

- identification of the specific activities that will be carried out and associated noise sources
- identification of all potentially affected sensitive receivers, including residences, churches, commercial premises, schools and properties containing noise sensitive equipment
- the construction noise objective specified in the conditions of this consent
- the construction vibration criteria specified in the conditions of this consent
- determination of appropriate noise and vibration objectives for each identified sensitive receiver
- noise and vibration monitoring, reporting and response procedures
- assessment of potential noise and vibration from the proposed demolition, excavation and construction activities, including noise from construction vehicles and any traffic diversions
- description of specific mitigation treatments, management methods and procedures that will be implemented to control noise and vibration during construction
- construction timetabling to minimise noise impacts including time and duration restrictions, respite periods and frequency
- construction timetabling to minimise noise impacts including time and duration restrictions, respite periods and frequency
- procedures for notifying residents of construction activities that are likely to affect their amenity through noise and vibration
- contingency plans to be implemented in the event of non-compliances and/or noise complaints
- compliance with Council's Code for the Control and Regulation of Noise on Building Sites

Reason: To protect the amenity afforded to surrounding residents during the construction process.

17. Construction entrance & exit

To preserve the row of *Brushbox* trees along the eastern side boundary, the existing driveway entrance located at the north eastern end of the site shall be blocked off and not used during the construction period.

An alternate construction entrance/exit, together with necessary associated temporary fencing, shall be provided prior to commencement of any work on the site and shall be maintained throughout the duration and progress of construction.

Reason: To protect existing trees during the construction phase.

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18. Tree protection fencing

To preserve the following tree/s, no work shall commence until the area beneath their canopy 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.

Schedule		
Tree No	Species / Location	Radius From Trunk
19, 21	2 x <i>Melaleuca styphelioides</i> (Prickly Paperbark)	3 metres
23, 24	2 x <i>Pinus radiata</i> (Monterey Pine)	4 metres
30, 32, 37	3 x <i>Eucalyptus elata</i> (River Peppermint)	4 metres
46	<i>Eucalyptus saligna</i> (Sydney Blue Gum)	3 metres
54, 60, 62, 63	4 x <i>Lophostemon confertus</i> (Brushbox)	2 metres
64, 65, 66	3 x <i>Pinus radiata</i> (Monterey Pine)	4 metres
67, 68	2 x <i>Lophostemon confertus</i> (Brushbox)	4 metres
79 to 109	31 x <i>Lophostemon confertus</i> (Brushbox)	4 metres
121, 122	2 x <i>Syncarpia glomulifera</i> (Turpentine)	3 metres
133	<i>Phoenix canariensis</i> (Canary Island Palm)	3 metres

Reason: To protect existing trees during the construction phase.

19. Tree protective fencing type galvanized mesh

The tree protection fencing 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 in height prior to work commencing.

Reason: To protect existing trees during construction phase.

20. Tree protection sign

Prior to works commencing, tree protection signage is to be attached to each tree protection zone, displayed in a prominent position and the sign repeated at 10 metres intervals or closer where the fence changes direction. Each sign shall contain in a clearly legible form with the following information:

- Tree protection zone
- This fence has been installed to prevent damage to the trees and their growing environment both above and below ground and access is restricted
- Any encroachment not previously approved within the tree protection zone shall be the subject of an arborists report
- The arborists report shall provide proof that no other alternative is available
- The arborists report shall be submitted to the principal certifying authority for further consultation with council
- The name, address, and telephone number of the developer.

Reason: To protect existing trees during the construction phase.

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21. Tree protection mulching

Prior to works commencing and throughout construction, 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.

Reason: To protect existing trees during the construction phase.

22. Tree Fencing Inspection

Upon installation of the required tree protection measures, an inspection of the site by the Principal Certifying Authority is required to verify that tree protection measures comply with all relevant conditions.

Reason: To protect existing trees during the construction phase.

23. Remediation Action Plan

A Remediation Action Plan, prepared in accordance with Council's Contaminated Land Policy, is to be submitted to Council and the Principal Certifying Authority prior to the commencement of bulk excavation.

Reason: To protect the environment.

24. Archaeology

Adequate protection must be given to the former stables/farm shed and other archaeological relics during construction works. No building materials or equipment is to be stored in the structure during construction works. A temporary fence must be built around the structure during the construction period.

Reason: The former stables/shed has archaeological potential and is subject to the relics provisions of the NSW Heritage Act. As no works to the structure is proposed in this application, the structure should not be damaged or removed during the works and must be protected from potential damage during the extensive construction period.

25. Former stables/shed

The former stables/shed shall be fenced off with a temporary fence constructed of galvanized pipe at 2.4m spacings and chain wire mesh fencing to minimum of 1.8m in height prior to work commencing. Machinery or building materials shall not be stored in the building.

Reason: To ensure the building is not damaged during construction work.

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE:

26. Long service levy

In accordance with Section 109F(i) of the Environmental Planning and Assessment Act a Construction Certificate shall not be issued until any long service levy payable under Section 34

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of the Building and Construction Industry Long Service Payments Act 1986 (or where such levy is payable by instalments, the first instalment of the levy) has been paid. Council is authorised to accept payment. Where payment has been made elsewhere, proof of payment is to be provided to Council.

Reason: Statutory requirement.

27. Builder's indemnity insurance

The applicant, builder, developer or person who does the work on this development, must arrange builder's indemnity insurance and submit the certificate of insurance in accordance with the requirements of Part 6 of the Home Building Act 1989 to the Certifying Authority for endorsement of the plans accompanying the Construction Certificate.

It is the responsibility of the applicant, builder or developer to arrange the builder's indemnity insurance for residential building work over the value of \$12,000. The builder's indemnity insurance does not apply to commercial or industrial building work or to residential work valued at less than \$12,000, nor to work undertaken by persons holding an owner/builder's permit issued by the Department of Fair Trading (unless the owner/builder's property is sold within 7 years of the commencement of the work).

Reason: Statutory requirement.

28. External finishes and materials (existing monastery building)

Prior to the issue of the Construction Certificate, the Certifying Authority shall be satisfied that the external finishes are consistent with the character of the existing monastery building.

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

Reason: To protect the character of the existing building.

29. External finishes and materials (new residential flat buildings)

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

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

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

30. Outdoor lighting

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

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AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting.

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

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

31. Air drying facilities

Prior to the issue of the Construction Certificate, the Certifying Authority shall be satisfied that a common open space area dedicated for open air drying of clothes is provided. This area is to be located at ground level behind the building line and in a position not visible from the public domain.

In lieu of the above, written confirmation that all units will be provided with internal clothes drying facilities prior to the Occupation Certificate is to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: Amenity & energy efficiency.

32. Access for people with disabilities (residential)

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

Compliant access provisions for people with disabilities shall be clearly shown on the plans submitted with the Construction Certificate. All details shall be provided to the Principal Certifying Authority prior to the issue of the Construction Certificate. All details shall be prepared in consideration of the Disability Discrimination Act, and the relevant provisions of AS1428.1, AS1428.2, AS1428.4 and AS 1735.12.

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

33. Adaptable units

Prior to the issue of the Construction Certificate, the Certifying Authority shall be satisfied that the nominated adaptable units within the development application, [A1-G02, A2-G02, F1-102, F1-202, F1-302, F2-102, F2-202, F2-302, H1-102, H1-105, H1-202, H1-205, H1-302, H1-305, H2-102, H2-105, H2-202, H2-205, H2-302, H2-305], are designed as adaptable housing in accordance with the provisions of Australian Standard AS4299-1995: Adaptable Housing.

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

Reason: Disabled access & amenity.

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34. Stormwater management plan

Prior to issue of the Construction Certificate, the applicant must submit, for approval by the Principal Certifying Authority, scale construction plans and specifications in relation to the stormwater management and disposal system for the development. The plan(s) must include the following detail:

- exact location and reduced level of discharge point to the public drainage system
- Layout of the property drainage system components, including but not limited to (as required) gutters, downpipes, spreaders, pits, swales, kerbs, cut-off and intercepting drainage structures, subsoil drainage, flushing facilities and all ancillary stormwater plumbing - all designed for a 235mm/hour rainfall intensity for a duration of five (5) minutes (1:50 year storm recurrence)
- location(s), dimensions and specifications for the required rainwater storage and reuse tanks and systems and where proprietary products are to be used, manufacturer specifications or equivalent shall be provided
- specifications for reticulated pumping facilities (including pump type and manufacturer specifications) and ancillary plumbing to fully utilise rainwater in accordance with Ku-ring-gai Council Development Control Plan 47 and/or BASIX commitments
- details of the required on-site detention tanks required by Ku-ring-gai Water Management DCP 47, including dimensions, materials, locations, orifice and discharge control pit details as required (refer Chapter 6 and Appendices 2, 3 and 5 of DCP 47 for volume, PSD and design requirements)
- the required basement stormwater pump-out system is to cater for driveway runoff and subsoil drainage (refer appendix 7.1.1 of Development Control Plan 47 for design)

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

Reason: To protect the environment.

35. Stormwater retention

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

1. A mandatory rainwater retention and re-use system, comprising storage tanks and ancillary plumbing is provided. The minimum total storage volume of the rainwater tank system, and the prescribed re-use of the water on site must satisfy all relevant BASIX commitments and the requirements specified in Chapter 6 of Ku-ring-gai Water Management Development Control Plan 47; and
2. An on-site stormwater detention system must be provided to control the rate of runoff leaving the site. The minimum volume of the required on-site detention system must be determined in accordance with Chapter 6 of the Ku-ring-gai Council Water Management Development Control Plan 47 - having regard to the specified volume concession offered in

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lieu of installing rainwater retention tanks. In this case the site storage requirement may be calculated using 50% of the site area. The on-site detention system must be designed by a qualified civil/hydraulic engineer and must satisfy the design controls set out in Appendix 5 of DCP 47.

Reason: To protect the environment.

36. Garbage storage

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

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

Reason: Environmental protection.

37. Noise from plant in residential zone

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

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

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

38. Driveway grades – basement carpark

Prior to the issue of the Construction Certificate, longitudinal driveway sections are to be prepared by a qualified civil/traffic engineer and be submitted for to and approved by the Certifying Authority. These profiles are to be at 1:100 scale along both edges 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 and
- all changes in grade (transitions) comply with Australian Standard 2890.1 – "Off-street car parking" (refer clause 2.5.3) to prevent the scraping of the underside of vehicles.

If a new driveway crossing is proposed, the longitudinal sections must incorporate the driveway crossing levels as issued by Council upon prior application.

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Reason: To provide suitable vehicular access without disruption to pedestrian and vehicular traffic.

39. Basement car parking details

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

- all parking space dimensions, driveway and aisle widths, driveway grades, transitions, circulation ramps, blind aisle situations and other trafficked areas comply with Australian Standard 2890.1 – 2004 “Off-street car parking”
- a clear height clearance of 2.5 metres (required under DCP40 for waste collection trucks) is provided over the designated garbage collection truck manoeuvring areas within the basement
- no doors or gates are provided in the access driveways to the basement car park which would prevent unrestricted access for internal garbage collection at any time from the basement garbage storage and collection area
- the vehicle access and accommodation arrangements are to be constructed and marked in accordance with the certified plans

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

40. Car parking allocation

Car parking within the development (as shown on the approved plans) shall be allocated in the following way:

Resident car spaces	352, including 20 adaptable dwelling spaces
Visitor spaces	48
Total spaces	400

Each adaptable dwelling must be provided with car parking complying with the dimensional and location requirements of AS2890.1 – parking spaces for people with disabilities.

At least one visitor space shall also comply with the dimensional and location requirements of AS2890.1 – parking spaces for people with disabilities.

Consideration must be given to the means of access from disabled car parking spaces to other areas within the building and to footpath and roads and shall be clearly shown on the plans submitted with the Construction Certificate.

Reason: To ensure equity of access and appropriate facilities are available for people with disabilities in accordance with federal legislation.

41. Number of bicycle spaces

The basement car park shall provide 52 residential bicycle spaces and 20 visitor bicycle spaces as shown on the approved plans. The bicycle parking spaces shall be designed in accordance

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with AS2890.3. Details shall be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate.

Reason: To provide alternative modes of transport to and from the site.

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

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

- Footpath along Killeaton Street frontage and extending to Mona Vale Road
- Type 3 entry and exit driveway
- Concrete island at the intersection of Mona Vale Road and Killeaton Street (east).

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

The required plans and specifications are to be designed in accordance with the General Specification for the Construction of Road and Drainage Works in Ku-ring-gai Council, dated November 2004 and any requirements of the RTA. The drawings must detail existing utility services and trees affected by the works, erosion control requirements and traffic management requirements during the course of works. Survey must be undertaken as required. Traffic management is to be certified on the drawings as being in accordance with the documents SAA HB81.1 – 1996 – Field Guide for Traffic Control at Works on Roads – Part 1 and RTA Traffic Control at Work Sites (1998). Construction of the works must proceed only in accordance with any conditions attached to the Roads Act approval issued by Council and RTA.

Early submission of the Roads Act application is recommended to avoid delays in obtaining a Construction Certificate. An engineering assessment and inspection fee (set out in Council's adopted fees and charges) is payable and Council will withhold any consent and approved plans until full payment of the correct fees. Plans and specifications must be marked to the attention of Council's Development Engineers. In addition, a copy of this condition must be provided, together with a covering letter stating the full address of the property and the accompanying DA number. RTA approval for the concrete island is to be submitted to Council.

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

43. Energy Australia requirements

Prior to issue of the Construction Certificate, the applicant must contact Energy Australia regarding power supply for the subject development. A written response detailing the full requirements of Energy Australia (including any need for underground cabling, substations or similar within or in the vicinity the development) shall be submitted to the Principal Certifying Authority for approval prior to issue of the Construction Certificate.

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Any structures or other requirements of Energy Australia shall be indicated on the plans issued with the Construction Certificate, to the satisfaction of the Principal Certifying Authority and Energy Australia. The requirements of Energy Australia must be met in full prior to issue of the Occupation Certificate.

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

44. Utility provider requirements

Prior to issue of the Construction Certificate, the applicant must make contact with all relevant utility providers whose services will be impacted upon by the development. A written copy of the requirements of each provider, as determined necessary by the Certifying Authority, must be obtained. All utility services or appropriate conduits for the same must be provided by the developer in accordance with the specifications of the utility providers.

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

45. Underground services

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

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

46. Building Code of Australia - fire safety audit

An accredited certifier, building grade 1 or 2 (NSW or equivalent) is to be engaged to carry out a Building Code of Australia audit that is based upon inspections(s) of the building in terms of the deemed-to-satisfy fire safety provisions. (a list of accredited certifiers is available on the Department of Planning website.)

The audit must specifically cover all clauses within Section C, D and E of the Building Code of Australia (as per the most recent amendments) indicating compliance, non-compliance or not applicable in the circumstances.

The results of the audit are to be incorporated into a report and strategy to overcome the non-compliant provisions either by performance solution or adherence to deemed-to-satisfy provisions by satisfying the fire safety objectives of Sections C, D and E of the Building Code of Australia.

A schedule of existing (if applicable) and the proposed essential fire safety measures, including their standard performance must be included in the strategy.

The report and strategy must be submitted to and approved by Council's Compliance Officer

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prior to issue of any Construction Certificate.

Reason: To ensure an adequate level of fire safety.

47. Driveway entrance details

Prior to the issue of a Construction Certificate, the Certifying Authority shall be satisfied that the approved plans, endorsed with Council's stamp, have been amended in accordance with the requirements of this condition as well as other conditions of this consent:

The plan(s) shall be amended in the following ways:

- i) To preserve Tree 46 a *Eucalyptus saligna* (Sydney Blue Gum) located on the northern (front) boundary the driveway shall be located a minimum distance of 5 metres from the tree's trunk.

48. Engineering construction details

Prior to the issue of a Construction Certificate, the Certifying Authority shall be satisfied that the engineering construction details for the basement car park, complies with the following requirements:

The engineering construction plans shall note the following details;

- i) To preserve the following trees the basement car park shall be excavated with near vertical angles. The side surfaces of the excavated basement shall be covered with water proof covers whenever work is not being carried out. All up slope run off shall be diverted away from the cut surfaces.
- ii) The construction details shall indicate the following trees on the plans.
- iii) The construction details shall indicate that the following trees are to be protected with no over excavation of the basement to take place.

Schedule	
Tree No	Species
19, 21	2 x <i>Melaleuca styphelioides</i> (Prickly Paperbark)
23	<i>Pinus radiata</i> (Monterey Pine)
79 to 109	31 x <i>Lophostemon confertus</i> (Brushbox)

49. Amendments to the approved landscape plan

Prior to the issue of a Construction Certificate, the Certifying Authority shall be satisfied that the landscape plans, listed below and endorsed with Council's stamp, have been amended in accordance with the requirements of this condition as well as other conditions of this consent:

Plan No.	Drawn by	Dated
LA-00, LA-01, LA-01b, LA-12, LA-15 - Revision B,	Anton James Design	06/09/07
LA-02, LA-03, LA-04, LA-05, LA-06, LA-07, LA-08, LA-09, LA-10, LA-11 - Revision C	Anton James Design	06/09/07

The above landscape plan(s) shall be amended in the following ways:

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- i) To provide adequate visual, amenity to the adjoining property 1 additional tree shall be planted on the eastern side boundary adjacent to the F2 Building, between the 2 proposed Turpentine.
- ii) Delete 2 of proposed *Lophostemon confertus* (Brushbox) located at the eastern end of the nature strip as they will interfere with the existing Brushbox (Tree's 54, 60 & 62).
- iii) Replace the 11 x *Eucalyptus saligna* (Sydney Blue Gum) with 11 x *Angophora costata* (Sydney Red Gum).
- iv) Tree 51 - *Thuja plicata* (Giant Arborvitae) shall be retained.

Reason: To ensure adequate landscaping of the site.

50. Landscape plan

Prior to the issue of the Construction Certificate, the Principal Certifying Authority shall be satisfied that a landscape plan has been completed in accordance with Council's DA Guide, relevant development control plans and the conditions of consent by a landscape architect or qualified landscape designer.

Note: The landscape plan must be submitted to the Principal Certifying Authority.

Reason: To ensure adequate landscaping of the site.

51. Excavation for services

Prior to the issue of the Construction Certificate, the Principal Certifying shall be satisfied that no proposed underground services (ie. water, sewerage, drainage, gas or other service) unless previously approved by conditions of consent, are located beneath the canopy of any tree protected under Council's Tree Preservation Order, located on the subject allotment and adjoining allotments.

Note: A plan detailing the routes of these services and trees protected under the Tree Preservation Order shall be submitted to the Principal Certifying Authority.

Reason: To ensure the protection of trees.

52. Certification of existing interallotment drainage line

Prior to issue of the Construction Certificate, a CCTV inspection is to be carried out on the existing interallotment drainage pipes within the easements to Yarrabung Road and College Crescent. A suitably qualified and experienced civil/hydraulic engineer is to certify that

- any existing pipes within the interallotment drainage easement system to be utilised that are not to be reconstructed, are in satisfactory operating condition
- the existing pipes to be utilised have the hydraulic capacity to carry uncontrolled post-developed flows from the subject property as far as the approved point of discharge to the public drainage system

Where it is found that existing interallotment pipes do not exist, are in disrepair, or will have insufficient hydraulic capacity to carry additional uncontrolled flows from the approved development, the applicant shall submit full design documentation for an upgraded

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interallotment drainage system from the subject property to the approved point of discharge to the public drainage system. This design documentation shall be approved by the Principal Certifying Authority, prior to issue of the Construction Certificate.

Plans are to be prepared by a suitably qualified and experienced consulting civil/hydraulic engineer in accordance with Ku-ring-gai Water Management Development Control Plan No. 47 and AS3500.3 Plumbing and Drainage Code. New pipes within the downstream easement drainage system must be sized to have adequate capacity to carry uncontrolled runoff from the contributing catchment and an associated overland flow path is to be provided in the event of blockage of the line. The following engineering details must be included:

- 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
- the contributing catchment calculations and supporting pipe sizing information,
- longitudinal section showing existing ground levels and proposed pipe invert levels, grades and flow capacities
- drainage system
- means to preserve the root systems of trees within 7 metres of the drainage system

Reason: To ensure satisfactory design of the interallotment drainage in accordance with relevant codes and Australian Standards.

53. Conservation/reuse of former Stables/Shed

The building must be conserved to plans and specifications prepared by an experienced conservation architect and reused for an appropriate facility for common use of the future residents. Acceptable uses include a common workshop area ("mens" shed), potting shed, garden shelter/BBQ area etc. Details to be submitted to the satisfaction of the accredited certifier prior to the issue of a construction certificate.

Reason: To ensure conservation and appropriate reuse of an early stables building.

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE OR PRIOR TO DEMOLITION, EXCAVATION OR CONSTRUCTION (WHICHEVER COMES FIRST):

54. Public liability insurance – works on public land

Any person or contractor undertaking works on public land must take out public risk insurance with a minimum cover of \$10 million in relation to the occupation of, and approved works within Council's road reserve or public land, as approved in this consent.

The policy is to note and provide protection for Ku-ring-gai Council as an interested party and a copy of the policy must be submitted to Council prior to the commencement of any development (including demolition) or prior to the issue of the Construction Certificate (whichever comes first). The policy must be valid for the entire period that the works are being undertaken on public land.

Note: Applications for hoarding permits, vehicular crossings etc will require evidence of insurance upon lodgement of the application.

Reason: To ensure the community is protected from the cost of any claim for damages

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arising from works on public land

55. Infrastructure restorations fee

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

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

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

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

Reason: To maintain public infrastructure.

56. Section 94 contribution – residential development

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

Column A	Column B
community facilities	\$ 493,770.48

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park acquisition and embellishment works	\$ 2,904,188.10
sportsgrounds works	\$ 582,367.86
aquatic / leisure centres	\$ 12,289.485
traffic and transport	\$ 66,386.19
section 94 Plan administration	\$ 44,192.67
Total contribution is:	\$4,103,194.40

The contribution shall be paid to Council prior to the commencement of any development (including demolition) or prior to the issue of the Construction Certificate (whichever comes first). The charges may vary at the time of payment in accordance with Council's Section 94 Contributions Plan to reflect changes in land values, construction costs and the consumer price index. Prior to payment, you are advised to check the contribution amount required with Council.

Reason: To ensure the provision, extension or augmentation of community facilities, recreation facilities, open space and administration that will, or are likely to be, required as a consequence of the development.

CONDITIONS TO BE SATISFIED DURING THE DEMOLITION, EXCAVATION AND CONSTRUCTION PHASES:

57. Approved plans to be on site

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

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

58. Engineering fees

For the purpose of any development related inspections by Ku-ring-gai 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 consent from Council.

Reason: To protect public infrastructure.

59. Prescribed conditions

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

- The work must be carried out in accordance with the requirements of the Building Code of Australia

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

Reason: Statutory requirement.

60. Statement of compliance with Australian Standards

The demolition work shall comply with the provisions of Australian Standard AS2601: 2001 The Demolition of Structures. The work plans required by AS2601: 2001 shall be accompanied by a written statement from a suitably qualified person that the proposal contained in the work plan comply with the safety requirements of the Standard. The work plan and the statement of compliance shall be submitted to the satisfaction of the Principal Certifying Authority prior to the commencement of any works.

Reason: To ensure compliance with the Australian Standards.

61. Demolition, excavation and construction work hours

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

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

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

62. Construction noise

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

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

63. Site notice

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

The site notice must:

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

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- inquiries, including construction/noise complaint are to be displayed on the site notice be mounted at eye level on the perimeter hoardings/fencing and is to state that unauthorised entry to the site is not permitted

Reason: To ensure public safety and public information.

64. Dust control

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

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

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

65. Post-construction dilapidation report

The applicant shall engage a suitably qualified person to prepare a post construction dilapidation report at the completion of the construction works. This report is to ascertain whether the construction works created any structural damage to adjoining buildings, infrastructure and roads. The report is to be submitted to the Principal Certifying Authority. In ascertaining whether adverse structural damage has occurred to adjoining buildings, infrastructure and roads, the Principal Certifying Authority must:

- compare the post-construction dilapidation report with the pre-construction dilapidation report
- have written confirmation from the relevant authority that there is no adverse structural damage to their infrastructure and roads.

A copy of this report is to be forwarded to Council at the completion of the construction works.

Reason: Management of records.

66. Further geotechnical input

The geotechnical and hydro-geological works implementation, inspection, testing and monitoring program for the excavation and construction works must be in accordance with the report by Jeffery and Katauskas. Over the course of the works, a qualified geotechnical/hydro-geological engineer must complete the following:

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- 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

Reason: To ensure the safety and protection of property.

67. Compliance with submitted geotechnical report

A contractor with specialist excavation experience must undertake the excavations for the development and a suitably qualified and consulting geotechnical engineer must oversee excavation.

Geotechnical aspects of the development work, namely:

- appropriate excavation method and vibration control
- support and retention of excavated faces
- hydro-geological considerations

must be undertaken in accordance with the recommendations of the geotechnical report prepared by Jeffery and Katauskas. Approval must be obtained from all affected property owners, including Ku-ring-gai Council, where rock anchors (both temporary and permanent) are proposed below adjoining property(ies).

Reason: To ensure the safety and protection of property.

68. Use of road or footpath

During excavation, demolition and construction phases, no building materials, plant or the like are to be stored on the road or footpath without written approval being obtained from Council beforehand. The pathway shall be kept in a clean, tidy and safe condition during building operations. Council reserves the right, without notice, to rectify any such breach and to charge the cost against the applicant/owner/builder, as the case may be.

Reason: To ensure safety and amenity of the area.

69. Guarding excavations

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

Reason: To ensure public safety.

70. Toilet facilities

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

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Reason: Statutory requirement.

71. Protection of public places

If the work involved in the erection, demolition or construction of the development is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or building involves the enclosure of a public place, a hoarding or fence must be erected between the work site and the public place.

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

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

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

Reason: To protect public places.

72. Recycling of building material (general)

During demolition and construction, the Principal Certifying Authority shall be satisfied that building materials suitable for recycling have been forwarded to an appropriate registered business dealing in recycling of materials. Materials to be recycled must be kept in good order.

Reason: To facilitate recycling of materials.

73. Construction signage

All construction signs must comply with the following requirements:

- are not to cover any mechanical ventilation inlet or outlet vent
- are not illuminated, self-illuminated or flashing at any time
- are located wholly within a property where construction is being undertaken
- refer only to the business(es) undertaking the construction and/or the site at which the construction is being undertaken
- are restricted to one such sign per property
- do not exceed 2.5m²
- are removed within 14 days of the completion of all construction works

Reason: To ensure compliance with Council's controls regarding signage.

74. Approval for rock anchors

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.

Reason: To ensure the ongoing safety and protection of property.

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75. Maintenance period for works in public road

A maintenance period of six (6) months applies to all work in the public road reserve carried out by the applicant - after the works have been completed to the satisfaction of Ku-ring-gai Council. In that maintenance period, the applicant shall be liable for any section of the public infrastructure 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 formal letter from Council stating that the works involving public infrastructure have been completed satisfactorily.

Reason: To protect public infrastructure.

76. Road reserve safety

All public footways and roadways fronting and adjacent to the site must be maintained in a safe condition at all times during the course of the development works. Construction materials must not be stored in the road reserve. A safe pedestrian circulation route and a pavement/route free of trip hazards must be maintained at all times on or adjacent to any public access ways fronting the construction site. Where public infrastructure is damaged, repair works must be carried out when and as directed by Council officers. Where pedestrian circulation is diverted on to the roadway or verge areas, clear directional signage and protective barricades must be installed in accordance with AS1742-3 (1996) "Traffic Control Devices for Work on Roads". If pedestrian circulation is not satisfactorily maintained across the site frontage, and action is not taken promptly to rectify the defects, Council may undertake proceedings to stop work.

Reason: To ensure safe public footways and roadways during construction

77. Road repairs necessitated by excavation and construction works

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

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

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

Reason: To protect public infrastructure.

78. Services

Where required, the adjustment or inclusion of any new utility service facilities must be carried out by the applicant and in accordance with the requirements of the relevant utility authority. These works shall be at no cost to Council. It is the applicants full responsibility to make contact

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

Reason: Provision of utility services.

79. Temporary rock anchors

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.

Reason: To ensure the ongoing safety and protection of property.

80. Temporary disposal of stormwater runoff

During construction, stormwater runoff must be disposed of 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.

Reason: To preserve and enhance the natural environment.

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81. Erosion control

Temporary sediment and erosion control and measures are to be installed prior to the commencement of any works on the site. These measures must be maintained in working order during construction works up to completion. All sediment traps must be cleared on a regular basis and after each major storm and/or as directed by the Principal Certifying Authority and Council officers.

Reason: To protect the environment from erosion and sedimentation.

82. Drainage to interallotment easement

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

Reason: To protect the environment.

83. Grated drain at garage

A 200mm wide grated channel/trench drain, with a heavy-duty removable galvanised 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.

Reason: Stormwater control.

84. Sydney Water Section 73 Compliance Certificate

The applicant must obtain a **Section 73 Compliance Certificate** under the *Sydney Water Act 1994*. An application must be made through an authorised Water Servicing CoOrdinator. The applicant is to refer to "Your Business" section of Sydney Water's web site at www.sydneywater.com.au then the "e-develop" 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 Co-ordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

Reason: Statutory requirement.

85. No storage of materials beneath trees

No activities, storage or disposal of materials shall take place beneath the canopy of any tree protected under Council's Tree Preservation Order at any time.

Reason: To protect existing trees.

86. Removal of refuse

All builders' refuse, spoil and/or material unsuitable for use in landscape areas shall be removed from the site on completion of the building works.

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Reason: To protect the environment.

87. Approved tree works

Approval is given for the following works to be undertaken to trees on the site and the nature strip:

Tree No	Species	Approved tree works
1	<i>Melaleuca armillaris</i> (Bracelet Honey Myrtle)	Remove
2	<i>Melaleuca styphelioides</i> (Prickly Paperbark)	Remove
3 - 7	5 x <i>Melaleuca armillaris</i> (Bracelet Honey Myrtle)	Remove
8	<i>Melaleuca styphelioides</i> (Prickly Paperbark)	Remove
9 - 18	10 x <i>Melaleuca armillaris</i> (Bracelet Honey Myrtle)	Remove
20 - 22	2 x <i>Melaleuca armillaris</i> (Bracelet Honey Myrtle)	Remove
25	<i>Eucalyptus elata</i> (River Peppermint)	Remove
26 *	<i>Eucalyptus elata</i> (River Peppermint)	Remove
27	<i>Eucalyptus robusta</i> (Swamp Mahogany)	Remove
28 *	<i>Eucalyptus elata</i> (River Peppermint)	Remove
29	<i>Eucalyptus elata</i> (River Peppermint)	Remove
31	<i>Eucalyptus elata</i> (River Peppermint)	Remove
33	<i>Eucalyptus elata</i> (River Peppermint)	Remove
34 *	<i>Eucalyptus elata</i> (River Peppermint)	Remove
35 & 36	2 x <i>Pittosporum undulatum</i> (Sweet Pittosporum)	Remove
38	<i>Acacia baileyana</i> (Cootamundra Wattle)	Remove
39 *	<i>Eucalyptus elata</i> (River Peppermint)	Remove
40	<i>Eucalyptus elata</i> (River Peppermint)	Remove
41	<i>Acacia sp.</i> (Wattle)	Remove
42 *	<i>Eucalyptus saligna</i> (Sydney Blue Gum)	Remove
43 *	<i>Pistacia chinensis</i> (Pistacia)	Remove
44 *	<i>Cupressus torulosa</i> (Bhutan Cypress)	Remove
45 *	<i>Brachychiton populneus</i> (Kurrajong Tree)	Remove
47 - 50	4 x <i>Cupressus torulosa</i> (Bhutan Cypress)	Remove
52	<i>Pittosporum undulatum</i> (Sweet Pittosporum)	Remove
53 *	<i>Lophostemon confertus</i> (Brushbox)	Remove
55	<i>Pittosporum undulatum</i> (Sweet Pittosporum)	Remove
56	<i>Leptospermum petersonii</i> (Lemon Scented Tea Tree)	Remove
57	<i>Flindersia australis</i> (Crow's Ash)	Remove
58	<i>Leptospermum petersonii</i> (Lemon Scented Tea Tree)	Remove
59	<i>Pittosporum undulatum</i> (Sweet Pittosporum)	Remove
61	<i>Pittosporum undulatum</i> (Sweet Pittosporum)	Remove
69 - 77	9 x <i>Lophostemon confertus</i> (Brushbox)	Remove
113	<i>Acacia elata</i> (Cedar Wattle)	Remove
114	<i>Acacia elata</i> (Cedar Wattle)	Remove
115	<i>Harpephyllum caffrum</i> (Kaffir Plum)	Remove
116 - 119	4 x <i>Eucalyptus scoparia</i> (Willow Gum)	Remove
120	<i>Eucalyptus saligna</i> (Sydney Blue Gum)	Remove
124 - 126	3 x <i>Harpephyllum caffrum</i> (Kaffir Plum)	Remove
127	<i>Hakea salicifolia</i> (Willow Leafed Hakea)	Remove

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128	<i>Pittosporum undulatum</i> (Sweet Pittosporum)	Remove
129	<i>Eucalyptus punctata</i> (Grey Gum)	Remove
130	<i>Agonis flexuosa</i> (Willow Myrtle)	Remove
131	<i>Eucalyptus resinifera</i> (Red Mahogany)	Remove
132	<i>Eucalyptus punctata</i> (Grey Gum)	Remove

Removal or pruning of any other tree on the site is not approved.

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

88. Tree removal on nature strip

Following removal of the trees from Council's nature strip, the nature strip shall be rehabilitated to the satisfaction of Council's Landscape Assessment Officer at no cost to Council.

Reason: To protect the streetscape.

89. Approved landscape plans

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

<i>Plan No.</i>	<i>Drawn by</i>	<i>Dated</i>
LA-00, LA-01, LA-01b, LA-12, LA-15 - Revision B, LA-02, LA-03, LA-04, LA-05, LA-06, LA-07, LA-08, LA-09, LA-10, LA-11 Revision C	Anton James Design Anton James Design	06/09/07 06/09/07

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

90. Arborists report

The trees to be retained shall be inspected, monitored and treated by an arborist with minimum qualification of AQF Level 5 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:

Schedule		
Tree No	Species	Time of Inspection
19, 21	2 x <i>Melaleuca styphelioides</i> (Prickly Paperbark)	During all construction works
23, 24	2 x <i>Pinus radiata</i> (Monterey Pine)	During all construction works
30, 32, 37	3 x <i>Eucalyptus elata</i> (River Peppermint)	During all construction works
46	<i>Eucalyptus saligna</i> (Sydney Blue Gum)	During all construction works
51	<i>Thuja plicata</i> (Giant Arborvitae)	During all construction works
54, 60, 62, 63	4 x <i>Lophostemon confertus</i> (Brushbox)	During all construction works
64, 65, 66	3 x <i>Pinus radiata</i> (Monterey Pine)	During all construction works
67, 68	2 x <i>Lophostemon confertus</i> (Brushbox)	During all construction works
79 to 109	31 x <i>Lophostemon confertus</i> (Brushbox)	During all construction works
121, 122	2 x <i>Syncarpia glomulifera</i> (Turpentine)	During all construction works

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133	<i>Phoenix canariensis</i> (Canary Island Palm)	During all construction works
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Reason: To ensure protection of existing trees.

91. Canopy/root pruning

Canopy and/or root pruning of the following tree(s) which is necessary to accommodate the approved building works shall be undertaken by an experienced arborist/horticulturist, with a minimum qualification of the horticulture certificate or tree surgery certificate:

Schedule	
Tree No	Species
19, 21	2 x <i>Melaleuca styphelioides</i> (Prickly Paperbark)
23, 24	2 x <i>Pinus radiata</i> (Monterey Pine)
30, 32, 37	3 x <i>Eucalyptus elata</i> (River Peppermint)
46	<i>Eucalyptus saligna</i> (Sydney Blue Gum)
54, 60, 62, 63	4 x <i>Lophostemon confertus</i> (Brushbox)
64, 65, 66	3 x <i>Pinus radiata</i> (Monterey Pine)
67, 68	2 x <i>Lophostemon confertus</i> (Brushbox)
79 to 109	31 x <i>Lophostemon confertus</i> (Brushbox)
121, 122	2 x <i>Syncarpia glomulifera</i> (Turpentine)
133	<i>Phoenix canariensis</i> (Canary Island Palm)

Reason: To protect the environment.

92. Thrust boring

Excavation for the installation of any services within the specified radius of the trunk(s) of the following tree(s) shall utilise 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

Schedule		
Tree No	Species / Location	Radius From Trunk
88 to 93	6 x <i>Lophostemon confertus</i> (Brushbox)	6 metres
107 & 108	2 x <i>Lophostemon confertus</i> (Brushbox)	6 metres

Reason: To protect existing trees.

93. Archaeology

Due to the possibility of relics being contained within the site, during excavation works the application 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 areas) based on the nature of the discovery.

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Reason: To ensure that the site is managed in accordance with the relics provision of the NSW Heritage Act so that if relics are uncovered they will be appropriately managed.

94. Garbage bin storage areas

The construction and finishes of the garbage bin storage areas is to comply with the recommendations contained within the Waste Management Plan dated 30/8/2007 prepared by Evans & Peck. The minimum floor to ceiling height of the storage rooms is to be at least 2.5m.

Reason: Environmental health.

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE:

95. Compliance with BASIX Certificate

Prior to the issue of an Occupation Certificate, the Principal Certifying Authority shall be satisfied that all commitments listed in BASIX Certificate Nos.133313M & 128244M have been complied with.

Reason: Statutory requirement.

96. Clotheslines and clothes dryers

Prior to the issue of the Occupation Certificate, the Principal Certifying Authority shall be satisfied that the units either have access to an external clothes line located in common open space or have a mechanical clothes dryer installed.

Reason: To provide access to clothes drying facilities.

97. Mechanical ventilation

Following completion, installation and testing of all the mechanical ventilation systems, the Principal Certifying Authority shall be satisfied of the following prior to the issue of any Occupation Certificate:

1. The installation and performance of the mechanical systems complies with:
 - The Building Code of Australia
 - Australian Standard AS1668
 - Australian Standard AS3666 where applicable
2. The mechanical ventilation system in isolation and in association with other mechanical ventilation equipment, when in operation will not be 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. The operation of the unit outside these restricted hours shall emit a noise level of not greater than 5dba above the background when measured at the nearest adjoining boundary.

Note: Written confirmation from an acoustic engineer that the development achieves the above requirements is to be submitted to the Principal Certifying Authority prior to the

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issue of the Occupation Certificate.

Reason: To protect the amenity of surrounding properties.

98. Accessibility

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

- the lift design and associated functions are compliant with AS 1735.12 & AS 1428.2
- the level and direction of travel, both in lifts and lift lobbies, is audible and visible
- the controls for lifts are accessible to all persons and control buttons and lettering are raised
- international symbols have been used with specifications relating to signs, symbols and size of lettering complying with AS 1428.2
- the height of lettering on signage is in accordance with AS 1428.1 – 1993
- the signs and other information indicating access and services incorporate tactile communication methods in addition to the visual methods

Reason: Disabled access & services.

99. Retention and re-use positive covenant

Prior to issue of the Occupation Certificate, the applicant must create a positive covenant and restriction on the use of land under Section 88E of the Conveyancing Act 1919, burdening the property with the requirement to maintain the site stormwater retention and re-use facilities on the property.

The terms of the instruments are to be generally in accordance with the Council's "draft terms of Section 88B instruments for protection of retention and re-use facilities" and to the satisfaction of Council (refer to appendices of Ku-ring-gai Water Management Development Control Plan No. 47). For existing titles, the positive covenant and the restriction on the use of land is to be created through an application to the Land Titles Office in the form of a request using forms 13PC and 13RPA. The relative location of the reuse and retention facility, in relation to the building footprint, must be shown on a scale sketch, attached as an annexure to the request forms.

Registered title documents showing the covenants and restrictions must be submitted to and approved by the Principal Certifying Authority prior to issue of an Occupation Certificate.

Reason: To protect the environment.

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

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

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

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

101. Certification of drainage works

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

- the stormwater drainage works have been satisfactorily completed in accordance with the approved Construction Certificate drainage plans
- the minimum retention and on-site detention storage volume requirements of BASIX and Ku-ring-gai Water Management Development Control Plan No. 47 respectively, have been achieved
- retained water is connected and available for use
- basement and subsoil areas are able to drain via a pump/sump system installed in accordance with AS3500.3 and Appendix 7.1.1 of Ku-ring-gai Water Management Development Control Plan No. 47
- all grates potentially accessible by children are secured
- components of the new drainage system have been installed by a licensed plumbing contractor in accordance with the Plumbing and Drainage Code AS3500.3 2003 and the Building Code of Australia
- all enclosed floor areas, including habitable and garage floor levels, are safeguarded from outside stormwater runoff ingress by suitable differences in finished levels, gradings and provision of stormwater collection devices

The rainwater certification sheet contained in Appendix 13 of the Ku-ring-gai Water Management Development Control Plan No. 47, must be completed and attached to the certification. Where an on-site detention system has been constructed, the on-site detention certification sheet contained in Appendix 4 of DCP 47 must also be completed and attached to the certification.

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

Reason: To protect the environment.

102. WAE plans for stormwater management and disposal

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

- as built (reduced) surface and invert levels for all drainage pits
- gradients of drainage lines, materials and dimensions
- as built (reduced) level(s) at the approved point of discharge to the public drainage system
- as built location and internal dimensions of all detention and retention structures on the property (in plan view) and horizontal distances to nearest adjacent boundaries and structures on site

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- the achieved storage volumes of the installed retention and detention storages and derivative calculations
- as built locations of all access pits and grates in the detention and retention system(s), including dimensions
- the size of the orifice or control fitted to any on-site detention system
- dimensions of the discharge control pit and access grates
- the maximum depth of storage possible over the outlet control
- top water levels of storage areas and indicative RL's through the overland flow path in the event of blockage of the on-site detention system

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

Reason: To protect the environment.

103. Basement pump-out maintenance

Prior to issue of the Occupation Certificate, the Principal Certifying Authority shall be satisfied that a maintenance regime has been prepared for the basement stormwater pump-out system.

Note: A maintenance regime specifying that the system is to be regularly inspected and checked by qualified practitioners is to be prepared by a suitable qualified professional and provided to the Principal Certifying Authority.

Reason: To protect the environment.

104. OSD positive covenant/restriction

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" and to the satisfaction of Council (refer to appendices of Ku-ring-gai Council Water Management DCP 47). For existing titles, the positive covenant and the restriction on the use of land is to be created through an application to the Land Titles Office in the form of a request using forms 13PC and 13RPA. The relative location of the 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.

Reason: To protect the environment.

105. Easement drainage line construction

Prior to occupation of the first stage of the development, the Principal Certifying Authority shall be satisfied that the required interallotment drainage system has been installed and surveyed

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under the supervision of a designing engineer or equivalent professional.

Note: At the completion of the interallotment works, the following must be submitted to the Principal Certifying Authority for approval:

- details from the supervising engineer that the as-constructed works comply with the approved interallotment design documentation
- a full works as executed drawing of the as built interallotment drainage line (dimensions, grades, materials, invert levels) prepared by a registered surveyor, and details from the surveyor that all drainage structures are wholly contained within existing drainage easement(s)

Reason: To protect the environment.

106. Sydney Water Section 73 Compliance Certificate

Prior to issue of an Occupation Certificate the Section 73 Sydney water Compliance Certificate must be obtained and submitted to the Principal Certifying Authority

Reason: Statutory requirement.

107. Certification of as-constructed driveway/carpark

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

- the as-constructed car park complies with the approved Construction Certificate plans
- the completed vehicle access and accommodation arrangements comply with Australian Standard 2890.1 – 2004 “Off-Street car parking” in terms of minimum parking space dimensions
- finished driveway gradients and transitions will not result in the scraping of the underside of cars
- 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
- the vehicular headroom requirements of:
 - Australian Standard 2890.1 – “Off-street car parking”,
 - 2.44 metres height clearance for waste collection trucks (refer DCP 40) are met from the public street into and within the applicable areas of the basement car park.

Note: Evidence from a suitably qualified and experienced traffic/civil engineer indicating compliance with the above is to be provided to and approved by the Principal Certifying Authority prior to the issue of an Occupation Certificate.

Reason: To ensure that vehicular access and accommodation areas are compliant with the consent.

108. Reinstatement of redundant crossings and completion of infrastructure works

Prior to issue of the Occupation Certificate, the Principal Certifying Authority must be satisfied that the following works in the road reserve have been completed:

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- new concrete driveway crossing in accordance with levels and specifications issued by Council
- removal of all redundant driveway crossings and kerb laybacks (or sections thereof) and reinstatement of these areas to footpath, turfed verge and upright kerb and gutter (reinstatement works to match surrounding adjacent infrastructure with respect to integration of levels and materials)
- full repair and resealing of any road surface damaged during construction
- full replacement of damaged sections of grass verge with a non-friable turf of native variety to match existing

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

Reason: To protect the streetscape.

109. Construction of works in public road

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

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

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

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

110. Infrastructure repair

Prior to issue of the Occupation Certificate, the Principal Certifying Authority must be satisfied that any damaged public infrastructure caused as a result of construction works (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub contractors, concrete vehicles) is fully repaired to the satisfaction of Council Development Engineer and at no cost to Council.

Reason: To protect public infrastructure.

111. Mechanical ventilation

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Prior to the issue of the Occupation Certificate, the Principal Certifying Authority shall be satisfied that all mechanical ventilation systems are installed in accordance with Part F4.5 of the Building Code of Australia and comply with Australian Standards AS1668.2 and AS3666 Microbial Control of Air Handling and Water Systems of Building.

Reason: To ensure adequate levels of health and amenity to the occupants of the building.

112. Fire safety certificate

Prior to the issue of the Occupation Certificate, the Principal Certifying Authority shall be satisfied that a Fire Safety Certificate for all the essential fire or other safety measures forming part of this consent has been completed and provided to Council.

Note: A copy of the Fire Safety Certificate must be submitted to Council.

Reason: To ensure suitable fire safety measures are in place.

113. Completion of landscape works

Prior to the release of the Occupation Certificate, the Principal Certifying Authority is to be satisfied that all landscape works, including the removal of all noxious and/or environmental weed species, have been undertaken in accordance with the approved plan(s) and conditions of consent.

Reason: To ensure that the landscape works are consistent with the development consent.

114. Validation Report

Prior to occupation of the first stage of the development, a Validation Report shall be submitted to Council and the Principal Certifying Authority which confirms that the site is suitable for the proposed residential use.

Reason: To protect the environment.

115. Easement for waste collection

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

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

116. Traffic management measures required

The applicant is to construct a triangular concrete island at the intersection of Mona Vale Road and Killeaton Street (east). The island should be appropriately designed to channelise left-in/left-out movements only at the Mona Vale Road/ Killeaton Street (east) intersection and be

Item 2

designed to ensure that it accommodates the turning paths of the largest vehicle likely to use Killeaton Street (east).

“Left Turn Only” signage should be installed within the proposed concrete island for vehicles approaching Mona Vale Road and the concrete island should be appropriately designed to include a pedestrian refuge.

Reason: To minimise the potential for dangerous vehicle movements at the intersection of Mona Vale Road and Killeaton Street.

117. Construction of footpath

The applicant shall construct a standard concrete footpath along the site’s entire Killeaton Street frontage and extend it further west to connect with Mona Vale Road.

Reason: To facilitate pedestrian desire lines to public transport.

118. No Stopping restrictions

Subject to Council’s Local Traffic Committee’s approval, the applicant shall install “No Stopping” restrictions along the site’s entire Killeaton Street frontage, or along some reduced frontage as required by the Traffic Committee.

Reason: To provide adequate sight distance at the site exit.

CONDITIONS TO BE SATISFIED AT ALL TIMES:

119. Gymnasium and site/body corporate office

The use of the gymnasium and site/body corporate office shall be ancillary to the use of the premises as a residential flat development at all times.

Reason: To ensure that the primary use of the premises is the approved use under this application and that any other uses are ancillary to the approved use.

120. Outdoor lighting

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

Reason: To protect the amenity of surrounding properties.

121. No door restricting internal waste collection in basement

At all times, the basement garbage storage and collection area is to be accessible by Council’s Waste Collection Services. No doors, grilles, gates or other devices shall be provided in any location which would prevent this service. Where a gate, door or the like is to be erected, unimpeded access to the garbage collection point is to be provided by other means through

Item 2

written agreement with Council's Waste Collection Services.

Reason: To facilitate access to the garbage collection point.

122. Noise control – plant and machinery

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. The operation of the unit outside these restricted hours shall emit a noise level of not greater than 5dbA above the background when measured at the nearest boundary.

Reason: To protect the amenity of surrounding residents.

123. Car parking

At all times, the visitor car parking spaces are to be clearly identified and are to be for the exclusive use of visitors to the site. On site permanent car parking spaces are not to be used by those other than an occupant or tenant of the subject building. Any occupant, tenant, lessee or registered proprietor of the development site or part thereof shall not enter into an agreement to lease, license or transfer ownership of any car parking spaces to those other than an occupant, tenant or lessee of the building.

These requirements are to be enforced through the following:

- restrictive covenant placed on title pursuant to Section 88B of the Conveyancing Act, 1919
- restriction on use under Section 68 of the Strata Schemes (Leasehold Development) Act, 1986 to all lots comprising in part or whole car parking spaces

Reason: To ensure adequate provision of visitor parking spaces.

124. Loading and unloading

At all times, all loading and unloading of service vehicles in connection with the use of the premises shall be carried out wholly within the site.

Reason: To ensure safe traffic movement.

125. Unobstructed driveways and parking areas

At all times, all driveways and parking areas shall be unobstructed. Driveways and car spaces shall not be used for the manufacture, storage or display of goods, materials or any other equipment and shall be used solely for vehicular access and for the parking of vehicles associated with the use of the premises.

Reason: To ensure safe traffic movement.

126. Conservation/reuse of former Stables/Shed

Item 2

The building must be conserved and reused for an appropriate facility for common use of the residents. Acceptable uses include a common workshop area ("mens" shed), potting shed, garden shelter/BBQ area etc.

Reason: To ensure conservation and appropriate reuse of an early stables building.

R Eveleigh
Executive Assessment Officer

R Kinninmont
Team Leader
Development Assessment - Central

M Prendergast
Manager
Development Assessment Services

M Miocic
Director
Development & Regulation

Attachments:

- Attachment A: Location plan - 838335**
- Attachment B: Zoning extract - 838335**
- Attachment C: Site analysis plan - 838338**
- Attachment D: Site plan - 838338**
- Attachment E: Floor plans - 838342**
- Attachment F: Elevations and sections - 838342**
- Attachment G: Landscape plan - 838351**
- Attachment H: Shadow diagrams – 838354, 838355**
- Attachment I: Stage construction plan - 838353**
- Attachment J: Submission on behalf of the 'Killeaton Street Action Group' dated 21 December 2006, which includes 33 signatures. - 838361**
- Attachment K: Submission on behalf of the 'Killeaton Street Action Group', dated 29 June 2006, which includes 27 signatures. - 838362**

LOCATION SKETCH

132-138 Killeaton Street, ST IVES

DEVELOPMENT APPLICATION No 1253/06



This is not an exhaustive list of objectors.
Please refer to the report for a comprehensive list.



OBJECTION TO AMENDED DA



OBJECTION TO ORIGINAL DA



SUBJECT LAND



CIRCULATED AREA



Scale : 1:3000

09-10-2007



Zoning Extract

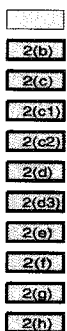
132-138 KILLEATON ST ST IVES DA 1253/06



ZONES

2. RESIDENTIAL

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



3. BUSINESS

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



5. SPECIAL USES

- (a) SPECIAL USES A (Schools etc)
- (a1) SPECIAL USES A1
- (b) SPECIAL USES (Railway)



6. OPEN SPACE

- (a) RECREATION EXISTING
- (b) RECREATION PRIVATE
- (c) RECREATION PROPOSED



RESERVATIONS

OPEN SPACE

- (a) OPEN SPACE (Public Parks & Recreation)
- (b) COUNTY OPEN SPACE



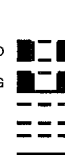
SPECIAL USES

- SPECIAL USES (Parking etc)



ROADS

- (a) COUNTY ROAD PROPOSED
- (b) COUNTY ROAD WIDENING
- (c) LOCAL ROAD PROPOSED
- (d) LOCAL ROAD WIDENING

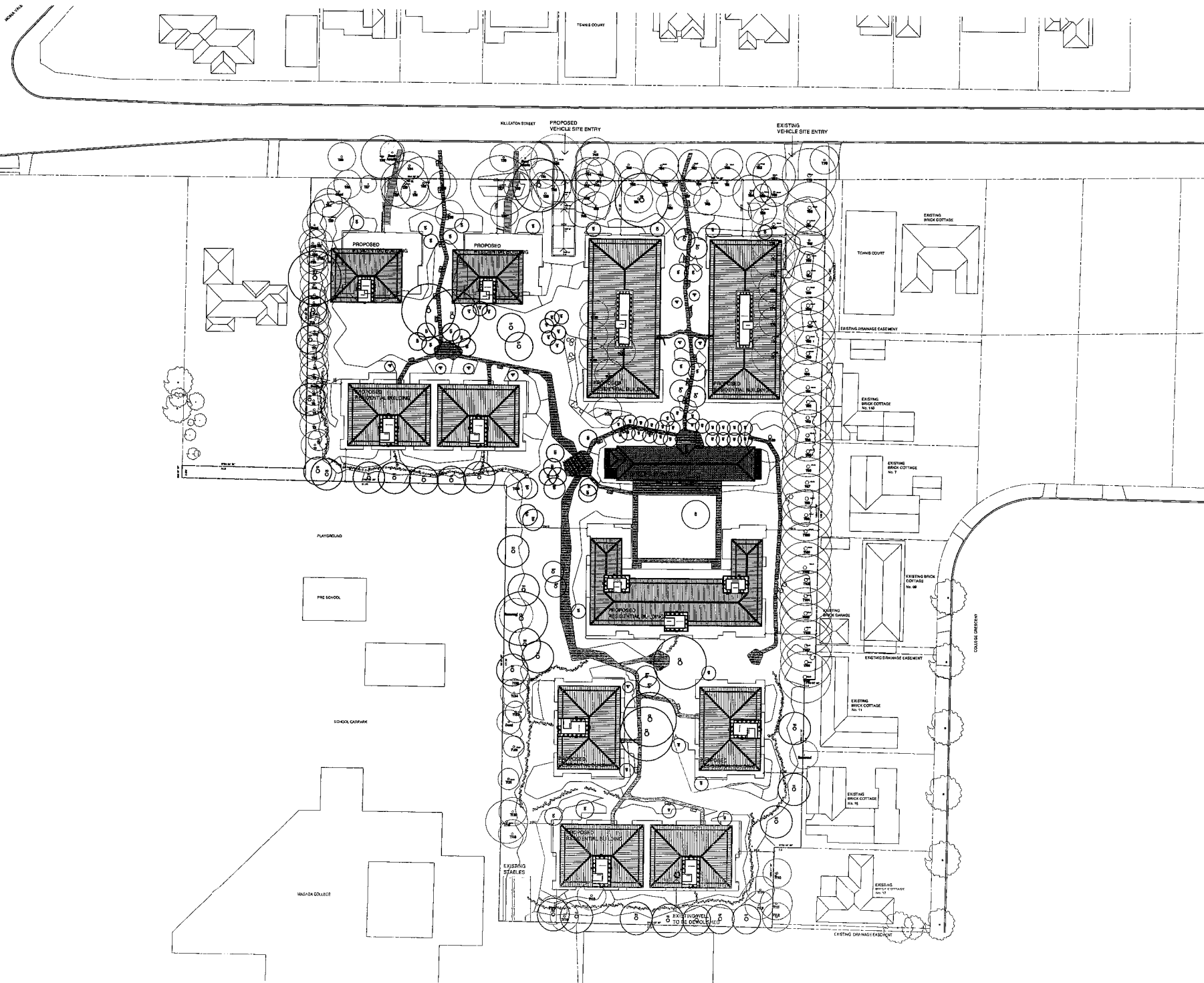


GENERAL

- EXISTING COUNTY ROAD
- OTHER PLANNING INSTRUMENTS



Scale:1:3000
Date:09-10-2007



Check all dimensions and site boundaries prior to commencement of any work. No reliance is placed on any information, drawings, plans, sections or calculations and the responsibility of any drawings shall be that of the drafter.

Do not scale drawings. Refer to figures and dimensions only. Any dimensions shall be taken from the drawings.

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NOTES

- Refer to compliance plan for detailed Built Up Area calculations.

- Refer to Landscape Architects documents for detailed Landscaped Area Calculations.

- Refer to Survey Plan for locations of existing infrastructure services.

- Garbage rooms are located in Basement Level 001, refer to architectural drawing AR DA 02 001 for locations.

- Letter boxes are located adjacent the entry to each building.

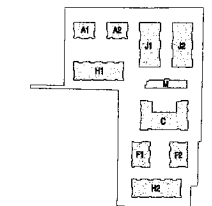
- Refer to Landscape Architects documents for locations of retaining walls and fences.

- Refer to Landscape Architects documents for locations of areas proposed for cut and areas proposed for fill.

- Refer to compliance plan for Deep Soil locations and accurate area calculations.

- Refer to architectural drawings AR DA 2 00, AR DA 2 001 and AR DA 2 002 for carparking details.

Person Summary



P1	02/04/07	AMENDED DA SUBMISSION	AA	RG
DA	02/04/07	DA SUBMISSION	AA	RG
Rev	Desc	Description	Author	Checked

138 Killeaton Street
St Ives
SITE PLAN



Scale	DA
Scale	1:400 @ B1
Drawn	AA / RG
Project No.	101066
Date	TUESDAY, MAY 1, 2007 @ 09:40AM
DA/TA	ARCHITECTURAL/ENGINEERING/ST Ives RESIDENTIAL/LOCALITY/DA/1/02/001
Drawing No.	AR DA 01 02
Package	P1

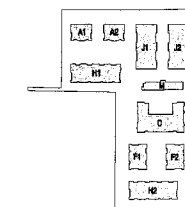
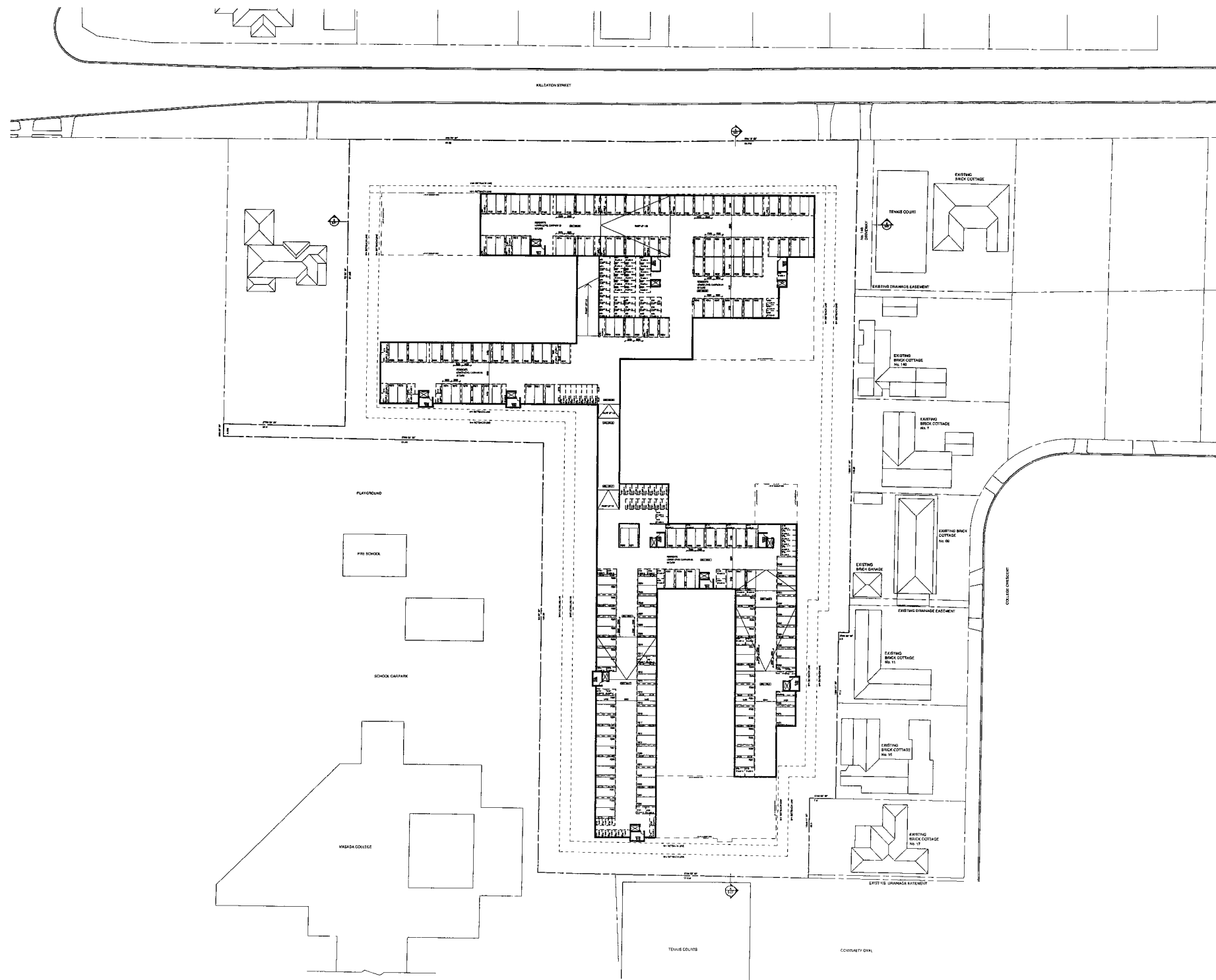
Melbourne 1 Nicholson Street
Melbourne VIC 3000 Australia
T 03 9564 6200 F 03 9564 6300
email info@bates-smart.com.au
http://www.bates-smart.com.au

Sydney 1043 Liverpool Street
East Sydney NSW 2018 Australia
T 02 9559 7200 F 02 9559 7209
email info@bates-smart.com.au
http://www.bates-smart.com.au

Bates Smart Pty Ltd ABN 70 001 970 000

BATES SMART

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Rev.	Date	Description	By	Check
1	01/10/07	DA SUBMISSION	AA	RS
2	01/10/07	DA SUBMISSION	AA	RS
3	01/10/07	DA SUBMISSION	AA	RS
4	01/10/07	DA SUBMISSION	AA	RS
5	01/10/07	DA SUBMISSION	AA	RS
6	01/10/07	DA SUBMISSION	AA	RS
7	01/10/07	DA SUBMISSION	AA	RS
8	01/10/07	DA SUBMISSION	AA	RS
9	01/10/07	DA SUBMISSION	AA	RS
10	01/10/07	DA SUBMISSION	AA	RS

138 Killeaton Street
St Ives
GA PLAN
BASEMENT LEVEL 002



Date	DA
Scale	1/4" = 1' - 0"
Drawn	AA / RS
Project No.	510356
Date	TUESDAY, MAY 1, 2007, 05:41:00AM
File No.	W:\ACAD\PROJECTS\510356\510356.DWG

AR DA 02 002 P1

Melbourne 1 Techniplex Street
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 T 03 9594 6000 F 03 9594 6000
 email info@batesmarriott.com.au
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 Blue Springs NSW 2150 Australia
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 email sydney@batesmarriott.com.au
 http://www.batesmarriott.com.au

Dallas 5000 West Loop West Suite 1000
 Dallas TX 75201 USA
 T 214 343 1000 F 214 343 1000
 email dallas@batesmarriott.com
 http://www.batesmarriott.com

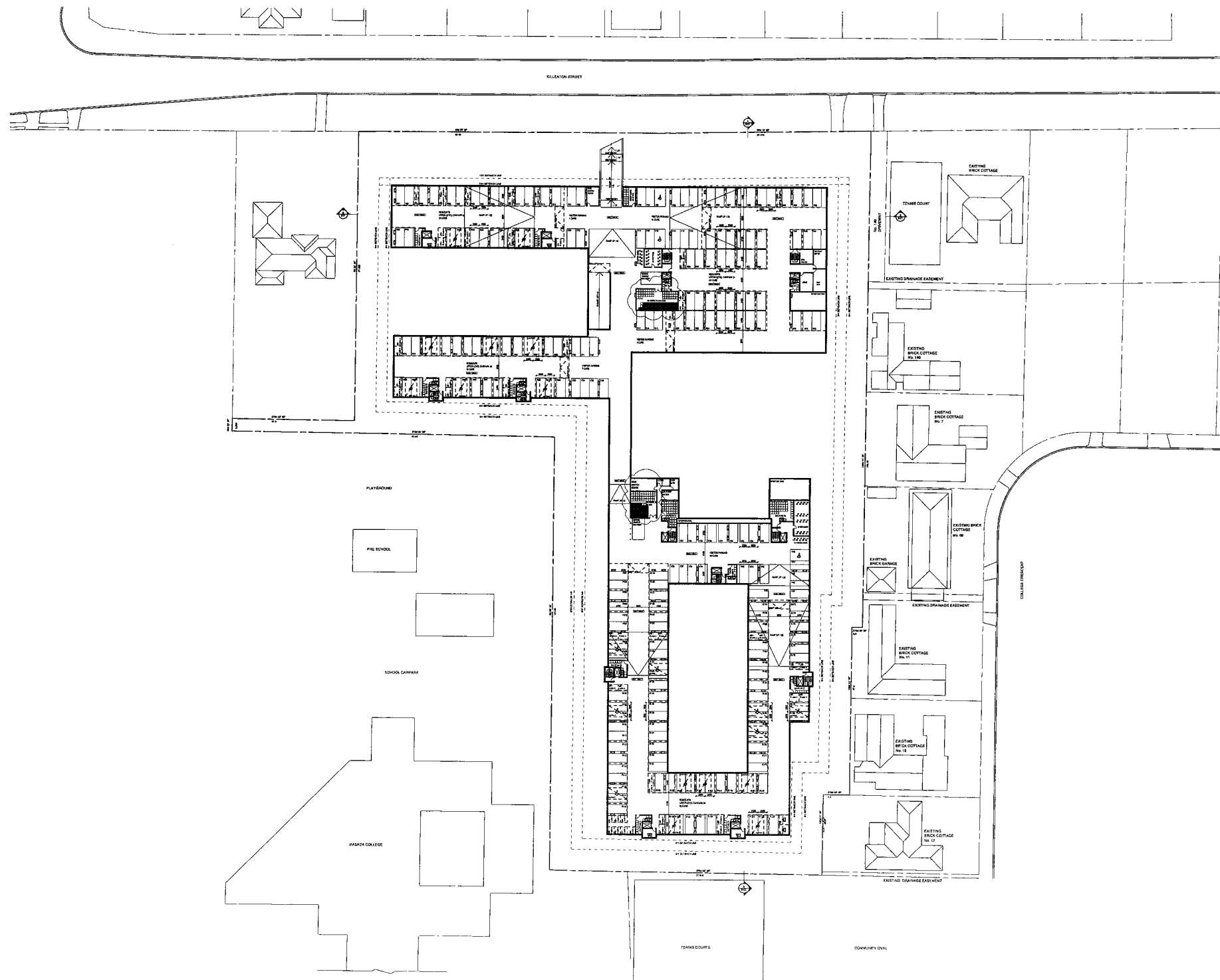
Bates & Marriott Pty Ltd ABN 76 004 079 400
 2007/01/01

BATES & MARIOTT

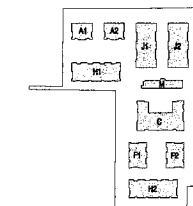
Check all dimensions and use conditions prior to commencement of any work. The purchaser is advised that any materials, design, plans, drawings or equipment will be the responsibility of the purchaser and not the responsibility of the engineer.

Do not make changes - unless in signed dimensions only. Any description must be retained as shown in the drawings or plan.

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Project Summary
 138 Killeaton Street
 GA PLAN
 BASEMENT LEVEL 001



PS	15/06/07	AMENDED DA SUBMISSION	AA	RG
PS	15/06/07	AMENDED DA SUBMISSION	AA	RG
PS	15/06/07	AMENDED DA SUBMISSION	AA	RG
PS	15/06/07	AMENDED DA SUBMISSION	AA	RG
PS	15/06/07	AMENDED DA SUBMISSION	AA	RG

138 Killeaton Street
 St Ives
 GA PLAN
 BASEMENT LEVEL 001

Scale: 1/400 @ B1
 Drawn: AA / RG
 Project no.: S10056
 Date: TUESDAY, MAY 1, 2007, 8:58:17 AM
 File No.: 138 KILLEATON STREET - GARDEN RT. 138 KILLEATON STREET
 Drawing No.: 138 KILLEATON STREET - GARDEN RT. 138 KILLEATON STREET

AR DA 02 001 P3

McIntyre & McIntyre
 138 Killeaton Street
 St Ives NSW 2157
 T 61 2 9364 1200 F 61 2 9364 1201
 Email: info@mcintyre.com.au
 Web: www.mcintyre.com.au

Bates Smart Pty Ltd ABN 70 004 027 500

BATES SMART



 SOUTH ELEVATION 01
ZONE SOUTH ELEVATION 02



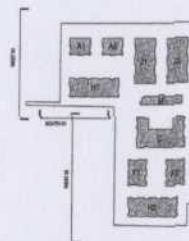
WEST ELEVATION 1
JOINS TO WEST ELEVATION 2



WEST ELEVATION 2
JOINS TO WEST ELEVATION 1

17. <http://www.fishbase.org>

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21. *Explain the difference between a variable and a constant.*
22. *Explain the difference between a variable and a constant.*
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208

pt	007637	ASSIGNED DA SUBMISSION	pt	90
	007158	DA SUBMISSION	pt	90
Gen. Date	00000000	00000000	pt	00000000

138 Killeaton Street
St Ives
SITE ELEVATIONS
SHEET 02

Subj	DA				
Line	1/000 @ 01				
Subj	AA / RD				
Address	010000				
Type	TV/REGD MAY 1 2007 9:00:33AM				
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Channel No	00000000-0000-0000-0000				
AR	DA 05 02				P1
Signature	Image	Type	No		Revision

[illegible]

giving them the time and space to do the same.

BATESSMART.



LEGEND

- Existing built-up buildings
- Existing built-up buildings
- Existing built-up buildings
- Existing built-up buildings

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ARCHITECT
Architect Consulting Pty Ltd
88 Leichhardt Road
Leichhardt, NSW 2040

PROJECT
Proposed Development at
No. 100 Victoria Street, St Leon

SCALE
1:100

DATE
10/10/2017

BY
J.M. JAMES

NO
SHADOW STUDY

DATE
10/10/2017

BY
J.M. JAMES

NO
0706



- LEGEND**
- Shaded area shown existing buildings.
 - Shaded area shown existing buildings.
 - Shaded area shown proposed developments.
 - Shaded area shown proposed developments.

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Author
 Author Consulting Pty Ltd
 88 Silverwater Road
 Northmead, NSW 2150

Project
 Proposed Development at
 No. 100 Silverwater Road, NSW

Scale
 1:1000

The drawings are to be used for construction and are not to be used for any other purpose without the written consent of the architect.

JM *architect*

Site
 100 SILVERWATER ROAD
 June 2016
 10:00 am S.E.T.

Drawn
 0705



- LEGEND**
- Shadow from existing buildings.
 - Shadow from existing buildings.
 - Shadow from proposed development.
 - Shadow from proposed development.

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NAME
 Armour Consulting Pty Ltd
 80 Merivale Road
 Northmead, NSW 2150

PROJECT
 Proposed Development at
 No. 100 Western Street, St. John

SCALE
 1:100

DATE
 15/05/2014

BY
 SHAWCHEN SHAWCHEN
 15/05/2014

DATE
 07/06



- LEGEND:**
- Shaded for existing buildings.
 - Shaded for existing buildings.
 - Shaded for proposed development.
 - Shaded for proposed development.

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Client:
Amour Consulting Inc. Ltd.
30 McMillan Road
North York, ON M2N 5S5

Project:
Proposed Development at
100 Hudson Street, St. 100

Scale:
1" = 10' (1:120)

Prepared by:
J.M. CONSULTING INC.

Check by:
J.M. CONSULTING INC.

Date:
07/06



LEGEND

- Shadows from existing buildings
- Shadows from existing buildings
- Shadows from proposed development
- Shadows from proposed development

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 FAX: 860.281.1235
 WWW: JMSIMPSON.COM



LEGEND

- Shaded area from existing buildings.
- Shaded area from existing buildings.
- Shaded area from proposed development.
- Shaded area from proposed development.

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ARCHITECT
 Armour Consulting Pty Ltd
 25 Mervyn Road
 Northmead, NSW 2150

PROJECT
 Proposed Development at
 No. 100 Gibson Street, St. Leonards

DATE
 1/10/2010

SCALE
 1:100

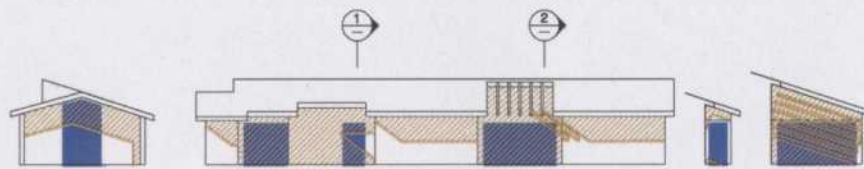
DESIGNER
 JM computer modelling

DATE
 1/10/2010

PROJECT
 SHADOW STUDY
 1:100 scale

DATE
 1/10/2010

PROJECT
 0705

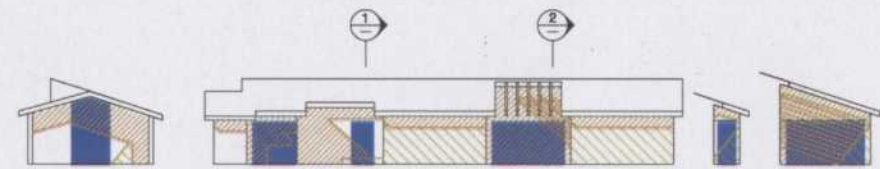


North Elevation

West Elevation

Sections 1 and 2

June 21st - 12.00 noon E.S.T.

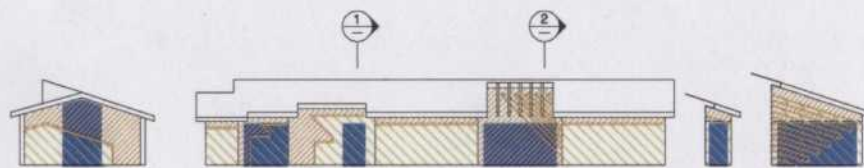


North Elevation

West Elevation

Sections 1 and 2

June 21st - 1.00pm E.S.T.

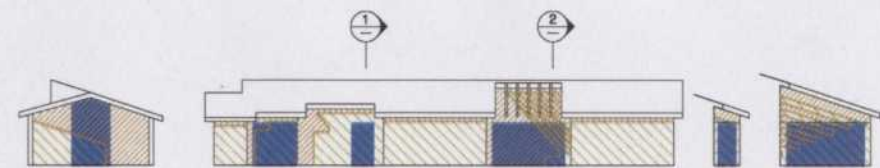


North Elevation

West Elevation

Sections 1 and 2

June 21st - 2.00pm E.S.T.



North Elevation

West Elevation

Sections 1 and 2

June 21st - 3.00pm E.S.T.

Legend

- Shadow line from existing building.
- Shadow from existing building.
- Shadow line from the proposed development.
- Shadow from the proposed development.

NOTES:

1. SHADOWS SHOWN ON THIS DRAWING HAVE BEEN DETERMINED USING A COMPLEX ALGORITHM THAT LOCATES THE SUN RELATIVE TO TRUE NORTH USING CORRECTIONS FOR LATITUDE, LONGITUDE, AND SOLAR TIME TO MEAN TIME (THE EQUATION OF TIME).
2. DUE TO NATURAL PHENOMENA, THE PERCEIVED EDGE OF A SHADOW SPREADS PROPORTIONALLY TO A SHADOW'S LENGTH. IN REALITY THIS MEANS THE LONGER A SHADOW IS, THE EDGE IS RENDERED PROPORTIONALLY MORE FUZZY.
3. WHILST SHADOW LINES SHOWN ON THIS DRAWING ARE INDICATED AS DISTINCT AND FINITE EDGES, THEY DO NOT TAKE INTO CONSIDERATION THIS CHARACTERISTIC AND HENCE THE TRUE POSITION OF THE SHADOW'S EDGE WILL BE SLIGHTLY IMPROVED.
4. ALL SHADOWS ON THIS PLAN HAVE BEEN PREPARED USING ARCHITECTURAL & SURVEY INFORMATION PROVIDED BY BATESMANT & LEAH LACKENBY HAYWARD, RESPECTIVELY.
5. NO INFORMATION ON ANY EXTERNAL STRUCTURE THAT MAY INFLUENCE THE SHADOWS CAST HAS BEEN CONSIDERED.

JM computer modelling
339 Eastern Valley Way, Castle Cove NSW 2069
phone (02) 9417 0486 facsimile (02) 9417 0631

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CLIENT

Armour Consulting Pty Ltd
33 Minnamurra Road
Northbridge, NSW 2063

PROJECT

Proposed Development at
No. 138 Killeaton St
St Ives

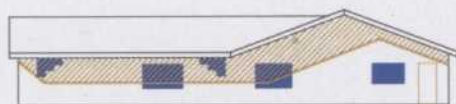
TITLE

Elevation Shadow Diagram on the
Northern & Western Facades of
No. 140 Killeaton St, St Ives
Sheet 1

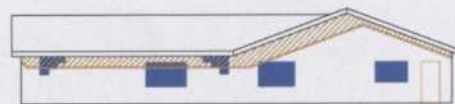
0 1 2 3 4 5 6 7 8 9 10m
SCALE 1:300

DATE
April 2007

JOB NO.
0705



West Elevation
June 21st - 12.00 noon E.S.T.



West Elevation
June 21st - 1.00pm E.S.T.



West Elevation
June 21st - 2.00pm E.S.T.



West Elevation
June 21st - 3.00pm E.S.T.

7 College Crescent



West Elevation
June 21st - 12.00 noon E.S.T.



North Elevation



West Elevation
June 21st - 1.00pm E.S.T.



North Elevation



West Elevation
June 21st - 2.00pm E.S.T.



North Elevation



West Elevation
June 21st - 3.00pm E.S.T.



North Elevation

9 College Crescent

Legend

- Shadow line from existing building.
- Shadow from existing building.
- Shadow line from the proposed development.
- Shadow from the proposed development.

NOTES:

1. SHADOWS SHOWN ON THIS DRAWING HAVE BEEN DETERMINED USING A COMPLEX ALGORITHM THAT LOCATES THE SUN RELATIVE TO TRUE NORTH USING CORRECTIONS FOR LATITUDE, LONGITUDE, AND SOLAR TIME TO MEAN TIME (THE EQUATION OF TIME).
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3. ALL SHADOWS ON THIS PLAN HAVE BEEN PREPARED USING ARCHITECTURAL & SURVEY INFORMATION PROVIDED BY BATESMAN & LEAH LACKENBY HAYWARD, RESPECTIVELY.
4. NO INFORMATION ON ANY EXTERNAL STRUCTURE THAT MAY INFLUENCE THE SHADOWS CAST HAS BEEN CONSIDERED.

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CLIENT

Armour Consulting Pty Ltd
33 Minnamurra Road
Northbridge, NSW 2063

PROJECT

Proposed Development at
No. 138 Killeaton St
St Ives

TITLE

Elevation Shadow Diagram on the
Northern & Western Facades of
No.'s 7 & 9 College Crs, St Ives
Sheet 2

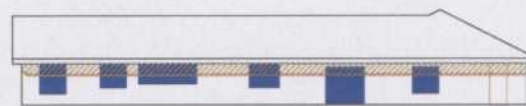
DATE
April 2007

JOB NO.
0705

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SCALE 1:250



West Elevation
June 21st - 12.00 noon E.S.T.



West Elevation
June 21st - 1.00pm E.S.T.



West Elevation
June 21st - 2.00pm E.S.T.



West Elevation
June 21st - 3.00pm E.S.T.

11 College Crescent



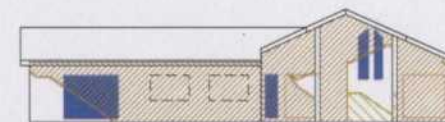
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June 21st - 12.00 noon E.S.T.



West Elevation



North Elevation
June 21st - 1.00pm E.S.T.



West Elevation



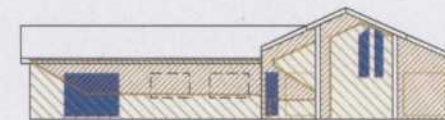
North Elevation
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West Elevation







North Elevation
June 21st - 3.00pm E.S.T.



West Elevation

15 College Crescent

Legend

-  Shadow line from existing building.
-  Shadow from existing building.
-  Shadow line from the proposed development.
-  Shadow from the proposed development.

NOTES:

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PROJECT

Proposed Development at
No. 138 Killeaton St
St Ives

TITLE

Elevation Shadow Diagram on the
Northern & Western Facades of
No.'s 11 & 15 College Crs, St Ives
Sheet 3

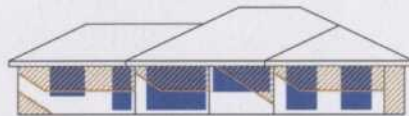
DATE
April 2007

JOB NO.
0705

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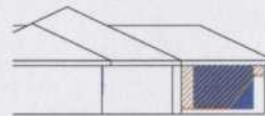


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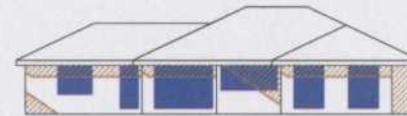


West Elevation

June 21st - 12.00 noon E.S.T.



North Elevation

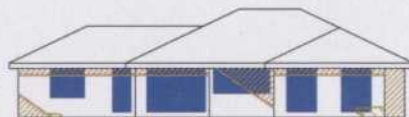


West Elevation

June 21st - 1.00pm E.S.T.

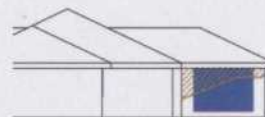


North Elevation



West Elevation

June 21st - 2.00pm E.S.T.







North Elevation



West Elevation

June 21st - 3.00pm E.S.T.

Legend

-  Shadow line from existing building.
-  Shadow from existing building.
-  Shadow line from the proposed development.
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CLIENT

Armour Consulting Pty Ltd
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Northbridge, NSW 2063

PROJECT

Proposed Development at
No. 138 Killeaton St
St Ives

TITLE

Elevation Shadow Diagram on the
Northern & Western Facades of
No.'s 17 College Cms, St Ives
Sheet 4



DATE
April 2007

JOB NO.
0705

Minutes of Meeting
Companion Animals Advisory Committee
Held on Thursday 27th September 2007, commencing at 7.10pm

Present Councillor Tony Hall (Chair)
 Ms Sandra Fry
 Ms Beryl Anderson
 Ms Jenni Daniel

Staff Present Ms Anne Seaton, Manager Compliance & Regulation
 Dr Paul Hopwood, Companion Animal Management Officer
 Mr Matthew Drago, Manager Open Space Services

CAAC 211 **Apologies** Mayor, Cr. Nick Ebbeck
 Dr Barbara Bessen

The meeting proceeded with those present, without having reached a quorum.
The deliberations of the Committee being of an advisory nature.

The Committee recommends:

That the apologies for non-attendance be accepted

CAAC 212 **Declaration of pecuniary interest**

Nil

CAAC 213 **Minutes of meeting 22 November 2006**

The minutes were adopted

Moved: Sandra Fry
Seconded: Beryl Anderson

CAAC 214 **Matters arising from the minutes**

Investigation - Animal Welfare League as pound provider
Committee member Ms Sandra Fry enquired if the Animal Welfare League had approached Council re the possibility of them acting as Council's companion animal impounding services provider.

Manager of Compliance & Regulatory Services advised that no approach had been forthcoming.

Committee advised that Council would call for formal tenders for such service provision. Documentation of the Tender document had recently commenced. Council would also formally contact NSROC organisation of councils to enquire if there was interest from member councils in pursuing a combined tender for service provision.

Council's Companion Animals Management Officer gave a verbal outline on matters to be considered in the impounding tender document.

Committee member, Ms Beryl Anderson reported that the current service provider was considered to be providing a good quality service.

It was recommended

“THAT Council’s Companion Animals Management Officer update the next meeting of the Committee on the progression of Council’s Impounding Tender”

CAAC 215 Introduction of Council’s New Companion Animals Management Officer

Dr Paul Hopwood was introduced to the Committee. Dr Hopwood joined Council’s employ as Companion Animal Management Officer on 2 July 2007, following a long and distinguished career at Sydney University, where he had held the position of Associate Dean, Sydney University Veterinary School, responsible for the School of Veterinary Science teaching programme.

Dr Hopwood had also previously owned and operated veterinary practices in the Cardiff and Toronto area of NSW.

Dr Hopwood is a specialist in veterinary anatomy and has completed extensive research into kangaroos and other native animals, including a research paper on the “Suitability of keeping native wildlife as pets.”

Dr Hopwood brings to Council many skills that will be of benefit, as Council strives to meet its vision within its adopted Companion Animal’s Management Plan.

Chair Cr Hall, welcomed Dr Hopwood to both the Committee and Council.

CAAC 216 Installation of dog waste collection facilities at leash free parks.

Following the Notice of Motion by Cr Tony Hall, at Council’s meeting of 20 August 2007, it was resolved;

“That Council install effective separate dog waste bins and bag dispensers at all leash free locations sufficient to support the need with

priority given to sports fields so dedicated and that their installation be regarded as Council policy in accordance with the provisions of the Companion Animals Act.

That a report be brought back to Council at its meeting of 25 September 2007 on the provision of dog waste bins and dispensers in all of Council's dog off leash areas and that the report examine the number, frequency of service, occupational health and safety issues and potential sources of funding for this installation service."

The Companion Animals Advisory Committee was therefore requested to provide comment on an appropriate service option.

Upon discussion, the following recommendation was made by the committee, and unanimously supported by all:

1. *THAT Council utilise 240 Litre mobile garbage bins for dog waste collection at all off leash areas.*
2. *THAT the frequency of collection of bins is increased to a minimum of 2 services per week, three in summer, with services preferably provided on Mondays, Wednesdays and Fridays. Additional services be provided at all parks on an as needs basis.*
3. *THAT bag dispensers and the supply of bags be implemented at Bert Oldfield Oval, Golden Jubilee Oval, Kissing Point Village Green, St Ives Showground, including cattle/dog rings, and Acron Oval St Ives.*
4. *THAT Council utilise biodegradable bags in the dispensers.*
5. *THAT Council investigate sponsorship for the supply of the bags.*
6. *THAT Council investigate placing educational messages on the bags.*
7. *THAT Council investigate the seeking of a grant to support supply.*

CAAC 217 Dog Day Out 2008

Arrangements for next year's dog day out have commenced. It is proposed to host the event on Sunday 25 May 2008 at St Ives Showground. The theme of the day being "Ku-ring-gai Picnic Races". Events will include races for all dogs; large, small, fat, skinny, fit, disabled, old and young. "Fashions in the field" fancy dress will also feature. The event also includes demonstrations from local dog training clubs, vet talks, behavioural advice, displays by welfare groups and pet

industry representees. Food stalls, children's jumping castle and various other entertainment activities will be arranged.

Following discussion, the following recommendation was made by the Committee, and unanimously supported by all:

1. *THAT Council investigates sponsorship opportunities for the event.*
2. *THAT Council waiver the fee for ground hire for the event.*
3. *THAT the theme of the day, "Picnic Races" be supported.*
4. *THAT the Companion Animal Management Officer provides an update on the planning for the day at the next meeting of the Committee.*

CAAC 218 **General Business**

Statistical Information on Companion Animals Activities

Mrs Beryl Anderson requested that statistics be tabled at future meetings outlining Council activities concerning numbers of roaming, barking, attacking, and impounded animals.

It was recommended:

"THAT Council's Companion Animal Management Officer tables a report at each future meeting of the Committee detailing statistics of recent companion animals' compliance activities."

Review of Committee membership and charter

Chair Cr Hall, requested that a subcommittee be formed to review the current charter of the Committee. Cr Hall also proposed to write to current members of the Committee, introducing himself and Council's new Companion Animal Management Officer, with a view to enquiring if those members not present at the meeting were still interested in holding their positions.

Action

A letter is to be sent to those members not present at the meeting, and whom had not offered a prior apology, enquiring as to their intention of maintaining their membership upon the committee.

Review of Companion Animal's Management Plan

Chair Cr Hall, requested that the Committee review the adopted plan.

Action

The Companion Animal Management Officer to obtain copies of other Councils' plans for review and consideration. Copies to be tabled at the next meeting of the Committee.

Council to support cat desexing programme

Mrs Beryl Anderson requested Council to consider sponsoring the cost of desexing cats.

Action

Council continue to support the national desexing programme that promotes the benefits of desexing companion animals and direct persons to affiliated service providers.

It was also noted that Animal Welfare, will assist community members in hardship.

Dogs at sporting events

The common occurrence of leash free dogs at sports events was raised. It was recommended that Council's conditions of hire include a specific condition highlighting the fact that spectators dogs should be kept on a leash at all times.

It was recommended

THAT Council's Terms of Conditions for sporting grounds hire be amended so as to include a requirement that hirers inform spectators of the need to keep their dogs on leash at all grounds. At those grounds that may be a shared and formally declared, leash free area the animals must be on leash at all times whilst a sporting activity is in progress.

Bins at Edinbrough oval

Committee member Jenni Daniel requested Council to consider placing bins at both entry points to the park. Currently all bins are located at the entry point closest to the amenity block.

Action

Manager Open Space Services to attend to this request.

E News for pet owners of Ku ring gai

Discussion was held re the benefits of communicating directly with user groups of leash free areas.

It was recommended:

THAT contact be made with Council's Strategic Planners (Colin Johnston) to check on the ability of utilising their broadcast email group in the first instance, so as to attract a listing of persons interested in receiving information directly about companion animals issues.

Support for companion animal activities

Chair, Cr Hall suggested the public relations of the Council in respect of companion animals needs to be upgraded with a permanent communications officer to assist the Companion Animals Management Group so as to service needs of the role, including development of information flyers, newsletters, registrations, organisation of public events etc.

Action

The General Manager and Directors be requested to review this suggestion.

Turramurra Memorial Park and Karuah Park

Manager of Open Space Services updated the Committee on the current project of developing a Landscape Master Plan for the facility. It was reported that focus group meetings had been held on Sunday 23 September and Thursday 27 September for key stakeholders. Both meetings had been well attended. One of the matters being considered in the development of the master Plan is the opportunities for off leash areas.

Next meeting of the Committee

Chair Cr Hall, suggested that the Committee should revert to meeting once every two months, as there was much business to attend to.

Action

The next meeting of the Committee is to be held on Thursday 29th November, 2007 at 6.30pm.

With there being no further business of the Committee, the Chair thanked all members for their input and closed the meeting at 8.25pm.



Urbanesque
PLANNING PTY LTD

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Mob 0419 250 600
Email info@urbanesque.com.au

The General Manager
Ku-ring-gai Council
Locked Bag 1056
PYMBLE NSW 2073

21 December 2006

Dear Sir

**DEVELOPMENT APPLICATION NO. 1253/06
132-138 KILLEATON STREET ST IVES**

We are engaged by residents of Killeaton Street and College Crescent St Ives following the advertising of the above application for public comment. The residents may be informally referred to as the Killeaton Street Action Group.

Our clients understand that the site is zoned 2(d3) and that the site will be eventually redeveloped with some form of high density development however they do have genuine concerns about the density and visual quality of the development and the issues which flow from those which will impact on their local amenity.

Basic Indices

Zone: 2(d3)

Site Area: 22,971m²

No. of Dwellings: 187

Site Density: 81.4 dwellings per hectare

Floor Space ratio: 1.16:1

Parking: 413 Vehicles (366 Resident and 47 Visitors)

Building Footprint: 6,183m² or 26% excluding paving and basement areas

Deep Soil Planting: 11,526m² however some areas over slabs

Heritage: No heritage items however there is a point of historical interest on the site.

The heads of consideration for multi-unit housing in the 2(d3) zone are found in the Ku-ring-gai Planning Scheme Ordinance (KPSO) under Part IIIA. As well as the general objectives for residential zones, Clause 25I in particular lists site requirements and heads of consideration for multi-unit housing. Our objections and concern will be relevant to the relevant heads of consideration and based on town planning principles and the relative merits of the proposal.

Documentation on Public Exhibition

We are considerably hampered in our ability to respond to certain concerns of the residents by the lack of detailed documentation available for inspection. While the Statement of Environmental Effects was available the following plans were notably absent:-

- Full scale site plan with dimensions and showing relationships between buildings and surrounding buildings,
- Landscape plans,
- Shadow diagrams.

This means that we cannot make informed, detailed comment but only raise matters for Council's closer scrutiny in the assessment process. For example, the full extent of basement level parking is not obvious. This has a direct bearing on the quantity of deep soil planting claimed to be provided.

Deep Soil Planting

To maintain and improve the tree canopy and to provide sufficient deep soil areas for the planting of trees, the KPSO requires at least 50% of the site to have deep soil landscaping.

While the Statement of Environmental Effects states that 50% of the site is available for deep soil planting, we are dubious as to this claim as we suspect a proportion of the quantum claimed is over basement slabs and is not deep soil by definition. As we had no access to floor plans this could not be verified and we request the Council to ascertain the true position.

Number of Storeys

The number of storeys permitted in the zone at Clause 25I(5) of the KPSO is a maximum figure, i.e. 5 storeys. It is not an absolute right and the design of a development should take sufficient account of surrounding conditions to determine what is actually appropriate at any part of the development.

In our view there is not sufficient regard paid to the interface of the site with the adjoining properties in College Crescent. Despite the setback attributable to the retention of the avenue of Brushbox on the eastern side, the College Crescent properties will be visibly dominated by five storey development. This is inappropriate because:-

- The avenue of Brushbox is low level vegetation compared to indigenous canopy vegetation and will not obscure or soften the 5 storey appearance.
- The avenue does not continue for the full length of the eastern boundary.
- Buildings C, E and F1 have their long elevations exposed to the College Crescent properties. In addition, the building adjacent to Building E, Building D is not sufficiently

separated to read as a separate building. Consequently these two buildings will present as a very high and long single building to the dwellings adjacent in College Crescent.

- Long westerly shadows will be cast by the height of the buildings.

We are of the opinion that the interface between the single storey 2(c) zone in College Crescent and the development site should be two storeys rising to three storeys. Five storey heights are more appropriate to the interface with the less sensitive Special Uses zones to the south and west.

Similarly, the presentation to Killeaton Street is of great concern at five storeys. To maintain a better relationship with single residential development at street level, the maximum height to Killeaton Street should also be two storeys rising to three.

We are of the opinion that the building form will dominate the landscape when viewed from the College Crescent properties and Killeaton Street and therefore would fail an assessment under heads of consideration 25L(1) (b), (c) and (e):-

- (b) the impact of any overshadowing, and any loss of privacy and loss of outlook, likely to be caused by the proposed development,
- (c) the desirability to achieve an appropriate separation between buildings and site boundaries and landscaped corridors along rear fence lines,
- (e) the desirability of adequate landscaping so that the built form does not dominate the landscape,

We also consider that the proposal does not meet the requirements of Clause 25L(3) Zone Interface, as suitable screen landscaping is not provided between the development and dwellings in College Crescent. We also believe that the proposal would fail Design Quality Principles 1 – Context and 4 – Density under State Environmental Planning Policy 65 (SEPP65) – Design Quality of Residential Flat Buildings.

Visual Impact From Killeaton Street

As mentioned above, the proposed five storey presentation to Killeaton Street is not appropriate considering the single residential zoning opposite the site. The residents directly opposite the site will be most affected by views of a five storey development.

A visual transition should be provided between the single residential development and the multi storey buildings on the development site. We consider that two storeys rising to three is more appropriate rather than the juxtaposition of five stories opposite one to two storey single residences in Killeaton Street.

In this regard, we are of the view that the development does not meet the objectives Clause 25C(2)(c) of the KPSO in that it does not achieve high quality urban design. Similarly we believe the development would not pass the test of Design Quality Principles 2 – Scale and 3 – Built Form of SEPP65.

Furthermore, it is essential that the viable existing trees within the street setback be retained and supplemented by new canopy and mid level vegetation so that the visual impacts to Killeaton Street residents are ameliorated as far as possible. Canopy trees should be species which are endemic to Ku-ring-gai and particularly suited to the St Ives locality.

The impact of the development on the public domain is as important as its own internal impacts and we ask that the Council give due weight to this factor.

Site Coverage

We have concerns about the accuracy of the site coverage figure which is stated to be 26% and request Council to fully check this in its assessment of building footprint area together with the achievement of deep soil landscaped area requirements.

Development Control Plan No. 55 gives priority to the achievement of landscape standards before any other development standards in the KPSO where any conflict arises. We ask the Council to verify the figures given by the applicant.

Density and Setbacks Between Built Elements

The allowable Floor Space Ratio (FSR) is 1.3:1 and the stated FSR is 1.16:1. We make the point that the allowable FSR may not be fully achievable on all sites due to urban design and site constraint considerations. We have already outlined a major area of concern under the heading "Number of Storeys" where we believe urban design principles are not adequately addressed.

We are concerned that a number of buildings on the site do not have the required spatial separation and Council is asked to consider the applicant's SEPP1 objection in this regard. We are of the view that this is a new development and as such Council should pursue achievement of compliance with all development standards.

The massing of buildings at the south eastern corner of the development is of particular concern. It is evident that the application proposes too many buildings for the site and a reduction of at least two would give rise to acceptable levels of separation and internal amenity. For example, we are of the view that Building D in the south eastern corner of the site should be deleted and that Building E could be repositioned to achieve an east west axial orientation for improved solar access and lessened exposure to the College Crescent properties.

We are of the opinion that the SEPP1 objection cannot be supported by the Council in a scenario where a new development can reasonably comply with the required standards.

We are further of the opinion that the development does not meet the objectives of Clauses 25C(2)(g) and 25D(2)(c) of the KPSO concerning separation of built elements for effective landscaping, tree planting between buildings and separation of buildings for acoustic and visual privacy. We also say that the development would not meet the test of amenity (Design Principle No. 7 of SEPP65).

Avenue of Brushbox

There appears to be a conflict with the retention of the avenue of Brushbox with the excavation required for the driveway for the basement garaging. As we were unable to view basement level plans, we ask that Council investigate this aspect if the avenue of Brushbox is to be seriously considered for retention.

Solar Access

We cannot fully appreciate shadowing impact on the College Crescent properties with the benefit of shadow diagrams. We rely on Council to assure that any development on the site at least meets the minimum DCP standards.

We note that a number of buildings in the development have a westerly orientation which represents a very poor aspect for thermal efficiency and good solar access. These buildings should have been designed with an east west orientation which would improve solar access to both the units in the development and cast less shadow on the College Crescent properties.

We ask that Council give the issues of solar access and shadowing serious consideration with a view to achieving a better outcome on the site by a redesign of some of the buildings.

In relation to solar access, we are concerned that the development does not meet objectives Clauses 25C(2)(g) and 25D(2)(k) of the KPSO dealing with these issues. We therefore also question the ability of the development to meet the test of Principle 5 of SEPP65 – Amenity, in respect of sufficient passive solar design.

Landscaping and Tree Removal

We have been unable to view a landscape plan for the site despite requests for this to be provided. Please ensure that any development pays due regard to the retention of viable trees as required by the relevant heads of consideration in particular the avenue of Brushbox and trees in the Killeaton Street setback. High quality landscaping is required which is sensitive to Killeaton Street and the College Crescent residents.

For the above reasons, we are not satisfied that the development meets the objectives of Clause 25C(2)(g) in relation to landscape design. We also say that the development might not meet the test of Design Principle 6 – Landscape under SEPP65.

Traffic Concerns

We note that the development is provided with only one ingress/egress point to the whole development which will house 413 vehicles. While traffic generation itself does not form part of this objection, we are concerned that this concentration of movements especially in peak periods will cause local conflicts at this single access point.

In our opinion it would be far better if not essential to split the ingress from the egress point to alleviate local traffic problems. The entry point to the site should be the currently proposed entry/exit and the egress point should be located further west towards Mona Vale Road.

Pre Construction

The redevelopment of the site entails extensive excavation for the basement level parking and access ramp in close proximity to the College Crescent residents. We ask that in any future development consent granted that a special condition be imposed requiring dilapidation reports be carried out for these properties at the expense of the developer.

Conclusion

The suggestions put forward in this objection relating to density, building height, solar access, landscaping and traffic conflicts amount to good planning and urban design and we are strongly of the view that the proposal does not meet the stated aims and objectives of Part IIIA of the KPSO or SEPP65 considerations as highlighted through this submission. In other cases, there is insufficient material to make fully informed comment so we rely on Council to carefully examine all aspects of the application for technical and qualitative compliance.

Council must also consider the standards under the State Residential Flat Design Code and other applicable Development Control Plans. We have not listed these in detail as we do not have sufficient information on the documentation provided to make comment but rely on Council's careful assessment.

We understand that the site will be developed in some form having regard to its recent rezoning (which incidentally should have included the adjacent portion of College Crescent for a more orderly development) but we ask that Council protect the interests of the adjoining and nearby residents by the proper undertaking of its role as a consent authority in the assessment of this application.

Finally, we request that we be included in any future negotiations with the applicant/developer so that the views of the residents can be brought to the table in the early stages for a quality outcome for both sides.

Yours faithfully,



Eugene Sarich
Director

Attachment: List of Objectors



Your assurance. Our commitment.

132-133 Killeaton St. St 2nd,
Action Group.

- 1 Alex Ostermayer 0419 228962
- 2 Brian Gnesin 0411 453 738
- 3 Graham Horton 0419 634-896
- 4 Gavin Cohen 0412 241920
- 5 Stephen Eggleton 0423 791133.

~~6~~

- Consultant - Technical

Eugene Sarich 0419 250600

meeting 5/2/05

NAME	ADDRESS	TEL NUMBER	EMAIL
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BRUCE BASS	11 COLLEGE CRESCENT	0405 122 282	brucebass@compuserve.com
LESLIE D SUDH	210 KILLEATION ST	0403 558 791	leslie@compuserve.com
Lesley Rogers (ex HP)	6 Yarrabung Rd	9440 1084	comp110@compuserve.com
Cherie Tangah	105 Killeaton St	9449 4614	cpasquid@bigpond.net.au
TONY KILLIAN	111 Killeaton St	9449 5837	24killeat@bigpond.net.au
Carol Smith	21 KILLEATION AVE	9467 3238	celine@compuserve.com
MA SMITH	14 COLLEGE CRESCENT	9449 7511	
ALAN VINCE	24 COLLEGE CRESCENT	9449 3450	william.alan.vince@bt.com.au
K. Turkington	140 Killeaton St	9440 4774	k.turkington@compuserve.com
David Gentle	17 Yarrabung Rd, St. J's	9488 9027	david.gentle@compuserve.com
David Wilson	130 Killeaton St	9449 5822	David.Wilson@compuserve.com
Raymond Seabrook		9728	
Tony Killian			

9-YES

9-YES

9-YES

9-YES

9

9

Wednesday 5/12/06

NAME	ADDRESS	TEL NUMBER	EMAIL
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Sitaphon Coyle	9 College (res) St. Ives	0423 791155	shepherm@coyle.com
Alexander Coyle	- - -	0144 555 3	-
Ellie Pavetich	107A Killeaton St.	0440 4005	ellev@killeaton.com
Jenny Young	170 KILLEATON ST	0144 3007	chendlen3@yaho.com
Luci Maganotti	172 " "	0441 08308	-
Lynne McCook	218 KILLEATON ST	0444 8555	-
Sony Beyle	6 ATRONA AVE	0444 91039	-
Diana Alcorn	2 KIRBY PLACE ST IVES	0444 9103	edwin@bryppend.net
Brenda Satill	128 KILLEATON ST ST IVES	0483 79150	TELE 547 0000000000
BRIDIA BRADSHAW	202 KILLEATON ST IVES	0444 1935	-
Alex Cserkay	20 KILLEATON ST IVES	0444 2777	exo@cep.com.au
Cheryl Merling	20 COLLEGE CRES ST IVES	0488 14585	ca-m@bryppend.net
Brita Beckman	204 Killeaton St Ives	0444 3714	-
Janis Stein	1 College Road St Ives	0449 5411	cas@bryppend.net
BRADIA BRADSHAW	142 Killeaton St Ives	0444 2777	BRADIA@bryppend.net

(Yes)

(Yes)

YES

(A) Yes

(A) YES

Meeting 5/12/06

PAID TO DATE

NAME	ADDRESS	TEL NUMBER	EMAIL
GAVIN COHEN	109 KILLEATON STREET.	0412-241920	gavin@cohen.ca.com
Stephen Egleston	9 College Cres. St. Joes	0423-791188	stepheneglestone@bigpond.net.au
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C.W. Fawcett	1074 Keelbarra Pl.	9440 4008	carved@bigpond.com
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LOUI MORGANOTTI	172 " "	9440 8868	
LYNNE MCCOOK	218 KILLEATON ST.	9449 8555	
SOPH BOYLE	5 ARANDA AVE	9449 1039	
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ROD SILBER	23 YARROUNGE RD		

WILLIE MICHAEL ROSE
17 COLLEGE CRES ST JES

ST JES 2007 041168787 9449 9914

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041168787 9449 9914

meeting 5/2/06

NAME	ADDRESS	TEL NUMBER	EMAIL
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JESSE D' Souza	210 KILLINGTON ST	0423587191	laxied@doxmail.com.au
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Urbanesque
PLANNING PTY LTD

The General Manager
Ku-ring-gai Council
Locked Bag 1056
PYMBLE NSW 2073



29 June 2006

Dear Sir

**RESIDENTIAL FLAT DEVELOPMENT
132-138 KILLEATON STREET ST IVES
AMENDED DEVELOPMENT APPLICATION NO. 1253/06**

Thank you for notifying us of the amended plans that have been lodged with Council following the concerns we expressed regarding the initial application on behalf of the residents forming the Killeaton Street Action Group.

We have reviewed the application and attended a public meeting in St Ives to gather the thoughts of the residents. We recognize some of the positive improvements that have been made such as –

- Setbacks to Killeaton Street improved which will provide for better landscaping and tree retention.
- Vista of the monastery building being opened to public domain.
- Carpark entrance improved.
- Other side boundary setbacks improved.

Unfortunately, while there are some positive aspects to the development we consider that the revisions do not alleviate the remaining major impacts on the amenity of the College Crescent properties.

In summary, we consider on our assessment that the application should fail for the reasons that the zone interface is not properly addressed and there are excessive height, overshadowing and privacy impacts on the College Crescent properties as a result.

The issue of how development should be treated at zone interfaces has been considered on numerous occasions in the Land and Environment Court. In *Seaside Property Developments Pty Ltd v Wyong Shire Council* [2004] NSWLEC 117, the Court established planning principles in respect to development in adjoining different zones.

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These principles are expressed in the following extracts from the case (underlining added):-

"As a matter of principle, at a zone interface as exists here, any development proposal in one zone needs to recognise and take into account the form of existing development and/or development likely to occur in an adjoining different zone. In this case residents living in the 2(b) zone must accept that a higher density and larger scale residential development can happen in the adjoining 2(c) or 2(d) zones and whilst impacts must be within reason they can nevertheless occur. Such impacts may well be greater than might be the case if adjacent development were in and complied with the requirements of the same zone. Conversely any development of this site must take into account its relationship to the 2(b) zoned lands to the east, south-east, south and south-west and the likely future character of those lands must be taken into account. Also in considering the likely future character of development on the other side of the interface it may be that the development of sites such as this may not be able to achieve the full potential otherwise indicated by applicable development standards and the like.

... any design for a proposed new development, whilst it need not be subservient it must nevertheless take into account and be sensitive to this existing and likely future character and development on these close-by lands."

The principles have been reinforced in subsequent cases such as *Ramsay v Leichhardt Council [No 2] [2005] NSWLEC 477* and *Terry Street Pty Limited v Leichhardt Municipal Council [2007] NSWLEC 131*.

In this case, there is a wide disparity between the permissible building height of development in the subject 2(d3) zone and the adjoining 2(c) zone. We say that the extent of the height and density differences between the two zones is so great that the built form needs to be controlled to a higher degree than would be the case where there is no such zone interface. In other words, we say that there is strong justification for controlling the undesirable impacts of the development beyond simply relying on compliance with the numerical height and setback controls.

Specifically, the impacts arising from the height and density are an overbearing bulk and scale relationship with the College Crescent properties and to a lesser extent, the views to the site from Killeaton Street. This is further evidenced by the extent of overshadowing and privacy intrusion from a 5 storey building despite the side boundary setback.

As we have said before, we believe that the maximum rise in storeys to the College Crescent properties and to Killeaton Street would be appropriate at 3 storeys with the top most floor being recessed and being 60% of the lower floor in area. We urge Council to take a strong stance in the assessment of this application as there is legal precedence to support a refusal.

Our concluding comments relate back to other unresolved concerns that we know the assessment staff will thoroughly investigate –

- Internal amenity issues - overshadowing and privacy (visual and acoustic) between dwellings,
- Daylight and shadowing to units,
- The true degree of compliance with the deep soil planting requirements. Our reading of Section 3.6 of the Statement of Environmental Effects does not convince us that some of the deep soil zone is not located over underground parking areas. For example, "Where landscaping is on slab, soil depths will be provided to enable sufficient growth habits of the planted species. Depths ranging from 600mm to 1000mm will be provided for shrubs and trees (respectively)."
- Comparison of side boundary setbacks stated in the Statement of Environmental Effects compared to those shown on plans.

We think that the application should be refused for reasons related to an unreasonable relationship with the zone interface and the subsequent undesirable environmental impacts that we have outlined. We consider that this is an example of a site where development "may not be able to achieve the full potential otherwise indicated by applicable development standards and the like."

Yours faithfully,



Eugene Sarich
Director



Your assurance. Our commitment.

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A. GAGGER	/		
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MEETING 06/07/07

[illegible]

COMPANION ANIMALS ADVISORY COMMITTEE - MINUTES OF 27 SEPTEMBER 2007

EXECUTIVE SUMMARY

PURPOSE OF REPORT:	To submit Minutes of the Companion Animals Advisory Committee Meeting of 27 September 2007.
BACKGROUND:	The role of the Companion Animals Advisory Committee is to provide resident and professional advice to Council on relevant matters relating to the management of companion animals (dogs & cats) within Ku-ring-gai.
COMMENTS:	<p>At its recent meeting, the Companion Animals Advisory Committee discussed:</p> <ul style="list-style-type: none">* The installation of bag dispensers and appropriate supply of garbage bins at leash free parks;* The proposed tender for animal impounding services;* Dog Day Out 2008 event;* Compliance statistical reporting in respect of companion animals;* Charter of committee;* The adopted Companion Animals Management Plan;* Cat desexing program;* Unleashed dogs at sporting events;* E-news for pet owners;* Landscape Master Plan for Turramurra Memorial Park
RECOMMENDATION:	That the Minutes of the Companion Animals Advisory Committee Meeting of 27 September 2007 be received and noted.

PURPOSE OF REPORT

To submit minutes of the Companion Animals Advisory Committee meeting of 27 September 2007

BACKGROUND

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

The Committee met on 27 September 2007 and a copy of the minutes is attached for the information of Council.

COMMENTS

Many of the recommendations made by the Committee are of an operational nature and are being attended to by staff.

The specific recommendation of the Committee regarding the provision of bins and bags at leash free parks will be considered in a separate report to Council.

CONSULTATION

The Committee is a consultative forum representing the interests of both pet owners and non-pet owning residents within Ku-ring-gai. The Committee membership also includes a practising local veterinarian.

FINANCIAL CONSIDERATIONS

The Committee made no recommendations requiring additional financing. Allocation is provided for in the current budget for animal management.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Ongoing consideration continues with appropriate departments of Council.

SUMMARY

Discussion at the September 27 meeting focussed primarily on the provision of bins and bags at leash free parks and the trials that are proposed to commence shortly. Other areas of discussion included the proposed tender for impounding facilities, the introduction of Council's new Companion Animals Management officer, the planning of dog Day Out 2008, statistical reporting of compliance activities in respect of companion animals, review of Companion Animals Management Plan, as adopted, cat desexing programme, the control of dogs at sporting events, e-news for pet owners and the development of landscape master plan for Turramurra Memorial Park.

RECOMMENDATION

That the Minutes of the Companion Animals Advisory Committee Meeting dated 27 September 2007 be received and noted.

Anne Seaton
Manager Compliance & Regulation

Michael Miocic
Director Development & Regulation

Attachments: **Minutes of Meeting 27 September 2007 - 838191**

KU-RING-GAI ACCESS ADVISORY COMMITTEE

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

To provide Council with the Minutes of the Ku-ring-gai Access Advisory Committee of 16 August 2007.

BACKGROUND:

The Ku-ring-gai Access Advisory Committee provides a forum between Ku-ring-gai Council, the community representatives and service providers on access issues in the Ku-ring-gai area. The Committee meets every two months.

COMMENTS:

General access issues were discussed during the meeting with a number of actions flowing from the Ku-ring-gai Access Advisory Committee meeting.

RECOMMENDATION:

That the Minutes of the Ku-ring-gai Access Advisory Committee of 16 August 2007 be received and noted.

PURPOSE OF REPORT

To provide Council with the Minutes of the Ku-ring-gai Access Advisory Committee of 16 August 2007.

BACKGROUND

The Ku-ring-gai Access Advisory Committee provides a forum between Ku-ring-gai Council, the community representatives and service providers on access issues in the Ku-ring-gai area. The Committee meets every two months.

COMMENTS

General access issues were discussed during the meeting with a number of actions flowing from the Ku-ring-gai Access Advisory Committee meeting.

CONSULTATION

Representatives from all Departments of Council have input in agenda items and provide reports to the Committee.

FINANCIAL CONSIDERATIONS

Not applicable.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Not applicable.

SUMMARY

Not applicable.

RECOMMENDATION

That the Minutes of the Ku-ring-gai Access Advisory Committee of 16 August 2007 be received and noted.

Martin Butcher
Community Development Officer
Aged & Disability Services

Janice Bevan
Director Community

Attachments: Ku-ring-gai Access Advisory Committee Minutes 16 August 2007 - 836958

KU-RING-GAI ACCESS ADVISORY COMMITTEE

Thursday 16 August 2007

2.30pm

Council Chambers, Level 3, 818 Pacific Hwy, Gordon

Minutes

1. Welcome Present/Apologies

Present

Cr Michael Lane (Chair)

Kate Boyd

Alan Faulkner

Ivan and Joyce Cribb

Bill Higman

In Attendance

Martin Butcher– Community (Minute Taker)

Roger Faulkner - Strategy

Katrina Annis-Brown – Internal Ombudsman

Colin Johnston –Strategy

Apologies:

Greg Piconi

Danny Houseas

Janice Bevan

Lyn Kerslake

Beverley Schultz

Eileen Lyons

Loch Townsend

Tom Cooper - Development and Regulation

Arthur Gillott

1. Declaration of Conflict of Interest

Katrina Annis-Brown spoke about the responsibility of members of Council's Advisory Committee under the Local Government Act. As volunteers for Council, committee members are to abide by some parts of Council's Code of Conduct Policy. Committee members are to declare any conflicts of interest regarding any matter that the Committee may be discussing. A conflict of interest exists when members could be influenced by a personal interest when carrying out their public duty.

Pecuniary Interest – An interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person or another person to whom the person is associated. If a Committee member has a pecuniary interest listed on the agenda they must

declare their interest and then leave the room while the item is being discussed.

Non- Pecuniary Interest – A private or personal interest that the Council official has that does not amount to a pecuniary interest. If a Committee member has a non-pecuniary interest. They must declare the interest. They may still participate in the discussions.

A copy of the relevant sections of Council's Code of Conduct was handed out at the meeting.

Members declaring conflict of interest

The Chair asked if any Committee members or staff had a pecuniary or non pecuniary interest in any of the agenda items.

No such interest was declared.

2. Changes to the Minutes

Item 5. The Sustainability Forum was held the same day as the Access Committee meeting in June, not August, as stated in the minutes.

As there were two Mr Faulkners attending the meeting, it was requested that first names be included in the minutes to reduce confusion.

3. Business Arising

North Turrumurra Recreation Area

Alan Faulkner reported a level of disagreement amongst older residents in the North Turrumurra area regarding the proposal.

West Pymble Aquatic Centre

Concept plans have been developed for the new indoor lap and hydro therapy pools. The computer modeling shows how the new facility will interact with the existing facilities.

Operations

- Access to the entrance of Council Chambers
Access Australia are currently developing detailed plans and development application.
- Path Cnr Rohini and Eastern Parade, Turrumurra
Martin Butcher to follow up with Operations regarding progress.

Strategy – Colin Johnston

- Town centre amendments
- An independent advisor is to be appointed by Council to act in the role of professional facilitation/mediation to resolve outstanding planning issues between the NSW Dept of Planning and Council. This was deliberated by Councillors at the Council Meeting on 14 August last.

Sustainability Forum

- Feedback raised issues of water conservation and reuse; air and noise issues, energy use and efficiency, recycling, tree and habitat preservation, and general amenity issues in Ku-ring-gai.

Parking Management Plan

- This will commence shortly to provide a more detailed review of the critical issue in 6 town centres (St Ives, Turramurra, Pymble, Gordon, Lindfield and Roseville) as directed by Council when they adopted the centres plans and forwarded them to NSW Government in December 2006. Concise and broad-ranging consultations, mainly by email, will form part of the study. This Committee's email addresses might be provided so they can add their opinions and experience to the review.

Development & Regulatory – Tom Cooper

- **Lindfield Railway Station**
Plans have been lodged with Council for easy access to Lindfield Station. The plans are dependant on Council moving a pedestrian crossing at Lindfield Avenue to be relocated to Tryon Road. RailCorp wish to work with Council as part of the implementation of the Town Centre Plan. Formal response from Council is pending.

Community - Martin Butcher

- **Cumberland Newspaper's Local Business Achiever Awards**
Martin has spoken to Officers from other councils in the region regarding a joint approach to Cumberland Newspapers about including access as a category in the Business Achiever Awards. The Council officers were open to this idea and Martin will make an appointment to see Cumberland Newspapers.
- **Mental Health Week**
The Police and Community Safety Committee is organising a Forum for Wednesday 10 October, "**Relationship Matters 'cos Mental Health Matters**". The Forum will include presenters from the NSW Police Service, Lifeline, Sydney University, and Mental Health Service at Hornsby Hospital. More information will be sent to members closer to the time.
- **International Day for People with a Disability**
Martin Butcher asked the Committee about what activities they would like to participate in International Day for People with a Disability.
- **Access Walks**
These events do not seem to achieve anything as they attract the same people who are already open to access issues.

- **Warringah Fair**

This was a good event as we were able to speak to a wide variety of people. The Committee would like to do this event again.

- **Art Display**

The exhibition red wall at the Customer Service section of Council has been booked for an exhibition at the end of December through to the end of February 2008. Local organisations including Boonah, Sunshine Homes and Cromehurst School are being asked to send paintings for the display. There will be a launch at Council on Monday 3 December.

4. Correspondence In:

Nil

5. Correspondence Out:

Nil

6. General Business

- **Wheelchair Permits**

Bill Higman has expressed his frustration with the number of drivers who have accessible parking permits and they do not appear to have a disability. He asked if Council could do anything.

Parking permits are administered by the Ministry of Transport. Individuals need a medical report before a permit can be issued. If a person is displaying an authorization, Council Regulatory Officers can ask to see the details on the card but it is not up to Council officers to determine if a person should have a permit.

- **Wheelchair parking area specifications**

Bill Higman brought the Committee's attention to the need for the appropriate placement of accessible parking spots. Particular issues are vehicles where wheelchairs are loaded from the back of a van. People often need to load and unload the vehicles in the path of traffic.

The height of vehicles was also raised as an issue as high vans can get caught on up ramps of multi storey car parks, as the height restrictions are measured from the floor to the roof on flat ground.

Council is currently reviewing its Car Park Policy and these concerns will be taken into consideration and addressed in the Policy.

- **Lighting on the Platform at Gordon Station**

Kate Boyd arrived at Gordon Station one evening recently and found the station to be dark. She asked that the Access Committee write to RailCorp asking that they improve lighting on the platform.

- **Request for Support of the Draft Standards for Access to Public Buildings.**

Council has received a request from the Physical Disability Council (PDC) of Australia, an organisation representing the interests and views of people with physical disability in Australia. They are asking for support regarding the draft Access to Premises Standards under the *Disability Discrimination Act* (DDA). PDS, which progress the Standards to ensure all Australians with disabilities have access to all areas of the community. The committee indicated that they are unclear about what the new standards are asking and have requested that additional information be provided before making a decision to support the request.

Date of next meeting: Thursday 18 October 2007

DISCLOSURE OF INTERESTS RETURNS REGISTER

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

To table Council's Disclosure of Interests Returns Register in accordance with the Local Government Act.

BACKGROUND:

The Act requires that the Disclosure of Interests Returns Register be tabled at the first meeting after 30 September 2007.

COMMENTS:

The Register will be tabled at the meeting.

RECOMMENDATION:

That the tabling of the Disclosure of Interests Returns Register be noted.

PURPOSE OF REPORT

To table Council's Disclosure of Interests Returns Register in accordance with the Local Government Act.

BACKGROUND

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

Under Section 450A(2)(b) of the Act, returns for the period ending 30 June 2007 must be tabled at the first Council meeting held after the last day of lodgement (30 September 2007).

COMMENTS

Not applicable.

CONSULTATION

Not applicable.

FINANCIAL CONSIDERATIONS

Not applicable.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Not applicable.

SUMMARY

Not applicable.

RECOMMENDATION

That the tabling of the Disclosure of Interests Returns Register be noted.

Geoff O'Rourke
Senior Governance Officer

John McKee
General Manager

AUDITED GENERAL PURPOSE AND SPECIAL PURPOSE FINANCIAL REPORTS FOR THE YEAR ENDED 30 JUNE 2007 AND AUDITOR'S REPORT

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

To present to Council the Annual Financial Statements and audit reports from Council's external auditor, Spencer Steer Chartered Accountants for the year ended 30 June 2007.

To provide a summary of Council's financial performance and financial position at 30 June 2007.

BACKGROUND:

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

A Council must present its financial reports and audit reports at a public meeting of Council. Council's auditor upon request, should attend the meeting at which the reports are presented to answer questions.

In addition, under Section 417(5) of the Act:

Council must send a copy of the audited financial reports and auditor's reports to the Director General and the Australian Bureau of Statistics.

COMMENTS:

This is the final stage of the process of adopting Council's Annual Financial Statements for 2006/2007.

RECOMMENDATION:

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

That \$250,000 be transferred from unrestricted cash and \$175,000 from the Plant Replacement Reserve to the revenue funded carry-over works reserve.

PURPOSE OF REPORT

To present to Council the Annual Financial Statements and audit reports from Council's external auditor, Spencer Steer Chartered Accountants for the year ended 30 June 2007.

To provide a summary of Council's financial performance and financial position at 30 June 2007.

BACKGROUND

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

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

The Council's auditor, on request, attends the meeting at which the financial reports are presented.

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

In addition, Section 417(5) of Act states that:

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

COMMENTS

The audited Financial Statements, together with the audit reports for the year ended 30 June 2007 are hereby presented to Council (circulated separately).

Council resolved on 25 September 2007 to receive and certify the Draft Financial Statements for 2006/2007 and to refer them to the external auditor. The Auditor's reports were subsequently received by Council and have been attached to the General Purpose and Special Purpose Financial Reports in accordance with Section 417(1) of the Act. Council also resolved to fix 16 October 2007 as the date for the public meeting to present the statements and audit reports. In accordance with Section 418(1) and 418(3) of the Act, this meeting date was advertised and the Statements were made available for inspection by the public at Council's Chambers and libraries.

Written submissions from the public were invited, but at the time of writing this report none have been received. Submissions received up to 4.30pm on 16 October 2007 will be circulated to Councillors on the night. Section 420 of the Act requires that all submissions in respect of the audited Financial Reports must be in writing and must be lodged with the Council within 7 days after this meeting. Public submissions may be made up to 23 October 2007. Copies of all submissions received must be referred to Council's Auditor.

This is the final stage of the process of adopting the Financial Statements for 2006/2007.

Item 6

S05767
5 October 2007

Analysis of Result for Year

Below is a commentary on the general purpose financial report by addressing the “sustainable Finances Health Check”. An assessment of working capital is also provided.

The Income Statement discloses that Council’s financial activities for the 2007 year resulted in an **increase** in net assets of \$23.717M (\$16.546M **increase** in net assets in 2006).

Local Government Sustainable Finances Health Check

A colour coding “traffic light” system was developed and endorsed by the Minister of Local Government in April 2002 to rate and present the relative position of Council’s financial performance.

Information Note – Revenue Sources

- Sources of Total Income from Continuing Operations Before Capital

Income from Continuing Operations is classified by source as either from:

	Last Year - 2		Last Year - 1		Last Year		Current Year	
	\$	%	\$	%	\$	%	\$	%
Rates and Charges								
○ General Purpose	33,419	54%	34,418	52%	35,857	49%	36,976	49%
○ Specific Purpose (Levies)	1,524	3%	1,579	2%	3,393	5%	3,895	5%
○ Specific Purpose (DWM)	7,627	12%	8,387	13%	9,002	12%	9,314	12%
User Charges and Fees	11,814	19%	13,751	21%	13,957	19%	14,269	19%
Interest & Investment Revenue	1,007	2%	1,082	2%	1,909	2%	3,357	5%
Grants (Operating)								
○ General Purpose	2,814	5%	2,836	4%	2,928	4%	2,986	4%
○ Specific Purpose	2,490	4%	2,210	3%	4,289	6%	2,183	3%
Contributions	24	0%	181	0%	510	1%	248	0%
Net Gains from the disposal of assets	0	0%-	0	0%	0	0%	0	0%
Other	891	1%	2,116	3%	1,909	2%	2,152	3%
Total Income from Continuing Operations less Capital Grants and contributions	61,610	100%	66,560	100%	73,754	100%	75,380	100%

Commentary:

Trend analysis indicates a continuing reliance on property taxes in the form of rates and no reliance on the sale of assets. Trend analysis for 2006 is very similar to 2007, except for a marked

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5 October 2007

increase in investment revenue (66% goes back into s94 Plans) and a decrease in specific purpose grants (specifically transport-other various Roads and Bridges Grant Funding Jobs).

Indicator # 1 – Cash/Liquidity Position – after accounting for external reserves

	Current Year
1.1 Unrestricted Current Ratio	2.16:1
1.2 Available Cash Position	
❖ Available Cash Assets	\$15,785,000
❖ Unrestricted Available Cash Assets	\$10,000
1.3 Availability of Cash Assets as % of total revenue	
❖ Available Cash Assets	20.94%
❖ Unrestricted Available Cash Assets	0.01%

Acceptable Measures:

Less than 1:1 = Red; 1:1 to 2:1 = Amber; Over 2:1 = Green; successive years over 10:1 = Red
Council's result = GREEN

Commentary:

- 1.1 Council's liquidity is satisfactory. Council can readily pay its debts as they fall due. This result compares with 2.05 in 2006 and 1.76 in 2005.
- 1.2 This indicator is used to interpret indicator 1.1 in \$ amount. Adequate funds available, providing the capacity to respond to opportunities or react to unforeseen commitments that may arise.
- 1.3 This indicator is used to interpret indicator 1.1 in % amount. This demonstrates the extent of funds that are available either for unplanned works or commitments or the existence of emergency provisions.

Indicator # 2 – Operating Result

(Using trend analysis)

	Last Year -1 '000	Last Year '000	Current Year '000
Results from Continuing Operations before Capital Grants and Contributions	729	7,401	6,058

Acceptable Measures: Deficit = Red; Surplus = Amber; Three (3) successive surplus' = GREEN
Council's result = GREEN

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5 October 2007**Commentary:**

The difference between 2005 and 2006 of \$6.672M mainly relates to \$3.869M additional rates and annual charges, \$827K additional interest and investment revenue and additional Grants and contributions provided for operating purposes of \$2.5M.

Council continues to generate sufficient revenue to cover its operating expenditure, including depreciation based on out of date valuations. As this analysis assumes that the current depreciation provisions are adequate to provide for the replacement of existing assets, it should be considered with caution until fair value valuations are introduced in 2007/08 and 2008/09.

Note: Property, plant and equipment, land, buildings and other must be a Fair value for 2007/8 and Roads, bridges, footpaths and drainage must be at Fair value for 2008/9 which will impact annual depreciation, and thus this indicator.

Indicator # 3 – Asset Renewal Expenditure

	Last Year -2	Last Year -1	Last Year	Current Year	Next Year
Asset Renewal	1:1.29	1:1.14	1:1.58	1:1.39	1:1.24

Acceptable Measures:

1:1 = Green; Less than 1:1 = Red
Council's result = GREEN

Commentary:

This is a longer-term indicator of the condition and cost to maintain public infrastructure assets. This indicator represents the amount of funds spent on renewing assets (as opposed to maintaining them) over annual depreciation. Again, this indicator should be considered with caution until fair value valuations are introduced in 2007/8 and 2008/9. A strategic approach to asset management is being adopted through the Long Term Financial Model for 2007/8 and beyond.

Indicator # 4 – Debt Service Ratio

	Current Year	Next Year	Next Year +1	Next Year +2
Debt Service Ratio	3.17%	3.27%	3.16%	2.88%

Acceptable Measures:

<10% - Green; 10 to 15% = Amber; >15% = Red
Council's result = GREEN

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5 October 2007**Commentary**

This indicator shows the amount of annual revenue necessary to service annual debt obligations (loan repayments). Council's ability to service its debt is excellent. The Long Term Financial Model assumes \$1M loan borrowing per annum.

Indicator # 5 – Collection Performance

		Current Year	Next Year	Next Year +1	Next Year +2
5.1	Outstanding Rates, Charges and Fees	7.25%	3.95%	3.90%	3.95%
5.2	Rates, Annual, Interest and Extra charges outstanding	2.94%	2.90%	2.85%	2.80%

Acceptable Measures:

5.1 <4% = Green: 4 to 5% = Amber: >5% = Red

Council's result = RED

5.2 <4% = Green: 4 to 5% = Amber; >5% = Red

Council's result = GREEN

Commentary:

- 5.1 Outstanding Rates, Charges & Fees indicator measures the effectiveness of Council in recovering all debts legally owed to it. Investigations and recovery processes have commenced to bring the Outstanding Rates, Charges and Fees percentage down to a more acceptable level. Some of the major outstanding other debtors included Restorations Energy Australia (\$1.6M), Hutchinson 3g Australia Ltd (\$250K) and Trade Waste (\$100K). At the time of writing this report Restorations Energy Australia have paid \$901,018 of the \$1.6M outstanding, which would reduce the 7.25% to 5.82%.
- 5.2 Rates, Annual, Interest and Extra charges outstanding assesses only the impact of Rates, Annual, Interest and Extra Charges on liquidity and the adequacy of recovery efforts and is acceptable.

Indicator # 6 – Re-votes of Expenditure

What percentage are your total re-votes of expenditure compared to ordinary and capital expenditure?

	Last Year -2	Last Year -1	Last Year	Current Year
Re-votes of expenditure	2.37%	3.23%	3.90%	2.76%

Acceptable Measures:

<2% = Green; 2% to 5% = Amber; >5% = Red

Council's result = AMBER

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5 October 2007**Commentary:**

The existence of re-votes at year-end indicates that funded projects/outcomes were not delivered in accordance with the management plan. Minor improvement is required in the planning and completion of agreed works. Increased frequency of monitoring the status of project expenditure has commenced in 2007/8 with the objective of incorporating projects at risk of completion by 30 June 2008 into the operating plan for 2008/9 and thus improving the accuracy of future budgets.

Balance Sheet

Council's Balance Sheet is disclosed in accordance with current accounting standards and reporting requirements of the Act and its Regulations. To assess the appropriateness or otherwise of Council's available working capital it is necessary to review the level of restrictions placed against the use of Council's current assets. The notes to the financial statements indicate clearly where restrictions exist, and the effect of the restrictions is summarised as follows:

	\$'000
Total Current Assets	61,902
Less: Total Current Liabilities	19,005
Working Capital as per Accounts	42,897
Add Budgeted and Expected to pay/not Expected to be realised in the next 12 mths	
Borrowings budgeted and expected to pay next 12 months	1,927
Employees Leave Entitlements budgeted and expected to pay next 12 months	2,745
Employees Leave Entitlements not expected to be realised next 12 months	3,773
Security Bonds, Deposits & Retentions expected to pay next 12 months	1,259
Security Bonds, Deposits & Retentions not expected to be realised next 12 months	3,542
Adjusted Working Capital	56,143
Less: Externally Restricted Assets (Note 6 + Note 7-Note 10)	(37,972)
Less: Internally Restricted Assets (Note 6 +Note 22)	(17,063)
Available Working Capital	\$1,108

From this analysis it can be seen that at 30 June 2007, Council has a stable level of working capital after the restrictions placed on those assets. This level of liquidity is adequate to fund day to day operations and, after considering the application of funds to the 2007/8 year and the need to maintain a minimum level of liquidity, provide a buffer against unforeseen costs, such as unexpected retirements of long serving staff, urgent restoration works for flood damage, bush fires, etc.

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5 October 2007**Tree and Landscape bonds**

It should be noted that Council has collected \$4.801M of refundable security bonds, deposits and retentions. In light of the recent court decision to pay out tree and landscape bonds on private land, of that amount \$2.518M was collected in tree and landscape bonds. Tree and landscape bonds are held on private and public land and investigations are currently being undertaken to identify bonds collected for private land v public land. Until these investigations are complete it is difficult to ascertain exactly what will be paid out for tree and landscape bonds on private land in the next 12 months. Therefore, caution is stressed on committing any of the \$1.108M available working capital until this investigation is complete.

Council has maintained a cash restriction for refundable bonds and deposits as at 30 June 2007 of \$525K in accordance with Council resolution of 28 August 2007. This represents 10.94% of the total liability of \$4.801M at 30 June 2007. An investigation of other Council's practices on this matter reveals varying cash restrictions from Nil to 100%, although Council's external auditor has recommended 20% the Department of Local Government does not have a recommended view on this matter. If Council was to restrict 100% cash for total bonds and deposits liability, working capital would decrease by \$4.28M net. It should be noted that once the tree and landscape bonds are paid and as long as Council maintains the \$525K cash restriction, Council will meet the external auditor's recommended 20%.

Revenue Funded Carry-over Works Reserve

It should also be noted that the internal restrictions include the General revenue component of works carried over at the Council meeting of 28 August 2007 of \$90,200. Due to plant replacement commitments of \$425,000 in 2006/2007 carried over to 2007/2008, \$250,000 has been transferred from unrestricted cash and \$175,000 from the Plant Replacement Reserve to the revenue funded carry-over works reserve. The balance in the revenue funded carry-over works reserve is \$515,200 and the balance remaining in the Plant Replacement Reserve is \$108,779 at 30 June 2007.

Performance Measurement

The Statement of Performance Measurement (Note 13) provides four ratios used to assess various aspects of Council's financial performance. The Unrestricted current ratio, Debt service ratio and Rates, Annual Charges, Interest & Extra Charges Outstanding Percentage have been addressed earlier in this report under the "Sustainable Finances Health Check". The remaining ratio Rates and Annual Charges Coverage Ratio assesses the degree of dependence on rate revenue. It has decreased from 58.21% in 2005/06 to 53.94% in 2007/08. The primary reason for this decrease relates to increases in Section 94 contributions.

The information disclosed in that note indicates that Council's financial performance is continuing to trend well.

CONSULTATION

Council's external auditors have conducted audit procedures during the year, as an interim to the verification of assets and liabilities at year-end, to assess the reliability of the general ledger to

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5 October 2007

produce financial statements and concurrent to the preparation of the draft general and special purpose financial reports.

Council officers have consulted with staff from Spencer Steer Chartered Accountants in the preparation of the Financial Statements.

FINANCIAL CONSIDERATIONS

The Statements provide an analysis of Council's financial position as at 30 June 2007. The available working capital at 30 June 2007 is \$1.108M, however considering the potential refund for tree and landscape bonds on private land in the next 12 months, caution is stressed on committing any of this available working capital until private v public land investigation is complete.

Council's external auditors report that Council's overall financial position, when taking into account the financial indicators outlined in their report, was in their opinion, sound.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Not applicable.

SUMMARY

The Annual Financial Statements and audit reports from Council's external auditor, Spencer Steer Chartered Accountants for the year ended 30 June 2007 are presented to Council. Written submissions from the public have been invited, and may be made up to 23 October 2007. Copies of all submissions must be referred to Council's Auditor. This is the final stage of the process of adopting Council's Annual Financial Statements for 2006/2007.

A colour coding (traffic light) system was developed and endorsed by the Minister of Local Government in April 2002 to rate and present the relative position of Council financial performance. For Ku-ring-gai the industry health check assesses a green light rating for the following:

1. Cash/Liquidity Position – after accounting for external reserves
2. Operating Result
3. Asset Renewal Expenditure
4. Debt Service ratio
5. Rates, Annual, Interest and Extra charges outstanding (Rates and Annual Charges only)

Of the other indicators, re-votes of expenditure rated amber and Outstanding Rates, charges and Fees (Rates and Annual Charges plus all other debtors) is in the red zone.

Council's external auditors report that Council's overall financial position, when taking into account the financial indicators outlined in their report, was in their opinion, sound.

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5 October 2007

The available working capital at 30 June 2007 is \$1.108M, however considering the potential refund for tree and landscape bonds on private land in the next 12 months, caution is stressed on committing any of this available working capital until private v public land investigation is complete.

RECOMMENDATION

- A. That Council receives the audited Financial Statements and the report of Council's external auditor, Spencer Steer Chartered Accountants.
- B. That \$250,000 is transferred from unrestricted cash and \$175,000 from the Plant Replacement Reserve to the revenue funded carry-over works reserve, for plant replacement commitments of \$425,000 in 2006/2007 carried over to 2007/2008.

Tino Caltabiano
Manager Finance

John Clark
Director Corporate

Attachments: **Annual Financial Statements for the year ended 30 June 2007 (circulated separately) - 837289**

Ku-ring-gai Council

General Purpose Financial Report

for the financial year ended 30 June 2007

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Overview

- (i) This Financial Report covers the consolidated operations for Ku-ring-gai Council,
- (ii) Ku-ring-gai Council is a body corporate of NSW, Australia - being constituted as a Local Government area by proclamation and is duly empowered by the Local Government Act ([GA] 1993 of NSW.

Councils Statutory Charter is specified in Section 8 of the [GA and includes:

- carrying out activities and providing goods, services & facilities appropriate to the current & future needs of the Local community and of the wider public
- Responsibility for administering regulatory requirements under the LGA and other applicable legislation, &
- a role in the management, improvement and development of the resources of the local government area.

- (iii) All figures presented in this Financial Report represent Australian Currency.
 - (iv) This Financial Report was authorised for issue by the Council on 25 September 2007. Council has the power to amend and reissue the financial report.
-

Ku-ring-gai Council

General Purpose Financial Report

for the financial year ended 30 June 2007

Statement by Councillors and Management

made pursuant to Section 413(2)(c) of the Local Government Act 1993 (as amended)

The attached General Purpose Financial Report has been prepared in accordance with:

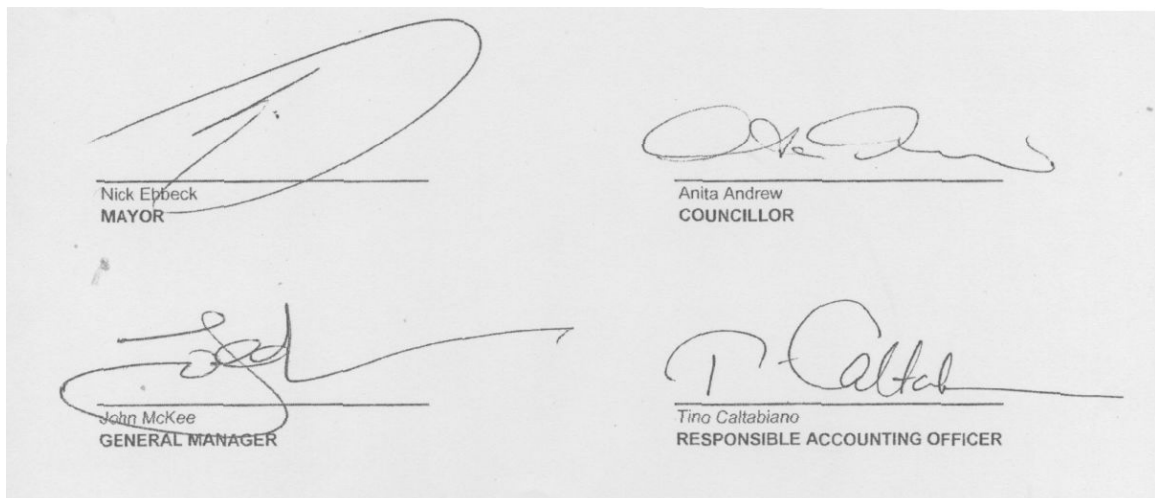
- The Local Government Act 1993 (as amended) and the Regulations made thereunder,
- The Australian Accounting Standards and professional pronouncements, and
- The Local Government Code of Accounting Practice and Financial Reporting.

To the best of our knowledge and belief, this Report:



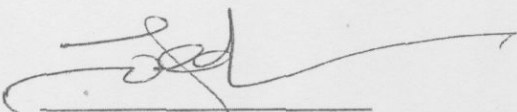
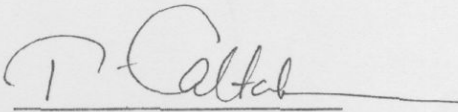
- presents fairly the Council's operating result and financial position for the year, and
- accords with Council's accounting and other records.

We are not aware of any matter that would render this Report false or misleading in any way.

Signed in accordance with a resolution of Council made on 25 September 2007.



The image shows four handwritten signatures, each followed by a horizontal line and a printed name and title. The signatures are arranged in a 2x2 grid. The top-left signature is for Nick Epbeck, Mayor. The top-right signature is for Anita Andrew, Councillor. The bottom-left signature is for John McKee, General Manager. The bottom-right signature is for Tino Caltabiano, Responsible Accounting Officer.

 _____ Nick Epbeck MAYOR	 _____ Anita Andrew COUNCILLOR
 _____ John McKee GENERAL MANAGER	 _____ Tino Caltabiano RESPONSIBLE ACCOUNTING OFFICER

Ku-ring-gai Council

Income Statement

For the financial year ended 30 June 2007

Budget⁽¹⁾				
2007	\$'000	Notes	Actual	Actual
			2007	2006
	Income from Continuing Operations			
	Revenue:			
49,910	Rates & Annual Charges	3a	50,185	48,253
14,245	User Charges & Fees	3b	14,269	13,957
2,764	Interest & Investment Revenue	3c	3,357	1,909
1,722	Other Revenues	3d	2,152	1,909
4,608	Grants & Contributions provided for Operating Purposes	3e,f	5,417	7,727
4,726	Grants & Contributions provided for Capital Purposes	3e,f	17,659	9,145
	Other Income:			
	Net gains from the disposal of assets	5	-	-
	Share of interests in Joint Ventures & Associated Entities using the Equity Method	19	-	-
77,975	Total income from Continuing Operations		93,039	82,900
	Expenses from Continuing Operations			
29,130	Employee Benefits & on-costs	4a	26,461	26,721
724	Borrowing Costs	4b	666	663
21,321	Materials & Contracts	4c	23,662	20,493
6,755	Depreciation & Amortisation	4d	7,097	6,747
	Impairment	4d	-	-
10,468	Other Expenses	4e	11,327	11,383
	Net Losses from the Disposal of Assets	5	109	347
	Share of interests in Joint Ventures & Associates using the Equity Method	19	-	-
68,398	Total Expenses from Continuing Operations		69,322	66,354
9,577	Operating Result from Continuing Operations		23,717	16,546
	Discontinued Operations			
	Net Profit/(Loss) from Discontinued Operations		-	-
9,577	Net Operating Result for the Year		23,717	16,546
9,577	Net Operating Result attributable to Council		23,717	16,546
	Net Operating Result attributable to Minority Interests		-	-
	Net Operating Result for the year before Grants and Contributions provided for Capital Purposes			
4,851			6,058	7,401

(1) Original Budget as approved by Council - refer Note 16

Ku-ring-gai Council

Balance Sheet

as at 30 June 2007

\$'000	Notes	Actual 2007	Actual 2006
ASSETS			
Current Assets			
Cash & Cash Equivalents	6a	5,030	4,716
Investments	6b	49,563	34,367
Receivables	7	5,631	4,241
Inventories	8	166	154
Other	8	224	214
Non-Current assets classified as "held for sale"	22	1,288	1,288
Total Current Assets		61,902	44,980
Non-Current Assets			
Investments	6b	6,015	2,000
Receivables	7	195	221
Inventories	8	-	-
Infrastructure, Property, Plant & Equipment	9	1,612,958	1,611,235
Investments Accounted for using the equity method	19	-	-
Investment Property	14	-	-
Intangible Assets		-	-
Non-current assets classified as "held for sale"	22	-	-
Other	8	-	-
Total Non-Current Assets		1,619,168	1,613,456
TOTAL ASSETS		1,681,070	1,658,436
LIABILITIES			
Current Liabilities			
Payables	10	10,560	10,914
Interest Bearing Liabilities	10	1,927	1,716
Provisions - payable within the next 12 months	10	2,745	2,037
Provisions - payable after the next 12 months	10	3,773	4,397
Liabilities associated with assets classified as "held for sale"	22	-	-
Total Current Liabilities		19,005	19,064
Non-Current Liabilities			
Payables	10	-	-
Interest Bearing Liabilities	10	8,585	9,440
Provisions	10	230	399
Investments Accounted for using the equity method	19	-	-
Liabilities associated with assets classified as "held for sale"	22	-	-
Total Non-Current Liabilities		8,815	9,839
TOTAL LIABILITIES		27,820	28,903
Net Assets		1,653,250	1,629,533
EQUITY			
Retained Earnings	20	1,653,250	1,629,533
Revaluation Reserves	20	-	-
Council Equity Interest		1,653,250	1,629,533
Minority Equity Interest		-	-
Total Equity		1,653,250	1,629,533

Ku-ring-gai Council

Statement of Changes in Equity

for the financial year ended 30 June 2007

\$'000	Notes	Retained Earnings	Reserves (Refer 20b)	Council Equity Interest	Minority Interest	Total Equity
2007						
Opening Balance (as per Last Years Audit Accounts)		1,629,533	-	1,629,533	-	1,629,533
a. Correction of Prior Period Errors	20 (d)	-	-	-	-	-
b. Changes in Accounting Policies (prior year effects)	20 (e)	-	-	-	-	-
Revised Opening Balance (as at 1/7/06)		1,629,533	-	1,629,533	-	1,629,533
c. Current Year Income & Expenses Recognised direct to Equity						
- Transfers to/(from) Asset Revaluation Reserve	20b (ii)	-	-	-	-	-
- Transfers to/(from) Other Reserves	20b (ii)	-	-	-	-	-
- Other Income/Expenses recognised	20b (ii)	-	-	-	-	-
Net Income Recognised Directly in Equity		-	-	-	-	-
d. Net Operating Result for the Year		23,717		23,717	-	23,717
Total Recognised Income & Expenses (c&d)		23,717		23,717	-	23,717
e. Distributions to/(Contributions from) Minority Interests		-	-	-	-	-
f. Transfers between Equity		-	-	-	-	-
Equity - End of Reporting Period Balance		1,653,250	-	1,653,250	-	1,653,250
2006						
Opening Balance (as per Last Years Audit Accounts)		1,612,987	-	1,612,987	-	1,612,987
a. Adjustments on adoption of AASB 132 and AASB139 as at (1/7/05)		-		-		-
b. Correction of Prior Period Errors	20 (d)	-		-		-
c. Changes in Accounting Policies (prior year effects)	20 (e)	-		-		-
Revised Opening Balance (as at 1/7/05)		1,612,987	-	1,612,987	-	1,612,987
d. Current Year Income & Expenses Recognised direct to Equity						
- Transfers to/(from) Asset Revaluation Reserve	20b (ii)			-		-
- Transfers to/(from) Other Reserves	20b (ii)			-		-
- Other Income/Expenses recognised	20b (ii)			-		-
Net Income Recognised Directly in Equity		-	-	-	-	-
e. Net Operating Result for the Year		16,546		16,546		16,546
Total Recognised Income & Expenses (c&d)		16,546		16,546		16,546
f. Distributions to/contributions from) Minority Interests				-		-
g. Transfers between Equity						
Equity - End of the Reporting Period Balance		1,629,533	-	1,629,533	-	1,629,533

Ku-ring-gai Council

Cash Flow Statement

for the financial year ended 30 June 2007

Budget 2007	\$'000	Notes	Actual 2007	Actual 2006
Cash Flows from Operating Activities				
<u>Receipts:</u>				
49,662	Rates & Annual Charges		50,065	48,280
14,630	User Charges & Fees		14,630	13,384
2,763	Interest & Interest Received		3,069	1,498
12,000	Grants & Contributions		22,873	16,527
1,834	Other		5,833	2,648
<u>Payments:</u>				
(29,129)	Employee Benefits & On-costs		(26,546)	(25,888)
(21,012)	Materials & Contracts		(29,602)	(19,892)
(724)	Borrowing Costs		(626)	(669)
(10,635)	Other		(10,983)	(11,319)
19,389	Net Cash provided (or used in) Operating Activities	11b	28,713	24,569
Cash Flows from Investing Activities				
<u>Receipts:</u>				
	Sale of Investments		69,924	29,120
	Sale of Investment Property		-	
	Sale of Real Estate Assets		-	1,280
2,500	Sale of Infrastructure, Property, Plant & Equipment		806	1,562
	Distributions Received from Joint Ventures & Associates		-	
	Other Investing Activity Receipts			
<u>Payments:</u>				
	Purchase of Investments		(81,802)	(46,948)
	Purchase of Investment Property		-	
(23,387)	Purchase of Infrastructure, Property, Plant & Equip.		(9,683)	(11,182)
	Purchase of Real Estate Assets		-	
	Other Investing Activity Payments		-	
(20,887)	Net Cash provided (or used in) Investing Activities		(27,755)	(26,168)
Cash Flows from Financing Activities				
<u>Receipts:</u>				
1,000	Proceeds from Borrowings & Advances		1,000	1,400
	Other Financing Activity Receipts		-	
<u>Payments:</u>				
(1,644)	Repayment of Borrowings & Advances		(1,644)	(1,540)
	Other Financing Activity Payments			
(644)	Net Cash Flow provided (used in) Financing Activities		(644)	(140)
(2,142)	Net Increase/(Decrease) in Cash & Cash Equivalents		314	(1,739)
5,000	plus: Cash & Cash Equivalents - beginning of year	11a	4,716	6,455
2,858	Cash & Cash Equivalents - end of the year	11a	5,030	4,716

General Purpose Financial Report
for the financial year ended 30 June 2007

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Ku-ring-gai Council

Notes to the Financial Statements

for the financial year ended 30 June 2007

Note 1. Summary of Significant Accounting Policies

The Local Government Reporting Entity

Ku-ring-gai Council has its principal business office at 818 Pacific Highway Gordon NSW 2072. Council is empowered by the New South Wales Local Government Act (LGA) 1993 and its Charter is specified in Section 8 of the Act.

The principal accounting policies adopted by Council in the preparation of this financial report are set out below.

(a) Basis of preparation

(i) Background

This financial report is a general purpose financial report which has been prepared in accordance with;

- applicable Australian equivalents to International Financial Reporting Standards (AIFRS),
- other authoritative pronouncements of the Australian Accounting Standards Board,
- Urgent Issues Group Interpretations,
- the Local Government Act (1993) and Regulations and
- the Local Government Code of Accounting Practice and Financial Reporting.

(ii) Compliance with International Financial Reporting Standards (IFRSs)

Australian Accounting Standards (AASB's) include Australian equivalents to International Financial Reporting Standards (IFRS's).

Because AASB's are sector neutral, some standards either (i) have local Australian content and prescription that is specific to the Not-For-Profit sector (including Local Government) which are not in compliance with IFRS's or (ii) specifically exclude application by Not for Profit entities.

Examples include:

- excluding Local Government from applying AASB 120 (IAS 20) for Grant Accounting and AASB 118 (IAS 18) for Segment Reporting, &
- different requirements on (a) Impairment of Assets relating to Not-For-Profit AASB 136 (IAS 36) and (b) IAS 116 (IAS 16) regarding accounting for the Revaluation of Assets.

Accordingly in preparing this Financial Report and Accompanying Notes, council has been unable to comply fully with International Accounting Standards, but has complied fully with Australian Accounting Standards.

Under the Local Government Act, Regulations and Local Government Code of Accounting Practice & Financial Reporting, it should be noted that Councils in NSW only have a requirement to comply with Australian Accounting Standards.

(iii) Application of AAS 27

Council is required to comply with AAS 27 — "Financial Reporting by Local Government", and where AAS 27 conflicts with AIFRS, the requirements of AAS 27 have been applied.

Where AAS 27 makes reference to another Australian accounting standard, the new Australian IFRS equivalent standards will apply and in particular any specific "not for profit" reporting requirements.

(iv) Basis of Accounting

These financial statements have been prepared on an historical cost basis except for (i) financial assets and liabilities at fair value through profit or loss, available-for-sale financial assets and certain classes of property, plant and equipment.

The accrual basis of accounting has also been applied in their preparation.

(v) Changes in Accounting Policies

Council's accounting policies have been consistently applied to all the years presented, unless otherwise stated.

Ku-ring-gai Council

Notes to the Financial Statements
for the financial year ended 30 June 2007**Note 1. Summary of Significant Accounting Policies** (continued)**(vi) Critical Accounting Estimates**

The preparation of this financial report in conformity with AIFRS requires the use of certain critical accounting estimates.

It also requires management to exercise its judgement in the process of applying the council's accounting policies.

(b) Revenue recognition

Revenue is measured at the fair value of the consideration received or receivable.

Revenue is measured on major income categories as follows:

Rates, Annual Charges, Grants and Contributions

Rates, annual charges, grants and contributions (including developer contributions) are recognised as revenues when the council obtains control over the assets comprising these receipts.

Control over assets acquired from rates and annual charges is obtained at the commencement of the rating year as it is an enforceable debt linked to the rateable property or, where earlier, upon receipt of the rates.

Control over granted assets is normally obtained upon their receipt (or acquittal) or upon earlier notification that a grant has been secured, and is valued at their fair value at the date of transfer.

Income from contributions is recognised when the council either obtains control of the contribution or the right to receive it, and **(i)** it is probable that the economic benefits comprising the contribution will flow to the council and **(ii)** the amount of the contribution can be measured reliably.

Where grants or contributions recognised as revenues during the financial year were obtained on condition that they be expended in a particular manner or used over a particular period and those conditions were undischarged at balance date, the unused grant or contribution is disclosed in Note 3(g).

Note 3(g) also discloses the amount of unused grant or contribution from prior years that was expended on council's operations during the current year.

The Council has obligations to provide facilities from contributions required from developers under the provisions of 594 of the EPA Act 1991.

Whilst council generally incorporates these amounts as part of Development consents Orders, such developer contributions are only recognised as income upon their physical receipt by Council, due to the possibility that individual Development consents may not be acted upon by the applicant or payable to Council.

Developer contributions may only be expended for the purposes for which the contributions were required.

A detailed Note relating to developer contributions can be found at Note 17.

User charges, Fees and Other Income

User charges, fees and other income (including parking fees and fines) are recognised as revenue when the service has been provided, the payment is received, or when the penalty has been applied, whichever first occurs.

A provision for doubtful debt is recognised when collection in full is no longer probable.

A liability is recognised in respect of revenue that is reciprocal in nature to the extent that the requisite service has not been provided as at balance date.

Sale of Infrastructure, Property, Plant and Equipment

The profit or loss on sale of an asset is determined when control of the asset has irrevocably passed to the buyer.

Interest and Rents

Rents are recognised as revenue on a proportional basis when the payment is due, the value of the payment is notified, or the payment is received, whichever first occurs.

Ku-ring-gai Council

Notes to the Financial Statements

for the financial year ended 30 June 2007

Note 1. Summary of Significant Accounting Policies (continued)

Interest income from Cash & Investments is accounted for using the Effective Interest method in accordance with AASB 139.

(c) Principles of consolidation

These Financial Reports incorporate (i) the assets and liabilities of Council and any entities (or operations) that it controls (as at 30/6/07) and (ii) all the related operating results (for the financial year ended the 30th June 2007).

(i) The Consolidated Fund

In accordance with the provisions of Section 409(1) of the LGA 1993, all money and property received by Council is held in the Council's Consolidated Fund unless it is required to be held in the Council's Trust Fund.

(d) Leases

All Leases entered into by Council are reviewed and classified on inception date as either Finance or Operating Leases.

Finance Leases

Leases of property, plant and equipment where the Council has substantially all the risks and rewards of ownership are classified as finance leases.

Finance leases are capitalised at the lease inception at the lower of the fair value of the leased property and the present value of the minimum lease payments.

The assets are disclosed as assets under lease, and are amortised to expense over the period during which the Council is expected to benefit from the use of the leased assets. Minimum lease payments are allocated between interest expense and reduction of the lease liability, according to the interest rate implicit in the lease.

At the end of the financial year Council had not entered into any finance lease arrangements.

Operating Leases

Leases in which a significant portion of the risks and rewards of ownership are retained by the lessor are classified as operating leases.

Payments made under operating leases (net of any incentives received from the lessor) are charged to the income statement on a straight-line basis over the period of the lease.

Lease income from operating leases is recognised in income on a straight-line basis over the lease term.

(e) Cash and Cash Equivalents

Cash and cash equivalents includes:

- cash on hand,
- deposits held at call with financial institutions,
- bank overdrafts.

Bank overdrafts are shown within borrowings in current liabilities on the balance sheet.

(f) Investments and Other Financial Assets

Council (in accordance with AASB 139) classifies each of its investments into one of the following categories for measurement purposes:

- **financial assets at fair value through profit or loss, loans and receivables,**
- **held-to-maturity investments, and**
- **available-for-sale financial assets.**

Each classification depends on the purpose/intention for which the investment was acquired.

Management determines each Investment classification at the time of initial recognition and re-evaluates this designation at each reporting date.

Ku-ring-gai Council

Notes to the Financial Statements

for the financial year ended 30 June 2007

Note 1. Summary of Significant Accounting Policies (continued)

(i) Financial assets at fair value through profit or loss

Financial assets at fair value through profit or loss are financial assets held for trading.

A financial asset is classified in this category if acquired principally for the purpose of selling in the short term.

Assets in this category are classified as current assets as they are primarily held for trading and/or are expected to be realised within 12 months of the balance sheet date.

(ii) Loans and receivables

Loans and receivables are non derivative financial assets with fixed or determinable payments that are not quoted in an active market.

They arise when the Council provides money, goods or services directly to a debtor with no intention of selling the resulting receivable.

They are included in current assets, except for those with maturities greater than 12 months after the balance sheet date which are classified as noncurrent assets.

(iii) Held-to-maturity investments

Held-to-maturity investments are non-derivative financial assets with fixed or determinable payments and fixed maturities that the Council's management has the positive intention and ability to hold to maturity.

In contrast to the "Loans & Receivables" classification, these investments are generally quoted in an active market.

Held-to-maturity financial assets are included in non-current assets, except for those with maturities less than 12 months from the reporting date, which are classified as current assets.

(iii) Types of Investments

Council has an approved Investment Policy in order to undertake its investment of money in accordance with Section 625 of the Local Government Act and S212 of the LG (General) Regulations 2005.

Investments are placed and managed in accordance with the Policy and having particular regard to authorised investments prescribed under the Local Government Investment Order.

Council maintains its investment Policy in compliance with the Act and ensures that it or its representatives exercise care, diligence and skill that a prudent person would exercise in investing Council funds.

(g) Fair value estimation

The fair value of financial assets and financial liabilities must be estimated for recognition and measurement or for disclosure purposes.

The fair value of financial instruments traded in active markets is based on quoted market prices at the balance sheet date.

(h) Receivables

Receivables are initially recognised at fair value and subsequently measured at amortised cost, less provision for doubtful debts.

Receivables (excluding Rates & Annual Charges) are generally due for settlement no more than 30 days from the date of recognition.

A provision for doubtful receivables is established when there is objective evidence that the Council will not be able to collect all amounts due according to the original terms of each receivable.

The amount of the provision is the difference between the asset's carrying amount and the present value of estimated future cash flows, discounted at the effective interest rate.

Ku-ring-gai Council

Notes to the Financial Statements

for the financial year ended 30 June 2007

Note 1. Summary of Significant Accounting Policies (continued)

(I) Inventories

Raw Materials and Stores, Work in Progress and Finished Goods

Raw materials and stores in respect of business undertakings are all stated at the lower of cost and net realisable value.

Costs are assigned to individual items of inventory on the basis of weighted average costs.

Inventories held in respect of non-business undertakings have been valued at cost subject to adjustment for loss of service potential.

Land Held for Resale

Land held for resale is stated at the lower of cost and net realisable value.

(j) Infrastructure, property, plant and equipment

Transitional Provisions

Except for land under roads, infrastructure assets acquired or constructed prior to January 1993 have been capitalised in the accounts on a staged basis since 30 June 1995. All assets except drainage assets were brought to account as at 30 June 1996. Drainage was capitalised in 1997.

All infrastructure, property, plant and equipment assets under council's control are stated at cost (or deemed cost) less accumulated depreciation and any accumulated impairment losses.

Council's assets will be progressively revalued to fair value in accordance with a staged implementation as advised by the Department of Local Government:

- **2007/08:** Property, plant and equipment, land, & buildings;
- **2008/09:** Roads, bridges, footpaths and drainage.

Initial Recognition

On initial recognition, an assets cost is measured at its fair value, plus all expenditure that is directly attributable to the acquisition.

Where infrastructure, property, plant and equipment assets are acquired for no cost or for an amount other than cost, the assets are recognised in the financial report at their fair value at acquisition date - being the amount that the asset could have been exchanged between knowledgeable willing parties in an arm's length transaction.

Subsequent costs

Subsequent costs are included in the asset's carrying amount or recognised as a separate asset, as appropriate, only when it is probable that future economic benefits associated with the item will flow to Council and the cost of the item can be measured reliably.

All other repairs and maintenance are charged to the income statement during the financial period in which they are incurred.

Capitalisation Thresholds

Assets with an economic life in excess of one year are only capitalised where the cost of acquisition exceeds materiality thresholds established by council for each type of asset. In determining (and in annually reviewing) such thresholds, regard is had to the nature of the asset and its estimated service life.

Depreciation

Depreciation on councils infrastructure, property, plant and equipment assets is calculated using the straight line method in order to allocate an assets cost (net of their residual values) over its estimated useful life.

Land is not depreciated.

Ku-ring-gai Council

Notes to the Financial Statements
for the financial year ended 30 June 2007**Note 1. Summary of Significant Accounting Policies** (continued)

The range of estimated useful lives for Council's assets include:

- Roads	100 years
- Drain Structures	33.3 years
- Drain grates, inlets and pipes	100 years
- Buildings	40 years
- Motor vehicles	10 years
- Plant and equipment	10 years
- Office equipment	10 years

Disposal and De-recognition

An item of property, plant and equipment is derecognised upon disposal or when no further future economic benefits are expected from its use or disposal.

Any gain or loss arising on de-recognition of the asset (calculated as the difference between the net disposal proceeds and the carrying amount of the asset) is included in Council's Income Statement in the year the asset is de-recognised.

(k) Land

Land in accordance with Part 2 of Chapter 6 of the Local Government Act (1993) is classified on purchase as either Operational or Community.

This classification of Land is disclosed in Note 9(a).

(l) Land under roads

Council has elected not to recognise land under roads in accordance with the deferral arrangements available to it under AASB 1045.

These deferral arrangements cease to apply as of 30 June 2008.

(m) Non-current assets held for sale

Non-current assets are classified as held for sale and stated at the lower of their carrying amount and fair value less costs to sell if their carrying amount will be recovered principally through a sale transaction rather than through continuing use.

The exception to this is plant and motor vehicles which are turned over on a regular basis.

Plant and motor vehicles are retained in Non Current Assets under the classification of Infrastructure, Property, Plant and Equipment - unless the assets are to be traded in after 30 June and the replacement assets were already purchased and accounted for as at 30 June.

Non-current assets are not depreciated or amortised while they are classified as held for sale.

Non-current assets classified as held for sale are presented separately from the other assets in the balance sheet.

(n) Impairment of assets

Assets that are subject to amortisation are reviewed for impairment whenever events or changes in circumstances indicate that the carrying amount may not be recoverable.

An impairment loss is recognised for the amount by which the asset's carrying amount exceeds its recoverable amount.

The recoverable amount is the higher of an asset's fair value less costs to sell and value in use.

For non-cash generating assets of Council such as roads, drains, public buildings etc - value in use is represented by the "deprival value" of the asset which is approximated as it's written down replacement cost.

(o) Payables

These amounts represent liabilities and include goods and services provided to the Council prior to the end of financial year which are unpaid.

The amounts for goods and services are unsecured and are usually paid within 30 days of recognition.

(p) Borrowings

Borrowings are initially recognised at fair value, net of transaction costs incurred.

Borrowings are classified as current liabilities unless the Council has an unconditional right to defer settlement of the liability for at least 12 months after the balance sheet date.

Ku-ring-gai Council

Notes to the Financial Statements

for the financial year ended 30 June 2007

Note 1. Summary of Significant Accounting Policies (continued)

(q) Borrowing costs

Borrowing costs incurred for the construction of any qualifying asset are capitalised during the period of time that is required to complete and prepare the asset for its intended use or sale. Other borrowing costs are expensed.

The capitalisation rate used to determine the amount of borrowing costs to be capitalised is the weighted average interest rate applicable to the council's outstanding borrowings during the year.

(r) Provisions

Provisions for legal claims and service warranties are recognised when:

- Council has a present legal or constructive obligation as a result of past events;
- it is more likely than not that an outflow of resources will be required to settle the obligation; and
- the amount has been reliably estimated.

Provisions are not recognised for future operating losses.

(s) Employee benefits

(i) Wages & salaries, annual leave and sick leave

Liabilities for wages and salaries (including non-monetary benefits), annual leave and vesting sick leave, are recognised in the provision for employee benefits in respect of employees' services up to the reporting date.

These provisions are measured at the amounts expected to be paid when the liabilities are settled.

Calculations therefore incorporate (where the leave is expected to be paid more than 12 months after the reporting date) the use of discounted cash flows.

Liabilities for non vesting sick leave are recognised at the time when the leave is taken and measured

At the rates paid or payable and accordingly no Liability has been recognised in these reports.

Wages & salaries, annual leave and vesting sick leave are all classified as current Liabilities.

(ii) Long service leave

The liability for long service leave is recognised in the provision for employee benefits in respect of services provided by employees up to the reporting date.

Long Service Leave is measured at the present value of the expected future payments to be made using the projected unit credit method.

Consideration is given to expected future wage and salary levels, experience of employee departures and periods of service.

Expected future payments are discounted using market yields at the reporting date on national government bonds with terms to maturity and currency that match as closely as possible, the estimated future cash outflows.

Due to the nature of when and how Long Service Leave can be taken, all Long Service Leave for employees with 5 or more years of service has been classified as current, as it has been deemed that council does not have the unconditional right to defer settlement beyond 12 months - even though it is not anticipated that all employees with more than 5 years service (as at reporting date) will apply for and take their leave entitlements in the next 12 months.

(iii) Retirement benefit obligations

All employees of the Council are entitled to benefits on retirement, disability or death.

Council contributes to various defined benefit plans and defined contribution plans on behalf of its employees.

A liability or asset in respect of defined benefit superannuation plans would ordinarily be recognised in the balance sheet, and measured as the present value of the defined benefit obligation at the reporting date plus unrecognised actuarial gains (less unrecognised actuarial losses) less the fair

Ku-ring-gai Council

Notes to the Financial Statements
for the financial year ended 30 June 2007**Note 1. Summary of Significant Accounting Policies** (continued)

value of the superannuation fund's assets at that date and any unrecognised past service cost.

The present value of the defined benefit obligation is based on expected future payments which arise from membership of the fund to the reporting date, calculated annually by independent actuaries using the projected unit credit method. Consideration is given to expected future wage and salary levels, experience of employee departures and periods of service.

However, when this information is not reliably available, council can account for its obligations to defined benefit plans on the same basis as its obligations to defined contribution plans.

Council is party to an Industry Defined Benefit Plan under the Local Government Superannuation Scheme, named the **"Local Government Superannuation Scheme - Pool B"**

This Scheme has been deemed to be a "multi employer fund" for the purposes of AASB 119.

Sufficient information is not available to account for the Scheme as a defined benefit plan (in accordance with AASB 119) because the assets to the scheme are pooled together for all Councils.

Accordingly, Councils contributions to the scheme have been recognised as an expense and disclosed as part of Superannuation Expenses at Note 4(a).

The last valuation of the Scheme was performed by Mr Martin Stevenson BSc, FIA, FIAA on 19th June 2007 and covers the period ended 30 June 2006.

This valuation found that the Schemes assets were \$3,291.1 million and its past service liabilities were \$2,980.3 million, giving it a Surplus of \$310.8 million.

The existence of this surplus has resulted in councils contributing during the 06/07 year at half the normal level of contributions.

The financial position of the Scheme is monitored annually.

Contributions to defined contribution plans are recognised as an expense as they become payable. Prepaid contributions are recognised as an asset to

the extent that a cash refund or a reduction in the future payments is available.

(t) Allocation between current and non-current

In the determination of whether an asset or liability is classified as current or non-current, consideration is given to the time when each asset or liability is expected to be settled.

The asset or liability is classified as current if it is expected to be settled within the next 12 months, being the council's operational cycle.

Exceptions

In the case of liabilities where council does not have the unconditional right to defer settlement beyond 12 months (such as vested long service leave), the liability is classified as current even if not expected to be settled within the next 12 months.

In the case of inventories that are "held for trading", these are classified as current even if not expected to be realised in the next 12 months.

(u). Taxes

The Council is exempt from both commonwealth Income Tax and capital Gains Tax.

Council does however have to comply with both Fringe Benefits Tax and Goods and Services Tax (GST).

Goods & Services Tax (GST)

Income, expenses and assets are all recognised net of the amount of GST, except where the amount of GST incurred is not recoverable from the Australian Tax Office (ATO).

Receivables and payables within the Balance Sheet are stated inclusive of any applicable GST.

The net amount of GST recoverable from or payable to the ATO is included as a current asset or current liability in the Balance Sheet.

Notes to the Financial Statements
for the financial year ended 30 June 2007

Note 1. Summary of Significant Accounting Policies (continued)

(v) Rounding of amounts

Unless otherwise indicated, amounts in the financial report have been rounded off to the nearest thousand dollars.

(w) Comparative Figures

To ensure comparability with the current reporting period's figures, some comparative period line items and amounts may have been reclassified or individually reported for the first time within this Financial Report and/or the Notes.

(x) Budget Information

The Income Statement provides budget information of revenue and expenditure by type. Details of material budget variations are detailed in Note 16. Budget figures presented are those approved by Council at the beginning of the financial year and do not include Council approved variations throughout the year.

Ku-ring-gai Council

Notes to the Financial Statements
for the financial year ended 30 June 2007**Note 2(a). Functions**

\$'000 Functions/Activities	Income, Expenses and Assets have been directly attributed to the following Functions/Activities Details of these Functions/Activities are proved at Note 2(b)												
	Income from Continuing Operations			Expenses from Continuing Operations			Operating Result from Continuing Operations			Grants included in Income from Continuing Operations		Total assets held (Current & Non-current)	
	Original Budget 2007	Actual 2007	Actual 2006	Original Budget 2007	Actual 2007	Actual 2006	Original Budget 2007	Actual 2007	Actual 2006	Actual 2007	Actual 2006	Actual 2007	Actual 2006
Governance	2	2	3	178	2,118	2,155	(176)	(2,116)	(2,152)	-	-	-	-
Administration	53,260	9,011	6,743	20,135	17,568	16,992	33,125	(8,557)	(10,249)	97	487	91,959	71,195
Public Order & Safety	388	272	316	1,164	3,381	3,153	(776)	(3,109)	(2,837)	46	34	3,557	3,383
Health	119	68	72	439	509	386	(320)	(441)	(314)	-	-	3,410	3,406
Community Services & Education	2,232	3,456	3,131	3,623	3,424	3,197	(1,391)	32	(66)	801	1,089	5,459	5,453
Housing & Community Amenities	11,558	12,062	11,812	14,327	16,577	14,628	(2,769)	(4,515)	(2,816)	243	137	29,340	29,308
Water Supplies	-	-	-	-	-	-	-	-	-	-	-	-	-
Sewerage Supplies	-	-	-	-	-	-	-	-	-	-	-	-	-
Recreation & Culture	4,445	19,928	14,234	13,067	11,754	12,742	(8,622)	8,174	1,492	266	558	177,163	176,973
Fuel & Energy	-	-	-	-	-	-	-	-	-	-	-	-	-
Mining, Manufacturing & Construction	3,261	2,549	2,865	5,330	4,767	4,137	(2,069)	(2,218)	(1,272)	-	-	907	906
Transport & Communication	2,580	4,298	4,163	9,921	9,080	8,773	(7,341)	(4,782)	(4,610)	730	1,984	1,369,275	1,367,812
Economic Affairs	130	87	136	214	144	191	(84)	(57)	(55)	-	-	-	-
Total Functions & Activities	77,975	51,733	43,475	68,398	69,322	66,354	9,577	(17,589)	(22,879)	2,183	4,289	1,681,070	1,658,436
Share of Gains in Associates & Joint Ventures (using the Equity Method)	-	-	-	-	-	-	-	-	-	-	-	-	-
General Purpose Income ¹	-	41,306	39,425	-	-	-	-	41,306	39,425	2,986	2,928	-	-
Operating Result from Continuing Operations	77,975	93,039	82,900	68,398	69,322	66,354	9,577	23,717	16,546	5,169	7,217	1,681,070	1,658,436

1. Includes: Rates & Annual Charges (incl. Ex-Gratia), Non-Capital General Purpose Grants & Unrestricted Investment Income

Ku-ring-gai Council

Notes to the Financial Statements
for the financial year ended 30 June 2007**Note 2(b). Components of Functions**

The activities relating to the Council's functions reported on in Note 2(a) are as follows:

GOVERNANCE

Costs relating to the Council's role as a component of democratic government including elections, members fees and expenses, subscriptions to local authority associations, meetings of Council and policy making committees, area representation and public disclosure and compliance, together with related administration costs.

ADMINISTRATION

Costs not otherwise attributed to other functions.

PUBLIC ORDER & SAFETY

Fire protection, animal control, beach control, enforcement of local government regulations, emergency services, other.

HEALTH

Administration and inspection, immunisations, food control, insect/vermin control, noxious plants, health centres, other.

COMMUNITY SERVICES & EDUCATION

Administration, family day care, child care, youth services, other family and children, aged and disabled, migrant services, Aboriginal services, other community services, education.

HOUSING & COMMUNITY AMENITIES

Housing, town planning, domestic waste management services, other waste management services, street cleaning, other sanitation and garbage, urban stormwater drainage, environmental protection, public, cemeteries, public conveniences, other community amenities.

RECREATION & CULTURE

Public libraries, museums, art galleries, community centres, public halls, other cultural services, swimming pools, sporting grounds, parks and gardens (lakes), other sport and recreation.

MINING, MANUFACTURING & CONSTRUCTION

Building control, abattoirs, quarries and pits, other.

TRANSPORT & COMMUNICATION

Urban roads, sealed rural roads, unsealed rural roads, bridges, footpaths, aerodromes, parking areas, bus shelters and services, water transport, RTA works, street lighting, other.

ECONOMIC AFFAIRS

Camping areas, caravan parks, tourism and area promotion, industrial development promotion, saleyards & markets, real estate development, commercial nurseries, other business undertakings.

Ku-ring-gai Council

Notes to the Financial Statements
for the financial year ended 30 June 2007

Note 3. Income from Continuing Operations

\$'000	Notes	Actual 2007	Actual 2006
(a) Rates & Annual Charges			
Ordinary Rates			
Residential		34,566	33,546
Farmland			
Business		2,410	2,311
Total Ordinary Rates		36,976	35,857
Special Rates			
Infrastructure Levy		1,926	1,640
Environmental Levy		1,969	1,753
Town Improvement			
Other			
Total Special Rates		3,895	3,394
Annual Charges (pursuant to s.496 & s.501)			
Domestic Waste Management Services		9,314	9,002
Drainage			
Waste Management Services (non-domestic)			
Total Annual Charges		9,314	9,002
TOTAL RATES & ANNUAL CHARGES		50,185	48,253

Council has used 2005 valuations provided by the NSW Valuer General in calculating its rates.

Notes to the Financial Statements
for the financial year ended 30 June 2007

Note 3. Income from Continuing Operations (continued)

\$'000	Notes	Actual 2007	Actual 2006
(b) User Charges & Fees			
(i) Fees & Charges - Statutory & Regulatory Functions (per s608, 610A & 611)			
Building Regulation		1,847	1,971
Driveway Application Fees		869	422
Regulatory Application Fees		387	451
Section 611 Charges		56	56
Outstanding Notices		117	104
Certificates		469	468
DA Advertising Fees		65	82
Tree Preservation Orders		97	99
Other			
Total Fees & Charges - Statutory/Regulatory		3,907	3,653
(ii) Fees & Charges - Other (incl. General User Charges (per s610C))			
Art Centre		440	439
Family Day Care		729	595
Golf Courses		1,260	1,407
Halls		245	273
Holiday Activities		117	127
Leaseback Fees - Vehicles		341	307
Library		59	64
Parks		404	389
Road & Footpath Restoration Charges		2,059	1,614
Showground		112	110
Sale of Documents		16	16
Tennis Courts		355	336
Trade Waste Charges		1,499	1,501
Nursery		88	135
Rent & Hire of Council Properties		2,307	2,571
Other		331	422
Total Fees & Charges - Other		10,362	10,304
TOTAL USER CHARGES & FEES		14,269	13,957

Notes to the Financial Statements
for the financial year ended 30 June 2007

Note 3. Income from Continuing Operations (continued)

\$'000	Notes	Actual 2007	Actual 2006
(c). Interest & Investment Revenue			
Interest on Overdue Rates & Charges		72	94
Interest earned on Investments		2,952	1,815
Fair Value Annual Movements in Investments		333	
<u>TOTAL INTEREST & INVESTMENT REVENUE</u>		<u>3,357</u>	<u>1,909</u>
Interest Revenue is attributable to:			
Unrestricted Investments/Financial Assets:			
Overdue Rates & Annual Charges		72	93
General Council Investments		846	500
Restricted Investments/Funds - External:			
Development Contributions			
- Section 94		2,013	1,044
Restricted Investments/Funds - Internal:			
Internal Restricted Assets		426	272
<u>Total Interest & Investment Revenue Recognised</u>		<u>3,357</u>	<u>1,909</u>
(d). Other Revenues			
Parking Fines		823	560
Other Fines		100	197
Legal Fees Recovery		48	77
Commissions & Agency Fees		22	21
Program Fees		61	47
Insurance Contribution		180	173
Recycling Income		652	541
Dog Registration Fees		58	105
Filming Fees		33	32
Other		175	156
<u>TOTAL OTHER REVENUE</u>		<u>2,152</u>	<u>1,909</u>

Notes to the Financial Statements
for the financial year ended 30 June 2007

Note 3. Income from Continuing Operations (continued)

\$'000	2007 Operating	2006 Operating	2007 Capital	2006 Capital
(e). Grants				
General Purpose (Untied)				
Financial Assistance	2,683	2,613		
Pensioners' Rates Subsidies - General Component	303	315		
Total General Purpose	2,986	2,928	-	-
Specific Purpose				
Pensioners' Rates Subsidies:				
- Domestic Waste Management	96	105		
Bicentennial Park		87		
Community Centres	588	491		
Echo Point Park		8		
Library per capita subsidy	213	228		
Planning Reform		200		
Road Safety	46	49		
Street Lighting Subsidy	243	237		
Transport (Other Roads Funding)	730	2,210		
Other	267	675		
Total Specific Purpose	2,183	4,289	-	-
Total Grants	5,169	7,217	-	-
Grant Revenue is attributable to:				
- Commonwealth Funding	2,683	2,613		
- State Funding	2,486	4,604		
- Other Funding	-	-	-	-
	5,169	7,217	-	-
(f). Contributions				
Developer Contributions: (s93 & s94 - EP&A Act, s64 of the NSW LG Act):				
S94-Contributions	185	333	17,327	8,797
Other Developer Contributions				
Total Developer Contributions	185	333	17,327	8,797
Other Contributions:				
Contributions to Works	63	177	332	348
Other				
Total Other Contributions	63	177	332	348
Total Contributions	248	510	17,659	9,145
TOTAL GRANTS & CONTRIBUTIONS	5,417	7,727	17,659	9,145

Notes to the Financial Statements
for the financial year ended 30 June 2007

Note 3. Income from Continuing Operations (continued)

\$'000	Notes	Actual 2007	Actual 2006
(g). Restrictions relating to Grants and Contributions			
Certain grants & contributions are obtained by Council on condition that they be spent in a specified manner:			
Unexpended at the Close of the Previous Reporting Period		22,345	11,832
add: Grants and contributions recognised in the current period which have not been spent:		19,575	10,978
less: Grants and contributions recognised in a previous reporting period which have been spent in the current reporting period:		(1,519)	(466)
Net Increase (Decrease) in Restricted Assets during the Current Reporting Period		18,056	10,513
Unexpended at the Close of this Reporting Period and held as Restricted Assets		40,401	22,345
Comprising:			
- Specific Purpose Unexpended Grants		345	1,102
- Developer Contributions		40,056	21,243
- Other Contributions			
		40,401	22,345

Notes to the Financial Statements
for the financial year ended 30 June 2007

Note 4. Expenses from Continuing Operations

\$'000	Notes	Actual 2007	Actual 2006
(a) Employee Costs			
Salaries and Wages		21,583	20,167
Employee Leave Entitlements (ELE)		1,852	2,926
Superannuation		1,927	1,900
Workers' Compensation Insurance		745	1,362
Fringe Benefit Tax (FBT)		139	139
Training Costs (other than Salaries & Wages)		264	271
Other		89	59
Total Employee Costs		26,599	26,825
less: Capitalised Costs		(138)	(104)
TOTAL EMPLOYEE COSTS EXPENSED		26,461	26,721
Number of 'Equivalent Full Time' Employees at year end			
		471	471
(b) Borrowing Costs			
(i) Interest Bearing Liability Costs			
Interest on Loans		666	663
less: Capitalised Costs			
Total Interest Bearing Liability Costs Expensed		666	663
TOTAL BORROWING COSTS EXPENSED		666	663
(c) Materials & Contracts			
Raw Materials & Consumables		3,091	2,955
Contractor & Consultancy Costs		18,120	15,036
Audit Services		42	46
Legal Expenses - Planning & Development		1,308	1,259
Legal Expenses - Other		322	408
Operating Lease Rentals - Computers		523	561
Other		256	228
Total Materials & Contracts		23,662	20,493
TOTAL MATERIALS & CONTRACTS		23,662	20,493

Notes to the Financial Statements
for the financial year ended 30 June 2007

Note 4. Expenses from Continuing Operations (continued)

\$'000	Depreciation/Amortisation		Impairment Costs	
	Actual 2007	Actual 2006	Actual 2007	Actual 2006
(d) Depreciation, Amortisation & Impairment				
Plant and Equipment	1,309	1,049		
Office Equipment	83	82		
Furniture & Fittings	17	18		
Land Improvements (depreciable)	85	79		
Buildings	1,516	1,548		
Other Structures	227	227		
Infrastructure:				
- Roads, Bridges & Footpaths	3,060	3,001		
- Stormwater Drainage	458	455		
Other Assets				
- Library Books	340	289		
- Other	2			
Total Depreciation & Impairment Costs	7,097	6,747	-	-
TOTAL DEPRECIATION & IMPAIRMENT COSTS EXPENSED	7,097	6,747	-	-

Notes to the Financial Statements
for the financial year ended 30 June 2007

Note 4. Expenses from Continuing Operations (continued)

\$'000	Notes	Actual 2007	Actual 2006
(e) Other Expenses			
Other Expenses for the year include the following:			
Advertising		401	343
Bad & Doubtful Debts		116	120
Merchant Bank Fees		232	217
Conferences		98	61
Commissions		264	232
Contributions to Other Levels of Government:			
• NSW Fire Brigade Levy		1,975	2,017
• Department of Planning Levy		326	310
Corporate Events		12	81
Mayoral Fee		31	24
Councillors Fees		141	132
Donations, Contributions & Assistance to other organisations (Section 356)		118	107
Electricity & Heating		350	327
External Plant Hire		26	108
Insurance		904	815
Insurance Excess		68	108
Postage		243	233
Rate Issue costs		42	29
Street Lighting		1,330	1,233
Sydney Water		182	169
Subscriptions & Publications		129	125
Telephone & communications		519	550
Valuation Fees		174	116
Temporary Salaries & Wages		1,079	971
Software Licences (computers)		508	452
Rental Rebates		946	1,226
Vehicle Registration		106	122
Family Day care (child Care Assistance)		144	163
Other		863	991
Total Other Expenses		11,327	11,383
TOTAL OTHER EXPENSES		11,327	11,383

Notes to the Financial Statements
for the financial year ended 30 June 2007

Note 5. Gains or Losses on Disposal of Assets

\$'000	Notes	Actual 2007	Actual 2006
Plant & Equipment			
Proceeds from Disposal		806	1562
less: Carrying Amount of P&E Assets Sold		(915)	(1909)
Net Gain/(Loss) on Disposal		(109)	(347)
NET GAIN/(LOSS) ON DISPOSAL OF ASSETS		(109)	(347)

Note 6a. – Cash Assets and Note 6b. – Investment Securities

\$'000	2007		2006	
	Actual Current	Actual Non Current	Actual Current	Actual Non Current
Cash & Cash Equivalents (Note 6a)				
Cash on Hand and at Bank	5,030		4,716	
Cash-Equivalent Assets				
- Deposits at Call				
Total Cash & Cash Equivalents	5,030	-	4,716	-
Investment Securities (Note 6b)				
- Financial Assets at fair value through Profit & Loss	49,004		32,019	
- Held to Maturity Investments	559	6,015	2,348	2,000
- Other Long Term Maturity Financial Assets				
Total Investment Securities	49,563	6,015	34,367	2,000
TOTAL CASH ASSETS, CASH EQUIVALENTS & INVESTMENTS	54,593	6,015	39,083	2,000

Notes to the Financial Statements
for the financial year ended 30 June 2007

Note 6b. Investment Securities (continued)

\$'000	2007		2006	
	Actual Current	Actual Non Current	Actual Current	Actual Non Current
Note 6(b-i)				
Reconciliation of Investments classified as "At Fair Value through Profit & Loss"				
Balance at the Beginning of the Year	32,019	-	15,699	
Revaluations (through the Income Statement)	333			
Additions	77,754		44,920	
Disposals (sales & redemptions)	(61,102)		(28,600)	
Balance at End of Year	49,004	-	32,019	-
Comprising:				
- Managed Funds	40,670	-	32,019	
- Other Long Term Maturity Financial Assets	8,334			
Total	49,004	-	32,019	-
Note 6(bii)				
Reconciliation of Investments classified as "Held to Maturity"				
Balance at the Beginning of the Year	2,348	2,000	2,840	
Additions	33	4,015	28	2,000
Disposals (sales & redemptions)	(1,822)		(520)	
Balance at End of Year	559	6,015	2,348	2,000
Comprising:				
- CDOs		4,000		2,000
- Structured Securities		2,015		
- Term Deposits	559		2,348	
Total	559	6,015	2,348	2,000

Notes to the Financial Statements
for the financial year ended 30 June 2007

Note 6c. Restricted Cash, Cash Equivalents & Investments

\$'000	2007		2006	
	Actual Current	Actual Non Current	Actual Current	Actual Non Current
Total Cash, Cash Equivalents and Investment Securities	54,593	6,015	39,083	2,000
attributable to:				
External Restrictions (refer below)	38,808	6,015	25,680	2,000
Internal Restrictions (refer below)	15,775	-	12,464	
Unrestricted	10	-	939	-
	54,593	6,015	39,083	2,000
 Details of Restrictions	Opening Balance	Transfers to Restrictions	Transfers from Restrictions	Closing Balance
External Restrictions - Other				
Developer Contributions - General (D)	21,243	19,563	(750)	40,056
Specific Purpose Unexpended Grants (F)	1,102	12	(769)	345
Domestic Waste Management (G)	4,482		(486)	3,996
Environmental Levy (G)	852	1,823	(2,250)	425
External Restrictions - Other	27,680	21,398	(4,255)	44,823
Total External Restrictions	27,680	21,398	(4,255)	44,823
 Internal Restrictions				
Plant & Vehicle Replacement	284	350	(525)	109
Infrastructure Replacement	1,122	1,527	(1,853)	796
Employees Leave Entitlement	1,026	357	(33)	1,350
Facilities Reserve	4,885	1,616	(182)	6,319
Golf Course Levy	835	492	(229)	1,098
Other	4,312	4,209	(2,418)	6,103
Total Internal Restrictions	12,464	8,551	(5,240)	15,775
TOTAL RESTRICTIONS	40,144	29,949	(9,495)	60,598

- A** Loan moneys which must be applied for the purposes for which the loans were raised.
- B** Advances by the Roads and Traffic Authority for works on the States classified roads.
- C** Self Insurance liability resulting from reported claims or incurred claims not yet reported.
- D** Development contributions which are not yet expended for the provision of services and amenities in accordance with contributions plans (refer Note 17).
- E** RTA Contributions which are not yet expended for the provision of services and amenities in accordance with those contributions.
- F** Grants which are not yet expended for the purposes for which the grants were obtained. (refer Note 1)
- G** Water, Sewerage, Domestic Waste Management (DWM) & Special Rates/Levies/Charges are externally restricted assets and must be applied for the purposes for which they were raised.

Notes to the Financial Statements
for the financial year ended 30 June 2007

Note 7. Receivables

\$'000	2007		2006	
	Current	Non Current	Current	Non Current
Purpose				
Rates & Annual Charges	1,238	155	1,114	159
Interest & Extra Charges	88	40	113	62
User Charges & Fees	2,872		1,713	
Accrued Revenues				
- Interest on Investments	175		36	
- Accrued Revenue	615		262	
Government Grants & Subsidies	384		637	
Net GST Receivable	517		465	
Other Debtors	28		72	
Total	5,917	195	4,412	221
less: Provision for Doubtful Debts				
Rates & Annual Charges				
Interest & Extra Charges				
User Charges & Fees	(286)		(171)	
Total Provisions for Doubtful Debts	(286)	-	(171)	-
TOTAL NET RECEIVABLES	5,631	195	4,241	221
Externally Restricted Receivables				
Domestic Waste Management	254	41	236	46
Environmental Levy	40			
Infrastructure Levy	42			
Total External Restrictions	336	41	236	46
Unrestricted Receivables	5,295	154	4,005	175
TOTAL NET RECEIVABLES	5,631	195	4,241	221

Notes to the Financial Statements
for the financial year ended 30 June 2007

Note 8. Inventories & Other Assets

\$'000	2007		2006	
	Current	Non Current	Current	Non Current
Inventories				
Stores & Materials	87		62	
Trading Stock	79		92	
Total Inventories	166	-	154	-
Other Assets				
Prepayments	224		214	
Other				
Total Other Assets	224	-	214	-
<u>TOTAL INVENTORIES & OTHER ASSETS</u>	<u>390</u>	<u>-</u>	<u>368</u>	<u>-</u>

Ku-ring-gai Council

Notes to the Financial Statements
for the financial year ended 30 June 2007**Note 9a. Infrastructure, Property, Plant & Equipment**

By asset type \$'000	as at 30/6/2006			Asset Movements during the Reporting Period				as at 30/6/2007		
	At Cost	Accumulated Deprec.	Carrying Value	Asset Additions	WDV-Asset Disposals	Depreciation Expense	Adjustments & Transfers	At Cost	Accumulated Dep'n	Carrying Value
Capital Work in Progress										
Plant & Equipment	11,001	4,096	6,905	1,434	(915)	(1,309)		11,117	5,002	6,115
Office Equipment	797	252	545	66		(83)		863	335	528
Furniture & Fittings	180	95	85	2		(17)		182	112	70
Land										
- Operational	7,533		7,533	-				7,533	-	7,533
- Community	184,522		184,522	466				184,988	-	184,988
- Non-deprec Land Improvements	3,862		3,862	-				3,862	-	3,862
Land Improvements - depreciable	991	479	512	587		(85)		1,578	564	1,014
Buildings	63,108	34,099	29,009	454		(1,516)	3	63,565	35,615	27,950
Other Structures	5,024	2,791	2,233	-		(227)		5,024	3,018	2,006
Infrastructure										
- Roads, Bridges, Footpaths	305,970	156,149	149,821	6,054		(3,060)		312,024	159,209	152,815
- Bulk Earthworks (non-depreciable)	1,202,844		1,202,844	-				1,202,844	-	1,202,844
- Stormwater Drainage	59,433	38,902	20,531	143		(458)		59,576	39,360	20,216
Other Assets										
- Heritage Collections			-			-		-	-	-
- Library Books	8,138	5,520	2,618	506		(340)		8,644	5,860	2,784
- Other	4,341	4,126	215	23		(2)	(3)	4,361	4,128	233
TOTAL INFRASTRUCTURE										
PROPERTY, PLANT & EQUIP.	1,857,744	246,509	1,611,235	9,735	(915)	(7,097)	-	1,866,161	253,203	1,612,958

Ku-ring-gai Council

Notes to the Financial Statements
for the financial year ended 30 June 2007**Note 10a. Payables, Interest Bearing Liabilities & Provisions**

\$'000	Notes	2007		2006	
		Current	Non Current	Current	Non Current
Payables					
Goods & Services - Operating		3,643		5,420	
Goods & Services - Capital				248	
Payments Received In Advance		1,588		311	
Accrued Interest Payable		58		18	
Security Bonds, Deposits & Retentions		4,801		4,578	
Other		470		340	
Total Payables		10,560	-	10,914	-
Interest Bearing Liabilities					
Loans -Secured ¹		1,927	8,585	1,716	9,440
Other					
Total Interest Bearing Liabilities		1,927	8,585	1,716	9,440
Provisions					
Employee Benefits:					
Annual Leave		2,124		2,000	
Sick Leave		409		200	
Long Service Leave		3,368	230	3,561	399
Gratuities		617		673	
Other Leave					
Total Provisions		6,518	230	6,434	399
Total Payables, Interest Bearing Liabilities & Provisions					
		19,005	8,815	19,064	9,839
(i) Liabilities relating to Restricted Assets					
		Current	Non Current	Current	Non Current
Domestic Waste Management		1,139		1,267	
Other		33			
Total Restricted Liabilities		1,172	-	1,267	

¹ Loans are secured over the General Rating Income of Council

Disclosures on Liability Interest Rate Risk Exposures, Fair Value Disclosures & Security can be found in Note 15.

Ku-ring-gai Council

Notes to the Financial Statements
for the financial year ended 30 June 2007

Note 10a. Payables, Interest Bearing Liabilities & Provisions (continued)**\$'000**

(ii) Current Liabilities not anticipated to be settled within the next 12 months

The following Liabilities, even though classified as current, are not expected to be settled in the next 12 months.

	2007	2006
Employees Leave Entitlements	3,773	4,397
Bonds & Deposits	3,542	4,092
	7,315	8,489

Note 10b. Description of and movements in Provisions

Class of Provision	2006			2007		Closing Balance as at 30/6/07
	Opening Balance as at 1/7/06	Additional Provisions	Decrease due to Payments	Remeasurement effects due to Discounting	Unused amounts reversed	
Annual Leave	2,000	1,744	(1,620)			2,124
Sick Leave	200	917	(708)			409
Long Service Leave	3,960	(41)	(321)			3,598
Gratuities	673	(56)	-			617
Other Leave	-	-	-			-
TOTAL	6,833	2,564	(2,649)	-	-	6,748

- a. Employees Leave Entitlements & On-Costs represents those benefits accrued and payable and an estimate of those that will become payable in the future as a result of past service.

Notes to the Financial Statements
for the financial year ended 30 June 2007

Note 11. Cash Flow Statement – Additional Information

\$'000	Notes	Actual 2007	Actual 2006
(a) Reconciliation of Cash Assets			
Total Cash & Cash Equivalent Assets	6a	5,030	4,716
Less Bank Overdraft	10	-	-
BALANCES as per CASH FLOW STATEMENT		5,030	4,716
(b) Reconciliation of Net Operating Result to Cash provided from Operating Activities			
Net Operating Result from Income Statement		23,717	16,546
Adjust for non cash items:			
Depreciation & Amortisation		7,097	6,747
Losses/(Gains) recognised on Fair Value Re-measurements through P&L			
- Investments classified as "at Fair Value"		(333)	
Net Losses/(Gains) on Disposal of Assets		109	347
Non Cash Capital Grants and Contributions		(300)	(348)
+/- Movement in Operating Assets and Liabilities & Other Cash Items:			
Decrease/(Increase) in Receivables		(1,479)	(574)
Increase/(Decrease) in Provision for Doubtful Debts		115	114
Decrease/(Increase) in Inventories		(12)	27
Decrease/(Increase) in Other Current Assets		(10)	86
Increase/(Decrease) in Payables		(1,777)	1,017
Increase/(Decrease) in accrued Interest Payable		40	
Increase/(Decrease) in Other Current Liabilities		1,631	
Increase/(Decrease) in Employee Leave Entitlements		(85)	607
NET CASH PROVIDED FROM/(USED IN)		28,713	24,569
OPERATING ACTIVITIES from CASH FLOW STATEMENT		28,713	24,569

Notes to the Financial Statements
for the financial year ended 30 June 2007

Note 11. Cash Flow Statement – Additional Information (continued)

\$'000	Notes	Actual 2007	Actual 2006
(c) Non-Cash Investing & Financing Activities			
Acquisition of Plant & Equipment by means of Finance Lease			
Other Dedications			
Other Non Cash Items - Operational Land		300	348
Total Non-Cash Investing & Financing Activities		300	348
(d) Financing Arrangements			
(i) Unrestricted access was available at balance date to the following lines of credit:			
Bank Overdraft Facilities ¹		2,000	2,000
Credit Cards / Purchase Cards		20	20
Total Financing Arrangements		2,020	2,020

1. The Bank overdraft facility may be drawn at any time and may be terminated by the bank without notice. Interest rates on overdrafts and Interest Rates on Loans & Other Payables are disclosed in Note 15.

(ii) At Balance Date the following Loans have been approved by the NSW Department of Local Government for use in the following year:

- 06/07 Year		1,000
- 07/08 Year (and beyond)	1,000	

Notes to the Financial Statements
for the financial year ended 30 June 2007

Note 12. Commitments for Expenditure

\$'000	Notes	Actual 2007	Actual 2006
(a) Capital Commitments (exclusive of GST)			
Capital expenditure committed for at the reporting date but not recognised in the financial statements as liabilities:			
Property, Plant & Equipment			
Buildings			
Plant & Equipment		275	23
Other Structures		7,000	312
Total Commitments		7,275	335
These expenditures are payable as follows:			
Within the next year		7,275	335
Later than one year and not later than 5 years			
Later than 5 years			
Total Payable		7,275	335
Sources for Funding of Capital Commitments:			
Unrestricted General Funds		275	335
Sec 94		7,000	
Total Sources of Funding		7,275	335
(b) Other Expenditure Commitments (exclusive of GST)			
Other Non Capital expenditure committed for at the reporting date but not recognised in the financial statements as liabilities:			
Waste Services		37,200	43,200
Cleaning Services		173	132
Audit Services		45	85
Fleet Management		100	170
Operating Leases - Cancellable		211	263
Insurance		549	1,134
Security		165	180
Grass Cutting		722	650
Other		513	705
Total Commitments		39,678	46,519
These expenditures are payable as follows:			
Within the next year		6,340	7,401
Later than one year and not later than 5 years		21,012	24,655
Later than 5 years		12,326	14,463
Total Payable		39,678	46,519

Notes to the Financial Statements
for the financial year ended 30 June 2007

Note 12. Commitments for Expenditure (continued)

\$'000	Notes	Actual 2007	Actual 2006
(c) Operating Lease Commitments (Non Cancellable)			
a. Commitments under Non Cancellable Operating Leases at the Reporting date, but not recognised as Liabilities are payable:			
Within the next year		211	264
Later than one year and not later than 5 years		200	212
Later than 5 years			
Total Non Cancellable Operating Lease Commitments		411	476

b. Non Cancellable Operating Leases include the following assets:

Computer Equipment

Contingent Rentals may be payable depending on the condition of items or usage during the lease term.

(c) Remuneration Commitments

Commitments for the payment of salaries & other remuneration under long-term employment contracts in existence at reporting date but not recognised as liabilities are payable:

Within the next year	759	747
Later than one year and not later than 5 years	2,045	2,430
Later than 5 years		
Total Payable	2,804	3,177

Notes to the Financial Statements
for the financial year ended 30 June 2007

Note 13. Statement of Performance Measurement

\$'000	Amounts 2007	Indicator 2007	Prior Years 20062005	
1. Unrestricted Current Ratio				
Current Assets less all External Restrictions ⁽¹⁾	22,758	2.16: 1	2.05	1.76
Current Liabilities less Specific Purpose Liabilities ^(2,3)	10,518			
2. Debt Service Ratio				
Debt Service Cost	2,309	3.17%	3.19%	4.40%
Revenue from Continuing Operations excluding Capital Items & Specific Purpose Grants/Contributions	72,949			
3. Rates & Annual Charges Coverage Ratio				
Rates & Annual Charges	50,185	53.94%	58.21%	62.00%
Revenue from Continuing Operations	93,039			
4. Rates, Annual Charges, Interest & Extra Charges Outstanding Percentage				
Rates, Annual & Extra Charges Outstanding	1,521	2.94%	2.91%	3.20%
Rates, Annual & Extra charges Collectible	51,753			

Notes

⁽¹⁾ Refer Notes 6-8 inclusive.

Also excludes any Real Estate & Land for resale not expected to be sold in the next 12 months

⁽²⁾ Refer to Note 10a(i)

⁽³⁾ Refer to Note 10a(ii) - excludes all ELE not expected to be paid in the next 12 months.

Note 14. Investment Properties

At balance date Council did not have any Investment properties.

Notes to the Financial Statements

for the financial year ended 30 June 2007

Note 15. Financial Instruments

\$'000	Floating Interest Rate	≤ 1 Year	1-2 Yrs	Fixed Interest Rate		4-5 Yrs	>5 Yrs	Non Interest Bearing	Total
				2-3 Yrs	3-4 Yrs				
(a) Exposure to Interest Rate Risk									
Council's exposure to Interest Rate Risk & the effective weighted average interest rates by maturity for each class of Financial Assets & Financial Liabilities is set out below. Exposures arise predominantly from assets & liabilities with variable interest rates, which Council intends to hold to maturity.									
2007									
Cash & Cash Equivalents	5,030								5,030
Investment Securities	55,019	559							55,578
Receivables		1,238	155					4,433	5,826
Other Financial Assets								-	-
Total Financial Assets	60,049	1,797	155	-	-	-	-	4,433	66,434
Weighted Avg Interest Rate	6.7%	9.0%	10.0%						
Bank Overdraft									
Trade/Other Payables	4,801							4,171	8,972
Loans & Advances		1,927	1,808	1,571	1,464	1,198	2,544		10,512
Lease Liabilities									
Total Financial Liabilities	4,801	1,927	1,808	1,571	1,464	1,198	2,544	4,171	19,484
Weighted Avg Interest Rate		6.8%	6.8%	6.8%	6.8%	6.8%	6.8%		
Net Financial									
Assets/Liabilities	55,248	(130)	(1,653)	(1,571)	(1,464)	(1,198)	(2,544)	262	46,950
2006									
Cash & Cash Equivalents	4,716								4,716
Investment Securities	34,019	2,348							36,367
Receivables		1,114	159					3,189	4,462
Other Financial Assets								-	-
Total Financial Assets	38,735	3,462	159	-	-	-	-	3,189	45,545
Weighted Avg Interest Rate	6.2%	7.0%	9.0%						
Bank Overdraft									
Trade/Other Payables	4,578							6,025	10,603
Loans & Advances		1,716	1,783	1,724	1,542	1,363	3,027	1	11,156
Lease Liabilities							-		-
Total Financial Liabilities	4,578	1,716	1,783	1,724	1,542	1,363	3,027	6,026	21,759
Weighted Avg Interest Rate		6.8%	6.8%	6.8%	6.8%	6.8%	6.8%		
Net Financial									
Assets/Liabilities	34,157	1,746	(1,624)	(1,724)	(1,542)	(1,363)	(3,027)	(2,837)	23,786

Notes to the Financial Statements
for the financial year ended 30 June 2007

Note 15. Financial Instruments (continued)

\$'000	Notes	2007		2006	
		Carrying Amount	Net Fair Value	Carrying Amount	Net Fair Value

(b) Net Fair Value

A comparison by category of the carrying amounts and fair values of Council's Financial Assets & Financial Liabilities recognised in the financial statements is presented below.

Financial Assets

Cash and Cash Equivalents	5,030	5,030	4,716	4,716
Investments				
- "Held for Trading"	49,004	49,004	32,019	32,019
- "Held to Maturity"	6,574	6,574	4,348	4,348
Receivables	5,826	5,826	4,462	4,462
Total Financial Assets	66,434	66,434	45,545	45,545

Financial Liabilities

Payables	8,972	8,972	10,603	10,603
Loans / Advances	10,512	10,512	11,156	11,156
Total Financial Liabilities	19,484	19,484	21,759	21,759

The net fair value of cash and cash equivalents and non-interest bearing monetary financial assets and financial liabilities approximates their carrying value.

Where a market exists, the net fair value of other financial assets and liabilities is based upon market prices - otherwise the expected future cash flows are discounted by the prevailing interest rates for assets and liabilities with similar risk profiles.

Ku-ring-gai Council

Notes to the Financial Statements

for the financial year ended 30 June 2007

Note 16. Material Budget Variations

\$'000

Council's Original Financial Budget for 06/07 was incorporated as part of the Management Plan and was adopted by the Council on 13th June 2006.

This Note sets out the details of MATERIAL VARIATIONS between Council's Original Budget and its Actual results for the year as per the Income Statement.

Material Variations represent those variances that amount to **10%** or more of the original budgeted figure.

Note that for Variations: F = Favourable Budget Variation, **U** = Unfavourable Budget Variation

	2007 Budget	2007 Actual	2007 Variance*		
REVENUES					
Other Revenues	1,722	2,152	430	25%	F

Other revenue reflected an increase over budget by an amount of \$431K (F). The main factors contributing to this result were parking fines of \$223K, insurance contribution of \$121 K and other revenue of \$88K received in excess of budget.

Capital Grants & Contributions	4,726	17,659	12,933	274%	F
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Total variation between budget and actuals was \$13M (F). Major factor in achieving this result were additional Section 94 funds of \$11.3M more than anticipated, plus \$1.7M of Contributions To Works received in excess of budget.

EXPENSES

Materials & Contracts	21,321	23,662	(2,341)	(11%)	U
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Materials & Contractors reflect a variance of \$2.3M. The main factors contributing to this variance, was an increase of \$1.8M in contractors, and an increase of \$300K in materials costs above the original budget.

Notes to the Financial Statements

for the financial year ended 30 June 2007

Note 17. Statement of Developer Contributions

\$'000

Under Section 94 & Section 94A of the Environmental Planning and Assessment Act 1979, a Council may require (i) the payment of a monetary contribution or dedication of land or (ii) a % levy on the value of development, in relation to development works that are subject to a development consent issued by Council.

The following tables detail the receipt, interest and use of the above contributions & levies and the value of all remaining funds which are "restricted" in use by their nature and must be spent for the specific purposes raised.

SUMMARY OF CONTRIBUTIONS & LEVIES

PURPOSE	Opening Balance	Received during Year		Interest Earned in Yr	Exp. during Yr	Internal Borrowing (to)/from	Held as Restricted Asset
		Cash	Non Cash				
Drainage	-	-	-	-	-	-	-
Roads	-	-	-	-	-	-	-
Traffic Facilities	70	117	-	8	-	-	195
Parking	970	-	-	66	(1)	-	1,035
Open Space	15,129	14,060	-	1,482	(179)	-	30,492
Community Facilities	3,420	2,831	-	321	(65)	-	6,507
Other	499	504	-	55	(467)	-	591
S94 Contributions - under a Plan	20,087	17,512	-	1,932	(712)	-	38,819
Total S94 Revenue under Plans	20,087	17,512	-	1,932	(712)	-	38,819
S94 not under Plans	1,156	-	-	81	-	-	1,237
Total Contributions	21,243	17,512	-	2,013	(712)	-	40,056

Ku-ring-gai Council

Notes to the Financial Statements
for the financial year ended 30 June 2007

Note 17. Statement of Developer Contributions (continued)

\$'000

S94 CONTRIBUTIONS - NOT UNDER PLAN
CONTRIBUTION PLAN PRE 1993

PURPOSE	Opening Balance	Received during Year		Interest Earned in Yr	Exp. during Yr	Internal Borrowing (to)/from	Held as Restricted Asset
		Cash	Non Cash				
Drainage							-
Roads							-
Traffic Facilities							-
Parking	1,044			71			1,115
Open Space	22			1			23
Community Facilities	88			8			96
Other	1			1			2
Total	1,156	-	-	81	-	-	1,237

S94 CONTRIBUTIONS - UNDER A PLAN
CONTRIBUTION PLAN NUMBER 2 - 1993 Plan

PURPOSE	Opening Balance	Received during Year		Interest Earned in Yr	Exp. during Yr	Internal Borrowing (to)/from	Held as Restricted Asset
		Cash	Non Cash				
Drainage							-
Roads							-
Traffic Facilities	1	-		-	-		1
Parking	870	-		66	(1)		1,035
Open Space	13	-		1	-		14
Community Facilities	175	-		12	-		187
Other	30	-		2	(32)		-
Total	1,189	-	-	81	(33)	-	1,237

CONTRIBUTION PLAN NUMBER 3 - 2000 to 2003 Residential Plan

PURPOSE	Opening Balance	Received during Year		Interest Earned in Yr	Exp. during Yr	Internal Borrowing (to)/from	Held as Restricted Asset
		Cash	Non Cash				
Drainage							-
Roads							-
Traffic Facilities							-
Parking							-
Open Space	7,776	399		549	-		8,724
Community Facilities	1,953	99		137	(65)		2,124
Other	150	51		16	(199)		18
Total	9,878	549	-	702	(264)	-	10,865

Notes to the Financial Statements
for the financial year ended 30 June 2007

Note 17. Statement of Developer Contributions (continued)

\$'000

S94 CONTRIBUTIONS - UNDER A PLAN

CONTRIBUTION PLAN NUMBER 4 - Ku-ring-gai SEPP5 Plan

PURPOSE	Opening Balance	Received during Year		Interest Earned in Yr	Exp. during Yr	Internal Borrowing (to)/from	Held as Restricted Asset
		Cash	Non Cash				
Drainage							-
Roads							-
Traffic Facilities							-
Parking							-
Open Space	359	48		27			434
Community Facilities							
Other							
Total	359	48	-	27	-	-	434

CONTRIBUTION PLAN NUMBER 5 - 2004/2009 Residential Plan

PURPOSE	Opening Balance	Received during Year		Interest Earned in Yr	Exp. during Yr	Internal Borrowing (to)/from	Held as Restricted Asset
		Cash	Non Cash				
Drainage							-
Roads							-
Traffic Facilities	69	116		8	-		193
Parking		-		-	-		-
Open Space	6,981	13,614		905	(179)		21,321
Community Facilities	1,292	2,732		172	-		4,196
Other	319	453		36	(236)		572
Total	8,661	16,915	-	1,121	(415)	-	26,282

Ku-ring-gai Council

Notes to the Financial Statements
for the financial year ended 30 June 2007**Note 18. Contingencies & Other Assets/Liabilities Not Recognised**

\$'000

The following assets and liabilities do not qualify for recognition in the Statement of Financial Position, but their knowledge & disclosure is considered relevant to the users of Council's Financial Report.

LIABILITIES NOT RECOGNISED:**1. Guarantees****(i) Statewide Limited**

Council is a member of Statewide Mutual, a mutual pool scheme providing liability insurance to Local Government. Membership includes the potential to share in either the net assets or liabilities of the fund depending on its past performance. Council's share of the Net Assets or Liabilities reflects Council's contributions to the pool and the result of insurance claims within each of the Fund Years.

Council's accounting policy regarding the measurement and disclosure of the potential liability or benefit is to book Council's share of the net asset and liability value, as advised by Statewide Mutual taking into account their audited figures for the year ended 30 June 2007.

(ii) StateCover Limited

Council is a member of StateCover Mutual Limited and holds a partly paid share in the entity.

StateCover is a company providing workers compensation insurance cover to the NSW Local Government Industry and specifically Council.

Council has a contingent liability to contribute further equity in the event of the erosion of the Company's capital base as a result of the company's past performance and/or claims experience or as a of any increased prudential requirements of APRA.

2. Other Liabilities

Council has two tips that are currently being rehabilitated. At balance date Council is unable to reliably estimate the future financial cost of such work.

(i) S94 Plans

Council levies Section 94(194A) Contributions upon various development across the Council area through the required Contributions Plans.

As part of these Plans, Council has received funds for which it will be required to expend the monies in accordance with those Plans.

As well, these Plans indicate proposed future expenditure to be undertaken by Council, which will be funded by making levies and receipting funds in future years.

These future expenses do not yet qualify as liabilities as of the Reporting Date, but represent Council's intention to spend funds in the manner and timing set out in those Plans.

Ku-ring-gai Council

Notes to the Financial Statements
for the financial year ended 30 June 2007**Note 19. Controlled Entities, Associated Entities & Interests in Joint Ventures**

At balanced date Council did not have any interest in any joint ventures.

Note 20. Equity - Retained Earnings and Revaluation Reserves

\$'000	Notes	Actual 2007	Actual 2006
a. Retained Earnings			
Movements in Retained Earnings were as follows:			
Balance at beginning of Year (from previous years audited accounts)		1,629,533	1,612,987
a. Transition to AIFRS (ie. AGAAP to AIFRS)		n/a	
b. Adjustments on adoption of AASB 132/AASB139 as at 11/7/05		n/a	-
c. Correction of Prior Period Errors		-	-
d. Changes in Accounting Policies (Prior Period Effects)		-	-
e. Current Year Income & Expenses Recognised direct to Equity excluding direct to Reserves transactions		-	-
f. Net Operating Result for the Year		23,717	16,546
g. Distributions to/(Contributions from) Minority Interests		-	-
h. Transfers between Equity		-	-
i. Other Changes (disclosure required)		-	-
Balance at End of the Reporting Period		1,653,250	1,629,533

Ku-ring-gai Council

Notes to the Financial Statements

for the financial year ended 30 June 2007

Note 21. Reinstatement, Rehabilitation & Restoration Liabilities

Council has two tips that are currently being rehabilitated. At balance date Council is unable to reliably estimate the future financial cost of such work.

Note 22. Non Current Assets/Liabilities classified as "Held for Sale".

\$'000	2007		2006	
	Current	Non Current	Current	Non Current
(i) Non Current Assets "Held for Sale"				
Land	1,288		1,288	
Total Non Current Assets "Held for Sale"	1,288	-	1,288	-

(ii) Details of Assets & Disposal Groups

Council has a parcel of land which it has made a decision to dispose of. The land is currently available for sale and is actively being marketed by a number of local real estate agents. Funds received from the sale will be internally restricted for future purposes.

Note 23. Events occurring after Balance Sheet Date

Subsequent to balance date, during July and August 2007, and the date of this report, global financial markets have experienced significant volatility as a result of the US Sub Prime Mortgage crisis.

Whilst Ku-ring-gai Council was not directly investing in this market, a proportion of Council's investment portfolio held at fair value (current assets) as at 30 June 2007 has been affected as a result of contagion market volatility.

The investments held at fair value can potentially fluctuate both positively and negatively in terms of market valuation. The table below shows the negative net movement in interest/distribution and capital for investments classified as "at Fair Value" for the period 30 June to 31 August 2007.

Investment	Gross Interest/ Distribution	Capital Gains/Loss	Net (Interest plus Capital Gain)
Aberdeen Income Fund	8,258	55,075	63,333
Perpetual Credit Income	651	-93,212	-92,561
Longreach CPWF	10,192	-94,226	-84,034
KRGC Tcorp LTGHF	0	29,180	29,180
LongreachSTIRM	4,247	-9,100	4,853
Camelot	0	22,656	22,656
Longreach s26 Prop	0	-33,300	-33,300
BlackRock Diversified Credit	58,556	-134,289	-75,733
Total	81,904	-257,216	-175,312

Note: Council does not hold any CDO's, classified as "at Fair Value", however Council does hold two(2) CDO's namely Titanium AAA and Oasis Portfolio Note and one (1) CPDO, namely Surf, which are held to maturity investments.



SPENCER STEER
CHARTERED ACCOUNTANTS

KU-RING-GAI COUNCIL
GENERAL PURPOSE FINANCIAL REPORT
INDEPENDENT AUDITORS' REPORT

SCOPE

We have audited the *general purpose financial report* of Ku-ring-gai Council for the year ended 30 June 2007, comprising the Statement by Councillors and Management, Income Statement, Balance Sheet, Statement of Changes in Equity, Cash Flow Statement and accompanying Notes to the Financial Statements. The financial statements include the consolidated accounts of the economic entity comprising the Council and the entities it controlled at the year's end or from time to time during the year. The Council is responsible for the preparation and presentation of the financial statements and the information they contain. We have conducted an independent audit of these financial statements in order to express an opinion on them to the Council. In respect of the original budget figures disclosed in the Income Statement, Cash Flow Statement and Note 2(a), we have not examined the underlying basis of their preparation. Similarly, we have not examined the variations from the adopted budget disclosed in Note 16 and therefore express no opinion on them.

Our audit has been conducted in accordance with Australian Auditing Standards to provide reasonable assurance as to whether the financial statements are free of material misstatement. Our procedures included examination, on a test basis, of evidence supporting the amounts and other disclosures in the financial statements, and the evaluation of accounting policies and significant accounting estimates. These procedures have been undertaken to form an opinion as to whether, in all material respects, the financial statements are presented fairly in accordance with Accounting Standards and other mandatory professional reporting requirements in Australia and statutory requirements under the Local Government Act 1993 so as to present a view which is consistent with our understanding of the Council's and the economic entity's financial position, the result of their operations and their cash flows.

The audit opinion expressed in this report has been formed on the above basis.

AUDIT OPINION

In our opinion,

- (a) the accounting records of the Council have been kept in accordance with the requirements of Division 2 of Part 3 of the Local Government Act, 1993;
- (b) the general purpose financial report
 - (i) has been prepared in accordance with the requirements of Division 2 of Part 3 of the Local Government Act, 1993;
 - (ii) is consistent with the Council's accounting records;
 - (iii) presents fairly the Council's financial position and the results of its operations; and
 - (iv) are in accordance with applicable accounting standards and other mandatory professional reporting requirements.
- (c) we have been able to obtain all the information relevant to the conduct of our audit; and
- (d) there are no material deficiencies in the accounting records or financial reports that we have become aware of during the course of the audit.

SPENCER STEER
Chartered Accountants

N. MAH CUT
Partner

Dated at Sydney this 28th day of September 2007



SPENCER STEER
CHARTERED ACCOUNTANTS

28 September 2007

The Mayor
Ku-ring-gai Council
818 Pacific Highway
GORDON NSW 2072

Mayor,

Audit Report - Year Ended 30 June 2007

We are pleased to advise completion of the audit of Council's books and records for the year ended 30 June 2007 and that all information required by us was readily available. We have signed and attached our reports as required under Section 417(1) of the Local Government Act, 1993 and the Local Government Code of Accounting Practice and Financial Reporting to the General and Special Purpose Financial Reports.

Our audit has been conducted in accordance with Australian Auditing Standards so as to express an opinion on both the General and Special Purpose Financial Reports of the Council. We have ensured that the accounts have been prepared in accordance with Australian equivalents to International Financial Reporting Standards (AIFRS) and the Local Government Code of Accounting Practice and Financial Reporting.

This report on the conduct of the audit is also issued under Section 417(1) and we now offer the following comments on the financial statements and the audit;

1. RESULTS FOR THE YEAR

1.1 Operating Result

The operating result for the year was a Surplus of \$23.717 million as compared with \$16.546 million in the previous year.



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The following table sets out the results for the year and the extent (%) that each category of revenue and expenses contributed to the total.

	2007 \$000	% of Total	2006 \$000	% of Total	Increase (Decrease) \$000
Revenues before capital items					
Rates & annual charges	50,185	67%	48,253	65%	1,932
User charges, fees & other revenues	16,421	22%	15,866	22%	555
Grants & contributions provided for operating purposes	5,417	7%	7,727	10%	(2,310)
Interest & investment revenue	3,357	4%	1,909	3%	1,448
	75,380	100%	73,755	100%	1,625
Expenses					
Employee benefits & costs	26,461	38%	26,721	40%	(260)
Materials, contracts & other expenses	35,098	51%	32,223	49%	2,875
Depreciation, amortisation & impairment	7,097	10%	6,747	10%	350
Borrowing costs	666	1%	663	1%	3
	69,322	100%	66,354	100%	2,968
Surplus (Deficit) before capital items	\$ 6,058		\$ 7,401		\$ (1,343)
Grants & contributions provided for capital purposes	17,659		9,145		8,514
Net Surplus (Deficit) for the year	\$23,717		\$16,546		\$7,171

The table above shows an overall increase over the previous year of \$7.171 million with developer contributions (\$94) provided for capital works being the main contributing source, which rose by \$8.530 million. Levies of rates and domestic waste management charges accounted for 67% of Council's operating revenue before capital receipts, which increased by \$1.932 million to \$50.185 million.

1.2 Funding Result

The operating result does not take into account all revenues and all expenditures and in reviewing the overall financial performance of Council it is useful to take into account the total source of revenues and where they were spent during the year which is illustrated in the table below.



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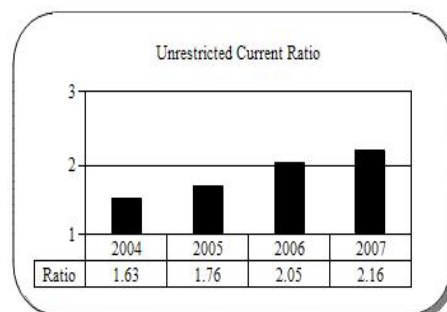
	2007 \$000	2006 \$000
Funds were provided by:		
Operating Result (as above)	23,717	16,546
Add back non funding items:		
- Depreciation, amortisation & impairment	7,097	6,747
- Book value of non current assets sold	915	1,909
	31,729	25,202
New loan borrowings	1,000	1,400
Net Changes in current/non current assets & liabilities	164	2,308
	32,893	28,910
Funds were applied to:		
Purchase and construction of assets	(9,735)	(11,779)
Increase/Purchase in Non Current Investments	(4,015)	(2,000)
Principal repaid on loans	(1,644)	(1,540)
Transfers to externally restricted assets (net)	(13,323)	(9,605)
Transfers to internal reserves (net)	(3,311)	(4,361)
	(32,028)	(29,285)
Increase (Decrease) in Available Working Capital	865	(375)

2. FINANCIAL POSITION

2.1 Unrestricted Current Ratio

The Unrestricted Current Ratio is a financial indicator specific to local government and represents Council's ability to meet its debts and obligations as they fall due.

After eliminating externally restricted assets and current liabilities not expected to be paid within the next 12 months net current assets amounted to \$12.240 million representing a factor of 2.16 to 1.



2.2 Available Working Capital — (Working Funds)

A more meaningful financial indicator specific to local government is the level of **Available Working Capital**. Net Current Assets are adjusted by eliminating both external and internal reserves held for future purposes. At the close of the year the Available Working Capital of Council stood at \$1.108 million as detailed below:



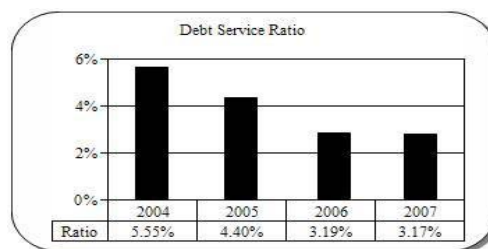
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	2007 \$000	2006 \$000	Change \$000
Net Current Assets (Working Capital) as per Accounts	42,897	25,916	16,981
<i>Add:</i> Payables & provisions not expected to be realised in the next 12 months included above	7,315	8,489	(1,174)
Adjusted Net Current Assets	50,212	34,405	15,807
<i>Add:</i> Budgeted & expected to pay in the next 12 months			
- Borrowings	1,927	1,716	211
- Employees leave entitlements	2,745	2,037	708
- Deposits & retention moneys	1,259	486	773
<i>Less:</i> Externally restricted assets	(37,972)	(24,649)	(13,323)
<i>Less:</i> Internally restricted assets	(17,063)	(13,752)	(3,311)
Available Working Capital as at 30 June	\$1,108	\$243	\$865

The balance of Available Working Capital should be at a level to manage Council's day to day operations including the financing of hard core debtors, stores and to provide a buffer against unforeseen and unbudgeted expenditures. Internally restricted assets (Reserves) include reserves for a number of contingencies, reduction in borrowings and an asset expected to be realised in the ensuing year. Taking into consideration the nature of those Reserves the Available Working Capital as at 30 June 2007 was, in our opinion, sufficient.

2.3 Debt

Operating revenue (excluding special purpose grants and contributions) required to service (loan repayments) debt was 3.17%.



2.4 Summary

Council's overall financial position, when taking into account the above financial indicators was, in our opinion, sound.

3. CASH ASSETS

3.1 Cash & Investments

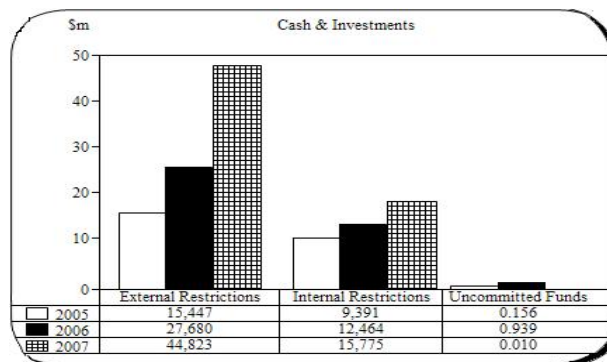
Highly liquid cash and investments (\$5.030 million) and investments securities (\$55.578 million) totalled \$60.608 million at the close of the year as compared with \$41.083 million in 2006 and \$24.994 million in 2005.



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Since the end of the financial year the value of Council's investment portfolio has been significantly affected by the recent US Sub-prime mortgage market crisis. The latest valuations indicate an estimated decrease since year end of \$175,000 - refer Note 23 of the financial statements (events occurring after balance sheet date).

The table alongside summarises the purposes for which cash and investments were held.



Externally restricted cash and investments are restricted in their use by externally imposed requirements and consisted of unexpended development contributions under Section 94 (\$40.056 million), domestic waste management charges (\$3.996 million), environmental levies (\$425,000) and specific purpose grants (\$345,000).

Internally restricted cash & investments have been restricted in their use by resolution or policy of Council to reflect forward plans, identified programs of works, and are, in fact, Council's "**Reserves**". These Reserves totalled \$15.775 million and their purposes are more fully disclosed in Note 6 of the financial statements.

Unrestricted cash and investments amounted to \$10,000.

3.2 Cash Flows

The Cash Flow Statement illustrates the flow of cash (highly liquid cash and investments) moving in and Out of Council during the year and reveals that cash increased by \$314,000 to \$5.030 million at the close of the year. In addition to operating activities which contributed net cash of \$28.713 million were the proceeds from the redemption of investments securities (\$62.924 million), the sale of assets (\$806,000) and new loans (\$1 million). Cash outflows other than operating activities were used to repay loans (\$1.644 million), purchase investment securities (\$81.802 million) and to purchase and construct assets (\$9.683 million).

4. RECEIVABLES

4.1 Rates & Annual Charges

Net rates and annual charges levied during the year totalled \$50.185 million and represented 53.94% of Council's total revenues. Including arrears, the total rates and annual charges collectible was \$51.458 million of which \$50.065 million (97.29%) was collected.



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4.2 Rates, Annual & Extra Charges

Arrears of rates, annual & extra charges stood at \$1.521 million at the end of the year & represented 2.94% of those receivables.



4.3 Other Receivables

Receivables (other than rates & annual charges) totalled \$4.591 million and mainly consisted of user charges and fees (\$2.872 million) and amounts due from government departments (\$901,000). Those considered to be uncertain of collection have been provided for as doubtful debts and this provision amounted to \$286,000.

5. PAYABLES

5.1 Employees Leave Entitlements

Council's provision for its liability toward employees leave entitlements and associated on costs amounted to \$6.748 million. A cash reserve of \$1.350 million was held at year end representing 20% of this liability and was, in our opinion, sufficient to enable Council to meet unbudgeted and unanticipated terminations.

5.2 Deposits, Retentions & Bonds

Deposits, Retentions and Bonds held at year end amounted to \$4.801 million. A cash reserve of \$525,000 (2006 - \$200,000) was held at year end representing 10.94% (2006 - 4.37%) of this liability. We note Council has embarked on increasing the funding of this liability which we consider should be at least 20%.

6. CONCLUSION

We wish to record our appreciation to your General Manager and his staff for their ready co-operation and the courtesies extended to us during the conduct of the audit.

Yours faithfully,
SPENCER STEER
Chartered Accountants

N. MAH CHUT
Partner

Ku-ring-gai Council

SPECIAL PURPOSE FINANCIAL REPORTS
for the year ended 30 June 2007



Ku-ring-gai Council

Special Purpose Financial Reports

for the financial year ended 30 June 2007

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Background

- (i) These Special Purpose Financial Reports have been prepared for the use by both Council and the Department of Local Government in fulfilling their requirements under National Competition Policy.
 - (ii) The principle of competitive neutrality is based on the concept of a level playing field between persons competing in a market place, particularly between private and public sector competitors.

Essentially, the principle is that government businesses, whether Commonwealth, State or local, should operate without net competitive advantages over other businesses as a result of their public ownership.
 - (iii) For Council, the principle of competitive neutrality & public reporting applies only to declared business activities.

These include (a) those activities classified by the Australian Bureau of Statistics as business activities being water supply, sewerage services, abattoirs, gas production and reticulation and (b) those activities with a turnover of over \$2Million that Council has formally declared as a Business Activity (defined as Category 1 activities).
 - (iv) In preparing these financial reports for Councils self classified Category 1 businesses and ABS defined activities, councils must (a) adopt a corporatisation model and (b) apply full cost attribution including tax equivalent regime payments, debt guarantee fees (where the business benefits from councils borrowing position by comparison with commercial rates).
-

Ku-ring-gai Council

Special Purpose Financial Reports

for the financial year ended 30 June 2007

Statement by Councillors and Management

made pursuant to the Local Government Code of Accounting Practice and Financial Reporting

The attached Special Purpose Financial Reports have been prepared in accordance with:

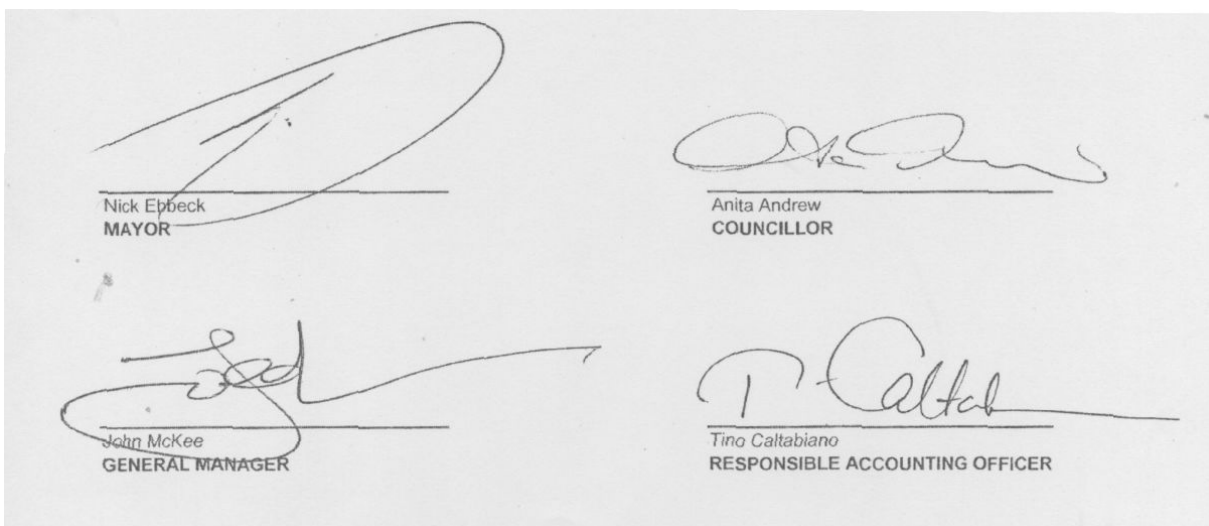
- The NSW Government Policy Statement "Application of National Competition Policy to Local Government"
- The Department of Local Government Guidelines "Pricing & Costing for Council Businesses - A Guide to Competitive Neutrality"
- The Local Government Code of Accounting Practice and Financial Reporting.
- The Department of Water and Energy Best Practice Management of Water and Sewerage Guidelines.

To the best of our knowledge and belief, these Reports:



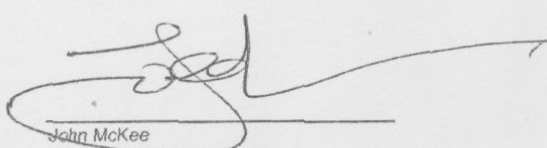
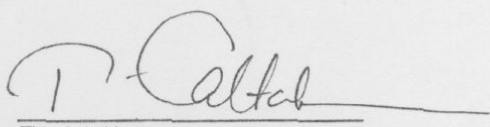
- Present fairly the Operating Result and Financial Position for each of Council's declared Business Activities for the year, and
- Accord with Council's accounting and other records.

We are not aware of any matter that would render these reports false or misleading in any way.

Signed in accordance with a resolution of Council made on 25 September 2007.



The image shows four handwritten signatures, each followed by a horizontal line and a printed name and title. The signatures are arranged in a 2x2 grid. The top-left signature is for Nick Epbeck, Mayor. The top-right signature is for Anita Andrew, Councillor. The bottom-left signature is for John McKee, General Manager. The bottom-right signature is for Tina Caltabiano, Responsible Accounting Officer.

 _____ Nick Epbeck MAYOR	 _____ Anita Andrew COUNCILLOR
 _____ John McKee GENERAL MANAGER	 _____ Tina Caltabiano RESPONSIBLE ACCOUNTING OFFICER

Ku-ring-gai Council

Income Statement of Councils Other Business Activities

for the financial year ended 30 June 2007

\$'000	TCCC Actual 2007	TCCC Actual 2006	Art Centre Actual 2007	Art Centre Actual 2006
Income from continuing operations				
Access charges				
User charges	721	586	440	405
Fees				
Interest				
Grants and contributions provided for non capital purposes	87	124		
Profit from the sale of assets				
Other income			9	7
Total income from continuing operations	808	710	449	412
Expenses from continuing operations				
Employee benefits and on-costs	596	651	432	391
Borrowing costs				
Materials and contracts	58	96	53	41
Depreciation and impairment	26	26	21	4
Loss on sale of assets				
Calculated taxation equivalents		186		141
Debt guarantee fee (if applicable)				
Other expenses	226	40	58	97
Total expenses from continuing operations	906	999	564	674
Surplus (deficit) from Continuing Operations before capital amounts	(98)	(289)	(115)	(262)
Grants and contributions provided for capital purposes				
Surplus (deficit) from Continuing Operations after capital amounts	(98)	(289)	(115)	(262)
Surplus (deficit) from discontinued operations				
Surplus (deficit) from ALL Operations before tax	(98)	(289)	(115)	(262)
less: Corporate Taxation Equivalent (30%) [based on result before capital]	-	-	-	-
SURPLUS (DEFICIT) AFTER TAX	(98)	(289)	(115)	(262)
plus Opening Retained Profits	470	505	1,806	1,824
plus Adjustments for amounts unpaid:				
- Taxation equivalent payments	-	186	-	141
- Debt guarantee fees	-	-	-	-
- Corporate Taxation equivalent	-	-	-	-
- Retained Earning Adjustment	73	68	90	103
less:				
- TER dividend paid				
- Dividend paid				
Closing Retained Profits	445	470	1,781	1,806
Return on Capital %	-18.7%	-52.5%	-6.4%	-14.4%
Subsidy from Council	131		228	

Ku-ring-gai Council

Income Statement of Councils Other Business Activities

for the financial year ended 30 June 2007

	Trade Waste Actual 2007	Trade Waste Actual 2006	Gordon Golf Course Actual 2007	Gordon Golf Course Actual 2006
\$'000				
Income from continuing operations				
Access charges	436	439		
User charges	1,063	1,062	743	636
Fees				
Interest				
Grants and contributions provided for non capital purposes				
Profit from the sale of assets				
Other income	121	115		192
Total income from continuing operations	1,620	1,616	743	828
Expenses from continuing operations				
Employee benefits and on-costs	41	40	131	155
Borrowing costs				
Materials and contracts	1,078	1,029	145	142
Depreciation and impairment			5	5
Loss on sale of assets				
Calculated taxation equivalents		176		81
Debt guarantee fee (if applicable)				
Other expenses	1	1	246	192
Total expenses from continuing operations	1,120	1,246	527	575
Surplus (deficit) from Continuing Operations before capital amounts	500	370	216	253
Grants and contributions provided for capital purposes				
Surplus (deficit) from Continuing Operations after capital amounts	500	370	216	253
Surplus (deficit) from discontinued operations				
Surplus (deficit) from ALL Operations before tax	500	370	216	253
less: Corporate Taxation Equivalent (30%) [based on result before capital]	(150)	(111)	(65)	(76)
SURPLUS (DEFICIT) AFTER TAX	350	259	151	177
plus Opening Retained Profits	(21)	(60)	2,145	2,178
plus Adjustments for amounts unpaid:				
- Taxation equivalent payments	-	176	-	81
- Debt guarantee fees	-	-	-	-
- Corporate Taxation equivalent	150	111	65	76
- Retained Earning Adjustment	(502)	(507)	(205)	(367)
less:				
- TER dividend paid				
- Dividend paid				
Closing Retained Profits	(23)	(21)	2,156	2,145
Return on Capital %	n/a	n/a	9.8%	11.5%
Subsidy from Council	-	-	-	-

Ku-ring-gai Council

Income Statement of Councils Other Business Activities for the financial year ended 30 June 2007

	Turrumurra Golf Course Actual 2007	Turrumurra Golf Course Actual 2006	Tennis Courts Actual 2007	Tennis Courts Actual 2006
\$'000				
Income from continuing operations				
Access charges				
User charges	714	772	365	336
Fees				
Interest				
Grants and contributions provided for non capital purposes				
Profit from the sale of assets				
Other income		25	5	
Total income from continuing operations	714	797	370	336
Expenses from continuing operations				
Employee benefits and on-costs	304	325		
Borrowing costs				
Materials and contracts	143	157	40	47
Depreciation and impairment	8	8	34	30
Loss on sale of assets				
Calculated taxation equivalents		115		467
Debt guarantee fee (if applicable)				
Other expenses	240	211	71	44
Total expenses from continuing operations	695	816	145	588
Surplus (deficit) from Continuing Operations before capital amounts	19	(19)	225	(252)
Grants and contributions provided for capital purposes				
Surplus (deficit) from Continuing Operations after capital amounts	19	(19)	225	(252)
Surplus (deficit) from discontinued operations				
Surplus (deficit) from ALL Operations before tax	19	(19)	225	(252)
less: Corporate Taxation Equivalent (30%) [based on result before capital]	(6)	-	(68)	-
SURPLUS (DEFICIT) AFTER TAX	13	(19)	158	(252)
plus Opening Retained Profits	2,568	2,620	1,192	1,026
plus Adjustments for amounts unpaid:				
- Taxation equivalent payments	*	115	-	467
- Debt guarantee fees	*	-	-	-
- Corporate Taxation equivalent	6	-	68	-
- Retained Earning Adjustment	(32)	(148)	(239)	(49)
less:				
- TER dividend paid				
- Dividend paid				
Closing Retained Profits	2,555	2,568	1,178	1,192
Return on Capital %	0.7%	-0.7%	19.1%	-21.1%
Subsidy from Council	144			

Ku-ring-gai Council

Income Statement of Councils Other Business Activities

for the financial year ended 30 June 2007

	Swimming Pool Actual 2007	Swimming Pool Actual 2006	Nursery Actual 2007	Nursery Actual 2006
\$'000				
Income from continuing operations				
Access charges				
User charges			86	207
Fees				
Interest				
Grants and contributions provided for non capital purposes				
Profit from the sale of assets				
Other income			25	
Total income from continuing operations	-	-	111	207
Expenses from continuing operations				
Employee benefits and on-costs			92	150
Borrowing costs				
Materials and contracts	19	14	14	24
Depreciation and impairment	57	49	8	9
Loss on sale of assets				
Calculated taxation equivalents		15		144
Debt guarantee fee (if applicable)				
Other expenses	23	28	45	19
Total expenses from continuing operations	99	106	159	346
Surplus (deficit) from Continuing Operations before capital amounts	(99)	(106)	(48)	(139)
Grants and contributions provided for capital purposes				
Surplus (deficit) from Continuing Operations after capital amounts	(99)	(106)	(48)	(139)
Surplus (deficit) from discontinued operations				
Surplus (deficit) from ALL Operations before tax	(99)	(106)	(48)	(139)
less: Corporate Taxation Equivalent (30%) [based on result before capital]	-	-	-	-
SURPLUS (DEFICIT) AFTER TAX	(99)	(106)	(48)	(139)
plus Opening Retained Profits	1,210	966	64	1,170
plus Adjustments for amounts unpaid:				
- Taxation equivalent payments	-	15	-	144
- Debt guarantee fees	-	-	-	-
- Corporate Taxation equivalent	-	-	-	-
- Retained Earning Adjustment	316	335	37	(1,111)
less:				
- TER dividend paid				
- Dividend paid				
Closing Retained Profits	1,427	1,210	53	64
Return on Capital %	n/a	n/a	n/a	n/a
Subsidy from Council	99		48	

Ku-ring-gai Council

Income Statement of Councils Other Business Activities

for the financial year ended 30 June 2007

	Commercial Leasing Actual 2007	Commercial Leasing Actual 2006
\$'000		
Income from continuing operations		
Access charges		
User charges	760	768
Fees		
Interest		
Grants and contributions provided for non capital purposes		
Profit from the sale of assets		
Other income	1	1
Total income from continuing operations	761	769
Expenses from continuing operations		
Employee benefits and on-costs	108	99
Borrowing costs		
Materials and contracts	30	16
Depreciation and impairment	385	383
Loss on sale of assets		
Calculated taxation equivalents		175
Debt guarantee fee (if applicable)		
Other expenses	807	570
Total expenses from continuing operations	1,330	1,243
Surplus (deficit) from Continuing Operations before capital amounts	(569)	(474)
Grants and contributions provided for capital purposes		
Surplus (deficit) from Continuing Operations after capital amounts	(569)	(474)
Surplus (deficit) from discontinued operations		
Surplus (deficit) from ALL Operations before tax	(569)	(474)
less: Corporate Taxation Equivalent (30%) [based on result before capital]	-	-
SURPLUS (DEFICIT) AFTER TAX	(569)	(474)
plus Opening Retained Profits	635	646
plus Adjustments for amounts unpaid:		
- Taxation equivalent payments	-	175
- Debt guarantee fees	-	-
- Corporate Taxation equivalent	-	-
- Retained Earning Adjustment	513	288
less:		
- TER dividend paid		
- Dividend paid		
Closing Retained Profits	579	635
Return on Capital %	n/a	n/a
Subsidy from Council	569	

Balance Sheet of Council's Other Business Activities

for the financial year ended 30 June 2007

	TCCC Cat. 2 Actual 2007	TCCC Cat.2 Actual 2006	Art Centre Cat.2 Actual 2007	Art Centre Cat.2 Actual 2007
\$'000				
ASSETS				
Current Assets				
Cash and cash equivalents				
Investments				
Receivables				
Inventories				
Other				
Non-current assets classified as held for sale				
Total Current Assets	-	-	-	-
Non-Current Assets				
Investments				
Receivables				
Inventories				
Infrastructure, property, plant and equipment	524	551	1,801	1,823
Investments accounted for using equity method				
Investment property				
Other				
Total Non-Current Assets	524	551	1,801	1,823
TOTAL ASSETS	524	551	1,801	1,823
LIABILITIES				
Current Liabilities				
Payables				
Interest bearing liabilities				
Provisions	79	81	20	17
Total Current Liabilities	79	81	20	17
Non-Current Liabilities				
Payables				
Interest bearing liabilities				
Provisions				
Other Liabilities				
Total Non-Current Liabilities	-	-	-	-
TOTAL LIABILITIES	79	81	20	17
NET ASSETS	445	470	1,781	1,806
EQUITY				
Retained earnings	445	470	1,781	1,806
Revaluation reserves				
Council equity interest	445	470	1,781	1,806
Minority equity interest				
TOTAL EQUITY	445	470	1,781	1,806

Balance Sheet of Council's Other Business Activities

for the financial year ended 30 June 2007

	Trade Waste Cat. 2 Actual 2007	Trade Waste Cat.2 Actual 2006	Gordon Golf Club Cat.2 Actual 2007	Gordon Golf Club Cat.2 Actual 2007
\$'000				
ASSETS				
Current Assets				
Cash and cash equivalents				
Investments				
Receivables				
Inventories				
Other				
Non-current assets classified as held for sale				
Total Current Assets	-	-	-	-
Non-Current Assets				
Investments				
Receivables				
Inventories				
Infrastructure, property, plant and equipment			2,206	2,193
Investments accounted for using equity method				
Investment property				
Other				
Total Non-Current Assets	-	-	2,206	2,193
TOTAL ASSETS	-	-	2,206	2,193
LIABILITIES				
Current Liabilities				
Payables				
Interest bearing liabilities				
Provisions	23	21	50	48
Total Current Liabilities	23	21	50	48
Non-Current Liabilities				
Payables				
Interest bearing liabilities				
Provisions				
Other Liabilities				
Total Non-Current Liabilities	-	-	-	-
TOTAL LIABILITIES	23	21	50	48
NET ASSETS	(23)	(21)	2,156	2,145
EQUITY				
Retained earnings	(23)	(21)	2,156	2,145
Revaluation reserves				
Council equity interest	(23)	(21)	2,156	2,145
Minority equity interest				
TOTAL EQUITY	(23)	(21)	2,156	2,145

Balance Sheet of Council's Other Business Activities

for the financial year ended 30 June 2007

	Turrumurra Golf Course Cat. 2 Actual 2007	Turrumurra Golf Course Cat.2 Actual 2006	Tennis Courts Cat.2 Actual 2007	Tennis Courts Cat.2 Actual 2007
\$'000				
ASSETS				
Current Assets				
Cash and cash equivalents				
Investments				
Receivables				
Inventories				
Other				
Non-current assets classified as held for sale				
Total Current Assets	-	-	-	-
Non-Current Assets				
Investments				
Receivables				
Inventories				
Infrastructure, property, plant and equipment	2,608	2,617	1,178	1,192
Investments accounted for using equity method				
Investment property				
Other				
Total Non-Current Assets	2,608	2,617	1,178	1,192
TOTAL ASSETS	2,608	2,617	1,178	1,192
LIABILITIES				
Current Liabilities				
Payables				
Interest bearing liabilities				
Provisions	53	49		
Total Current Liabilities	53	49	-	-
Non-Current Liabilities				
Payables				
Interest bearing liabilities				
Provisions				
Other Liabilities				
Total Non-Current Liabilities	-	-	-	-
TOTAL LIABILITIES	53	49	-	-
NET ASSETS	2,555	2,568	1,178	1,192
EQUITY				
Retained earnings	2,555	2,568	1,178	1,192
Revaluation reserves				
Council equity interest	2,555	2,568	1,178	1,192
Minority equity interest				
TOTAL EQUITY	2,555	2,568	1,178	1,192

Balance Sheet of Council's Other Business Activities

for the financial year ended 30 June 2007

	Swimming Pool Cat. 2 Actual 2007	Swimming Pool Cat.2 Actual 2006	Nursery Cat.2 Actual 2007	Nursery Cat.2 Actual 2007
\$'000				
ASSETS				
Current Assets				
Cash and cash equivalents				
Investments				
Receivables				
Inventories				
Other				
Non-current assets classified as held for sale				
Total Current Assets	-	-	-	-
Non-Current Assets				
Investments				
Receivables				
Inventories				
Infrastructure, property, plant and equipment	1,427	1,210	66	75
Investments accounted for using equity method				
Investment property				
Other				
Total Non-Current Assets	1,427	1,210	66	75
TOTAL ASSETS	1,427	1,210	66	75
LIABILITIES				
Current Liabilities				
Payables				
Interest bearing liabilities				
Provisions			13	11
Total Current Liabilities	-	-	13	14
Non-Current Liabilities				
Payables				
Interest bearing liabilities				
Provisions				
Other Liabilities				
Total Non-Current Liabilities	-	-	-	-
TOTAL LIABILITIES	-	-	13	11
NET ASSETS	1,427	1,210	53	64
EQUITY				
Retained earnings	1,427	1,210	53	64
Revaluation reserves				
Council equity interest	1,427	1,210	53	64
Minority equity interest				
TOTAL EQUITY	1,427	1,210	53	64

Balance Sheet of Council's Other Business Activities

for the financial year ended 30 June 2007

	Commercial Leasing Cat.2 Actual 2007	Commercial Leasing Cat.2 Actual 2006
\$'000		
ASSETS		
Current Assets		
Cash and cash equivalents		
Investments		
Receivables		
Inventories		
Other		
Non-current assets classified as held for sale		
Total Current Assets	-	-
Non-Current Assets		
Investments		
Receivables		
Inventories		
Infrastructure, property, plant and equipment	591	645
Investments accounted for using equity method		
Investment property		
Other		
Total Non-Current Assets	591	645
TOTAL ASSETS	591	645
LIABILITIES		
Current Liabilities		
Payables		
Interest bearing liabilities		
Provisions	12	10
Total Current Liabilities	12	10
Non-Current Liabilities		
Payables		
Interest bearing liabilities		
Provisions		
Other Liabilities		
Total Non-Current Liabilities	-	-
TOTAL LIABILITIES	12	10
NET ASSETS	579	635
EQUITY		
Retained earnings	579	635
Revaluation reserves		
Council equity interest	579	635
Minority equity interest		
TOTAL EQUITY	579	635

Ku-ring-gai Council

Notes to the Financial Statements

for the financial year ended 30 June 2007

Note 1. Significant Accounting Policies

These financial statements are Special Purpose Financial Reports (SPFR's) prepared for use by the Council and the Department of Local Government.

For the purposes of these statements, the council's activities (listed herein) are based upon them not being reporting entities.

This special purpose financial report, unless otherwise stated, has been prepared in accordance with applicable Australian Accounting Standards, other authoritative pronouncements of the Australian Accounting Standards Board, Urgent Issues Group Consensus Views, the Local Government Act and Regulations, the Local Government Code of Accounting Practice and Financial Reporting and the Local Government Asset Accounting Manual.

The statements are also prepared on an accruals basis. They are based on historic costs and do not take into account changing money values or, except where specifically stated, current values of non-current assets.

Certain taxes and other costs, appropriately described, have been imputed for the purposes of the National competition Policy.

National Competition Policy

Council has adopted the principle of 'competitive neutrality' to its business activities as part of the national competition policy which is being applied throughout Australia at all levels of government.

The framework for its application is set out in the June 1996 Government Policy statement on the "Application of National Competition Policy to Local Government": The *"Pricing & Costing for Council Businesses A Guide to Competitive Neutrality"* issued by the Department of Local Government in July 1997 has also been adopted.

The pricing & costing guidelines outline the process for identifying and allocating costs to activities and provide a standard of disclosure requirements. These disclosures are reflected in Council's pricing and/or financial reporting systems and include taxation equivalents; council subsidies; return on investments (rate of return); and dividends paid.

Declared Business Activities

In accordance with *Pricing & Costing for Council Businesses - A Guide to Competitive Neutrality*, Council has declared that the following are to be considered as business activities:

Category 1 (where gross operating turnover is over \$2 million)

Nil

Category 2 (where gross operating turnover is less than \$2 million)

a. Thomas Carlyle Children's Centre (TCCC)

Comprising the whole of the operations and assets of Thomas Carlyle Children's Centre.

b. Art Centre

Comprising the whole of the operations and assets of the Art Centre.

c. Trade Waste

Comprising the whole of the operations and assets of Trade Waste.

Ku-ring-gai Council

Notes to the Financial Statements

for the financial year ended 30 June 2007

Note 1. Significant Accounting Policies (continued)

Category 2 (where gross operating turnover is less than \$2 million) - continued

- d. Gordon Golf Course**
Comprising the whole of the operations and assets of Gordon Golf Course.
- e. Turramurra Golf Course**
Comprising the whole of the operations and assets of Turramurra Golf Course.
- f. Tennis Courts**
Comprising the whole of the operations and assets of council's Tennis Courts.
- g. Swimming Pool**
Comprising the whole of the operations and assets of Council's Swimming Pool.
- h. Plant Nursery**
Comprising the whole of the operations and assets of Council's Plant Nursery.
- i. Commercial Leasing**
Comprising the whole of the operations and assets of Commercial Leasing.

Monetary Amounts

Amounts shown in the financial statements are in Australian currency and rounded to the nearest one thousand dollars.

(i) Taxation Equivalent Charges

Council is liable to pay various taxes and financial duties. Where this is the case, they are disclosed as a cost of operations (General Purpose Financial Report) just like all other costs.

However, where Council does not pay some taxes which are generally paid by private sector businesses, such as income tax, these equivalent tax payments have been applied to all council nominated business activities and are reflected in the SPFR.

Income Tax

An income tax equivalent has been applied on the profits of the business. Whilst income tax is not a specific cost for the purpose of pricing a good or service, it needs to be taken into account of in terms of assessing the rate of return required on capital invested. Accordingly, the return on capital invested is set at a pre-tax level (gain/(loss) from ordinary activities before capital amounts) as would be applied by a private sector competitor — that is, it should include a provision equivalent to the corporate income tax rate, currently 30%.

Income Tax is only applied where a positive gain/(loss) from ordinary activities before capital amounts has been achieved.

Council Rates, Charges & Fees

Council rates have been imputed in relation to all non-rateable land, and applied in relation to all rateable land, owned or exclusively used by all Business Units. Annual and User Charges, and Regulatory and Other Fees, have been applied in relation to all services supplied to Business Units by Council or other Business Units.

Ku-ring-gai Council**Notes to the Financial Statements**

for the financial year ended 30 June 2007

Note 1. Significant Accounting Policies (continued)

Loan & Debt Guarantee Fees

There are no loans applicable to the business activities identified in the operating statement.

(ii) Notional Subsidy from Council

Government policy requires that subsidies provided to customers and the funding of those subsidies must be explicitly disclosed.

Subsidies occur where council provides services on a less than cost recovery basis. This option is exercised on a range of services in order for council to meet its community service obligations.

Accordingly, Subsidies disclosed (in relation to National competition Policy) represents the difference between revenue generated from 'rate of return' pricing and revenue generated from prices set by the council in any given financial year.

The overall effect of subsidies is contained within the Income Statement of Business Activities. (iii) Return on Investments (Rate of Return)

(iii) Return on Investments (Rate of Return)

The Policy statement requires that Councils with Category 1 businesses "would be expected to generate a return on capital funds employed that is comparable to rates of return for private businesses operating in a similar field". Such funds are subsequently available for meeting commitments or financing future investment strategies. The rate of return is disclosed for each of Council's business activities on the Income Statement. This policy has also been applied to Council's Category 2 businesses.

(iv) Dividends

In accordance with National competition Policy guidelines, it is expected that Business Activities will pay dividends to its owner, Council, equivalent to those paid by private sector competitors. In accordance with the Code of Local Government Accounting Practice and Financial Reporting, the rate of dividend paid has been expressed as a percentage of the Change in Net Assets Resulting from Operations after Taxation.



SPENCER STEER
CHARTERED ACCOUNTANTS

KU-RING-GAI COUNCIL
SPECIAL PURPOSE FINANCIAL REPORT
INDEPENDENT AUDITORS' REPORT

SCOPE

We have audited the *special purpose financial report* of Ku-ring-gai Council for the year ended 30 June 2007, comprising the Statement by Councillors and Management, Income Statement of Business Activities, Balance Sheet of Business Activities, and accompanying Notes to the Financial Statements. The financial statements include the accounts of the declared business activities of the Council. The Council is responsible for the preparation and presentation of the financial statements and the information they contain. We have conducted an independent audit of these financial statements in order to express an opinion on them to the Council.

The special purpose financial report has been prepared for distribution to the Council and the Department of Local Government for the purpose of fulfilling the requirements of National Competition Policy reporting. We disclaim any assumption of responsibility for any reliance on this report or on the financial statements to which it relates to any person other than the Council or the Department of Local Government or for any purpose other than for which the report was prepared.

Our audit has been conducted in accordance with Australian Auditing Standards to provide reasonable assurance as to whether the financial statements are free of material misstatement. Our procedures included examination, on a test basis, of evidence supporting the amounts and other disclosures in the financial statements, and the evaluation of accounting policies and significant accounting estimates. These procedures have been undertaken to form an opinion as to whether, in all material respects, the financial statements are presented fairly in accordance with Accounting Standards and the Local Government Code of Accounting Practice and Financial Reporting so as to present a view which is consistent with our understanding of the business activities of the Council and their financial position and the result of their operations.

The audit opinion expressed in this report has been formed on the above basis.

AUDIT OPINION

In our opinion, the special purpose financial report of the Council is presented fairly in accordance with the requirements of those applicable Accounting Standards detailed in Note 1 and the Local Government Code of Accounting Practice and Financial Reporting.

SPENCER STEER
Chartered Accountants

N. MAH CHUT
Partner

Dated at Sydney this 28th day of September 2007

Ku-ring-gai Council

SPECIAL SCHEDULES
for the year ended 30 June 2007



Ku-ring-gai Council**Special Schedules**

for the financial year ended 30 June 2007

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Special Schedules¹	
- Special Schedule No. 1 Net Cost of Services	1 - 2
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- Special Schedule No. 7 Condition of Public Works	4
- Special Schedule No. 8 Financial Projections	5

¹ Special Purpose Schedules are not audited.

Background

(i) These Special Schedules have been designed to meet the requirements of special purpose users such as;

- i the NSW Grants Commission
- i the Australian Bureau of Statistics (ABS),
- i the Department of Energy, Utilities & Sustainability (DEUS), and
- i the Department of Local Government (DLG).

(ii) The financial data is collected for various uses including;

- i the allocation of Financial Assistance Grants,
 - i the incorporation of Local Government financial figures in national statistics,
 - i the allocation of borrowing rights, and
 - i the monitoring of specific service financial activities.
-

Ku-ring-gai Council

Special Schedule No. 1 - Net Cost of Services

for the financial year ended 30 June 2007

\$'000

Function or Activity	Expenses from continuing operations		Income from continuing operations			Net Cost of Services	
	Expenses	Group Totals	Non Capital Revenues	Capital Revenues	Group Totals	Net Cost	Group Totals
Governance	2,118	2,118	2		2	(2,116)	(2,116)
Administration							
Corporate Support	15,860		8,706	204		(6,950)	
Engineering and Works	1,708		101			(1,607)	
Other Support Services		17,568			9,011	-	(8,557)
Public Order and Safety							
Contributions to Fire Service Levy	2,294					(2,294)	
Fire Protection - Other	79		52			(27)	
Animal Control	92		85			(7)	
Beach Control						-	
Enforcement of Local Govt Regs	881		134			(747)	
Emergency Services	35		1			(34)	
Other		3,381			272	-	(3,109)
Health							
Administration and Inspection	509		68			(441)	
Other		509			68	-	(441)
Community Services and Education							
Administration	443		25			(418)	
Family Day Care	416		344			(72)	
Child Care	1,551		1,321	1,220		990	
Youth Services	207		25	49		(133)	
Other Families and Children	274		14			(260)	
Aged and Disabled	296		246	33		(17)	
Other Community Services	237		179			(58)	
Education		3,424			3,456	-	32
Housing and Community Amenities							
Town Planning	913		228			(685)	
Domestic Waste Management	9,222		10,105			883	
Other Waste Management	1,120		1,499			379	
Street Cleaning	779		-			(779)	
Urban Stormwater Drainage	972		5			(967)	
Environmental Protection	3,311		42			(3,269)	
Other Community Amenities	260	16,577	183		12,062	(77)	(4,515)

Ku-ring-gai Council

Special Schedule No. 1 - Net Cost of Services (continued)

for the financial year ended 30 June 2007

\$'000

Function or Activity	Expenses from continuing operations		Income from continuing operations			Net Cost of Services	
	Expenses	Group Totals	Non Capital Revenues	Capital Revenues	Group Totals	Net Cost	Group Totals
Recreation and Culture							
Public Libraries	3,243		373	102		(2,768)	
Art Galleries	537		449	103		15	
Public Halls	580		386			(194)	
Other Cultural Services	322		60	394		132	
Swimming Pools	85		-	47		(38)	
Sporting Grounds	2,456		2,521			65	
Parks and Gardens (Lakes)	3,680		196	14,039		10,555	
Other Sport and Recreation	851	11,754	238	1,020	19,928	407	8,174
Fuel and Energy							
Gas Supplies	-	-	-	-	-	-	-
Mining, Manufacturing and Construction							
Building Control	4,767		2,549			(2,218)	
Other		4,767			2,549		(2,218)
Transport and Communication							
Urban Roads (UR) - Local	6,746		2,612	421		(3,713)	
Footpaths	618		52	27		(539)	
Parking Areas	383		943	-		560	
Street Lighting	1,333		243	-		(1,090)	
Other		9,080	-	-	4,298	-	(4,782)
Economic Affairs							
Commercial Nurseries	144		87			(57)	
Other Business Undertakings		144			87		(57)
Totals — Functions		69,322	34,074	17,659	51,733		(17,589)
General Purpose Revenues⁽¹⁾			41,306		41,306	41,306	41,306
Share of interests - joint ventures & associates using the equity method	-	-	-		-	-	-
NET OPERATING RESULT FOR YEAR	69,322		75,380	17,659	93,039	23,717	23,717

Notes:

(1) Includes: Rates & Annual Charges (incl Ex Gratia), Non Capital General Purpose Grants & Interest on Investments (excl. Restricted Assets)

Ku-ring-gai Council

Special Schedule No. 2(a) - Statement of Long Term Debt (all purpose)

for the financial year ended 30 June 2007

\$'000

Classification of Debt	Principal outstanding at beginning of the year			New Loans raised during the year	Debt redemption during the year		Transfers to Sinking Funds	Interest applicable for Year	Principal outstanding at the end of the year		
	Current	Non Current	Total		From Revenue	Sinking Funds			Current	Non Current	Total
Loans (by Source)											
Commonwealth Government			-							-	-
Other State Government			-							-	-
Public Subscription			-							-	-
Financial Institutions	1,715	9,440	11,156	1,000	1,643			666		10,512	10,512
Other			-							-	-
Total Loans	1,715	9,440	11,155	1,000	1,643	-	-	666	-	10,512	10,512
Other Long Term Debt											
Finance Leases			-							-	-
Deferred Payments			-							-	-
Total Long Term Debt	-	-	-	-	-	-	-	-	-	-	-
Total Debt	1,715	9,440	11,155	1,000	1,643	-	-	666	-	10,512	10,512

Notes: Excludes (i) Internal Loans & (ii) Principal Inflows/Outflows relating to Loan Re-Financing

This Schedule is prepared using the Face Value of debt obligations, rather than Fair Value (as per the GPFR's)

as at 30 June 2007

ASSET CLASS	Asset Category	Dep'n Rate (%)	Dep'n Expense (\$)	Cost	Valuation	Accumulated Depreciation & Impairment	Carrying Amount (WDV)	Asset Condition [#]	Estimated cost to bring up to a satisfactory condition standard ⁽¹⁾	Required ⁽²⁾ Annual Maintenance	Current ⁽³⁾ Annual Maintenance
Buildings	Council Offices	2.5%	266	10,656		5,468	5,188	Fair	450	400	337
	Council Works Depot	2.5%	7	2,896		1,377	1,519	Poor	2,500	200	62
	Council Halls	2.5%	273	10,931		7,548	3,383	Fair	1,200	400	407
	Council Houses	2.5%	38	1,517		1,153	364	Fair	200	150	60
	Library	2.5%	311	12,442		5,443	6,999	Fair	400	150	126
	Childcare Centre(s)	2.5%	68	2,700		1,326	1,374	Good	250	250	241
	Art Gallery	2.5%	18	705		521	184	Poor	750	200	22
	Amenities/Toilets	2.5%	101	4,042		2,397	1,645	Fair	500	250	220
	Other	2.5%	434	17,673		10,379	7,294	Fair	1,100	250	46
	sub total			1,516	63,562	-	35,612	27,950		7,350	2,250
Public Roads	Sealed Roads	1%	3,054	1,513,876		159,203	1,354,673	Fair	44,000	1,850	1,450
	Bridges						-	Good	250	15	-
	Footpaths	1%	6	992		6	986	Fair	1,700	750	765
	Cycleways						-	Fair	150	30	20
	Kerb and Gutter						-	Fair	1,500	180	187
	Road Furniture						-	Fair	2,100	240	130
	sub total		3,060	1,514,868	-	159,209	1,355,659		49,700	3,065	2,552
	Drainage Works	Structure	3%	8	11,599		11,481	118	Fair	2,000	500
Grate		1%		1,148		1,004	144	Fair	500	200	50
Lintel		1%		1,800		1,727	73	Fair	250	150	100
Pipe		1%	450	45,029		25,148	19,881	Fair	64,000	4,000	445
sub total			458	59,576	-	39,360	20,216		66,750	4,850	745
	TOTAL - ALL ASSETS		5,034	1,638,006	-	234,181	1,403,825		123,800	10,165	4,818

- (1). Satisfactory refers to estimated cost to bring the asset to a satisfactory condition as deemed by Council. It does not include any planned enhancements to the existing asset.
- (2). Required Annual Maintenance is what should be spent to maintain assets in a satisfactory standard.
- (3). Current Annual Maintenance is what has been spent in the current year to maintain assets.

Ku-ring-gai Council

Special Schedule No. 8 - Financial Projections

as at 30 June 2007

\$ million	Actual ⁽¹⁾ 06/07	Forecast 07/08	Forecast 08/09	Forecast 09/10	Forecast 10/11
(i) RECURRENT BUDGET					
Income from continuing operations	94.4	86.9	88.3	90.7	97.7
Expenses from continuing operations	69.3	71.3	73.3	75.2	77.4
Operating Result from Continuing Operations	25.1	15.6	15.0	15.5	20.3
(ii) CAPITAL BUDGET					
New Capital Works ⁽²⁾	2.3	4.8	0.5	0.5	0.5
Replacement/Refurbishment of Existing Assets	7.4	16.5	19.5	15.9	18.0
Total Capital Budget	9.7	21.3	20.0	16.4	18.5
Funded by:					
- Loans	1.0	1.0	1.0	1.0	1.0
- Internal Reserves	3.0	9.7	8.1	4.1	3.9
- Grants/Contributions	2.0	4.8	5.5	6.0	7.7
- Recurrent revenue	0.5	1.9	1.5	1.2	1.7
- Environmental Levy	1.4	1.9	1.9	2.0	2.0
- Infrastructure Levy	1.8	2.0	2.0	2.1	2.2
	9.7	21.3	20.0	16.4	18.5

Notes:

(1) From 06/07 Income Statement.

(2) New Capital Works are major non-recurrent projects, eg new Leisure Centre, new Library, new Swimming pool etc.

AMENDMENTS TO DEVELOPMENT CONTROL PLAN NO 56

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

To present to Council Draft Development Control Plan (DCP) No. 56 for consideration and exhibition.

BACKGROUND:

Council's DCP56 – Notification came into effect on 13 July 2005. On 28 August 2007, as a result of community concern regarding the lack of a requirement for notification of a sporting goods and firearms retail outlet, Council resolved to amend the DCP to provide for notification of Development Applications for such premises.

COMMENTS:

The amendment would result in a Development Application for a firearms outlet requiring notification and advertising.

RECOMMENDATION:

That Draft Development Control Plan No. 56 - Notification be placed on exhibition for not less than 28 days and that a report be brought back to Council for consideration following the exhibition period.

PURPOSE OF REPORT

To present to Council Draft Development Control Plan (DCP) No. 56 for consideration and exhibition.

BACKGROUND

Council's *DCP 56 – Notification* came into effect on 13 July 2005. It affects all land to which the Kuring-gai Planning Scheme applies, currently the entire LGA.

Chapter 3 of the DCP includes a table which outlines that a new use in a 3(a) or 3(b) zone is to be notified in accordance with the requirements for Type A.

In relation to Type A, Section 4.1.1 states that:

No advertising is necessary except where, in the opinion of the development assessment team leader, the owners and occupiers of adjoining and neighbouring land would be detrimentally affected in any manner described in Section 4.7 of this DCP if the development proposal was carried out.

Community concern was raised regarding the approval of a Development Application (DA) for a sporting goods and firearms retail outlet at 19-21 Babbage Rd, Roseville Chase. The DA was not notified, as it was not deemed to be required as a Type A proposal. A separate report on this matter has been prepared by the Director Environment and Regulation and considered at the Planning Committee meeting held on 18 September 2007.

Council resolved at its ordinary meeting of August 28 2007:

That Council propose to amend Council's Notification Policy in relation to firearms outlets so any future DAs are publicly exhibited and that this policy be brought forward urgently to the Planning Committee for review.

Council has also resolved, in relation to firearms outlets, to prepare a draft Local Environmental Plan (LEP) to restrict the location of such premises. A submission dated 13 September 2007 under Section 54 of the Environmental Planning and Assessment Act has been forwarded in this regard to the Department of Planning.

The proposed amendments were discussed at the Planning Committee of 18 September 2007 and changes discussed in relation to the notification of potential heritage items have been incorporated into this report.

COMMENTS

- A. It is proposed to amend DCP 56 to provide for notification and advertising of any DA for firearms outlets to ensure that the community has an opportunity to consider and comment on the impacts of any proposal for such outlets. The following amendments are proposed and included in **Attachment 1**:

Item 7

S03673
5 October 2007

1. To the Dictionary of Definitions (Chapter 2) add a definition of firearms outlet in the appropriate location:

***Firearms outlet** means premises used for the display, exhibition or sale of goods which require a licence under the NSW Firearms Act (1996).*

2. To the Table in Chapter 3, in section Other – New Use, in column 2 add:

firearms outlets in any zone
and in column 3 add the letter *F*.

This would provide that DAs for firearms outlets be notified and advertised in accordance with Type F. Under Section 4.6.1, Type F requires 30 day notification:

- *to such persons as appear to [Council] to own or occupy*
 - *the three (3) adjoining and neighbouring properties to each side of the subject property and*
 - *the seven (7) adjoining and neighbouring properties to the front and rear of the subject proper, and*
 - *if practicable, to such other persons as appear to [Council] to own or occupy land the use or enjoyment of which, in its opinion, could be detrimentally affected in any manner described in Section 4.7 of this DCP if the proposal was carried out,*
 - *and to such other persons as are required to be notified by the regulations*

Type F also requires the placement of a notice at the site and advertising in the local newspaper.

3. In the Appendix, to the list of developments that require Type F notification, add:

Firearms outlets all

for consistency with the table in Chapter 3.

- B. Other minor changes are recommended to fix typographical errors and reduce confusion.

1. Listing of heritage items in a separate section on Council's website
 - a. Section 4.6.10 of the DCP requires that "heritage items or items in a conservation area" be listed in a separate section of Council's website for "existing and potential heritage items". It is recommended that DAs for works on such sites be listed in the usual place on the website, and marked as being a heritage item or within a conservation area. Note, however, that there are currently no gazetted conservation areas under the KPSO, and none are likely to be declared till the Principal LEP is made. This control would therefore only apply to heritage items at this stage.

Item 7

S03673
5 October 2007

2. Notification of demolition of heritage items

- a. Section 4.4.8 of the DCP relates to the notification of the proposed demolition of “potential heritage items” and “proposed conservation areas”. A sign at the site, and listing on a separate section of the website is required. Again, it is recommended that DAs for demolition on such sites be listed in the usual place for development applications on the website, and marked appropriately, and the requirement for separate listing be deleted.
- b. However, confusion arises regarding two of the terms within Section 4.4.8 as they have no statutory meaning, namely:

proposed conservation area

- It is recommended that “proposed conservation area” be amended to “draft conservation area” which is a statutory term referring to conservation areas that have been adopted by Council, but not yet gazetted.

potential heritage item

- Council has been reviewing a number of items for their potential heritage significance. Each of the items is still being reviewed and has not been adopted by Council as a *draft heritage item* under the provisions of the Environmental Planning and Assessment Act. Such items are listed on Council’s database, Proclaim, as a *potential heritage item*. It is recommended a definition of *potential heritage item* be added to the dictionary in the DCP to ensure clarity. Such a definition would refer specifically to those items under review and listed on Proclaim as *potential heritage items*.
- Such a definition would not include *draft heritage items*, that is, items that *have* been adopted by Council or the Heritage Council for listing as a heritage item, but not yet gazetted. It is therefore recommended that this control include the reference to *draft heritage items* for consistency

3. To the Table in Chapter 3, in section Modifications to development Consent: Correct the typographical error in the last line, to read:

all other s.96(2) and s.96AA modifications *B*

4. In Section 4.1.1, change the term “advertising” to “notification”. As most DAs are not advertised in the paper, this will clarify the control.

CONSULTATION

A draft plan will be placed on public exhibition in accordance with the requirements of the Environmental Planning and Assessment Regulation 2000.

FINANCIAL CONSIDERATIONS

The costs associated with this DCP are limited to staff time and advertising/exhibition costs. The costs are covered by the budget of the Strategy Department.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Draft DCP 56 has been prepared in consultation with Development and Regulation and Strategy Departments.

SUMMARY

Draft DCP 56 has been prepared in response to community concerns about the inadequate notification provisions for a development application for a firearms outlet. The amendments would result in the notification and advertising of development applications for such proposals in the future to ensure that the community is informed of any development applications lodged.

Minor amendments are also included in relation to notification of sites and areas with heritage significance or that are under consideration in relation to heritage significance. Applications for demolition of potential heritage items as listed on "Proclaim" (Council's name and address data base) will be treated in the same way as Draft Heritage Items.

RECOMMENDATION

- A. That Draft Development Control Plan No. 56 – Notification, as attached, be placed on exhibition in accordance with the Environmental Planning and Assessment Regulation.
- B. That a report be brought back to Council for consideration following the exhibition period.

Terri Southwell
Urban Planner

Antony Fabbro
Manager Urban Planning

Steven Head
Director Strategy

Attachments: **Draft Ku-ring-gai Development Control Plan No. 56 - Notification - 837962**

Draft Development Control Plan 56 - Notification Contents

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Chapter 1

Introduction

1.1 Where the DCP applies

This plan applies to all land within the Ku-ring-gai Local Government Area to which the *Ku-ring-gai Planning Scheme Ordinance* applies, unless the development being carried out is defined as exempt or complying in Council's adopted DCP 46 - Exempt and Complying Development.

1.2 Commencement of the Plan

This plan was adopted by Council on 28 June 2005 and came into force on 13 July 2005.

1.3 Purpose of the Plan

This plan has been prepared in order to clearly communicate Council's requirements for the involvement of stakeholders in the consideration of applications for development consent made under Part 4 of the *Environmental Planning and Assessment Act 1979*.

1.4 Objectives of the Plan

The objectives of this DCP are:

- A. Public participation in the planning process that is appropriate to the type and form of development proposed.
- B. A consistent, transparent and efficient development assessment process.

1.5 Relationship to other Environmental Planning Instruments

The plan has been prepared to complement the Ku-ring-gai Planning Scheme Ordinance and has been prepared in accordance with section 72 of the *Environmental Planning and Assessment Act 1979*, as amended, and Part 3 of the *Environmental Planning and Assessment Regulation 2000*, as amended. The advertising and notification procedures required under this legislation take precedence over the provisions of this DCP. In the event of any inconsistency between this plan and other Council development controls plans, policies and codes, this plan will prevail unless otherwise specified in this plan or in the other plans, policies and codes.

Chapter 2

Dictionary of Definitions

Adjoining land means land that has a boundary in common with the site on which the development is proposed or that is separated from the site by not more than a pathway, driveway, laneway, roadway or similar thoroughfare.

Advertisement means a sign, notice, device or representation in the nature of an advertisement visible from any public place or public reserve or from any navigable water.

Advertising means written notice of a proposed development including a notice in a newspaper.

Ancillary, in the context of residential development, includes but is not limited to, such related facilities as a swimming pool, outbuilding, pergola, patio, pathway, driveway or tennis court.

Building includes a structure or part of a permanent building or structure but not a manufactured home, a moveable dwelling or associated structure or part thereof.

Built-upon area means the area of a site containing any built structure (whether covered or uncovered), any building, carport, terrace or pergola, hard-surface recreation area, swimming pool, tennis court, driveway, parking area or any likely structure, but excluding minor landscape features.

Bushland is land on which there is vegetation which is either a remainder of the natural vegetation of the land or, if altered, is still representative of the structure and flora of the natural vegetation.

Community Land Development means community land development within the meaning of the *Community Land Development Act 1989*.

Complying Development means a minor type of work or activity listed in Schedule 2 of Council's DCP 46 that can be certified within seven days by either Council or an accredited certifier.

Council means Ku-ring-gai Council.

Cut and fill means earthworks undertaken to alter the slope or level of the land. DCP stands for Development Control Plan.

Designated Development has the same meaning set down in the *Environmental Planning and Assessment Act 1979*.

Development means the erection of a building or the carrying out of a work in, on, over or under the land or the use of land or building or work thereon or the subdivision of land.

Development Application has the same meaning set down in the *Environmental Planning and Assessment Act 1979*.

Development assessment officer means the Council officer with primary responsibility for assessing the development application.

Development assessment team leader means a Council officer with responsibility for a group of development assessment officers.

Dual Occupancy means land with two dwellings.

Dwelling means a room or suite of rooms occupied, used, constructed or adapted so as to be capable of being occupied or used as a separate domicile.

Exempt Development means a minor type of work listed in Schedule 1 of Councils DCP 46 that will have minimal environmental impact and that does not require development consent before it may be undertaken, but that may require some other form of approval or license from Council or another authority.

Firearms outlet means premises used for the display, exhibition or sale of goods which require a licence under Section 7 of the NSW Firearms Act (1996)

Ground level means the level of the site before development is carried out on the site under this Plan. This does not include any level that has been created without the approval of the Council where this would otherwise be required.

Local Development has the same meaning set down in the *Environmental Planning and Assessment Act 1979*.

Neighbouring land means any land, other than adjoining land, within the Ku-ring-gal local government area, the enjoyment of which the assessment team leader considers may be detrimentally affected by the development proposal.

Notification means written information provided to potential stakeholders by the Council in the form of a letter, e-mail, information on Council's website or a sign that may be viewed from a public place.

Occupier means a person who lives on the land.

Owner has the same meaning as in the *Environmental Planning and Assessment Act 1979*.

Potential heritage item is a site identified by Council resolution for potential listing as a heritage item, and is listed as such on Council's database, Proclaim.

Public exhibition is where a development application is made available for inspection, by any person, at the office of Council, and such other places to be determined by Council for a period not less than fourteen (14) calendar days.

Recreational venue means a sports facility (indoor or outdoor), park, playground and the like.

Section 96(1) modifications are modifications by Council to consents that involve minor errors, misdescriptions or miscalculations.

Section 96(1A) modifications are modifications by Council to consents that involve minimal environmental impact.

Section 96(2) modifications are other modifications by Council to consents that may have an environmental impact.

Section 96AA modifications are modifications made by consent authorities to consents granted by the Court.

Site area means the area of land contained within the title boundaries of the site or the area of the property on which the development is proposed to be carried out. Site area excludes an access corridor to the site such as the area of any access handle in the case of battle-axe (hatchet) shaped allotments.

Strata Title Building means a strata title building within the meaning of the *Strata Schemes (Freehold Development) Act 1973* or the *Strata Schemes (Leasehold) Development Act 1986*.

Written submission means a submission in writing in the form of a letter, report, facsimile transmission, petition, e-mail or other like form.

Chapter 3

Notification and Advertising Requirements

- 3.1 Where a development, section 96 modification or section 82A review application is submitted to Council, notification is required in accordance with the table in this Chapter.
- 3.2 In accordance with the requirements of the *Ku-ring-gai Planning Scheme Ordinance* and as specified in the table below, the following development on heritage items must be notified and advertised as Notification Type F, which is the same as the requirements for designated development:
- a) all demolition of heritage items;
 - b) all demolition in urban conservation areas; and
 - c) any use of a building or land for which consent is sought under the provisions of 61 H of the *Ku-ring-gai Planning Scheme Ordinance* (KPSO), in that where consent would not normally be granted under the KPSO, consent may be granted where doing so would have little or no adverse effect on the amenity of the area and where conservation of the building depends on Council granting consent under clause 61 H.
- 3.3 A development is considered to require the notification type specified in the table if it meets one or more of the circumstances specified in the relevant line of the table.
- 3.4 Where a development may be considered to fall into two or more Notification Types, notification shall be undertaken in accordance with the higher requirement.
- 3.5 Once the development category is determined, the notification must be undertaken in accordance with the notification Type (A - F) listed for that development category in the table, as described in Chapter 4 of this DCP.
- 3.6 In the event that the development for which consent is applied does not appear in the below, the notification /advertising requirements for the development application will be determined by the development assessment team leader in accordance with other requirements of this DCP.

Development Category	Circumstances	Type
AMENDMENTS, MODIFICATIONS AND REVIEWS		
Amendments to undetermined DAs	Where the environmental impact will be the same or less than the original proposal	A
	Where the environmental impact will be greater than the original proposal	B
Modifications to Development Consent	S96(1) and S96(1A)	A
	S96(2) and S96AA that is designated development, State significant or any other where Council is not the consent authority – see clause 118 of the EP&A Regulation	Cl 118 EP&A Regs
	All other S96(2) and S96AA modifications	B
Review of Determinations (S82A)	Must be notified as per the notification requirements for the type of development proposed in the original DA	as per original DA
MULTI-UNIT DWELLINGS (except seniors living policy)		
Heritage items	Any application relying on KPSO Clause 61H	F
Urban Conservation Areas	Any application relying on KPSO Clause 61H	F
Apartment Conversions	All	F
Residential Flat Buildings	All	F
Townhouses	All	F
Villas	All	F
Other	All	F
SENIORS LIVING POLICY		
All	All	F
DUAL OCCUPANCY DEVELOPMENT		
Heritage Items	Any application relying on KPSO Clause 61H	F
Urban Conservation Areas	Any application relying on KPSO Clause 61H	F
Dual Occupancy	New	D
	Alterations and additions	C
Family Flats	New, addition of one or more rooms	D
	Other works	C

DETACHED SINGLE DWELLINGS		
Heritage Items	Any application relying on KPSO Clause 61H	F
Urban Conservation Areas	Any application relying on KPSO Clause 61H	F
Alterations and Additions to Dwellings	All	C
Alterations and Additions with Ancillary Works	See “alterations and Additions to Dwellings” above	-
New Dwellings	All	D
New Dwellings and ancillary	See “New Dwellings” above	-
Other	All (see also residential ancillary)	C
RESIDENTIAL ANCILLARY		
Heritage Items	Any application relying on KPSO Clause 61H	F
Urban Conservation Areas	Any application relying on KPSO Clause 61H	F
Carports / Garages	All	C
Combined Multi	All	C
Fencing	All	A
Landscape Works	All	A
Outbuildings	All	C
Swimming Pools	All	C
Tennis Courts	All	C
Other	All	C
SUBDIVISION		
Heritage Items	Any application relying on KPSO Clause 61H	F
Urban Conservation Areas	Any application relying on KPSO Clause 61H	F
Torrens Title	All	D
Strata Title	All	A
Community Title	All	A
Company Title	All	A
Stratums	All	A
COMMERCIAL DEVELOPMENT		
Heritage Items	Any application relying on KPSO Clause 61H	F
Urban Conservation Areas	Any application relying on KPSO Clause 61H	F
Internal works (any development type)	All	A
Boarding Houses	New building / use; additional habitable rooms; increased height; outdoor recreation facilities	D
	Other	A

Brothels	New business; external alterations / additions; increase in room and / or employee numbers by more than two	D
	Other	A
Caravan Parks	All	D
Clubs	In residential zones	F
	In non-residential zones: internal modifications; minor external changes	A
	In non-residential zones: other	D
Hotels	New buildings; additional habitable rooms; outdoor recreation facilities; increased height	E
	Other	C
Motels	In residential zones	A
	In non-residential zones: new buildings; additional rooms; outdoor recreation facilities; increased height	E
	Non-residential zones: other	C
Professional Consulting Rooms	In residential zones	F
	In all other zones	A
Restaurants	In non-residential zones	A
	In residential zones	D
Service Stations	Minor external and internal works where no change to storage, pumping, bunding, drainage and the like of liquids or dangerous materials is required	A
	All other works	D
Warehouse / Bulk Stores	Minor external changes; internal changes	A
	All other works	D
Other – Alterations and Additions	All	D
Other – New Use	In areas zoned 3(a) or 3(b)	A
	In any other zones	D
	Firearms outlets in any zone	F
Other – new Buildings	In areas zoned 3(a) or 3(b)	D
	In any other zones	E
Other – Extension of Trading Hours	In a residential zone	D
	In any non-residential zone	A

DEMOLITION		
Heritage Items	Where the DA applies to the heritage items	F
Urban Conservation Areas	Any demolition in an urban conservation area	F
Other	All	D [†]
COMMUNITY FACILITIES		
Heritage Items	Any application relying on KPSO Clause 61H	F
Urban Conservation Areas	Any application relying on KPSO Clause 61H	F
Child Care Centres	Internal works	A
	In residential zones (except internal works)	F
	In zones other than residential (except internal works)	D
Educational Establishments	Internal works	A
	In residential zones (except internal works)	F
	In non-residential zones (except internal works)	D
Hospitals / Nursing Homes	Internal works	A
	In residential zones (except internal works)	F
	In non-residential zones (except internal works)	E
Places of Public Worship	All	F
Places of Assembly	Residential zones	F
	Non-residential zones	D
Recreational Venues	In residential zones	D
	In non-residential zones	A
Special Events	All	A
Libraries	Internal works	A
	New libraries	D
	Alterations and additions to libraries	C
Public Authorities	All	A
Other	All	D

[†] Note: As described in Chapter 4, additional notification provisions apply to this type of development where proposed for an item within an area identified by Council as a proposed conservation area or where the item is identified as a potential heritage item by Council.

SIGNAGE		
Heritage Items	Any application relying on KPSO Clause 61H	F
Urban Conservation Areas	Any application relying on KPSO Clause 61H	F
Residential	All	C
Commercial	All	A
Other	All	A
TELECOMMUNICATIONS		
Heritage Items	Any application relying on KPSO Clause 61H	F
Urban Conservation Areas	Any application relying on KPSO Clause 61H	F
Other	All	D
MISCELLANEOUS		
Heritage Items	Any application relying on KPSO Clause 61H	F
Urban Conservation Areas	Any application relying on KPSO Clause 61H	F
Agriculture	All	A
Drainage	In residential zones	A
	In all other zones	A
Utility Installations	All	A
Other	All	D

Chapter 4

Notification Requirements by Type

4.1 Type A Requirements

- 4.1.1 No notification is necessary except where, in the opinion of the development assessment team leader, the owners and occupiers of adjoining and neighbouring land would be detrimentally affected in any manner described in Section 4.7 of this DCP if the development proposal was carried out.
- 4.1.2 In the event that the development assessment team leader determines that owners and occupiers of adjoining and/or neighbouring land would be detrimentally affected by the proposed development, notification letters shall be sent in accordance with 5.3 of this DCP to all such persons.

4.2 Type B requirements

- 4.2.1 Notification letters shall be sent in accordance with 5.3 of this DCP to:
 - a) all persons who were notified about the original application or any subsequent applications for amendment or modification; and
 - b) all persons who made submissions with respect to the original application and any subsequent applications for amendment or modification.
- 4.2.2 Where, in accordance with the above controls, the development assessment team leader determines that re-notification and re-advertising shall not occur, the assessment report on the application shall include a statement giving the reasons that this was not considered necessary.
- 4.2.3 The development application shall be available for public inspection for a period of fourteen (14) calendar days from the date of the notification letter.
- 4.2.4 The development application shall be listed on Council's website and in information supplied on a weekly basis to Councillors as specified in Chapter 5.

4.3 Type C requirements

- 4.3.1 Notification letters shall be sent in accordance with 5.3 of this DCP to:
 - a) all owners and occupiers of the adjoining land on either side of the subject property, and
 - b) all owners and occupiers of the land adjoining the rear or front of the property, whichever side the works are proposed to be undertaken,

except where, in the opinion of the development assessment team leader, the owners and occupiers (where known) of land other than that specified above would be detrimentally affected in any manner described in Section 4.6 of this DCP if the proposal was carried out, in which case additional persons shall be notified as specified by the development assessment team leader.

- 4.3.2 If land to which notification letters are to be sent is occupied by a strata title building or a community land development, the notification letters sent in accordance with 4.3.1 shall also be forwarded to the proprietors of the strata plan or community plan.

- 4.3.3 Details regarding the owners and occupiers of adjoining and neighbouring land are to be taken from Council's records at the time the notification letters are being prepared.

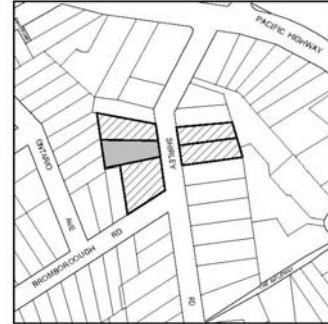
- 4.3.4 Where Council's records show that land to which notification letters are to be sent is jointly owned, the notification letter need only be sent to one of the joint owners.

- 4.3.5 The development application shall be available for public inspection for a period of fourteen (14) calendar days from the date of the notification letter.

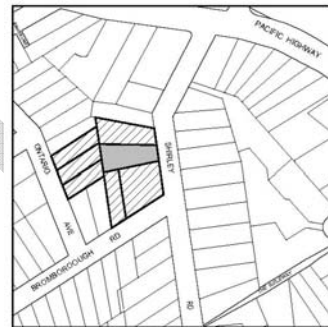
- 4.3.6 The development application shall be listed on Council's website and in information supplied on a weekly basis to Councillors as specified in Chapter 5.

4.4 Type D requirements

- 4.4.1 Notification letters shall be sent in accordance with 5.3 of this DCP to the owners and occupiers of all adjoining land except where, in the opinion of the development assessment team leader, the owners and occupiers of land other than that specified would be detrimentally affected in any manner described in Section 4.7 of this DCP if the proposal was carried out, in which case additional persons shall be notified as specified by the development assessment team leader.



Type C example – minimum notification for works at front



Type C example – minimum notification for works at rear



Type D example – minimum notification for all works

- 4.4.2 If land to which notification letters are to be sent is occupied by a strata title building or a community land development, the notification letters required in accordance with 4.4.1 shall also be sent to the proprietors of the strata plan or community plan.
- 4.4.3 Details regarding the owners and occupiers of adjoining and neighbouring land are to be taken from Council's records at the time the notification letters are being prepared, or from other sources as may be made available to Council prior to the notification letters being prepared.
- 4.4.4 Where Council's records show that land to which notification letters are to be sent is jointly owned, the notification letter need only be sent to one of the joint owners.
- 4.4.5 The development application shall be available for public inspection for a period of fourteen (14) calendar days from the date of the notification letter.
- 4.4.6 The development application shall be listed on Council's website and in information supplied on a weekly basis to Councillors as specified in Chapter 5.
- 4.4.7 **If the development application is for a new dual occupancy development, a notification sign must be placed at the street frontage to the property in accordance with 5.5 of this DCP.**
- 4.4.8 If the development application is for demolition of an item within an area identified by Council as a draft conservation area or where the item is identified as a draft heritage item or a potential heritage item:
- a) a notification sign must be placed at the street frontage to the property in accordance with 5.5 of this DCP; and
 - b) the notification of the development application on Council's website must indicate that the item is a draft heritage item, a potential heritage item or an item in a draft conservation area as appropriate.

4.5 Type E requirements

- 4.5.1 The notification specified in 4.5.2 is required, except where, in the opinion of the development assessment team leader, the owners and occupiers of land other than that specified below would be detrimentally affected in any manner described in Section 4.7 of this DCP if the proposal was carried out, in which case additional persons shall be notified as specified by the development assessment team leader.



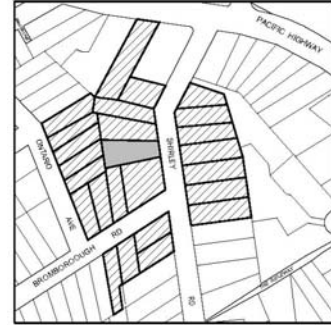
*Type E example – minimum
notification for all works*

- 4.5.2 Notification letters shall be sent in accordance with 5.3 of this DCP to the owners and occupiers of:
- a) three (3) adjoining and neighbouring properties to each side of the subject property, and
 - b) seven (7) adjoining and neighbouring properties to the front and rear of the subject property.
- 4.5.3 A notification sign shall be placed at the street frontage to the property in accordance with 5.5 of this DCP.
- 4.5.4 An advertisement shall be placed in a local newspaper that circulates at least once weekly throughout the Ku-ring-gal Local Government Area in accordance with 5.4 of this DCP.
- Note:** Council is obliged to advertise the development only once during the period of public inspection.
- 4.5.5 If land to which notification letters are to be sent is occupied by a strata title building or a community land development, the notification letters required in accordance with 4.5.4 shall also be sent to the proprietors of the strata plan or community plan.
- 4.5.6 Details regarding the owners and occupiers of adjoining and neighbouring land are to be taken from Council's records at the time the notification letters are being prepared, or from other sources as may be made available to Council prior to the notification letters being prepared.
- 4.5.7 Where Council's records show that land to which notification letters are to be sent is jointly owned, the notification letter need only be sent to one of the joint owners.
- 4.5.8 The development application shall be available for public inspection for a period of fourteen (14) calendar days from the date of the notification letter.
- 4.5.9 The development application shall be listed on Council's website and in information supplied on a weekly basis to Councillors as specified in Chapter 5.

4.6 Type F Requirements

- 4.6.1 As soon as practicable after the development application has been submitted, Council shall
- a) place the application and any accompanying information shall be placed on public exhibition for a period of not less than 30 days commencing the day after which notice of the application is first published as referred to in (c), and give written notice of the application in accordance with the regulations:

- to such persons as appear to it to own or occupy
 - the three (3) adjoining and neighbouring properties to each side of the subject property and
 - the seven (7) adjoining and neighbouring properties to the front and rear of the subject property, and



Type F example – minimum notification for all works

- if practicable, to such other persons as appear to it to own or occupy land the use or enjoyment of which, in its opinion, could be detrimentally affected in any manner described in Section 4.7 of this DCP if the proposal was carried out, and
 - to such other persons as are required to be notified by the regulations, and
- b) cause notice of the application to be exhibited in accordance with the regulations on the land to which the application relates, and
- c) cause notice of the application to be published in accordance with the regulations in a newspaper circulating in the locality.
- 4.6.2 If land to which notification letters are to be sent is occupied by a strata title building or a community land development, the notification letters required in accordance with 4.6.1 shall also be sent to the proprietors of the strata plan or community plan.
- 4.6.3 If land is owned or occupied by more than one person, a written notice to one owner or one occupier is taken to satisfy the requirements of 4.6.1.
- 4.6.4 A notification sign shall be placed at the street frontage to the property in accordance with 5.5 of this DCP.
- 4.6.5 During the submission period, any person may inspect the development application and any accompanying information and make extracts from or copies of them. [The cost of copying will be charged in accordance with Council's Fees and Charges.]
- 4.6.6 During the submission period, any person may make written submissions to the consent authority with respect to the development application. A submission by way of objection must set out the grounds of the objection.
- 4.6.7 Circumstances in which public exhibition may be dispensed with:

- a) a development application for designated development is amended, or substituted, or withdrawn and later replaced before it has been determined by the consent authority, and
 - b) the consent authority has complied with 4.6.1, 4.6.2 or 4.6.3 in relation to the original application, and
 - c) the consent authority is of the opinion that the amended, substituted or later application differs only in minor respects from the original application,
 - d) the consent authority may decide to dispense with further compliance with 4.6.1 in relation to the amended, substituted or later application. In that event, compliance with 4.6.1 in relation to the original application is taken to be compliance in relation to the amended, substituted or later application.
- 4.6.8 The consent authority must give written notice to the applicant of its decision under 4.6.6 at or before the time notice of the determination of the development application is given under section 81 of the *Environmental Planning and Assessment Act 1979*.
- 4.6.9 The development application shall be listed on Council's website and in information supplied on a weekly basis to Councillors as specified in Chapter 5.
- 4.6.10 If the development application applies to a heritage item or an item in a conservation area, the notification on Council's website must indicate that the item is a heritage item or an item in a conservation area as appropriate.
- 4.7 Criteria to be considered in determining likely detrimental effect of development**
- 4.7.1 In forming an opinion as to whether notification requirements should be increased or decreased from those specified in this DCP, the development assessment team leader shall consider whether the enjoyment of adjoining or neighbouring land could be likely to be detrimentally affected by the proposed development.
- 4.7.2 In considering whether enjoyment of adjoining or neighbouring land may likely be detrimentally affected by the proposed development, the development assessment team leader shall take into account the following matters:
- a) views from surrounding properties;
 - b) overshadowing;
 - c) loss of privacy;
 - d) noise impact;
 - e) the design and appearance of the proposal in relation to the streetscape;
 - f) the use of the development;

- g) the scale, height, external appearance and bulk of the proposed building;
- h) the siting of any proposed building in relation to the site boundaries;
- i) hours of use;
- j) light spillage or reflection;
- k) the structural integrity of common or party walls where demolition of walls, floors and ceilings is proposed.
- l) traffic and parking generation;
- m) adverse impacts of stormwater drainage;
- n) tree removal impacts; and
- o) excavation requirements.

- 4.7.3 The opinion formed by the development assessment team leader regarding the likely detrimental impact upon the enjoyment of adjoining and neighbouring land is not an assessment of the merits of the development application.

Chapter 5

Procedures for Notification

5.1 Website information

- 5.1.1 Where, in accordance with this DCP, the development application is to be advertised on Council's website, the following minimum information must be included:
- a) the development application number;
 - b) the address of the proposed development (lot, deposited plan and street numbers);
 - c) a brief description of the proposed development; and
 - d) if the land on which the development is proposed contains a heritage item or is in an urban conservation area.
- 5.1.2 In accordance with Chapter 4 of this DCP, where the development application relates to an existing or potential heritage item identified by Council, or to an existing or potential conservation area identified by Council, information about the development application must be included in a separate section of Council's website regarding existing and potential heritage items and conservation areas.

5.2 Notification to Councillors

- 5.2.1 Councillors will receive a weekly list of all new development applications within their ward area including:
- a) the development application number;
 - b) the address of the proposed development (lot, deposited plan and street numbers);
 - c) the date on which the development application was accepted by Council;
 - d) the name of the development assessment team leader responsible for assessing the development application;
 - e) a brief description of the proposed development; and
 - f) A4 notification plans of the proposal.

5.3 Notification letters

- 5.3.1 Where, in accordance with this DCP, notification letters are to be sent, the letters shall contain the following information:
- a) the development application number;
 - b) the address of the proposed development;
 - c) the name of the applicant;

- d) the name of the Council officer responsible for assessing the development application;
- e) a brief description of the proposed development;
- f) an invitation to view the development proposal;
- g) when and where the development application may be viewed;
- h) advice that the persons to whom the letter is addressed have the right to make a written submission regarding the development proposal:
 - i. within thirty (30) days if the development is Notification Type F and lodged between 24th January and 9th December (inclusive); or
 - ii. within fourteen (14) days if the development is Notifications Types B, C, D or E and lodged between 24th January and 9th December (inclusive); or
 - iii. if the application was lodged between 10 December and 23 January (inclusive), not later than the first working day after 13 February,

and that the written submission will be considered during the assessment period.

- i) advice that submissions made to Council may not be kept confidential as they, or their contents, may be included in reports to Council and will be available for the applicant to consider under the Freedom of Information legislation;
- j) advice that copies of the plans may be provided by Council if costs are paid by the person requesting the plans;
- k) the date by which written submissions must be provided to Council; and
- l) where physical works are proposed, A4 notification plans.

5.4 Advertisements in the local newspaper

5.4.1 Where, in accordance with this DCP, the development application is to be advertised in a local newspaper, the advertisement shall contain the following minimum information:

- a) the development application number;
- b) the address of the proposed development (lot, deposited plan and street numbers; and
- c) a brief description of the proposed development.

5.4.2 The applicant shall pay to Council the fee determined by Council for advertising in accordance with its adopted fees and charges.

5.5 Notification signs at the property

5.5.1 Where, in accordance with this DCP, a notification sign is required, it shall be headed “Development Proposal” and shall contain the following details:

- a) the development application number;
- b) the address of the proposed development;
- c) the name of the applicant;
- d) a brief description of the proposed development;
- e) when and where the development application may be viewed; and
- f) the date by which written submissions must be provided to Council.

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Chapter 6

Written Submissions to Council

6.1 Form of Written Submissions

- 6.1.1 A person may make one or more written submissions regarding any development proposal to which this DCP applies within the period during which the application is available for public inspection, as specified in Section 6.4 of this DCP.
- 6.1.2 A written submission may take the form of a letter, report, facsimile transmission, petition, e-mail or other like form.
- 6.1.3 A written submission shall state the reasons for objection to or support for a development application.
- 6.1.4 The name and address of the person making the written submission shall be clearly marked on the submission.
- 6.1.5 If the written submission is a petition, the petition must clearly state the name of the head petitioner and his/her contact details.
- 6.1.6 The development application number shall be clearly marked on the submission.
- 6.1.7 The written submission shall be clear and legible.

Note: It is also helpful to Council if a daytime telephone contact number is provided in the event that Council needs to clarify issues with the person making the submission.

6.2 Anonymous submissions

- 6.2.1 Council will not consider any anonymous submissions in the assessment of development applications.

6.3 Disclosure of submissions

- 6.3.1 The applicant for the development and members of the public may access submissions upon request to Council under the *Freedom of Information Act*.
- 6.3.2 If the development application is reported to a Council meeting, the submission may be reproduced and / or summarised in the assessment report.

6.4 Acceptance and consideration of submissions

- 6.4.1 All written submissions submitted on or prior to the date specified by Council in the newspaper advertisement and/or notification letter shall be considered by the development assessment team leader in the assessment of the development proposal.
- 6.4.2 In the event that a person or group of persons requests an extension of time for the submission of written comments, the period allowed for submissions may be extended only if, in the opinion of the development assessment team leader, a longer period is warranted in the circumstances.
- 6.4.3 Council may, depending on the circumstances of the case, accept and consider written submissions that are lodged with the Council after the expiration of the period of public inspection and prior to the completion of the assessment report by the development assessment team leader.
- 6.4.4 In the assessment of a development proposal, Council will not consider written submissions lodged after the assessment report has been completed by the responsible Council officer.
- 6.4.5 The reasons for support of or objection to the development application specified in the written submissions considered by Council shall be summarised in the assessment report prepared by the development assessment team leader.
- 6.4.6 Subject to the *Privacy and Personal Information Protection Act 1998*, the names and addresses of the persons who made written submissions with respect to the development application shall be indicated in the assessment report.

6.5 Acknowledgement of submissions

- 6.5.1 Written submissions received by Council will be acknowledged in writing.
- 6.5.2 In the event that the development application is to be determined at a Council meeting, the responsible officer will contact the person who made the submission by telephone, facsimile or email, provided such contact details have been given to the Council, to advise the person of the committee or Council meeting date.

6.6 Advice to applicant of written submissions

- 6.6.1 The applicant of a development application to which this DCP applies will, upon written request to Council, be advised of the terms of any written submission and from where it has emanated.
- 6.6.2 The applicant shall be entitled to read and, at the applicant's expense, copy any written submissions received, in accordance with the provisions of the *Privacy and Personal Information Protection Act 1998*.

Appendix

Notification Type A Developments

Note: Any works proposed on heritage items or in urban conservation areas where the application relies on KPSO Clause 61H must be notified as Notification Type F

Agriculture	all
Amendments to undetermined DAs	where the environmental impact will be the same or less than the original proposal
Boarding houses	all works other than new buildings, new uses, additional habitable rooms, increased height and outdoor recreation facilities
Brothels	all works other than new businesses, external alterations and additions and increase in room and/or employees numbers by more than two
Clubs	internal modifications and minor external changes in non-residential zones
Commercial Development	all internal works
Educational Establishment	all internal works
Hospitals /Nursing Homes	all internal works
Libraries	all internal works
Modifications to development consent	s.96(1) and s.96(1A)
Other Commercial Development	new use in 3(a) and 3(b) zones and extension of trading hours in any non-residential zone
Professional consulting rooms	in non-residential zones
Public Authorities	all
Recreational Venues	in non-residential zones
Restaurants	in non-residential zones
Service stations	minor external and internal works where no change to storage, pumping, bunding, drainage and the line of liquids or dangerous materials is required

Signage	Commercial and other non-residential
Special Events	all
Utility Installations	all
Warehouse / Bulk Stores	minor external changes and all internal changes

Notification Type B Developments

Amendments to undetermined DAs	where the environmental impact will be greater than the original proposal
Modifications to Development Consent	s.92(2) and s.92AA modifications other than those requirements set by the <i>Environmental Planning and Assessment Regulation</i>

Notification Type C Developments

Note: Any works proposed on heritage items or in urban conservation areas where the application relies on KPSO Clause 61H must be notified as Notification Type F

Alterations and Additions to Dwellings	all
Carports / Garages	all
Combined Multi	all
Dual Occupancy	alterations and additions
Family Flats	works other than new buildings and addition of one or more rooms
Hotels	all works other than new buildings, additional habitable rooms, outdoor recreation facilities and increased height
Libraries	alterations and additions
Motels	all works in non-residential <u>other than</u> new buildings, additional rooms, outdoor recreation facilities and increased height
Outbuildings	all

Residential Signage	all
Swimming pools	all
Tennis Courts	all

Notification Type D Developments

Note: Any works proposed on heritage items or in urban conservation areas where the application relies on KPSO Clause 61H must be notified as Notification Type F

Boarding Houses	new buildings, new uses, additional habitable rooms, increased height and outdoor recreation facilities
Brothels	new businesses, external alterations / additions, increase in room and / or employee numbers by more than two
Caravan Parks	all
Child Care Centres	all external works in non-residential zones
Clubs	all works in non-residential <u>other than</u> internal modifications and minor external changes
Demolition [‡]	all except demolition of heritage items or in urban conservation areas
Dual Occupancy [§]	new
Educational Establishments	all external works in non-residential zones
Family Flats	new and addition of one or more rooms
Libraries	new
New Detached Single Dwellings	all
Places of Assembly	in non-residential zones
Recreational Venues	in residential zones
Restaurants	in residential zones

[‡] In accordance with the provisions of Chapter 4, additional notification provisions *may* apply to this type of development.

[§] In accordance with the provisions of Chapter 4, additional notification provisions apply to this type of development.

Service Stations	all works other than minor external and internal works where no change to storage, pumping, bunding, drainage and the like of liquids or dangerous chemicals is required
Telecommunications	all
Torrens Title Subdivision	all
Warehouse / Bulk Stores	all works other than internal changes and minor external changes

Notification Type E Developments

Note: Any works proposed on heritage items or in urban conservation areas where the application relies on KPSO Clause 61H must be notified as Notification Type F

Hospitals / Nursing Homes	in non-residential zones (except internal works)
Hotels	new buildings, additional habitable rooms, outdoor recreation facilities, increased height
Motels	in non-residential zones: new buildings, additional rooms, outdoor recreation facilities, increased height

Notification Type F Developments

Apartment Conversions	all
Child Care Centres	in residential zones (except internal works)
Clubs	in residential zones
Educational Establishments	all external works in residential zones
Firearms outlets	all
Heritage Items	any application relying on KPSO Clause 61H any demolition
Hospitals / Nursing Homes	all external works in residential zones
Motels	in residential zones
Places of Assembly	residential zones
Places of Public Worship	all

Professional Consulting Rooms	in residential zones
Residential Flat Buildings	all
Seniors Living Policy	all
Townhouses	all
Urban Conservation Areas	any application relying on KPSO Clause 61H and any demolition
Villas	all

draft

TRYON OVAL NO 2 SUSTAINABLE WATER AND PLAYING FIELD REFURBISHMENT PROJECT TO5/2006

Ward: Roseville

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

For Council to consider and accept the tender to undertake stormwater harvesting and refurbishment works at Tryon Oval No 2 in Lindfield Soldiers' Memorial Park.

BACKGROUND:

Council's resolution of 23 May 2006, 'That funds for the 2006/2007 Open Space Capital Works Program and Environment Levy projects be authorised' included '*Lindfield Soldiers Memorial Oval number 2 reconstruction, stormwater harvesting, lighting, irrigation, car park upgrade*'. Tenders were advertised on 4.08.07 and closed on 28.08.07. Tenders were received and recorded. In accordance with Council's resolution of 25 August 2007 'That Council adopts the amended budget and projects as outlined in the report and attachments for the 2007/08 financial year', funding has been allocated for construction of the project.

COMMENTS:

A tender assessment was carried out by Council's consultants with the Council project team using agreed criteria and recommend a preferred tenderer be appointed in accordance with the tender documents.

RECOMMENDATION:

That ESD Land Management Pty Ltd be appointed to undertake the works and that all necessary documentation relating to the works be authorised by the Mayor and the General Manager.

PURPOSE OF REPORT

For Council to consider and accept the tender to undertake stormwater harvesting and refurbishment works at Tryon Oval No 2 in Lindfield Soldiers' Memorial Park.

BACKGROUND

Council's adopted Capital Works Programs for 2006/2007 and 2007/2008 have approved funding for reconstruction, stormwater harvesting, lighting, irrigation and car park upgrade works at Tryon Oval no 2. The lighting component of the project was completed in 2006 with financial support from Lindfield Junior Rugby Club, Department of Sport and Recreation Capital Assistance Grant and Council. After development consent was granted, contract documents were finalised by Council's consultant, Patterson Britton and Partners, to tender for stormwater harvesting and field refurbishment works. Tenders were called on 4 August 2007 and closed on 28 August 2007.

COMMENTS

Nine tenders were received by the due date and recorded, in accordance with Council's tendering policy.

Below is an alphabetical list of the nine companies that submitted tenders for the project:

- Project Corp Aust Pty Ltd
- ESD Land Management
- NSW Landscapes
- Kingston Civil
- Byrne Civil
- North Shore Paving
- Foster Civil
- CC Pines Pty Ltd

In assessing the tenders, Council engaged Patterson Britton and Partners with Council's staff tender committee evaluated each submission taking into consideration listed criteria such as scope of work, ability to meet the program, previous experience and lump sum contract cost.

The consultants and tender panel have expressed satisfaction generally with the capacity of the tenderer to undertake the work. A copy of the consultant's preliminary tender analysis (**Attachment A**) and subsequent record of interviews with the two tenderers short listed for selection is provided with this report (**Attachment B**). In particular, at the interviews, specific questions which arose from the tenderer were addressed, including confirmation of the company's financials, and their experience with sub-surface irrigation and also civil construction. The panel were well satisfied that the tenderer has considerable experience of projects involving environmental, landscape and civil construction aspects, as opposed to other tenderers who were more focussed towards earthworks and less capable in the landscape area. As this project is a constrained site adjoining Sydney sandstone bushland and contains major landscape elements such as the field reconstruction, sub-surface irrigation and soft elements such as bush regeneration, this expertise was considered favourably. Previous project experience of ESD Land Management is listing in **Attachment C**.

Item 8

S05506
18 September 2007

In relation to the fee proposal, ESD Land Management submitted the second lowest tender, and the rates in the bill have been viewed by Council's Operations Civil Works Co-ordinator who has indicated the rates appear sound.

CONSULTATION

The tender and contract documentation was prepared by Council's consultants Patterson Britton and Partners Pty Ltd and their team, in co-ordination with Council staff and Strategy and Operations Departments. Site users, such as Lindfield Junior Rugby Club and Lindfield Junior Cricket Club and the local Bushcare co-ordinator have been consulted during the design process. A sign is being erected at the site to advise casual users of the temporary closure of the site, including the dog off-leash area. When the tenderer is appointed, local residents will be again notified of the project start date, duration, project managers and contact staff.

FINANCIAL CONSIDERATIONS

Council adopted the Open Space Capital Works Program and Environmental Levy Projects for 2006/2007 at the Ordinary Meeting of 23 May 2006 and resolved that funds be authorised. This program listed Lindfield Soldiers' Memorial Oval (Tryon Oval). The 2007/2008 Capital Works Program was adopted by Council at the ordinary meeting of 28 August 2007 which advised that funds are allocated to implement the works. Funding for the project shortfall will be reported to Council at the December review and will be sourced from project savings.

Tryon Oval No 2 T05/2006		Funding
PJ Number	PJ Name	Budget amount
100846	Lindfield Soldiers Memorial Oval No 2 SptFld	\$ 833,400.00
100861	Leash Free Program Lindfield	\$ 25,000.00
100836	Lindfield Soldiers Memorial Park	\$ 100,000.00
100310	Env Levy: Lindfield Soldiers Oval	\$ 260,860.00
	Catchment Remediation Works, Lindfield	\$ 50,000.00
Total Budget		\$ 1,269,260.00
Cost of project preferred tenderer		\$ 1,238,039.33
Project management fee		\$ 47,000.00
Contingency sum		\$ 15,000.00
Total Project Cost		\$ 1,300,039.33
Funding Shortfall		\$ 30,779.33

The tendered has provided a financial statement from Westpac Bank to Council to confirm their financial position (**Attachment D**).

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

The tender and contract documentation was prepared by Council's consultants Patterson Britton and Partners Pty Ltd in co-ordination with Council staff from Operations and Strategy Departments. The tender opening was administered by Governance staff.

SUMMARY

The tender for the stormwater harvesting and refurbishment works at Tryon Oval No 2 has been called and assessed.

Whilst all the tenders have generally demonstrated an understanding of the work, two companies, ESD Land Management and Kingston Civil have submitted a tender matching that identified in the contract documents. Both companies have demonstrated relevant experience to the project.

ESD Land Management has submitted the lowest acceptable tender and this report supports the recommendation of the consultant and tender evaluation panel to appoint them to undertake this project.

RECOMMENDATION

- A. That ESD Land Management be appointed to undertake stormwater harvesting and refurbishment works at Tryon Oval No 2 as outlined in the report and their tender response.
- B. That the Mayor and General Manager be authorised to execute all necessary documents relating to the contract.
- C. That the Seal of Council be affixed to all necessary documents.
- D. That the works commence as soon as practicable after the issue of the letter of acceptance.
- E. That all tenderers be advised of Council's decision.

Alison Walker
Principal Landscape Architect

Greg Piconi
Director Operations

Steven Head
Director Strategy

Attachments:

- A. Preliminary review of tenders - Confidential**
- B. Record of interviews - Confidential**
- C. Project experience - 837760**
- D. Tenderer's financial statement - Confidential**

SYDNEY OLYMPIC PARK - ALTERNATIVE FROG HABITAT



The Green and Golden Bell Frog



27 Hectare Site, the Old Brick-Pit



Total Value: \$2,000,000

Contract Period: March 1999 – April 2000

During construction work on Sydney Olympic Park prior to the 2000 Olympic Games, a small colony of the endangered Green and Golden Bell frogs was discovered on the site, forcing the organizers to shift the location of the tennis venue. Because of the status of this frog as endangered, a plan of action was put forward to build an alternative Frog habitat on the site. This effort to re-establish the Green and Golden Bell Frog species is arguably one of the largest habitat construction projects ever undertaken for an endangered amphibian. ESD was awarded the contract for the construction of the replacement habitat. All works were carried out in conjunction with the Australian Museum business unit. Due to the sensitive nature of the works, strict environmental and reporting systems were put into place and ESD were involved in the inception and implementation of innovative ideas such as the Frog Fence which has been used extensively all over Australia ever since. This project was carried out successfully with the reward being the flourishing of one of New South Wales' largest population of Green and Golden Bell Frogs.

This project has won the **Banksia Environmental Foundation Award** and the **2000 GOLD Banksia Environmental Award**. Also in 2000 - at the **Case Earth Awards NSW** - ESD were Finalists in Category 1 of these awards, for Green and Golden Bell Frog habitat construction works within the brickpit.

Client Name: Sydney Olympic Park
Client Address: Australia Ave Homebush
Client Phone: 9714-7260
Client Fax: 9714-7466
Contact: Warwick Proctor

ABI LEIGHTON JOINT VENTURE - M7 ORBITAL TOLLWAY



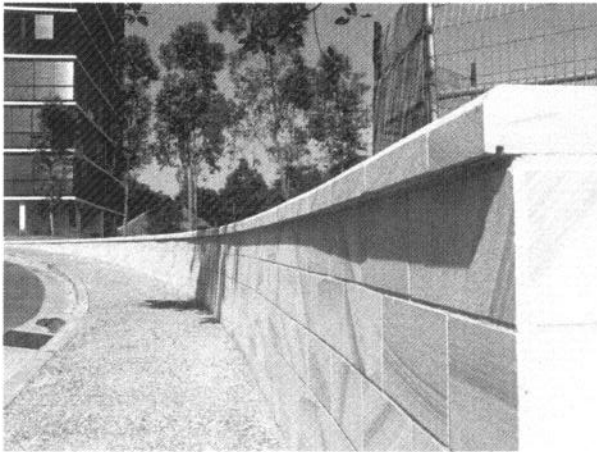
Total Value: \$8,000,000

Contract Period: January 2005 – April 2006

The largest landscape project in the Southern Hemisphere, the M7 landscaping theme reintroduced locally and regionally grown native plant species, collectively described as Cumberland Woodland, along 42 kilometers of new expressway and associated road upgrades. This theme blended the M7 corridor into the surrounding local environment, creating an aesthetically pleasing experience for motorists. There were 146 bridges constructed, all of which had extensive feature planting in the surrounding areas and median strips. Over 2000 semi-mature native trees plus over 1 million native shrubs and grasses and younger native trees were planted. All plants planted were mulched, fertilized and assisted through the dry times with the addition of water crystals at the time of planting. Environmental management, EH&S systems and quality assurance were put in place for this major project. ESD has strong Financial & Management Systems to handle large complex projects.

Client Name: Abi Leighton Joint Venture
Client Phone: (02) 9857 3791
Contact: Superintendent—David Eggington

CITY QUARTER DEVELOPMENT - FRASERS GREENCLIFF



Total Value: \$350,000

Contract Period: October 2006 – March 2007

Orphan School Creek Stage 2 - This project included a broad range of disciplines, including extensive earthworks and creekline construction, detailed paving and walling work, pathway and stair construction, placement of heritage items and transplanting of a large *Ficus*. This all occurred on a comparatively small site with tight inner city access.

In addition to the usual budgetary constraints, this project was successfully undertaken within the 7-week timeframe, with allowances made for planting to be undertaken through the cooler season. Our client was property developer Frasers Greencliff on behalf of Sydney City Council.

ESD Land Management assisted with the construction details to ensure buildability and effective cost control. Concept plans were modified to ensure they were suitable for construction.

Our client was thrilled with the end result.

Client Name: Frasers Greencliff
Client Address: Level 11, 488 Kent Street
Sydney NSW 2000
Client Phone: 8823 8800
Client Fax: 8823 8801
Contact: Ary Bornoush

RTA - LEURA ROAD PLANTING



Total Value: \$680,000.00

Contract Period: January 2007 – May 2007

This project is the RTA upgrade of the Leura Interchange involving soil works, turfing, jute matting, hydro mulching and the installation of plants ranging from tube stock to 100 litres in size. A high level of traffic control and environmental controls were required for this project.

ESD worked closely with the RTA and their architect on this project to ensure a high quality finish was achieved for the RTA and the local community.

The project was managed using ESD's in house planning processes which have been fine tuned over the years on large scale landscape projects such as the M7 Westlink and the Blue Hills Wetlands.

ESD organised the supply and installation of all facets of the project.

Client Name: RTA
Client Phone: Ph: 8814 2168— Mob: 0412 170 039
Contact: Superintendent— Iain McLeod

JACARANDA PARK



Total Value: \$250,000

Contract Period: June – September 2003

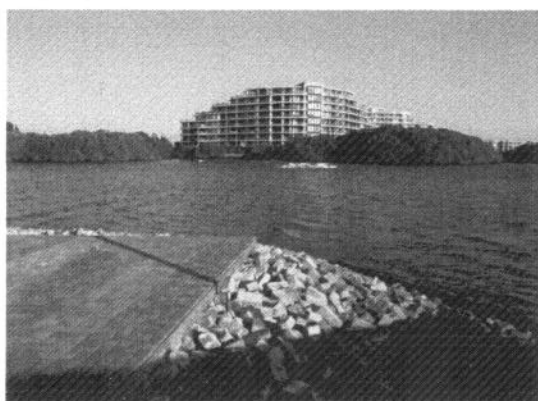
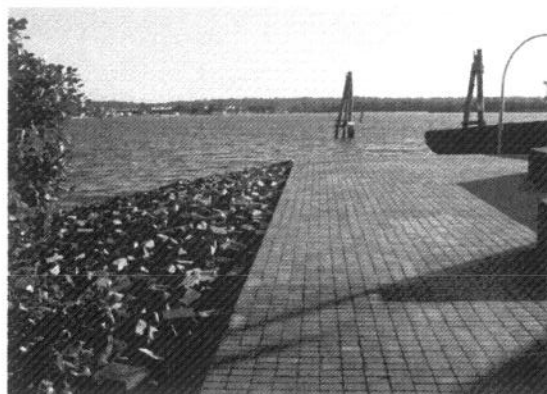
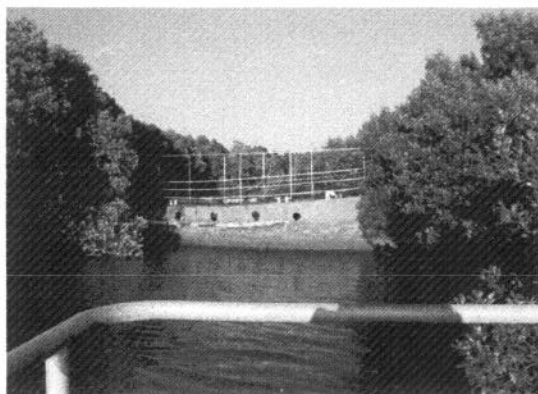
Work at Jacaranda Park included constructing a large park for a 400 home subdivision at Glenmore Park, NSW. Construction works included, sandstone walls, turfing, irrigation, large tree planting, garden beds, concrete paths and sandstone steps.

Each project undertaken has a site specific Environmental Health & Safety Plan created for it. A site specific Induction plan is drawn up and all employees, visitors & sub contractors are trained prior to entering the site or commencing works on the project. The public, who often show a keen interest, are treated with respect by our friendly staff.

Tool box meetings are held on a regular basis to discuss any Environmental or Health & Safety Issues arising. The minutes of these meetings go to the EH&S Manager, who then follows up to ensure all points raised have been actioned. Environmental Health & Safety Audits are carried out regularly by the EH&S Officer.

Client Name: Stocklands
Client Address: Locked Bag 100
PENRITH BC NSW 2741
Client Phone: (02) 9956 1273
Referee(s): Bill Donohue

BADU SHIPWRECK VIEWING AREA



Total Value: \$200,000

Contract Period: February 2005 to May 2006

ESD created access and provided an opportunity to educate the public in a unique habitat at Homebush Bay which included construction of a shipwreck viewing area of brick paving and galvanised steel jetties, telescope, mirrors, paving and seating walls. Specialised crustacean habitat from recycled bricks on the shoreline.

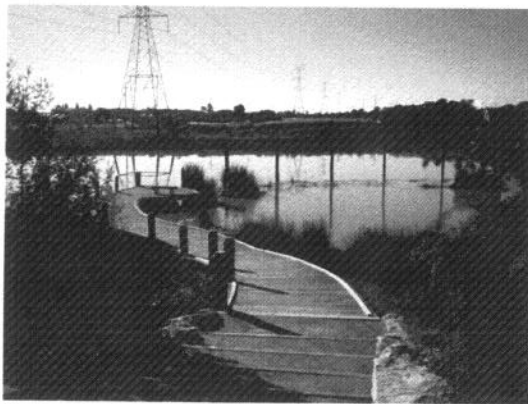
The project was created in a natural mangrove and salt marsh habitat on the upper reaches of Sydney Harbour at Homebush Bay. ESD brief was to restore both coastal marsh and mangrove habitat. Plant species include: *Juncus kraussii*, *Sarcocornia quinqueflora*, *Sporobolus virginicus*, *Suaeda australis* and *Isolepis nodosa*.

Construction required strict environmental controls, with the finished project reflecting the natural environment.

The Shipwreck Lookout won a commendation in the NSW Royal Australian Institute of Architects Awards in July 2006. It was also selected as one of 12 projects to represent Australia at the Venice Biennale in September 2006.

Client Name: Sydney Olympic Park Authority
Client Address: 7 Figtree Drive
Sydney Olympic Park NSW 2127
Client Phone: (02) 9714 7274
Client Fax: (02) 9714 7054
Referee(s): Mike Doyle

GLENMORE PARK ESTATE



Total Value: \$4 million +
Contract Period: January 1999 – 2005

Works at Glenmore Park Estate included environmental wetlands development, construction of various parklands, streetscapes, entry statements, water features, wild life habitat creation, bush regeneration, stone sculptures, timber jetties, shelter and seating and pedestrian and cycle links.

This project was carried out for our client as a design and construct project. We worked with the designer Guy Sturt & Associates through the design development and documentation process.

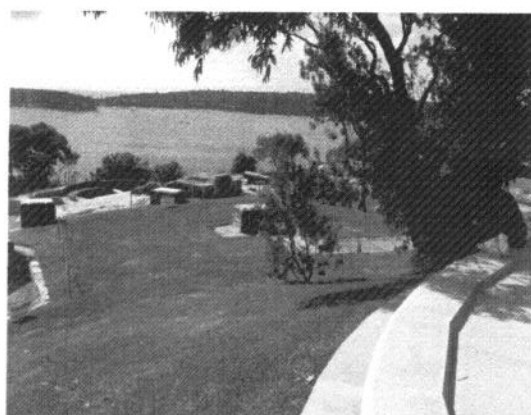
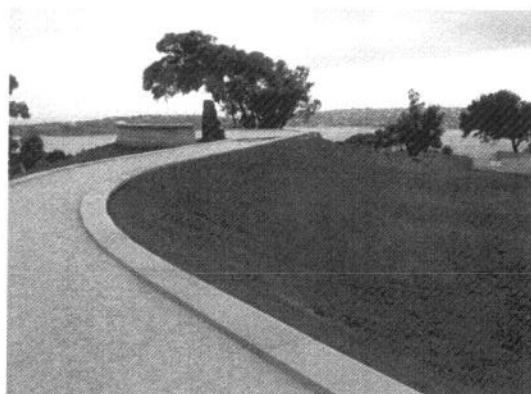
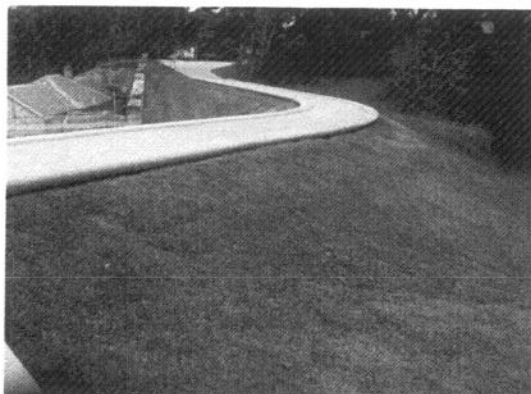
ESD Land Management assisted with the construction details to ensure buildability and effective cost control. Concept plans were modified to ensure they were suitable for construction. Plans were presented to the local council for approval and construction certificates.

Our client was thrilled with the end result and the project won a number of awards, including:

- 1) NSW Urban Development Institute Environmental Award 2001
- 2) Landscape Contractors Association winner Environmental/Rehabilitation Award
- 3) Landscape Contractors Association winner Recreation/Playgrounds

Client Name: Stocklands
Client Address: Locked Bag 100
PENRITH BC NSW 2741
Client Phone: (02) 9956 1273
Referee(s): Bill Donohue

GEORGES HEAD LOOKOUT



Total Value: \$150,000

Contract Period: November 2006 to December 2006

In February 2004 the white 'boomerang' building on Georges Head was demolished to open up stunning views of the harbour and city.

The building was replaced with a lookout, being designed by internationally awarded architect Rick Leplastrier.

The works at Georges Head Lookout consisted of a deco granite pathway, decorative concrete, garden beds, a large area of turf, a sandstone wall and a palisade fence to match the existing one.

ESD worked closely with the Sydney Harbour Federation Trust to create an attractive workable outcome.

Client Name:	Sydney Harbour Federation Trust
Client Address:	Building 28, Best Ave Mosman NSW 2088
Client Phone:	(02) 8969 2100
Client Fax:	(02) 8969 2120
Referee(s):	Jennifer Faddy

149 PENTECOST AVENUE, TURRAMURRA - TO ALTER TERMS OF COUNCIL'S EASEMENT AND CONNECTION TO COUNCIL PIPELINE

Ward: Wahroonga

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

To consider a request by owner of No.149 Pentecost Avenue, Turramurra to alter the terms of the Council drainage easement over downstream properties to permit connection and discharge into a Council pipeline.

BACKGROUND:

On 8 December 2006 Council granted a Deferred Commencement for DA595/06, for demolition of existing dwelling construction of detached dual occupancy and swimming pool at 149 Pentecost Avenue, Turramurra. The approval is subject to conditions in Schedule "A" of the deferred commencement which require the applicant to demonstrate that the subject site is benefited by the necessary easement for stormwater drainage. The applicant is to obtain Council's approval to amend the terms of the drainage easement downstream of the subject property.

COMMENTS:

Letters of consent from relevant downstream owners were submitted with the application. Correction of the easement is considered warranted and beneficial to both the owner and Council.

Hydraulic study and plan for interlotment system submitted are considered satisfactory.

RECOMMENDATION:

That the proposal be approved subject to Conditions A to C noted in recommendation.

PURPOSE OF REPORT

To consider a request by owner of No.149 Pentecost Avenue, Turramurra to alter the terms of the Council drainage easement over downstream properties to permit connection and discharge into a Council pipeline.

BACKGROUND

A deferred commencement was granted by Council on 8 December 2006 for DA 595/06 comprising demolition and construction of new dwelling and swimming pool.

Granting of the development was subject to conditions in **Schedule A:**

SCHEDULE A

1. In order to activate this consent, the applicant shall submit, for Council's approval, registered title documents demonstrating that the subject site is benefited by the necessary easement(s) for stormwater drainage as far as the approved point of discharge to the public drainage system. This information is to include, as a minimum, registered Title documents demonstrating the benefit and burdens, together with the instruments describing the terms of necessary drainage easement(s).
2. In order to activate this consent the applicant shall submit, for approval by Council, full hydraulic design documentation for the required interlotment drainage system between the subject property and the proposed point of discharge to the public drainage system. Plans are to be prepared by a suitably qualified and experienced consulting civil/hydraulic engineer 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 (assuming complete blockage) from the subject property.

The applicant has submitted letters of consent from property owners of No. 103,105, 107 and 109 Bobbin Head Road to extinguish the existing drainage easement over those properties and the creation of a new easement to drain water by way of a Transfer Granting Easement

The applicant also submitted stormwater drainage plans prepared by Lucas Consulting Engineers, Drawing Number 3193-CC-01 and 3193-CC-02 which includes the drainage layout plan and details of the proposed interlotment stormwater system.

COMMENTS

Current situation

An existing easement 1.83 m wide downstream from the subject property indicated by LD 1299 and LD 1782 as shown in **Attachment A**, traverses the properties No.103 , 105, 107, 109 , 111 Bobbin Head Road; No 130 and No.134 Bannockburn road ; No.1 ,No.3 Coolabah Place and No.15 and

Item 9

DA595/06
3 October 2007

No.17 Coolabah Avenue. According to the legal documents, the easements were created for the purpose of conveying and carrying off surface and stormwater only from Pentecost Avenue. The terms of easement do not allow for the connection of stormwater by the applicant.

The downstream easement which traverse the properties NO.130 and No.134 Bannockburn road; No.1, No.3 Coolabah Place and No.15 and No.17 Coolabah Avenue were amended recently. The terms of this easement were approved by council under DA 873/05, on 12 August 2003 and amended under 88B instrument of the Conveyancing act 1919. Under the amended term of easement, Council can grant the applicant permission to connect and discharge to the pipeline within the easement.

Proposal

The applicant proposes to connect to Council's easement with an interlotment drain along the southern side boundary of No. 103 Bobbin Head Road as shown in **Attachment B**. An interlotment easement is proposed over the pipeline.

Extinguishment and creation of new easement to drain water

The deferred commencement conditions required that the existing easements within properties No.103,105, 107 ,109 and 111 Bobbin Head Road as indicated by LD 1299 and LD 1782 be amended to grant legal benefit for the property to discharge stormwater into the system. The applicant has submitted documentary evidence of owners consent to amend the existing terms of drainage easement.

Of mutual benefit to Council and the applicant is a requirement to extinguish the existing easement and create a new easement 1.83m wide pursuant to Section 88B of the Conveyancing Act 1919.

Assessment of proposed stormwater drainage

The consultant's drainage study for the interlotment drainage system, on site detention and retention system is considered satisfactory. The downstream capacity for council stormwater system is considered adequate. It is expected the post development stormwater runoff from the site will be less than pre development with the provision of stormwater detention and retention system on the subject development site.

CONSULTATION

Adjoining property owners that are affected by the existing easement were contacted by the applicant and consent was granted

FINANCIAL CONSIDERATIONS

All cost associated with legal matters for the alteration of terms of drainage easement are to be borne by the applicant, who benefits from this work.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Operations Services has consulted with the Engineering Assessment Unit in Development and Regulatory in matters relating to the flood study and overland flows over the subject property.

SUMMARY

A deferred commencement approval was granted by Council on 8 December 2006 for DA 595/06 for demolition and construction of new dwelling and swimming pool. Prior to the operation of the consent, the applicant is to obtain a resolution from Ku-Ring-Gai Council to give consent for the alteration of terms of the existing Council easement and approval for the connection to Council's stormwater system.

The relevant Council legal documents LD 1299 and LD 1782 do not allow for the connection of stormwater by the applicant. The easement was created for the purpose of conveying and carrying off surface and stormwater only from Pentecost Avenue.

Easement traversing No.130, and No.134 Bannockburn road; No.1, No.3 Coolabah Place and No.15 and No.17 Coolabah Avenue was amended recently. The terms of this easement were approved by council under DA 873/05, on 12 August 2003 and amended under 88B instrument of the Conveyancing act 1919. The deferred commencement required that the easements within the property No.103,105, 107,109 and 111 Bobbin Head Road be amended pursuant to Section 88B of the Conveyance Act 1919

Of mutual benefit to Council and the applicant is a requirement to extinguish the existing easement and create a new easement 1.83m wide over No.103,105 Bobbin Head Road and 2.4m wide over No.107, 109 and 111A Bobbin Head Road pursuant to Section 88B of the Conveyance Act 1919.

The proposed drainage layout plan prepared by the hydraulic consultant is considered satisfactory.

RECOMMENDATION

- A. That Council grant approval for the extinguishment of the existing easement over 103,105,107,109 and 111A Bobbin Head Road and creation of a new drainage easement of various widths over the existing pipeline.
- B. That authority be given to affix the common seal of the Council to the instrument for release and creation of new easements.
- C. That the cost of altering the terms of the drainage easement (including release and creation) and Council's legal costs and disbursements be borne by the applicant.

Eng Tan
Drainage Assets Engineer

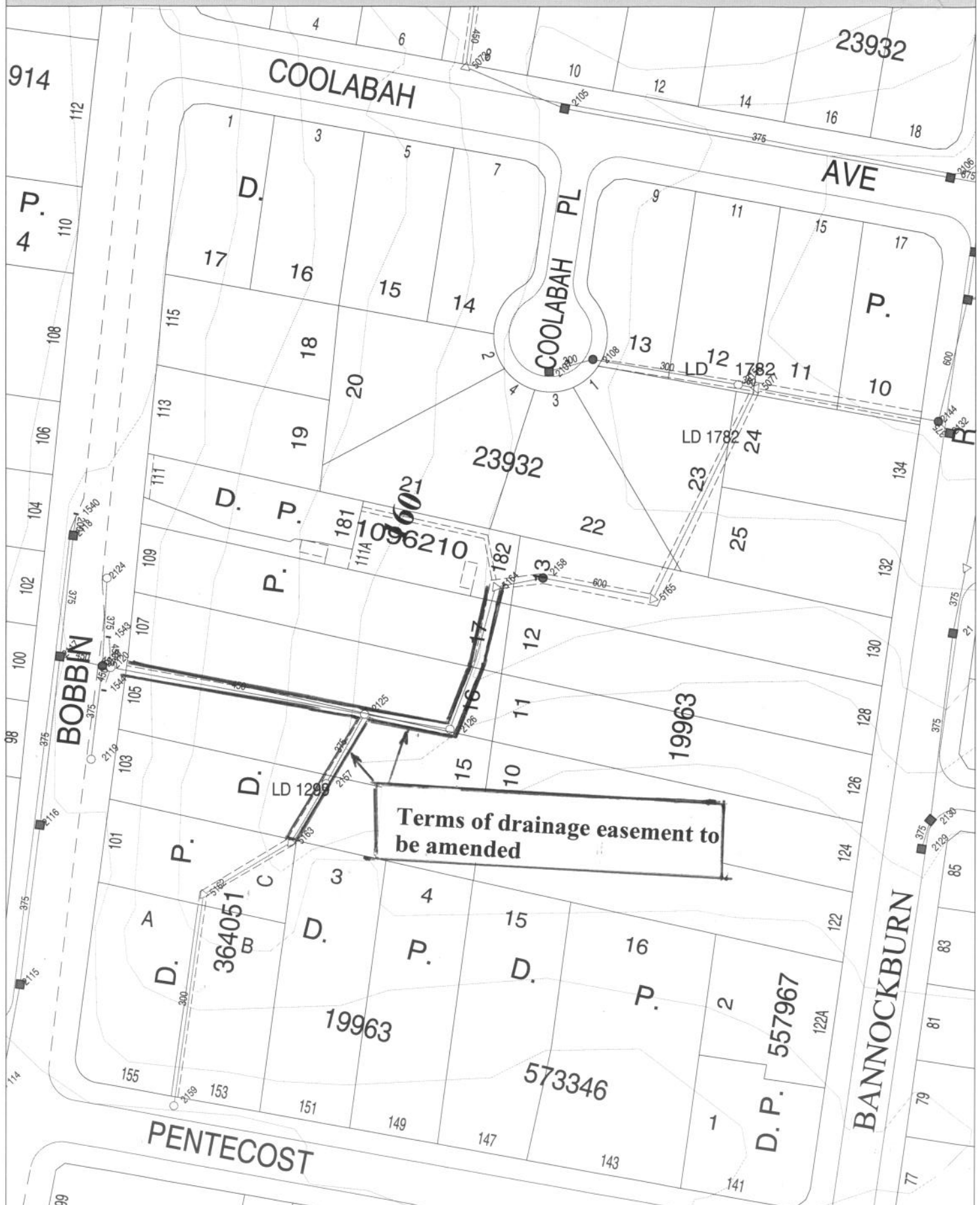
Roger Guerin
Manager Design & Projects

Greg Piconi
Director Operations

Attachments: **A. Location Plan of existing drainage easement - 822179**
 B. Location plan for interallotment drain - 822180

149 Pentecost Avenue, Turramurra – to alter the terms of Council's drainage easement

Attachement A



SCALE: 1:1200

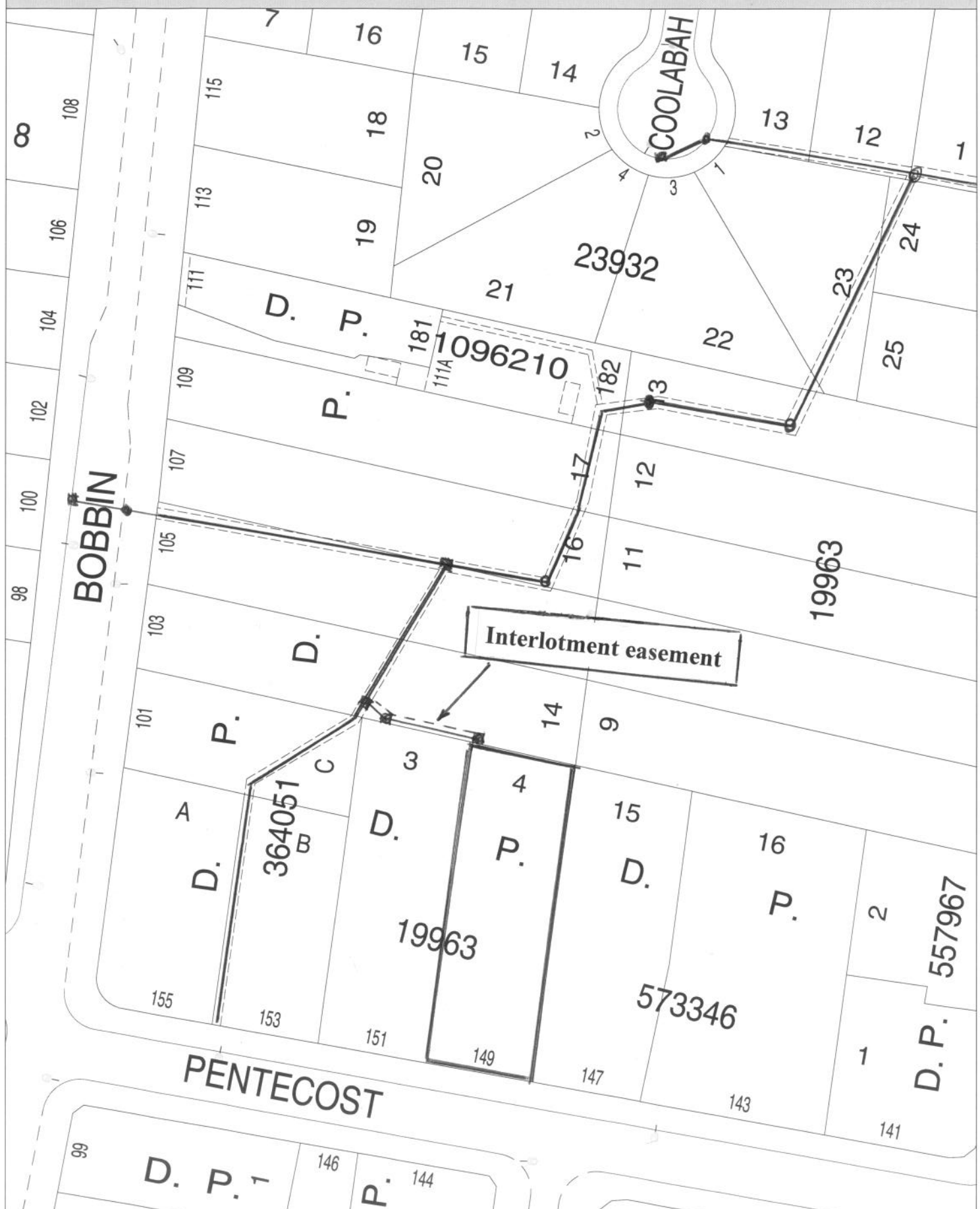
DATE: 21-08-2007

Location Plan for existing drainage easement



149 Pentecost Avenue, Turramurra – to alter the terms of Council's drainage easement

Attachement B



SCALE: 1:1000

DATE: 03-09-2007

Location of Interlotment drainage easement



PROVISION OF DOG WASTE BINS AND BAG DISPENSERS AT OFF LEASH DOG AREAS

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

To advise Council on the provision of dog waste bins and bag dispensers at off leash dog areas.

BACKGROUND:

Council at its meeting of 20 August 2007 considered a Notice of Motion regarding the provision of dog waste bins and bag dispensers at all off leash dog areas and resolved that a report be brought back to Council.

COMMENTS:

Currently, dog waste is placed in general waste bins and collected by Council's waste contractor. Bins are generally placed throughout the park and close to the off leash areas. The frequency of pick ups varies from 1-3 times per week depending on the size and visitations to the park. Dog owners are requested to "bag" their dog waste before placing it in the bin.

This report considers options on how the service levels can be increased for various off leash dog areas.

RECOMMENDATION:

That the provision of bag dispensers and ongoing supply of bags be provided at Bert Oldfield Reserve, Golden Jubilee Oval, Kissing Point Village Green, St Ives Showground (including cattle/dog rings) and Acron Oval in accordance with option 2 of this report.

PURPOSE OF REPORT

To advise Council on the provision of dog waste bins and bag dispensers at off leash dog areas.

BACKGROUND

Council at its meeting of 20 August 2007 considered a Notice of Motion regarding the provision of dog waste bins and bag dispensers at all off leash dog areas and resolved the following:

"That Council install effective separate dog waste bins and bag dispensers at all leash free locations sufficient to support the need with priority given to sports fields so dedicated and that their installation be regarded as Council policy in accordance with the provisions of the Companion Animals Act.

That a report be brought back to Council at its meeting of 25 September 2007 on the provision of dog waste bins and dispensers in all of Council's dog off leash areas and that the report examine the number, frequency of service, occupational health and safety issues and potential sources of funding for this installation service."

At Council's meeting of 27 March 2007, Council considered a Notice of Motion regarding the provision of dog waste bins, signage and bag dispensers at Bert Oldfield Reserve and that the usage be reviewed after three months.

The delay in bringing this report back to Council by 25 September 2007 was due to the need to consult with representatives of the Companions Animals Committee and obtain information from adjoining Councils.

COMMENTS

There are currently 20 off leash dog areas within Ku-ring-gai. A list of the sites is shown in **Attachment A** together with details of the bin numbers and service frequencies.

Currently, dog waste is placed in general waste bins and collected by Council's waste contractor. Bins are generally placed throughout the park and close to the off leash areas. The frequency of pick ups varies from 1-3 times per week depending on the size and visitations to the park. Dog owners are requested to "bag" their dog waste before placing it in the bin.

Council does not currently provide bag dispensers at dog off leash areas with the exception of Bert Oldfield Reserve. However, Council does sell dog waste bags over the counter and from time to time provide dog owners with bag pouches and other promotional incentives through the companion animal initiatives.

There are a number of matters that need to be considered before Council provides single purpose dog waste bins and bag dispensers in all off leash dog areas and these matters will be outlined in detail below:

Item 10

S06048
17 September 2007

Size and type of bins:

Council currently provides 240 litre Mobile Garbage Bin (MGB) at its parks including off leash dog areas to enable mechanical emptying. The bins are readily available to Council and relatively inexpensive to replace if vandalised. The bins are considered suitable for mixed waste use, as they are capable of holding general litter as well as dog waste in a waterproof container.

Most commercially available dedicated dog waste bins only have a maximum capacity of 40 litres. This small capacity would mean the installation of more bins at each location with additional pick ups required. Replacement costs for these specialised bins are high compared with the cost of a standard 240 litre bin.

Frequency of collection:

The frequency of collection of the existing 240 Litre MGB waste bins varies from one to three collections per week depending on usage and location. Advice from Council's waste collection contractor suggests that additional servicing of bins would be a minor additional cost.

Generally the current collection frequencies appear to be sufficient for the collection of dog and other waste. With regard to Bert Oldfield Reserve, the collection frequency was recently increased to three times per week and following this increase in service frequency there have been no further complaints regarding overflowing bins. It is considered that as a minimum, bins servicing off leash areas should be serviced at least 2 times per week, and increased to 3 times per week if required.

OH&S Considerations

Council has in past years utilised specific bins for dog waste only. These were generally open 40 - 55 litre garbage bins. However, the use of the bins raised a number of OH&S issues from both the general public as well waste collection contractors.

There were two main issues with dog specific waste bins. Firstly, due to the size of small waste bins, even with regular emptying, they were over flowing and became a health issue. This was especially apparent in summer due to the odour emitted from the bins along with the number of other health related issues. Also, rain water infiltrated the bins during periods of wet weather.

Secondly, emptying each bin required physical contact with either a plastic or metal bin liner that had to be lifted and emptied manually into a truck or larger receptacle. Apart from physical contact with dog faeces, this also meant considerably more manual handling.

This ultimately led to the waste contractors refusing to empty these bins by hand, which in turn resulted in an agreement that bagged dog waste should be placed in the general waste bins that could be wheeled to garbage trucks and emptied mechanically, therefore removing the OH&S concerns. The design of the MGBs with close fitting lid also helps to negate odour and pest problems.

Advice from Council's current waste management contractor has confirmed that they will only empty dog waste in the 240 litre MGBs or other similar containers provided that they also contain other general waste. To change to specifically designed dog waste containers would require Council to seek another source for the emptying of the bins.

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Bags and dispensers:

Apart from the trial that is currently being implemented at Bert Oldfield Reserve, Council does not provide bags or dispensers at any off leash area. Common practice by some dog owners at some locations is to bring plastic bags to the fields and attach these to fences or bin posts surrounding the fields to encourage other dog owners to pick up dog waste.

While this arrangement has merit in terms of community co-operation and self education, there is some concern with the visual amenity of these bags in some parks.

The Companion Animals Act infers the need for dog owners to carry bags with them so that they are able to clean up after their dog and dispose of the waste appropriately. Education programs across the state, address the fact by imploring owners that they need to be appropriately prepared when taking their dogs for a walk.

Council also provides bags for sale over the counter at cost price and providing, free of charge, bag storage pouches to hang off the dog lead.

It is considered that the use of plastic bags is a more responsible way for dog owners to be dealing with dog excreta than the supply of specialty waste bags.

Should Council however decide to provide a supply of specialty waste bags at leash free parks, an expectation will emerge from some dog owners that the bags will always be available. This may inadvertently encourage dog owners not to comply with their obligations to carry waste bags at all times. In addition to this, advice from other Councils that do provide waste bags at off leash areas suggests that they are potentially a target for vandalism and may be strewn all over the area, stolen or otherwise destroyed leaving dog owners with no available waste bags to pick up waste.

Given that each location is not visited daily by maintenance staff as part of established maintenance schedules, the supply of the bags would only be checked when resources permit.

If bags are unavailable due to vandalism or non supply by Council, then this may also impact on the ability of Regulatory Officers to issue infringement notices to dog owners for not picking up their waste.

There would also be an ongoing cost to Council to provide these bags.

The dispensers being utilised for the trial at Bert Oldfield are reasonably vandal proof and while currently are set up for Council to provide rolls of bags, can be adapted to allow for recycled bags to be placed in them by dog users. A photograph showing the dispenser at Bert Oldfield can be found in **Attachment C**.

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Comparison with other Council areas

Council Area	No. of off leash areas	Bags and dispensers provided?	Specific Waste bins?	Comments
Pittwater	6 sites	All sites	All sites	System has only been in place for about last six weeks. New bins are emptied by waste contractors who have had to start using bin liners to assist in collection.
Warringah	7 sites	2 sites only	All sites	Bags only provided at high use sites only. Bags and bins serviced by waste contractors.
Ryde	1 site	No	No	Bags not provided
Willoughby	13 sites	No	No	Previously provided bins and bags (approximately 3 years ago). All were removed due to issues with service provision
Lane Cove	14 sites	All sites	All sites	Bins and bags serviced by waste contractors
Hornsby	7 sites	All sites	No	Bags supplied to dispensers by Council staff. Some issues with vandalism and with bags running out. Bins emptied by waste contractors. Specific dog waste bins were used at each location in the past but this was stopped due to OH&S issues.

Advice from surrounding Councils illustrates that there are a number of different service levels provided. Whilst some Councils are implementing full provision of bags and bins, others have done so in the past and had found that there were too many issues associated with the service such as waste disposal and vandalism.

Advice from other Councils suggests that the provision of bags provides some marginal improvement in the picking up of dog litter. However, it was also noted that there is always an element of users who chose to ignore their obligations and not pick up their dog's waste.

Options for Ku-ring-gai

Given all of the above issues, there appears to be several options that could be employed in response to the provision of these services.

In terms of waste disposal, there is a clear history, not only in Ku-ring-gai, but in other surrounding areas, that suggests that the provision of specific dog waste bins is not a suitable option. Our current waste contractors have already advised that they would not empty dog specific waste bins and to provide this service at all locations would be extremely expensive given the number of users and the frequency required to empty bins with a smaller capacity.

It is considered that the most appropriate method of dog waste disposal is to continue to utilise the MGBs and increase the level of service to a minimum of two services per week with an increase in frequencies for high use areas.

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With regard to bag dispensers, there are arguments for and against their provision and coupled with the inference of the Companion Animals Act, there is an onus on dog owners to act responsibly and carry waste bags. Even where Councils have provided bags, there remain issues with dog waste not being picked up. Should Council decide to offer this service, there would be an impost on internal staff to keep the bag dispensers full and there are further issues with vandalism that may impact on staff to react to possible vandalism issues.

From all of the information gathered, three options are outlined below that cover the variety of situations discussed.

Option 1:

Continue with existing waste bin arrangements and increase bin numbers and frequencies of service to a minimum of two days per week.

This option would have minimum cost and resource implication for Council and would involve reviewing the location and number of 240litre MGBs at each site, with a view to increasing and relocating bins to appropriately service off leash areas. The supply of the plastic bags being dependent on the users of the off leash dog areas.

Option 2:

Continue with existing waste bin arrangements, increase bin numbers and frequencies of service to a minimum of two days per week and provide bag dispensers and continued supply of bags at high usage areas only.

This option provides for Council to supply bin dispensers and bags at high usage sites for a trial period to determine the effectiveness and any other issues such as supply, impact on resources and vandalism.

The five sites proposed for sites for the trial are Bert Oldfield Reserve (already in place), Golden Jubilee Oval (back field), Kissing Point Village Green, St Ives Showground and Acron Oval.

Option 3:

Provide specific dog waste bins, bag dispensers and continued supply of bags at all locations.

This would be the most expensive option for Council and would require the establishment of a separate waste contract specifically for dog waste. It is envisaged that Council would have several major OH&S concerns to address if it were to pursue this option.

CONSULTATION

Consultation has been undertaken with Council's current waste contractor, external suppliers of dog waste bags, bins and dispensers. Pittwater, Warringah, Ryde, Willoughby, Lane Cove and Hornsby Council's have been consulted with regard to their current arrangements for off leash areas in terms of bins and bags/dispensers.

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The Ku-ring-gai Companion Animals Advisory Committee (CAAC) was also consulted on the contents of this report at the last meeting held 27 September 2007. The committee endorsed the recommendations of the draft report.

FINANCIAL CONSIDERATIONS

Budgetary figures covered in this section relate to advice from the current waste collection contractor based on existing bins and collection schedules. Installation costs are based on internal day labour rates and current material costs.

Option 1 Increase number of 240 Litre Mobile Bins and increase service frequencies

240 Litre MGB Bins	\$45.00
Bin Post	\$150.00
Extra Collection	\$ 1.46
Bin post Installation	\$150.00

Based on above figures without incorporating additional pickups or increase in frequency, the overall setup cost is estimated at \$2070 across all designated leash free parks. A breakdown of these costs is included in **Attachment B**.

This service is currently provided by Council and can be funded under the recurrent budget for park maintenance.

Option 2 Continue with existing waste bin arrangements, increase bin numbers and frequencies of service to a minimum of two days per week and provide bag dispensers and continued supply of bags at high usage areas only.

240 Litre MGB Bins	\$45.00
Bin Post	\$150.00
Extra Collection	\$ 1.46
Bin post Installation	\$150.00
Dog Waste Bags	\$5.00/roll (100/roll)
Bag receptacle	\$206.00

Bag receptacles can be placed on existing bin/fence/sign posts or wall mounted.

This option would include the provision of bags and receptacles at five high use areas for a trial period of 12 months. This would allow for more detailed analysis of costs to be undertaken at the end of the trial period.

Based on above figures without incorporating additional pickups or increase in frequency, the overall setup cost is estimated at \$4,542.00. A breakdown of these costs is included in **Attachment B**.

While the cost is higher than option 1, the costs are not significantly higher and therefore can be accommodated in the recurrent budget for park maintenance following an internal review of costs.

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Dog Waste Bins	\$545.00 each
Installation	\$150.00 per unit
Dog Waste Bags	\$5.00/roll (100/roll)
Bag receptacle	\$206.00

The cost to provide the infrastructure for this option would be approximately \$44,586. A breakdown of these costs is also included in **Attachment B**.

There would be additional ongoing costs of up to \$4,800 per quarter for provision of bags.

This cost does not include costs for collection as this would need to be negotiated with a new waste contractor.

Apart from the recurrent budget source, there is no other suitable funding source within Council for the supply and servicing off leash dog waste bins and dispensers. Any increase in costs would result in a review of other services across Council.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Staff within Development and Regulation, Strategy, Operations and Community have been consulted in the preparation of this report.

SUMMARY

In response to the resolution dated 20 August 2007 a number of issues with regard to the provision of dog waste bins and dispensers have been discussed including the cost of the implementation of each option.

It is considered that on the basis of the analysis of these issues and costs, that the best course of action in response to the resolution would be to endorse Option 2 with bag dispensers to be installed and bags be provided at Bert Oldfield Oval (already in place), Golden Jubilee Oval (back field), Kissing Point Village Green, St Ives Showground (including cattle/dog rings) and Acron Oval for a 12 month trial period.

Over the trial period, detailed information can be gathered on the number of bags being utilised, vandalism issues, time taken for staff to manage provision of bags and the overall success of the program in terms of minimisation of waste on off leash areas.

The provision of specific waste bins for dog waste is not recommended given the OH&S issues, overall experience of this and other Councils when implemented in the past and the significant setup and ongoing costs associated.

RECOMMENDATION

- A. That Council continues to use 240 litre mixed litter stream mobile garbage bins for dog waste at all off leash areas and that specific dog waste bins be not used.
- B. That the frequency of collections is in accordance with Option 2 as outlined in Attachment B to this report and with such services generally be provided on a Monday and Thursday of each week.
- C. That the provision of bag dispensers and the supply of bags be implemented Bert Oldfield Oval (already in place), Golden Jubilee Oval (back field), Kissing Point Village Green, St Ives Showground (including cattle/dog rings) and Acron Oval in accordance with Option 2 of this report as a 12 month trial.
- D. That the cost for the service in accordance with option 2 be funded from the recurrent budget for park and sports field maintenance and that adjustments be made at the second quarter review period.
- E. That a report be brought back to Council in 12 months to report on the outcomes of the trial.

Matthew Drago
Manager Open Space Services

Greg Piconi
Director Operations

Attachments:

- A. Off leash dog locations and service frequency - 838069**
- B. Costing options - 838069**
- C. Photo of bag dispenser and bin stands – Bert Oldfield Reserve - 838069**

OFF LEASH AREA	STREET	SUBURB	#BINS	FREQ	M	T	W	TH	F	S	SU
KILLARA PARK / BERT. OLDFIELD	KOOLA AVE	KILLARA EAST	11	3	X		X		X		
HYNDES PARK	LADY GAME DRIVE	KILLARA	2	1			X				
QUEEN ELIZABETH RESERVE	BRADFIELD RD	LINDFIELD WEST	8	2	X				X		
EDENBOROUGH PARK	EDENBOROUGH RD	LINDFIELD	2	1		X					
LINDFIELD SOLDIERS MEMORIAL	TRYON RD	LINDFIELD	16	1	X						
LOFBERG OVAL	YANKO RD	PYMBLE WEST	11	2		X				X	
ROSEVILLE PARK	CLANVILLE RD	ROSEVILLE	12	2	X				X		
ACRON OVAL (Trial)	ACRON RD	ST IVES	4	1	X						
BARRA-BRUI OVAL	BURRANEER AVE	ST IVES	4	1	X						
ST IVES SHOWGROUND	MONA VALE RD	ST IVES	30	1		X					
WARRIMOO OVAL	WARRIMOO AVE	ST IVES	8	1	X						
KARUAH PARK	KARUAH RD	TURRAMURRA	3	1	X						
KENT ROAD PLAYING FIELD	KENT RD	TURRAMURRA	4	1	X						
TWIN CREEKS RESERVE	MITCHELL CRES	TURRAMURRA	1	1			X				
GOLDEN JUBILEE OVAL	ESK ST	WAHROONGA	10	1		X					
SANDAKAN PARK	DU FAUR ST	TURRAMURRA NORTH	1	1	X						
KISSING POINT VILLAGE GREEN	VERNON ST	TURRAMURRA SOUTH	1	1	X						
TRANSMISSION PARK	YARRALUMLA AVENUE	ST IVES	0								
CLAUDE CAMERON RESERVE	WESTBROOK AVE	WAHROONGA	3	1		X					
LEUNA AVENUE RESERVE	LEUNA AVENUE	WAHROONGA	1	1	X						

Attachment B - Setup Costs

OFF LEASH AREA	STREET	SUBURB	Existing Bins	Option 1		Option 2			Option 3		
				New bins	Cost	New bins	Bag receptacles	Cost	No of bag receptacles required	No of dog waste specific bins required	Cost
KILLARA PARK / BERT OLDFIELD	KOOLA AVE	KILLARA EAST	11	0		0	2	\$412.00	2	4	\$3,192.00
HYNDES PARK	LADY GAME DRIVE	KILLARA	2	0		0			1	2	\$1,596.00
QUEEN ELIZABETH RESERVE	BRADFIELD RD	LINDFIELD WEST	8	0		0			2	4	\$3,192.00
EDENBOROUGH PARK	EDENBOROUGH RD	LINDFIELD	2	0		0			2	2	\$1,802.00
LINDFIELD SOLDIERS MEMORIAL	TRYON RD	LINDFIELD	16	0		0			2	2	\$1,802.00
LOFBERG OVAL	YANKO RD	PYMBLE WEST	11	0		0			2	2	\$1,802.00
ROSEVILLE PARK	CLANVILLE RD	ROSEVILLE	12	0		0			2	4	\$3,192.00
ACRON OVAL	ACRON RD	ST IVES	4	0		0	2	\$412.00	2	4	\$3,192.00
BARRA-BRUI OVAL	BURRANEER AVE	ST IVES	4	0		0			2	2	\$1,802.00
ST IVES SHOWGROUND	MONA VALE RD	ST IVES	30	0		0	6	\$1,236.00	6	6	\$5,406.00
WARRIMOO OVAL	WARRIMOO AVE	ST IVES	8	0		0			2	2	\$1,802.00
KARUAH PARK	KARUAH RD	TURRAMURRA	3	0		0			2	2	\$1,802.00
KENT ROAD PLAYING FIELD	KENT RD	TURRAMURRA	4	0		0			2	2	\$1,802.00
TWIN CREEKS RESERVE	MITCHELL CRES	TURRAMURRA	1	1	\$345.00	1		\$345.00	1	2	\$1,596.00
GOLDEN JUBILEE OVAL	ESK ST	WAHROONGA	10	0		0	2	\$412.00	2	2	\$1,802.00
SANDAKAN PARK	DU FAUR ST	TURRAMURRA NORTH	1	1	\$345.00	1		\$345.00	2	2	\$1,802.00
KISSING POINT VILLAGE GREEN	VERNON ST	TURRAMURRA SOUTH	1	1	\$345.00	1	2	\$757.00	2	2	\$1,802.00
TRANSMISSION PARK	YARRALUMLA AVENUE	ST IVES	0	2	\$690.00	2		\$690.00	2	2	\$1,802.00
CLAUDE CAMERON RESERVE	WESTBROOK AVE	WAHROONGA	3	0		0			2	2	\$1,802.00
LEUNA AVENUE RESERVE	LEUNA AVENUE	WAHROONGA	1	1	\$345.00	1		\$345.00	1	2	\$1,596.00
Total No				6		6	14		41	52	
									\$8,446.00	\$36,140	
Total Setup Cost				Option 1	\$2,070	Option 2	\$4,542.00	Option 3			\$44,586.00



KU-RING-GAI SECTION 94 CONTRIBUTIONS PLAN 2004-2009 - RESIDENTIAL DEVELOPMENT DRAFT AMENDMENT 1

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

The purpose of this report is to recommend to Council that the Draft Amendment 1 to Ku-ring-gai Section 94 Contributions Plan 2004-2009 be adopted.

BACKGROUND:

On 14 August 2007, Council resolved to place on exhibition amendments to *Ku-ring-gai Section 94 Contributions Plan 2004-2009 - Residential Development*. The Draft Plan was exhibited between 24 August and 21 September 2007. Council also resolved that a land economist be engaged to establish an appropriate index which could be used to update the land values rates in the plan.

COMMENTS:

At the close of exhibition 1 submission had been received. Recommendations from the report on land valuation indexing options have resulted in consequential changes to the exhibited draft plan. This report presents the Draft Plan to Council for adoption.

RECOMMENDATION:

That Council adopt Ku-ring-gai Section 94 Contributions Plan 2004-2009 - Residential Development - Amendment 1 and that this adoption be advertised in accordance with the Environmental Planning and Assessment Regulation.

PURPOSE OF REPORT

The purpose of this report is to recommend to Council that the Draft Amendment 1 to Ku-ring-gai Section 94 Contributions Plan 2004-2009 be adopted.

BACKGROUND

On 14 August 2007, Council resolved to place on exhibition amendments to *Ku-ring-gai Section 94 Contributions Plan 2004-2009 - Residential Development*.

The *Ku-ring-gai Section 94 Contributions Plan 2004-2009 - Residential Development* was originally adopted by Council in June 2004. There had been no reviews of the contribution rates since the plan was adopted. The current review and proposed amendments incorporated the following:

- Reviewing the current plan in the light of changes to the provisions of the Environmental Planning and Assessment Act and Regulation relating to contributions plans including requirements for pooling funds and maps showing the location of works in the work schedule;
- Updating and indexing of costs of works on the works schedule including revised land acquisition values;
- Updating the work schedules with new items such as the West Pymble Aquatic Centre;
- Addressing matters outstanding from recent the Land & Environment Court decisions including:
- - revision of the basis for calculating contribution rates per dwelling from the method based on the size of the dwelling to a method based on the number of bedrooms in the dwelling;
 - revision of the child care centre contribution on the basis that allowance be made for the private sector provision of child care;
 - traffic studies not directly undertaken for the Section 94 plan were removed, and;
 - contributions for public art were removed.
 - a general 'housekeeping' review of the wording and presentation of the plan's provisions - and update where appropriate - to reflect current legislation and the Development Contributions Practice Notes.

In adopting the draft plan for exhibition, Council also resolved:

- D. That Council engage a suitably qualified land economist to establish and update an appropriate index which could be used to update the land values rates in the plan and that this be put in place at the time this plan is adopted.*

The Draft Plan was exhibited between 24 August and 21 September 2007.

COMMENTS

Submissions

Following the exhibition of Draft Amendment One to Section 94 Contribution Plan 2004-2009, one submission was received which addressed the matter of occupancy rates for new development. A copy of this submission is included as **Attachment 1**.

The submission supports the assessment of occupancy rates in terms of the number of bedrooms rather than the size of dwellings and notes that this process addresses the issues raised in two recent court cases against Council. However the submission raises a concern regarding the savings provision which will apply to all Development Applications lodged prior to the adoption of the amendments. To these applications, the existing Contributions Plan 2004-2009 will continue to apply. The submission notes that the continued application of a flawed method could expose Council to further court action. The submission suggests applying the Savings Provisions (and therefore the existing Contributions Plan) with the exception that calculating the occupancy of a new development be based on the methodology in the draft amendments.

Council Comment

It is not legally possible to apply part of a Contributions Plan. A contribution must be determined wholly in accordance with the Contributions Plan or Plans that apply to that particular development. Accordingly, either a savings provision applies to all applications which have been lodged prior to the in force date that applies the original Contributions Plan or the amended Contributions Plan applies to all applications determined after the in force date, regardless of when they were lodged. As Draft Amendment 1 has been exhibited with a savings provision, it would be unreasonable to remove that provision at adoption. As such no change is proposed to the exhibited savings provisions.

Land Values Indexing

Council engaged *Hill PDA Land Economists and Valuers* to investigate and to recommend an appropriate index for Ku-ring-gai Local Government Area, together with the appropriate frequency of inflation.

Hill PDA's report: *Ku-ring-gai Council S94 Contributions Plan Indexing Options* is attached at **Attachment 2**.

In summary, the consultants considered six types of indexing data currently available and recommend that the *Housing Price Index – Established Houses* and *RP Data* would both meet Council's requirements. The Housing Price Index is readily available free of charge from the Australian Bureau of Statistics (ABS). Information from RP Data would need to be sourced at an approximate cost of \$100 per report.

With respect to frequency of indexation, the Housing price Index is available quarterly and RP Data is available either monthly or quarterly. Hill PDA recommends that indexing should occur at least annually however they also state that Council should note that certain trigger events can have a material effect on land values that will not be reflected in an index. Such events would give rise to

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an occasion for undertaking new valuations that would take into account the substantive changes. The rezoning of the land in the Town Centres would be such an event.

Council comment

The Practice Notes issued by the Department of Planning for the preparation of Contributions Plans advise the use of a readily accessible index to facilitate transparency. The ABS data would more readily meet this criterion than the RP Data reports. The latter would need to be made publicly available by Council.

Accordingly, it is recommended that Council apply the *Housing Price Index – Established Houses* and that the *Ku-ring-gai Section 94 Contributions Plan 2004-2009: Amendment One* be amended to adopt that index and that the frequency of update be set at 6 monthly from the in force date.

Council should note that the Town Centres LEP and DCP are currently with the State Government and there is no indication of a gazettal date. However, when this event occurs, it would be a trigger event for commissioning new valuations. Increased land values as a result of the rezoning and the change in development potential may have an effect on Council's ability to acquire land at a market rate. This would necessitate a revaluation of the adopted works programme under the Contributions Plans. As there is a requirement to re-exhibit any changes to the adopted works programme arising from increased valuations arising from a material event, this would mean that they would need to be included in a formal review.

Further reviews of the Contributions Plans are expected to be undertaken in 2008 as the census data becomes fully available from the Australian Bureau of Statistics. As part of these reviews, there will be an opportunity for Council to test the application of the Housing Price Index to Ku-ring-gai against actual revaluations of land in each of the town centres and nearby residential areas. As part of the reporting process for these reviews, a recommendation as to whether Council continues to use the Housing Price Index or an alternative method such as commissioning regular revaluations would be included.

It was initially proposed that indexing should be based on averaged regular revaluations published in the Management Plan. However, it is noted that in the limited geographic area affected - particularly if it is to be differentiated over separate suburbs, there is the likelihood that the sample base will be too small to produce enough sales to create a reliable index over time. In other words single sales of a particularly large or well-renovated property or a particularly run down dwelling or even seasonal variations over the year for six monthly valuations all might skew the results.

Changes arising from Council's resolution (Land Valuation Index) and consequential changes to Section II of the Contributions Plan are highlighted in bold italic in **Attachment 2**. The nature of these changes to the exhibited plan are considered administrative and do not substantially alter the operation of the plan as exhibited. Therefore it is not considered necessary to re-exhibit the plan.

Open Space Acquisition Priorities

In regard to identifying suitable land for the acquisition of open space, the exhibited draft amended plan makes reference, at clause 31.53, to the development of an Open Space Acquisition Study. It also includes a work schedule map which shows the open space acquisition priority rankings as

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they appear in the Draft Open Space Acquisition Strategy which was publicly exhibited. As Council is yet to finalise the Open Space Acquisition Strategy, it is not appropriate to include the draft open space acquisition priority rankings map within the final adopted contributions plan. This strategy will be reported to Council on 30 October 2007.

To address this issue, it is proposed that the open space acquisition priority rankings map be removed from the Contributions Plan and clause 31.53 be amended to make reference to the Open Space Acquisition Strategy, once adopted, being the core supporting document for the implementation of open space acquisition under the Contributions Plan. The proposed amendments to clause 31.53 are highlighted in Attachment 3.

CONSULTATION

The Draft Plan was placed on public exhibition for the statutory 28 days from 24 August to 21 September 2007. The exhibition was advertised in the North Shore Times on 24 August 2007 and on Council's website. At the close of the exhibition period one submission had been received.

FINANCIAL CONSIDERATIONS

Ku-ring-gai Section 94 Contributions Plan 2004-2009 – Residential Development is the prime mechanism for Council to raise money from residential developers in the Ku-ring-gai Local Government Area. Amendment 1 updates this contributions plan by updating costs and land valuations, addressing the latest legislative amendments and incorporating relevant recommendations arising from recent court cases. This update is important to maintaining both the value of contributions and their defensibility and, therefore, essentially to Council's cash-flow from contributions towards a committed works programme.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

The Community and Operations departments were consulted in regard to the revised work schedules and project costings contained in the amended plan. The Corporate and Development & Regulation departments have been consulted regarding implementation and enforcement issues associated with the amended plan.

SUMMARY

On 14 August 2007, Council resolved to place on exhibition amendments to *Ku-ring-gai Section 94 Contributions Plan 2004-2009 - Residential Development*. The Draft Plan was exhibited between 24 August and 21 September 2007. One submission was received as a result of the exhibition.

During the exhibition, a land economist was engaged to establish an appropriate index which could be used to update the land values rates in the plan. Recommendations from the report on land valuation indexing options have resulted in consequential changes to the exhibited draft plan.

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It is also proposed that the open space acquisition work schedule map be removed from the contributions plan and a reference be made to the priority rankings in Council's final adopted Open Space Acquisition Strategy.

This report presents the Draft Plan to Council for adoption.

RECOMMENDATION

- A. That Council adopt Ku-ring-gai Section 94 Contributions Plan 2004-2009 - Residential Development – Amendment 1 and that this adoption be advertised in accordance with the Environmental Planning and Assessment Regulation.
- B. Persons who made a submission be notified in writing of Council's decision.

Kate Paterson
Infrastructure Co-ordinator - Development Contributions

Craig Wyse
Senior Urban Planner

Antony Fabbro
Manager Urban Planning

Steven Head
Director Strategy

Attachments:

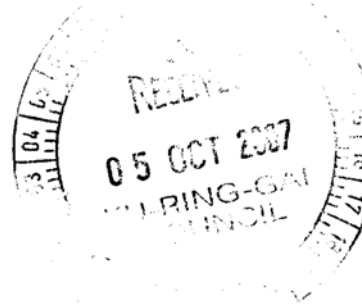
- Attachment 1 - Submission Staldone Developments - 837111**
- Attachment 2 - Ku-ring-gai Section 94 Contributions Plan Indexing Options - Hill PDA - October 2007 - 838406**
- Attachment 3 - Draft Ku-ring-gai Section 94 Contributions Plan 2004-2009 - Residential Development - Amendment 1 - Circulated separately**

STALDONE DEVELOPMENTS

PRIVATE & CONFIDENTIAL

24th September, 2007

The General Manager
Ku-ring-gai Council
Locked Bag 1056
Pymble 2073.



**Public Exhibition Submission re:
Draft Ku-ring-gai S94 Plan 2004-2009 – Residential Development
(Amendment No 1)
Regarding Flawed Occupancy Rates in current S94 Plan**

Dear Sir

The draft S94 contribution Plan contains a proposed savings provision ("Savings and Provisional Arrangements", item 15 on page 30).

The proposed savings provision states:

15.1 A development application that has been submitted prior to the adoption of this plan but not determined shall be determined in accordance with the provisions of the plan which applied at the date the development application was lodged".

Whilst I understand that a savings provision of this type is fairly standard when Council policies are updated, I wish to submit that in this circumstance it is not reasonable with respect to the methodology used in calculating the Occupancy Rates specified in the current S94 Plan.

The current S94 Plan uses dwelling size as the basis for determining the occupancy, whereas the Land and Environment Court has determined that methodology to be fundamentally flawed and that occupancy should be calculated with reference to number of bedrooms.

The relevant cases are (but not only):

1. Arkibuilt Pty Ltd v Ku-ring-gai Council (2006) NSWLEC 502.
2. Meriton Apartments Pty Ltd v Ku-ring-gai Council (2006) NSWLEC 776

In *Marian Street Pty Ltd v Ku-ring-gai Council* (10141 of 2007) Council agreed to consent orders that acknowledged that the methodology specified in the current S94 Plan for calculating the occupancy rates were incorrect, and agreed to amend them based on number of bedrooms rather than dwelling size.

Additionally, the proposed new S94 Plan proposes to use the number of bedrooms to calculate the occupancy, rather than dwelling size. Council has thereby acknowledged that the methodology used in the current S94 Plan, namely with reference to dwelling size, is incorrect, and that the occupancy should be determined with reference to the number of bedrooms.

As both the Court and the Council has comprehensively agreed that the occupancy rates should be calculated with reference to the number of bedrooms, it would be unreasonable for Council to continue to use the current S94 Plan's occupancy calculation methodology based on dwelling size. To do so invites legal challenges that are very likely to be successful against Council's imposition of a fundamentally flawed method of calculating occupancy. It may also open Council up to adverse costs orders for the continued use of a methodology that has been universally agreed to be flawed.

I therefore propose that the proposed savings provision be amended as follows (or similar) :

15.1 A development application that has been submitted prior to the adoption of this plan but not determined shall be determined in accordance with the provisions of the plan which applied at the date the development application was lodged, *with the exception that the occupancy of any proposed development shall be determined using the calculation methodology specified in the Amended S94 Contribution Plan instead if the occupancy calculation methodology used in the plan which applied at the date the development application was lodged,*

In my view, the proposed change would limit the likelihood of further legal action against Council on this issue, and is reasonable in view of the Court's consistent findings and Council's own new S94 Plan which calculates occupancy with respect to number of bedrooms rather than dwelling size.

Yours Sincerely

A handwritten signature in cursive script, reading "Steve Donnellan".

Steve Donnellan
Principal
Staldone Developments

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KU-RING-GAI COUNCIL S94 CONTRIBUTIONS PLAN INDEXING OPTIONS

Prepared for
Ku-ring-gai Council

October 2007

QUALITY ASSURANCE

This document is for discussion purposes only unless signed and dated by a Principal of Hill PDA.

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REPORT DETAILS:

Job Ref No: V07044

Version: Draft

Date Printed: 9/10/2007 11:48:00 AM

File Name: Document4

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1. EXECUTIVE SUMMARY

Hill PDA has been commissioned by Ku-ring-gai Council (hereafter referred to as the Council) to provide specialist economic and valuation advice. The advice relates to the Council's Section 94 Contributions Plan and appropriate mechanisms to secure developer contributions in order to fund the provision of necessary public amenities, services, infrastructure and open space in the Ku-ring-gai Local Government Area (LGA).

The study in particular seeks to identify and assess appropriate mechanisms to index land and property values within the LGA to ensure that developer contributions are commensurate with the growing capital costs of implementing the objectives of the S94 Contributions Plan.

The objectives of the study are therefore to:

- Identify and assess options to index land and property values over the five year life of Council's adopted S94 Contributions Plan 2004-2009; and
- Recommend an appropriate period in which to regularly review development contribution rates in light of the agreed and endorsed indexing mechanism.

In order to ensure a robust and reasonable S94 Contributions Plan, any recommendations made as part of the study are required to be in accordance with the requirements of the *Environmental Planning and Assessment Regulation 2000* and Practice guidelines issued by the Department of Planning.

The key recommendations of the study are as follows:

- 1) That the *ABS House Price Index* or *RP Data – Rismark Indices* would be appropriate to properly measure and defend any Indexing that Council may wish to adopt.
- 2) That regularly reviews of price movements are made on a half yearly basis and no longer than yearly intervals.
- 3) That triggers are agreed that indicate the need to re-calibrate indexing. Examples of appropriate triggers include:
 - a. A significant up turn in the housing market
 - b. A rezoning within a targeted or town centre area
 - c. If council need to reconsider the contribution rate at a later date.
 - d. If Council has made attempts to acquire specific sites and found that the forecast Contribution rates are insufficient for acquisition.

In recommending an appropriate period in which to review price movements, we would suggest a period of no greater than three years. Notwithstanding this, we recommend that consideration is given to a "trigger" mechanism or series of mechanisms that may be used to indicate the need to recalibrate an appropriate level of contribution.

We recommend that two reasonable triggers could include:

- i. A significant rezoning of land within the six town centres precincts or a significant increase in development densities; and/or
- ii. Council's inability to secure suitable land to realise at the forecast rate and objectives of the S94 Contribution Plan owing to a shortfall in funds. This would only be appropriate following a reasonable period of attempt (i.e. 2 years) without success.

2. INTRODUCTION

Hill PDA has been commissioned by Ku-ring-gai Council (hereafter referred to as the Council) to provide specialist economic and valuation advice. The advice relates to the Council's Section 94 Contributions Plan and appropriate mechanisms to secure developer contributions in order to fund the provision of necessary public amenities, services, infrastructure and open space in the Ku-ring-gai Local Government Area (LGA).

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The objectives of the study are therefore to:

- Identify and assess options to index land and property values over the five year life of Council's adopted S94 Contributions Plan 2004-2009; and
- Recommend an appropriate period in which to regularly review development contribution rates in light of the agreed and endorsed indexing mechanism.

In order to ensure a robust and reasonable S94 Contributions Plan, any recommendations made as part of the study are required to be in accordance with the requirements of the *Environmental Planning and Assessment Regulation 2000* and Practice guidelines issued by the Department of Planning.

2.1 Study Background

What is a S94 Plan?

Section 94 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) provides the legislative framework for Councils to secure contributions from development as a condition of consent. In accordance with the requirements of the EP&A Act and the *Environmental Planning and Assessment Regulation 2000* Councils may prepare a S94 contributions plan to outline the need for developer contributions, the scope required to mitigate impacts of development and mechanisms by which to calculate the appropriate contribution.

Ku-ring-gai S94 Plan and Review Process

Ku-ring-gai Council adopted its *S94 Contributions Plan 2004 – 2009 Residential Development* in 2004. The plan outlines Council's requirements and mechanisms to secure contributions relating to the provision of community facilities, open space, traffic, pedestrian, cycle and public domain improvements, and administration and recreation facilities.

In light of projected population growth in the LGA and the resulting greater demand on facilities and services, Council is presently reviewing the adopted plan. As part of this process, Council is reviewing the mechanisms within the plan to inflate contribution rates and the regularity of these reviews in a manner which will be commensurate with rising land values and construction costs. As part of this review

mechanism the 2004 S94 Plan was amended in draft (Amendment 1) and the draft adopted for exhibition in August 2007.

Ku-ring-gai Town Centres Development Contribution Strategy

In light of the significant population growth anticipated for Ku-ring-gai's six Town Centres and associated development, the Council has prepared a Draft Local Environmental Plan (LEP), Development Control Plan (DCP) and Facilities Plans specifically for its Town Centres. The six town centres include Gordon, Lindfield, Pymble, Roseville, St Ives and Turramurra.

Council has identified that in order to facilitate additional development in its Town Centres and the necessary infrastructure and services, contributions from developments approved within the Town Centre will be required that differ from those within other areas in the LGA. The *Draft Ku-ring-gai Town Centres Development Contribution Strategy 2007* was therefore prepared to identify contributions relevant to each town centre, their merits and appropriate mechanisms to secure contributions.

Open Space Land Acquisition Strategy

A pivotal component of the Town Centre Development Contribution Strategy (discussed above) relates to the acquisition of land. The *Ku-ring-gai S94 Contributions Plan 2004 - 2009* established the monetary contribution to be secured from development to enable the acquisition of land for open space. This contribution was based on the quantum of open space that was expected to be required to meet the needs of the projected population growth over the life of the plan.

The *Draft Ku-ring-gai Town Centres Development Contributions Strategy 2007* applies the contribution mechanisms adopted by the S94 Contribution Plan 2004 – 2009. It notes however that Council's S94 Contributions Plan:

- calculated the requirements for open space based on 2001 Census Data and additional studies;
- had a plan period up to 2009; and
- did not take into account the additional residential development potential of the Town Centres nor the effect this development will have on housing mix and densities and the flow on implications for open space requirements.

In light of the above factors, the *Town Centres Contribution Strategy 2007* suggests that the open space and land acquisition contribution should be reviewed to take into account these factors. Upon review and refinement of the *S94 Contributions Plan 2004 - 2009* the Town Centres Contribution Strategy should also be updated. Further to these recommendations, recent Council experience has shown that the land acquisition programme has been hindered as a result of the rising value of land in the LGA. This study therefore proposes to address this issue by reviewing mechanisms of indexing contribution rates and by providing expert advice as to an appropriate approach and period for review.

3. OVERVIEW OF PROPERTY PRICE INDEXES

House prices are intrinsically difficult to measure due to the very nature of the property market place itself. By way of example the market relates to a range of property types each with their own unique characteristics such as land size, topography, proximity to amenities, level of improvement etc. Accordingly each property is sold for various prices over a period of time.

In accordance with the Reserve Bank of Australia¹ there are generally four accepted alternative measures of property prices with no general consensus regarding a preferred approach. They are as follows:

- Hedonic Measures;
- Repeat sales Measures;
- Median Price; and
- Stratification or Mix –adjusted Measures

3.1 Hedonic Measures

Hedonic measures have a strong theoretical grounding. This index utilises comprehensive information on the attributes and characteristics of residential properties, such as location, land size, and bedrooms, to measure “quality-adjusted” changes in property value over time. The key advantage of this method is that it provides direct estimates of pure price changes, and can also control for changes in the composition and quality of property sold.

The limitations of this particular type of modelling are that they are only as good as the specifications used to derive them and often depend on the quality of data available. Should particular variables be left out of the modelling then this can result in a biased estimate of price movement.

3.2 Repeat Sales Measures

Repeat sales measures estimates the performance of the market by analysing the returns on individual properties that sell at least twice over a period of time. However repeat sales measures are estimated on the premise that the characteristics of the property have not changed over time. Allowing for the cost of renovations and those improvements depreciate over time it is unlikely that this would be the case. The only way to control for this is to use a sub group of repeat sales where property characteristics are to remain relatively unchanged. If this sample group is too small the results are not accurate.

¹ research discussion paper- Australia House Prices: A comparison of Hedonic and Repeat Sales

3.3 Median Price

Since property prices are generally positively skewed, the median is typically used rather than the mean as no data on property characteristics are required in calculating the results.

It is a simple measure which makes no adjustment for individual property characteristics. It is not however necessarily representative of the median price of the dwelling stock and does not make allowances for changes in the quality of the property stock over time.

The median measure will only be an accurate guide to pure price changes only when there is little change in composition of properties sold between period, and when quality changes is limited.

3.4 Stratification or Mix- Adjusted Measures

This is a simple approach to control for changes in prices across different property types by separating the sample into sub groups according to individual property characteristics such as price, suburb, level of improvements etc. A median is then constructed for each sub group before combining to create an aggregate mix-adjusted index.

The effectiveness of this type of measure will depend upon the groups used. Furthermore mix adjusted measures of property prices have been used widely by statistical analysts and government bodies around the world.

4. TYPES OF INDEXING DATA AVAILABLE

There are a number of Australian Government bodies and private business offering a range of property information to the Australia Property Industry for the purposes of measuring property price movements. These options are summarised and discussed further.

4.1 Consumer Price Index (CPI)

The Consumer Price Index (CPI) measures quarterly changes in the price of a “basket” of goods and services which account for a high proportion of expenditure with in the survey group – generally metropolitan households. This “basket covers a wide range of good and services arranged within the following groups:

- Food
- Alcohol and tobacco
- Clothing & footwear
- Housing
- Household contents and services
- Health
- Transportation
- Communication
- Recreation
- Education
- Financial & insurance services

Analysis of CPI Changes

Movements in indexes from one period to another can be expressed either as changes in index points or as a percentage changes. Percentage changes are calculated to illustrate three different kinds of movements in index numbers:

- Movement between consecutive financial years (where the index numbers for financial years are simple averages of the quarterly index);
- Movements between corresponding quarters of consecutive years; and
- Movements between consecutive quarters.

The Consumer Price Index only measures inflation. Although The Consumer Price Index has Housing as a Group within its Basket of 11 groups, it only measures the cost in the building of new homes and doesn't take into account the capital growth of the land itself.

4.2 House Price Index

The change in house prices across all capital cities in Australia are presented in a form of a price index. Each capital city house price index is generated by a weighted average of cluster indexes. The national House Price Index is a weighted average of all of the eight capital cities indexes and is made available on the ABS website.

House Price Index measures the inflation and deflation in the price of Established Houses and Project Houses. This is done by measuring the rate of change in the price of the stock of established houses, including the land component in each of the eight capital cities. A price index is separated for Established Houses and for Project Homes.

Further the ABS clarifies that a Project Home is defined by the ABS as *"dwellings available for construction on an existing block of land. Price changes relate only to the cost of constructing the dwelling (excluding land)".*²

Established Houses are defined by the ABS as *"detached residential dwellings on their own block of land regardless of age (i.e. including new houses sold as a house/land package as well as second-hand houses). Price changes therefore relate to changes in the total price of dwelling and land."*³

A Project Home Index is calculated on the House purchase expenditure class of the Consumer Price Index (CPI). A Project Home index is conducted on a sample of project home models is selected in each city, prices are obtained each quarter and the price movements for each model are weighted together. Constant quality is preserved by calculating price movements on a matched sample basis (i.e. the price movements between adjacent quarters are based on the same models in each quarter). If the specification of an individual model changes substantially or a price is unable to be obtained then that model is excluded from the calculation of price movement. Adjustments are made to raw prices to compensate for any minor changes in specifications.

Indexing of the movement of Established House Prices does not contribute to the CPI. However they are compiled and published along with the Project Homes Index by the ABS. The Established House Index is derived by weighting together the indexes for each of the eight capital cities according to the relative value of housing stock in each capital city.

In analysing housing price movements at national level factors such as prices of materials used in house building, construction industry hourly rate of pay and private housing investment are taken into consideration.

² 6416.0- House Price Indexes: Eight Capital Cities, June 2007

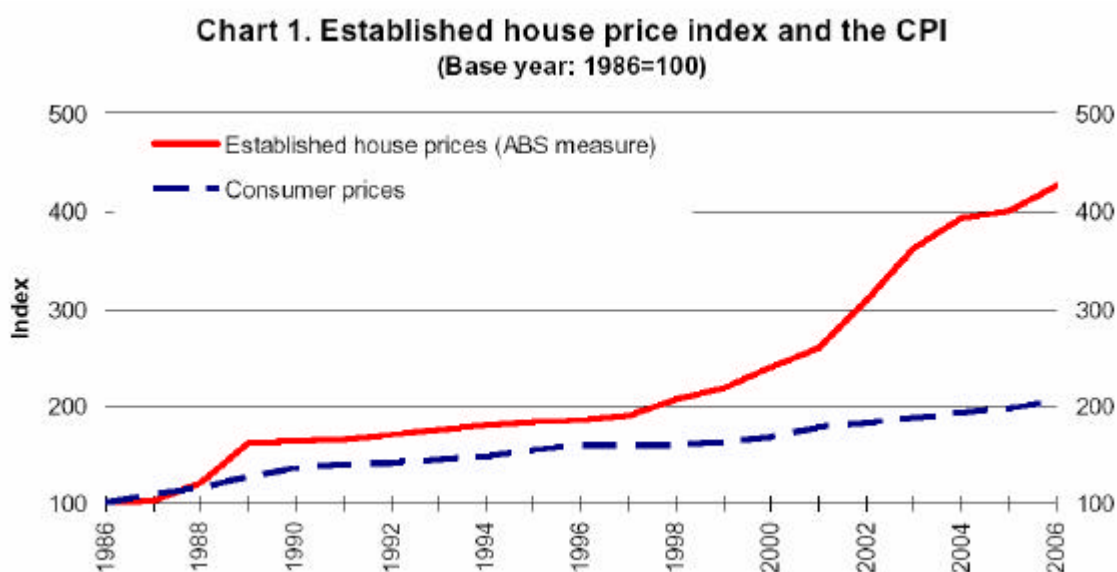
³ 6416.0- House Price Indexes: Eight Capital Cities, June 2007

A city wide medium price of house sales data is available for the State/ Territory Land Titles Office or Valuers General (VG's) Office in each of the Capital City. The medium prices are just "raw" medians from the available data set. Consequently quarterly changes in the median prices will not concord with the published Established House Price Indexes for each city which are compiled in strata and weighted by the value of housing stock.

A price index is concerned with isolating and measuring that element of price change which is not brought about by any change to either the quantity or the quality of the goods or services for which the index is required. A Price Index concentrates more on measuring a pure price change.

The ABS states that *"the reliability of each index is largely dependent upon the availability of sufficient pricing information each quarter."*⁴ This is not a problem for Project Homes but Established Houses depend largely on the market activity in each quarter. This is most apparent in the Established House price indexes for the smaller capital cities.

However, because of the limitations in the reliability of individual quarter-to-quarter movements, users are advised to exercise due care when analysing such movements.



4.3 RP DATA

RP Data has been providing property information services to the Australian property industry for over 15 years. The company has recently joined together with Rismark International to provide accurate property price indices known as the *RP Data – Rismark Indices*.

⁴ ABS- A guide to House Price Indexes – Australia 2006.

These indices are available on a monthly and quarterly basis for every geographic demarcation such as suburb, postcode, capital city and state within Australia for a cost of \$100 per index required at the time of writing this study.

There are three types of indexing available:

- Stratified Median Price Indices;
- Repeat Sales Indices; and
- Hedonic Indices.

RP Data collect their information from a number of sources which include:

- local government;
- the Valuer General;
- information supplied by over 60% of real estate agents who use RP Data's software systems; and
- other internet means such as realestate.com.au.

4.4 Australia's Property Monitors – House Price Index

Similar to RP Data Australian Property Monitors have been involved in providing information to the Australian Property Industry for more than 15 years. The Home Price Report provides data by postcode; street and individual property for any specified period required and includes information obtained from a variety of sources such as:

- Local and State Government
- Real estate agent
- Real estate advertisements both print and electronic

The Home Price Guide is measured based upon Median and Averaging methods and it can also provide an estimated market price based upon statistical modelling of comparable sales, based upon location and the age of sale of the comparable property.

4.5 Residex

Residex collects information on various Government Departments and Real Estate Agencies. The information relates to every house in Australia and it would be analysed and entered into a database. The data dates back to the 1980's with exception of the state of Victoria where the data dates back to the late 19th Century.

Residex provides information on the real market to government, financial institutions, valuers, real estate agents, accountants, solicitors and individuals. Residex also acts as a consultant and adviser to state and federal governments on housing related issues including the development of financial instruments to provide funding for housing needs.

The information collected on the real estate market consists of the price, rental yield, growth in prices, analysis of market movements, mortgage design, financial transaction structuring, raising and placing of funding facilities, loan risk profiles, statistical consulting, price estimation and research.

The database developed by Residex cannot be matched by any public or private organisation in terms of accessible historical data and completeness.

4.6 Valuer General

Every property transaction regardless of the type or location must be registered with the Land Title Office. This as this allows the State Government Authority to maintain a record of property ownership to facilitate the collection of stamp duty.

The Valuer General Offices provide comprehensive information on house prices. This information is based on the ABS preferred source the House Price Index as it is considered the most reliable dataset. All relevant data on the sale of the property e.g. date, price etc is compiled.

The Valuer Generals administrator datasets however can experience delays as data may take a while to become available. This is because in property transfers require 60 and 90 days. On average, between the exchange of contract and the final settlement 4-6 weeks can be the delay period.

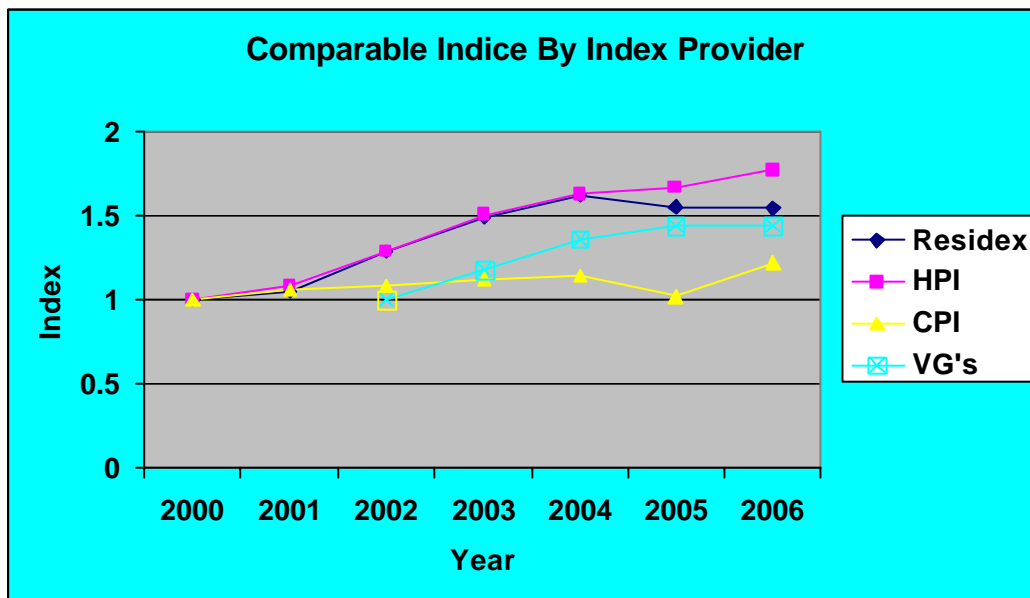
Accordingly it can be up to 6months until the ABS receives all the transactions. Also generally properties with higher prices take longer to settle.

The information the ABS produces on property prices each quarter is distributed in a biased way. The Valuer General's data available over the last two quarters has been biased downwards. The reason for this is relates to the tendency for cheaper properties to be settled a lot more quickly than more expensive properties.

5. OUR RECOMMENDATIONS

This report has discussed some of the key theoretical issues in measuring property prices and how each approach differs in its attempt to allow for compositional and quality changes within the market place.

It is our view that the measures used by the Australian House Price Index and RP Data (as shown in the graph- RP Data is not included in graph as information only available to 2005) compliment the existing and simpler median measures, as the data for the Australian House Price Index is readily available from the ABS website, we suggest that council adopt it. They also provide useful estimates of pure price changes and information about the variation of compositional and quality changes within a specific location. This is particularly relevant for Ku-ring-gai and its six town centres given their unique inherent and external features.



In recommending an appropriate period in which to review price movements, we would think it prudent for council to index their figures half yearly on a particular anniversary date each year and suggest a period of no greater than one year. If there was a significant up turn in the housing market, indexing could even be done on a quarterly basis if necessary. Notwithstanding this, we recommend that consideration is given to a “trigger” mechanism or series of mechanisms that may be used to indicate the need to recalibrate an appropriate level of contribution.

We recommend that three reasonable triggers could include:

1. A significant up-turn in the housing market.
2. A significant rezoning of land within the six town centres precincts or a significant increase in development densities; and/or

3. Council's inability to secure suitable land to realise at the forecast rate and the objectives of the S94 Contribution Plan owing to a shortfall in funds. This would only be appropriate following a reasonable period of attempt (i.e. 2 years) without success.

DISCLAIMER

This report is for the confidential use only of the party to whom it is addressed (the client) for the specific purposes to which it refers. We disclaim any responsibility to any third party acting upon or using the whole or part of its contents or reference thereto that may be published in any document, statement or circular or in any communication with third parties without prior written approval of the form and content in which it will appear.

This report and its attached appendices are based on estimates, assumptions and information sourced and referenced by Hill PDA and its sub consultants. We present these estimates and assumptions as a basis for the reader's interpretation and analysis. With respect to forecasts we do not present them as results that will actually be achieved. We rely upon the interpretation of the reader to judge for themselves the likelihood of whether these projections can be achieved or not.

As is customary, in a report of this nature, while all possible care has been taken by the authors to prepare the attached financial models from the best information available at the time of writing, no responsibility can be undertaken for errors or inaccuracies that may have occurred both with the programming or the financial projections and their assumptions.

This report does not constitute a valuation of any property or interest in property. In preparing this report we have relied upon information concerning the subject property and/or proposed development provided by the client and we have not independently verified this information excepted where noted in this report.

**Ku-ring-gai Section 94 Contributions Plan 2004-
2009 – Residential Development
(Amendment No 1)**

Ku-ring-gai Council

RTC 16 October 2007

For Adoption Version

Ku-ring-gai S94 Plan 2004-2009 – Residential Development (Amendment No 1)

Quick Guide **to Using this Plan**

This page provides a quick guide to help users understand Ku-ring-gai Section 94 Contributions Plan 2004-2009 - Residential Development (Amendment 1).

What is this contributions plan about ? ⇒ see pages 1 and 2

If you are uncertain about what section 94 contributions are, what this plan deals with or why it was prepared you will find a brief explanation on pages 1 and 2.

Want to calculate your development contribution ? ⇒ see pages 4, 24 and 25

Most people using this plan mainly want to know what contributions would apply for their residential development.

A step by step guide to calculating the contribution that applies to your development can be found on page 4. The table of charges and the map you will need to complete the calculation are on pages 21 and 25.

Need more detailed information ? ⇒ check the contents pages

The remainder of this contributions plan contains detailed background information on the reasoning behind the plan, explanations of some specific technical issues and satisfying legal requirements for these types of plans. The table of contents on the next few pages will help you find more specific information you may seek.

Ku-ring-gai S94 Plan 2004-2009 – Residential Development (Amendment No 1)

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INTRODUCTION

What is a Section 94 Development Contributions Plan?

Section 94 of the Environment Planning and Assessment (EP&A) Act enables Councils to place a charge or levy on new development for the purpose of providing additional facilities and services which will be needed as a result of that new development.

A Section 94 Development Contributions Plan (such as this one) is a public document that displays Council's Policy for the assessment, collection, spending and administration of development contributions.

The Section 94 Development Contributions Plan details:

- the type of development to which the plan applies
- the facilities that are likely to be needed as a result of that development.
- the cost of the contribution applying to such development; and
- the link between the new development, the facilities needed and associated costs.

In addition to the Section 94 Contributions Plan itself there are supporting documents such as background studies / surveys / research that explain in further detail how the plan was arrived at.

What types of residential development are subject to this contributions plan?

This Section 94 Plan applies to all forms of new residential development. This means it applies to all new free standing houses, villa homes, townhouses, dual occupancies, land subdivisions for residential purposes, flats / apartment buildings and any other form of residential development. It also includes new housing built under State Environmental Planning Policy (Seniors Living) 2004 (SEPP (Seniors Living)).

Why has Ku-ring-gai Council prepared this Section 94 Contributions Plan?

In the past several years Ku-ring-gai's population has been growing as has the number of dwellings in the area. The growth in population has led to increased demand for existing facilities and services. This demand will increase under the more significant population growth associated with the implementation of Stage 1 of the Residential Development Strategy. Local Environmental Plan (LEP) 194 implements Stage 1 of this strategy. A further LEP will be prepared to implement Stage 2 of the Strategy. This may require a review of this contributions plan.

In order to ensure both existing and new residents from future development enjoy the same level of access to facilities such as open space, library books and other facilities as the rate

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currently available, Council resolved to prepare this development contributions plan. The plan will levy new residential development and the funds will be collected to purchase facilities such as additional open space, library books etc. at the same rate per resident as was available before the plan took effect.

Changes to Contribution Rates

Contribution rates may be indexed or adjusted to reflect changes in the building materials price index and increases in land value. The current charges are described in Council's Annual Fees and Charges Schedule.

It is not necessary to amend this plan with each amendment of the contribution rate. Accordingly, users of this plan are advised to check the contribution rate with Council to ensure they have the current rate.

Payment of development consent contribution at the rate current at time of payment

As provided for in sections 8 and 9 of this plan and in the development consent conditions, contributions will be paid at the rate contained in Council's Fees and Charges Schedule current at the time of payment.

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PART A : SUMMARY SCHEDULES AND CALCULATING A CONTRIBUTION

Executive Summary

This contributions plan enables Ku-ring-gai Council to levy Section 94 (S94) contributions for:

- community facilities;
- recreation facilities and open space;
- traffic, pedestrian and cycleway facilities and public domain improvements; and
- administration

where anticipated new development and growth of the resident population will increase the demand for these services and facilities over and above those already available in the Local Government Area (LGA).

A significant amount of growth in the population of Ku-ring-gai is anticipated to occur over the next five years between 2004 and 2009 as a result of Council's adopted Residential Development Strategy and associated Local Environmental Plan (LEP) No 194. The population is expected to increase from an estimated resident population of 109,824 in 2004 to 114,823 in 2009. Overall, the strategy is a long term plan, however, and an increase of around 16,000 (to a total population of 126,181), is currently projected by the year 2026.

The anticipated population growth and limited capacity of existing facilities and infrastructure will necessitate contribution to a range of community and recreation facilities; provision of additional open space, traffic, pedestrian and cycleway facilities; and other works in the public domain such as street tree planting, if the existing level of amenity enjoyed by the current population is not to be eroded and new development is to be adequately catered for. There will also be administrative costs associated with Council levying and expending the funds collected.

Summary of Works Schedule

The facilities and services required at least partly as a consequence of, and to serve the demand generated by, the anticipated development, together with the location, estimated cost and proportion of the cost of the identified works to be attributed to S94 are summarised in Table 1 and 2. Table 2 also indicates the staging of the works and priorities for expenditure. Work Schedule Maps indicate the location of the works.

Collection of funds for some major facilities will be carried on to future plans. The proportion of the total cost of this item attributed to the current plan is shown.

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Summary of Charges

A summary of charges per item is provided in Table 2, as well as the anticipated timing of provision of each item and priorities for expenditure.

Summary of Contributions by Precinct

A summary of the contributions per precinct by dwelling size is provided in Table 3.

How to Calculate a Section 94 Contribution

For applications lodged after the commencement date for this plan the following process can be used to calculate the relevant Section 94 Contribution:

- STEP 1: Check the date the application was lodged to ensure this date is on or after the date the plan came into force. If it is prior to this plan, then the previous plan will apply.
- STEP 2: Calculate how many additional dwellings or lots are being created (eg if a single dwelling is being developed into 8 townhouses then 7 additional dwellings are being created) (refer to section 8 for further details)
- STEP 3: Locate the precinct where the development is occurring using the Precinct Map in Figure 1.
- STEP 4: Using Table 3 on page 21, look down the column in the precinct in which the development is proposed, to find the charge per additional dwelling or lot.

This will then show the contribution for each additional dwelling.
- STEP 5: Multiply the number of additional dwellings by the rate for each additional dwelling to determine the total contribution.

Table 1: Works Schedule

Community Facilities

FACILITY	TOTAL COSTS								
	ESTIMATED TOTAL CAPITAL COST	ASSUMED CATCHMENT AREA	ADDITIONAL POPULATION	APPORTIONMENT FACTOR TO NEW DEVELOPMENT	OTHER SOURCES OF FUNDING	S94 CONTRIBUTION 2004 - 2009	S94 CONTRIBUTION CARRY OVER TO FUTURE PLAN	SHORTFALL TO BE PROVIDED BY COUNCIL 2004 - 2009	SHORTFALL TO BE PROVIDED BY COUNCIL FROM FUTURE PLANS
CHILDREN'S SERVICES									
Development of multi-purpose child care centre to meet the needs of new residents between 2004-2009	\$3,936,033	LGA wide	4,998	5.3%		\$208,610		\$3,727,423	\$0
YOUTH FACILITIES									
Ku-ring-gai Youth Centre upgrades -purchase new equipment, furniture, resources, computers and electronic games	\$155,400	LGA wide	4,998	100.0%		\$155,400		\$0	\$0
Mobile Youth Service - purchase of vehicle, equipment, resources, computers and electronic games	\$106,900	LGA wide	4,998	4.4%		\$4,704		\$102,196	\$0
SENIOR'S CENTRES/FACILITIES									
Minor alterations, additional computers, furniture and equipment, 3 centres (Turramurra Senior's Lindfield Seniors and Community Services Support Centres)	\$111,000	LGA wide	4,998	100.0%		\$111,000		\$0	\$0
INFORMATION SERVICES									

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FACILITY	TOTAL COSTS								SHORTFALL TO BE PROVIDED BY COUNCIL FROM FUTURE PLANS
	ESTIMATED TOTAL CAPITAL COST	ASSUMED CATCHMENT AREA	ADDITIONAL POPULATION	APPORTIONMENT FACTOR TO NEW DEVELOPMENT	OTHER SOURCES OF FUNDING	S94 CONTRIBUTION 2004 - 2009	S94 CONTRIBUTION CARRY OVER TO FUTURE PLAN	SHORTFALL TO BE PROVIDED BY COUNCIL 2004 - 2009	
Preparation of New Resident Kits - information for new residents included translated information into community languages	\$37,415	LGA wide	4,998	100.0%		\$37,415		\$0	\$0
New Resident Survey - new resident needs including residents from other backgrounds	\$32,070	LGA wide	4,998	100.0%		\$32,070		\$0	\$0
COMMUNITY FACILITIES									
Multipurpose Community Centre (building costs only)									\$0
Stage 1 - Masterplan, Feasibility Study and concept design	\$69,485	LGA wide	16,357	100.0%		\$21,232	\$48,253	\$0	\$0.00
Stage 2 - New library and fitout including relevant IT provision, administration space and parking	\$3,900,000	LGA wide	16357	42.3%		\$504,078	\$1,145,622	\$687,595	\$1,562,705
Stage 3 -5 - Multi-purpose community space	\$2,445,000	LGA wide	16357	100.0%		\$747,087	\$1,697,913	\$0	\$0.00
Library Bookstock - including multicultural and multimedia resources and equipment	\$298,078	LGA wide	4998	100.0%		\$298,078		\$0	\$0
Library computers	\$17,810	LGA wide	4998	100.0%		\$17,810		\$0	\$0
TOTAL	\$11,109,190				\$0	\$2,137,483	\$2,891,788	\$4,517,215	\$1,562,705

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Recreation Facilities

FACILITY	TOTAL COSTS								
	ESTIMATED TOTAL CAPITAL COST	ASSUMED CATCHMENT AREA	ADDITIONAL POPULATION	APPORTIONMENT FACTOR TO NEW DEVELOPMENT	OTHER SOURCES OF FUNDING	S94 CONTRIBUTION 2004 - 2009	S94 CONTRIBUTION CARRY OVER TO FUTURE PLAN	SHORTFALL TO BE PROVIDED BY COUNCIL 2004 - 2009	SHORTFALL TO BE PROVIDED BY COUNCIL FROM FUTURE PLANS
PARK ACQUISITION AND EMBELLISHMENT									
Roseville	\$2,082,043	Suburb	277	100.0%		\$2,082,043			
Lindfield	\$9,374,274	Suburb	910	100.0%		\$9,374,274			
Killara	\$3,919,890	Suburb	575	100.0%		\$3,919,890			
Gordon	\$6,474,168	Suburb	618	100.0%		\$6,474,168			
St Ives	\$3,877,239	Suburb	541	100.0%		\$3,877,239			
Pymble	\$4,790,394	Suburb	783	100.0%		\$4,790,394			
Turramurra/Warrawee	\$2,989,094	Suburb	667	100.0%		\$2,989,094			
Wahroonga	\$3,671,587	Suburb	627	100.0%		\$3,671,587			
Acquisition costs	\$594,074		4,998	100.0%		\$594,074			
Acquisition planning investigations	\$30,000	LGA wide	4,998	100.0%		\$30,000			
Sub Total (Open space acquisition and embellishment)	\$37,802,762		4,998	100.0%		\$37,802,762			
SOUTHERN AREA EMBELLISHMENT WORKS									
Two Turners Reserve (Lindfield) - expand playground, toilets to existing building, picnic shelter									
Paddy Pallin Park (Lindfield) - Linking walking path from Highfield Road to Polding Road									

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FACILITY	TOTAL COSTS								SHORTFALL TO BE PROVIDED BY COUNCIL FROM FUTURE PLANS
	ESTIMATED TOTAL CAPITAL COST	ASSUMED CATCHMENT AREA	ADDITIONAL POPULATION	APPORTIONMENT FACTOR TO NEW DEVELOPMENT	OTHER SOURCES OF FUNDING	S94 CONTRIBUTION 2004 - 2009	S94 CONTRIBUTION CARRY OVER TO FUTURE PLAN	SHORTFALL TO BE PROVIDED BY COUNCIL 2004 - 2009	
Regimental Park (Killara) - Dual use oval and tennis shelter, new playground, perimeter walking pathway									
Gordon Recreation Ground - provide additional dual tennis shelter and picnic facilities to cater for increased use									
Shot Machine Track - Upper Gordon Creek Bushland (Lindfield) - new link between Nelson Rd (Lindfield) and junctions of Seven Little Australians and two creeks track									
Sub Total (Southern)	\$916,824	Southern	2,380	100%		\$916,824			
NORTHERN AREA EMBELLISHMENT WORKS									
Robert Pymble Park (S) - Community picnic shelter area and facilities, expanded playground, additional toilets to existing building, perimeter walking pathway, tennis court lighting									
St Columban's Sub – division (Turramurra) - Community picnic area and facilities, playground, perimeter walking pathway									
Cameron Park (Turramurra) - Picnic facilities, additional playground, perimeter junior cycle track									

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FACILITY	TOTAL COSTS								SHORTFALL TO BE PROVIDED BY COUNCIL FROM FUTURE PLANS
	ESTIMATED TOTAL CAPITAL COST	ASSUMED CATCHMENT AREA	ADDITIONAL POPULATION	APPORTIONMENT FACTOR TO NEW DEVELOPMENT	OTHER SOURCES OF FUNDING	S94 CONTRIBUTION 2004 - 2009	S94 CONTRIBUTION CARRY OVER TO FUTURE PLAN	SHORTFALL TO BE PROVIDED BY COUNCIL 2004 - 2009	
Mahratta Curtilage Park (Warrawee) - Create BGHF interpretive park with signage and open areas for passive recreation.(use restrictions to be re-evaluated)									
The Glade (Wahroonga) - Lighting improvements, community picnic area and facilities, expanded playground, additional toilets to existing building, circumference walking path, bushland access track with bridge over creek									
McKenzie Park (Wahroonga) - Lighting improvements, community meeting place, seats. Chess tables. Shelters									
Archdale Park (Wahroonga) - Chess tables and shade roof									
Rofe Park Track (Turramurra) - construct link path between Sheldon Forest Track and Rofe Park playground / Mimosa Oval and Kate St									
Sub Total (Northern)	\$1,559,288	Northern	2,618	100%		\$1,559,288			

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FACILITY	TOTAL COSTS								
	ESTIMATED TOTAL CAPITAL COST	ASSUMED CATCHMENT AREA	ADDITIONAL POPULATION	APPORTIONMENT FACTOR TO NEW DEVELOPMENT	OTHER SOURCES OF FUNDING	S94 CONTRIBUTION 2004 - 2009	S94 CONTRIBUTION CARRY OVER TO FUTURE PLAN	SHORTFALL TO BE PROVIDED BY COUNCIL 2004 - 2009	SHORTFALL TO BE PROVIDED BY COUNCIL FROM FUTURE PLANS
LGA WIDE EMBELLISHMENT WORKS									
St Ives Village Green - Community picnic shelter area and facilities, new playground, additional toilets, perimeter walking pathway, events rotunda, public art, spectator bleachers, pathway lighting									
Turramurra Memorial Park - Lighting improvements, community picnic area and facilitis, senior playground, additional accessible family toilets to existing building (heritage style), perimeter walking track, new cricket nets.									
Wahroonga Park - Lighting improvements, community picnic area and facilities, expanded playground, additional toilets to existing building.									
78 Coonanbarra Road - unnamed park (Wahroonga) - Car park with boom gate – parking for Wahroonga Park users									

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FACILITY	TOTAL COSTS								SHORTFALL TO BE PROVIDED BY COUNCIL FROM FUTURE PLANS
	ESTIMATED TOTAL CAPITAL COST	ASSUMED CATCHMENT AREA	ADDITIONAL POPULATION	APPORTIONMENT FACTOR TO NEW DEVELOPMENT	OTHER SOURCES OF FUNDING	S94 CONTRIBUTION 2004 - 2009	S94 CONTRIBUTION CARRY OVER TO FUTURE PLAN	SHORTFALL TO BE PROVIDED BY COUNCIL 2004 - 2009	
4. Environmental Education package - Development of package (covering bushcare and other environmental education programs) targeted at new residents									
Sub Total (LGA wide)	\$2,192,306	LGA wide	4,998	100.0%		\$2,192,306		\$0	
SPORTSGROUNDS WORKS									
29. North Turrumurra Sports field Proposal	\$3,052,500	LGA wide	4,998	100.0%		\$3,052,500		\$0	
30. Koola Park - additional works	\$854,700	LGA wide	4,998	100.0%		\$854,700		\$0	
31. Aluba 1 & 2 - Install new lights and seating/ bubblers/pathways; upgrade playing surface (levels, turf, drainage, irrigation, wicket); upgrade fencing and practice nets	\$433,455	LGA wide	4,998	100.0%		\$433,455		\$0	
32. Aluba 3 - Install seating, bubblers & fencing; upgrade playing surface (levels, turf, irrigation, wicket); upgrade fencing and backnets	\$366,300	LGA wide	4,998	100.0%		\$366,300		\$0	
33. Acron Oval - Install seating, bubblers & pathways; upgrade playing surface (levels, turf, irrigation, wicket); upgrade fencing and floodlighting	\$451,770	LGA wide	4,998	100.0%		\$451,770		\$0	

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FACILITY	TOTAL COSTS								SHORTFALL TO BE PROVIDED BY COUNCIL FROM FUTURE PLANS
	ESTIMATED TOTAL CAPITAL COST	ASSUMED CATCHMENT AREA	ADDITIONAL POPULATION	APPORTIONMENT FACTOR TO NEW DEVELOPMENT	OTHER SOURCES OF FUNDING	S94 CONTRIBUTION 2004 - 2009	S94 CONTRIBUTION CARRY OVER TO FUTURE PLAN	SHORTFALL TO BE PROVIDED BY COUNCIL 2004 - 2009	
34. Cliff Oval (bottom oval) - Install seating, bubblers, fencing and backnets; upgrade playing surface (turf, irrigation, replace wicket)	\$183,150	LGA wide	4,998	100.0%		\$183,150		\$0	
35. Golden Jubilee Sports field (No 1) - Install seating, bubblers & pathways; upgrade playing surface (levels, turf, irrigation); upgrade fencing	\$293,040	LGA wide	4,998	100.0%		\$293,040		\$0	
36. Golden Jubilee Sports field (No 2) - Install new lights, seating, bubblers & pathways; upgrade playing surface (levels, turf, irrigation); upgrade fencing	\$421,245	LGA wide	4,998	100.0%		\$421,245		\$0	
37. Hassell Park (I) - Install seating, bubblers & pathways; upgrade playing surface (levels, turf, irrigation); upgrade wicket and back nets; upgrade fencing. Lighting upgrade subject to Club application for DSR funding.	\$231,990	LGA wide	4,998	100.0%		\$231,990		\$0	
38. Lindfield Soldiers Memorial Park (No 2) - Install seating, bubblers & pathways; upgrade playing surface (levels, turf, drainage, irrigation); replace wicket; upgrade fencing. Lighting upgrade - Club has DSR funding (preparing DA)	\$329,670	LGA wide	4,998	100.0%		\$329,670		\$0	

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FACILITY	TOTAL COSTS								SHORTFALL TO BE PROVIDED BY COUNCIL FROM FUTURE PLANS
	ESTIMATED TOTAL CAPITAL COST	ASSUMED CATCHMENT AREA	ADDITIONAL POPULATION	APPORTIONMENT FACTOR TO NEW DEVELOPMENT	OTHER SOURCES OF FUNDING	S94 CONTRIBUTION 2004 - 2009	S94 CONTRIBUTION CARRY OVER TO FUTURE PLAN	SHORTFALL TO BE PROVIDED BY COUNCIL 2004 - 2009	
39. Roseville Chase - Install seating and bubblers; upgrade playing surface (levels, turf, irrigation); raise level of wicket; upgrade fencing and back nets	\$366,300	LGA wide	4,998	100.0%		\$366,300		\$0	
40. Samuel King Oval - Install seating, bubblers & pathways; upgrade playing surface (levels, turf, drainage, new irrigation); raise level of wicket; upgrade fencing and back nets	\$329,670	LGA wide	4,998	100.0%		\$329,670		\$0	
Sub Total (Sportsground works)	\$7,313,790	LGA wide	4,998	100.0%		\$7,313,790		\$0	
AQUATIC / LEISURE CENTRES									
31. West Pymble Pool - West Pymble Pool Business Strategy completed – with 4 options for pool upgrading – allowance made for Option 2; Firm cost estimates dependent on detailed feasibility and concept design development.	\$10,900,000	LGA wide	16357	13.0%		\$432,975	\$984,025	\$2,897,599	\$6,585,400.56
TOTAL	\$60,684,970				\$0	\$50,217,944	\$984,025	\$2,897,599	\$6,585,401

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Traffic and Transport

NATURE OF WORKS PROPOSED	TOTAL COSTS								
	ESTIMATED CAPITAL COST 2004 TO 2009	ASSUMED CATCHMENT AREA	ADDITIONAL POPULATION	APPORTIONMENT FACTOR TO NEW DEVELOPMENT	OTHER SOURCES OF FUNDING	S94 CONTRIBUTION 2004 - 2009	S94 CONTRIBUTION CARRY OVER TO FUTURE PLAN	SHORTFALL TO BE PROVIDED BY COUNCIL 2004 - 2009	SHORTFALL TO BE PROVIDED BY COUNCIL FROM FUTURE PLANS
TRAFFIC MANAGEMENT AND ROAD SAFETY IMPROVEMENTS									
Traffic and Road Safety Subtotal	\$1,332,000	LGA wide	4998	4.4%	\$532,800	\$35,165		\$764,035	
PEDESTRIAN NETWORK IMPROVEMENTS									
Pedestrian Network Improvements	\$1,995,447	LGA wide	4998	4.4%		\$87,800		\$1,907,647	
CYCLE NETWORKS (RDS AREA)									
Cycle Network Improvements	\$888,000	LGA wide	4998	4.4%		\$39,072		\$848,928	
PUBLIC DOMAIN IMPROVEMENTS									
Shopping Centre Improvement Program	\$1,026,750	LGA wide	4998	4.4%		\$45,177		\$981,573	
Roadway Lighting at Centres	\$2,220,000	LGA wide	4998	4.4%		\$97,680		\$2,122,320	
Street Tree Program	\$666,000	LGA wide	4998	4.4%		\$29,304		\$636,696	
Public Domain Study	\$267,250	LGA wide	4998	100.0%		\$267,250		\$0	
TRAFFIC STUDIES									
Undertake Studies of Centres to determine need for traffic facilities (safety, amenity and efficiency) to support increased population	\$213,800	LGA wide	4998	4.4%		\$9,407		\$204,393	
GRAND TOTAL	\$8,609,247				\$532,800	\$610,855		\$7,465,592	

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Administration

NATURE OF WORKS PROPOSED	TOTAL COSTS								SHORTFALL TO BE PROVIDED BY COUNCIL FROM FUTURE PLANS
	CAPITAL COST 2004 TO 2009	ASSUMED CATCHMENT AREA	ADDITIONAL POPULATION	APPORTIONMENT FACTOR TO NEW DEVELOPMENT	OTHER SOURCES OF FUNDING	S94 CONTRIBUTION 2004 - 2009	S94 CONTRIBUTION CARRY OVER TO FUTURE PLAN	SHORTFALL TO BE PROVIDED BY COUNCIL 2004 - 2009	
S94 Study and Plan, 2004-2009	\$120,000	LGA	4998	100%	0	\$120,000	\$0	0	0
S94 Officer	\$427,600	LGA	4998	100%	0	\$427,600	\$0	0	0
TOTAL	\$547,600								

Table 2 -: SECTION 94 CONTRIBUTION CHARGES, 2004 – 2009

CONTRIBUTION ITEM			CONTRIBUTION PER CAPITA				
	S94 CONTRIBUTION	CONTRIBUTING POPULATION	SOUTHERN AREA (ROSEVILLE, LINDFIELD, KILLARA, GORDON)	NORTHERN AREA (ST IVES, PYMBLE, TURRAMURRA / WARRAWEE, WAHROONGA)	LGA WIDE	ANTICIPATED TIMING/ THRESHOLDS	PRIORITY
COMMUNITY FACILITIES							
CHILDREN'S SERVICES							
Development of multi-purpose children's centre	\$208,610	4,868			\$42.85	M	2
YOUTH FACILITIES							
Ku-ring-gai Youth Centre upgrades - purchase new equipment, furniture, resources, computers and electronic games	\$155,400	4,998			\$31.09	S-M	3
Mobile Youth Service - purchase of vehicle, equipment, resources, computers and electronic games	\$4,704	4,998			\$0.94	S-M	3
SENIOR'S CENTRES / FACILITIES							
Minor alterations, additional computers, furniture and equipment, 3 centres (Turramurra Senior's Lindfield Seniors and Community Services Support Centres)	\$111,000	4,998			\$22.21	S-M	3
INFORMATION SERVICES							
Preparation of New Resident Kits - information for new residents included translated information into community languages	\$37,415	4,998			\$7.49	2004 and on-going	1
New Resident Survey - new resident needs including residents from other backgrounds	\$32,070	4,998			\$6.42	2008 or when half the development expected under the plan has occurred	1
MULTIPURPOSE COMMUNITY CENTRE							
Stage 1 - Masterplan, Feasibility Study and concept design	\$21,232	4,998			\$4.25	M	2
Stage 2 - New library and fitout including relevant IT provision, administration space and parking	\$504,078	4,998			\$100.86	L	2
Stage 3 -5 - Multi-purpose community space	\$747,087	4,998			\$149.48	L	2
Library Bookstock - including multicultural and multimedia resources and equipment	\$298,078	4,998			\$59.64	S-M	1

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CONTRIBUTION ITEM	CONTRIBUTION PER CAPITA						PRIORITY
	S94 CONTRIBUTION	CONTRIBUTING POPULATION	SOUTHERN AREA (ROSEVILLE, LINDFIELD, KILLARA, GORDON)	NORTHERN AREA (ST IVES, PYMBLE, TURRAMURRA / WARRAWEE, WAHROONGA)	LGA WIDE	ANTICIPATED TIMING/ THRESHOLDS	
Library computers	\$17,810	4,998			\$3.56	S-M	1
TOTAL (COMMUNITY FACILITIES)	\$2,137,483		\$0.00	\$0.00	\$428.78		
RECREATION FACILITIES							
PARK ACQUISITION AND EMBELLISHMENT							
Roseville	\$2,082,043	277	\$7,516.40			S-M	3
Lindfield	\$9,374,274	910	\$10,301.40			S	1
Killara	\$3,919,890	575	\$6,817.20			S-M	2
Gordon	\$6,474,168	618	\$10,476.00			S	1
St Ives	\$3,877,239	541		\$7,166.80		S-M	1
Pymble	\$4,790,394	783		\$6,118.00		S-M	3
Turramurra/Warrawee	\$2,989,094	667		\$4,481.40		S-M	2
Wahroonga	\$3,671,587	627		\$5,855.80		S-M	3
Acquisition costs	\$594,074	4,998			\$118.86	as above	as above
Acquisition planning investigations	\$30,000	4,998			\$6.00	S	1
	\$37,802,762		\$35,111	\$23,622	\$124.86		
SOUTHERN AREA EMBELLISHMENT WORKS							
Southern area works	\$916,824	2,380	\$385.22			S-M	2
NORTHERN AREA EMBELLISHMENT WORKS							
Northern area works	\$1,559,288	2,618		\$595.60		S-M	2
LGA WIDE EMBELLISHMENT WORKS							
LGA wide works	\$2,192,306	4,998			\$438.64	S-M	1
SPORTSGROUNDS WORKS							
North Turramurra Sports field Proposal	\$3,052,500	4,998			\$610.74	S-M	2
Koola Park – additional works	\$854,700	4,998			\$171.01	S-M	2
Aluba 1 & 2 - Install new lights and seating/ bubblers/pathways; upgrade playing surface (levels, turf, drainage, irrigation, wicket); upgrade fencing and practice nets	\$433,455	4,998			\$86.73	S-M	1

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CONTRIBUTION ITEM	S94 CONTRIBUTION	CONTRIBUTING POPULATION	CONTRIBUTION PER CAPITA				PRIORITY
			SOUTHERN AREA (ROSEVILLE, LINDFIELD, KILLARA, GORDON)	NORTHERN AREA (ST IVES, PYMBLE, TURRAMURRA / WARRAWEE, WAHROONGA)	LGA WIDE	ANTICIPATED TIMING/ THRESHOLDS	
Aluba 3 - Install seating, bubblers & fencing; upgrade playing surface (levels, turf, irrigation, wicket); upgrade fencing and backnets	\$366,300	4,998			\$73.29	S-M	2
Acorn Oval - Install seating, bubblers & pathways; upgrade playing surface (levels, turf, irrigation, wicket); upgrade fencing and floodlighting	\$451,770	4,998			\$90.39	S-M	1
Cliff Oval (bottom oval) - Install seating, bubblers, fencing and backnets; upgrade playing surface (turf, irrigation, replace wicket)	\$183,150	4,998			\$36.64	S-M	2
Golden Jubilee Sports field (No 1) - Install seating, bubblers & pathways; upgrade playing surface (levels, turf, irrigation); upgrade fencing	\$293,040	4,998			\$58.63	S-M	2
Golden Jubilee Sports field (No 2) - Install new lights, seating, bubblers & pathways; upgrade playing surface (levels, turf, irrigation); upgrade fencing	\$421,245	4,998			\$84.28	S-M	2
Hassell Park (I) - Install seating, bubblers & pathways; upgrade playing surface (levels, turf, irrigation); upgrade wicket and back nets; upgrade fencing. Lighting upgrade subject to Club application for DSR funding.	\$231,990	4,998			\$46.42	S-M	2
Lindfield Soldiers Memorial Park (No 2) - Install seating, bubblers & pathways; upgrade playing surface (levels, turf, drainage, irrigation); replace wicket; upgrade fencing. Lighting upgrade - Club has DSR funding (preparing DA)	\$329,670	4,998			\$65.96	S-M	1
Roseville Chase - Install seating and bubblers; upgrade playing surface (levels, turf, irrigation); raise level of wicket; upgrade fencing and back nets	\$366,300	4,998			\$73.29	S-M	1
Samuel King Oval - Install seating, bubblers & pathways; upgrade playing surface (levels, turf, drainage, new irrigation); raise level of wicket; upgrade fencing and back nets	\$329,670	4,998			\$65.96	S-M	1
Sub Total (sportsground works)	\$7,313,790	4,998			\$1,463	S-M	

Ku-ring-gai S94 2004-2009 Contributions Plan – Residential Development (Amendment No 1)

CONTRIBUTION ITEM			CONTRIBUTION PER CAPITA				
	S94 CONTRIBUTION	CONTRIBUTING POPULATION	SOUTHERN AREA (ROSEVILLE, LINDFIELD, KILLARA, GORDON)	NORTHERN AREA (ST IVES, PYMBLE, TURRAMURRA / WARRAWEE, WAHROONGA)	LGA WIDE	ANTICIPATED TIMING/ THRESHOLDS	PRIORITY
AQUATIC / LEISURE CENTRES							
West Pymble Pool - West Pymble Pool Business Strategy completed – with 4 options for pool upgrading – allowance made for Option 2; Firm cost estimates dependent on detailed feasibility and concept design development.	\$432,975	4,998			\$86.63	L	1-2
TOTAL (RECREATION FACILITIES)	\$50,217,944		\$35,496	\$24,218	\$2,113		
TRAFFIC AND TRANSPORT							
TRAFFIC MANAGEMENT AND ROAD SAFETY IMPROVEMENTS							
Traffic management and road safety works	\$35,165	4,998			\$7.04	S-M	1
ROADWORKS PROGRAM							
Roadworks						S-M	1
PEDESTRIAN NETWORK IMPROVEMENTS							
Pedestrian works	\$87,800	4,998			\$17.57	S-M	2
CYCLE NETWORK IMPROVEMENTS							
Cycle works	\$39,072	4,998			\$7.82	S-M	2
PUBLIC DOMAIN IMPROVEMENTS							
Shopping centre improvement program	\$45,177	4,998			\$9.04	S-M	2
Roadway lighting at centres	\$97,680	4,998			\$19.54	S-M	3
Street tree program	\$29,304	4,998			\$5.86	S-M	3
Public domain study	\$267,250	4,998			\$53.47	S	1
TRAFFIC STUDIES							
Undertake traffic studies	\$9,407	4,998			\$1.88	S	1
TOTAL (TRAFFIC AND TRANSPORT)	\$480,000		\$0.00	\$0.00	\$122.22		
ADMINISTRATION							
S94 Study Plan, 2003-2009	\$120,000	4,998			\$24.01	S	1
S94 Officer	\$427,600	4,998			\$85.55	S	1
TOTAL ADMINISTRATION	\$500,000				\$109.56		

Ku-ring-gai S94 2004-2009 Contributions Plan – Residential Development (Amendment No 1)

CONTRIBUTION ITEM			CONTRIBUTION PER CAPITA				
	S94 CONTRIBUTION	CONTRIBUTING POPULATION	SOUTHERN AREA (ROSEVILLE, LINDFIELD, KILLARA, GORDON)	NORTHERN AREA (ST IVES, PYMBLE, TURRAMURRA / WARRAWEE, WAHROONGA)	LGA WIDE	ANTICIPATED TIMING/ THRESHOLDS	PRIORITY
TOTAL CONTRIBUTIONS	\$53,335,426.88				\$2,774.04		
CONTRIBUTIONS:							
Roseville				\$10,675.66			
Lindfield				\$13,460.66			
Killara				\$9,976.46			
Gordon				\$13,635.26			
St Ives				\$10,536.44			
Pymble				\$9,487.64			
Turramurra/Warrawee				\$7,851.04			
Wahroonga				\$9,225.44			
SEPP 5 CONTRIBUTIONS							
Roseville				\$10,632.81			
Lindfield				\$13,417.81			
Killara				\$9,933.61			
Gordon				\$13,592.41			
St Ives				\$10,493.59			
Pymble				\$9,444.79			
Turramurra/Warrawee				\$7,808.19			
Wahroonga				\$9,182.59			

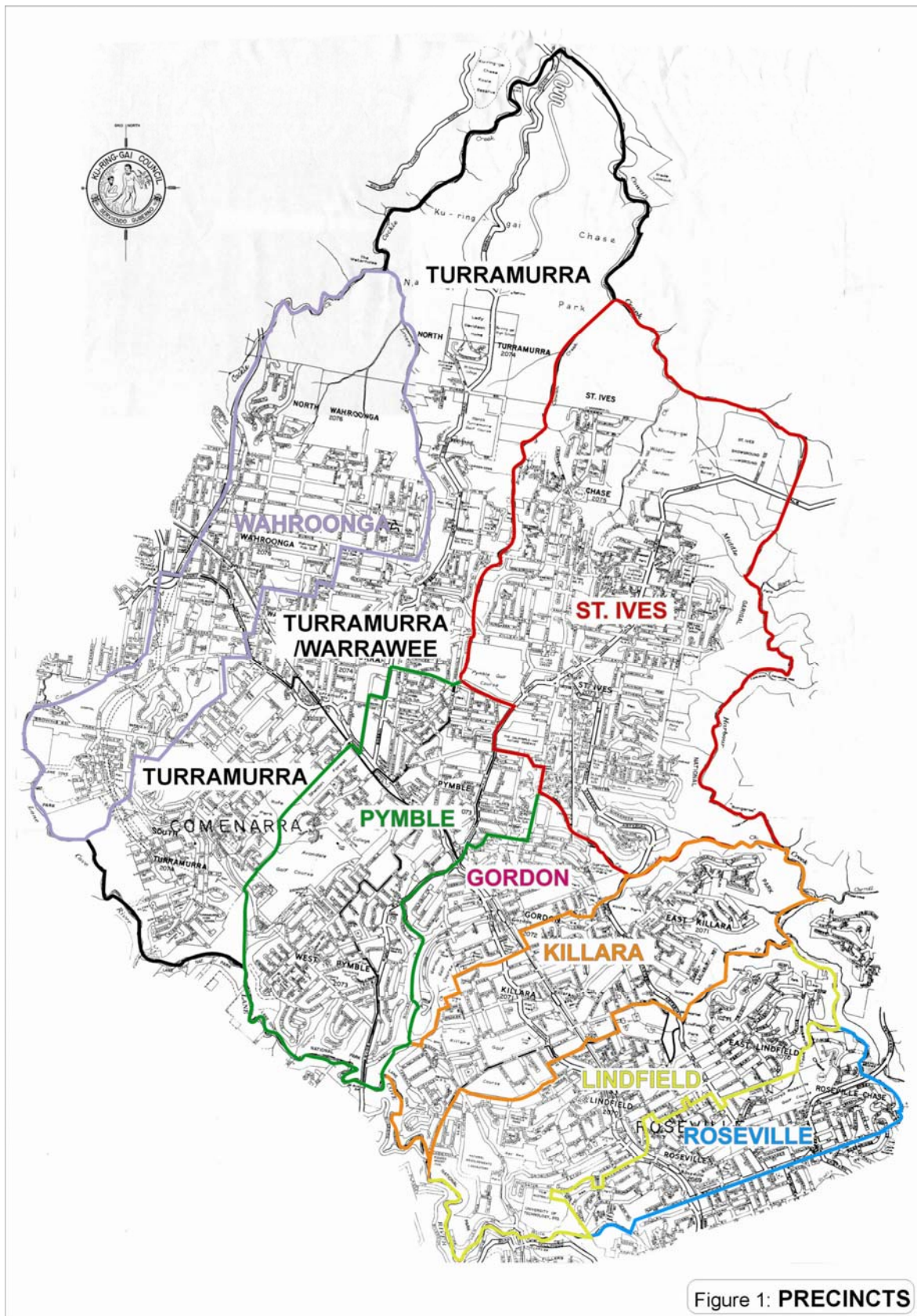
Notes on Staging: S = Short term which is defined to be 2004-2009; M = Medium term which is defined to be 2010-2015; L = Long term which is 2016-2026.

Notes on Priority: Priority 1 is the highest priority for expenditure.

Table 3 -SECTION 94 CONTRIBUTION RATES BY DWELLING SIZE, 2004-2009

	NO. PERSONS / DWELLING	ROSEVILLE	LINDFIELD	KILLARA	GORDON	ST IVES	PYMBLE	TURRAMURRA / WARRAWEE	WAHROONGA
Per Person		\$10,675.66	\$13,460.66	\$9,976.46	\$13,635.26	\$10,536.44	\$9,487.64	\$7,851.04	\$9,225.44
Bedsits and one bedroom dwelling	1.27	\$13,558.09	\$17,095.04	\$12,670.10	\$17,316.78	\$13,381.28	\$12,049.31	\$9,970.82	\$11,716.31
Two bedroom dwelling	1.78	\$19,002.68	\$23,959.98	\$17,758.10	\$24,270.76	\$18,754.87	\$16,888.00	\$13,974.86	\$16,421.29
Three bedroom dwelling	2.56	\$27,329.69	\$34,459.29	\$25,539.74	\$34,906.27	\$26,973.29	\$24,288.37	\$20,098.67	\$23,617.13
Four bedroom dwelling	3.33	\$35,549.95	\$44,824.00	\$33,221.61	\$45,405.42	\$35,086.35	\$31,593.85	\$26,143.97	\$30,720.72
Five bedroom dwelling	3.88	\$41,421.56	\$52,227.36	\$38,708.67	\$52,904.81	\$40,881.40	\$36,812.05	\$30,462.05	\$35,794.72
Seniors Living Dwellings	1.3	\$13,822.65	\$17,443.15	\$12,913.69	\$17,670.13	\$13,641.67	\$12,278.23	\$10,150.65	\$11,937.37

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Ku-ring-gai S94 Plan 2004-2009 – Residential Development (Amendment No 1)

PART B : ADMINISTRATION AND ACCOUNTING

1. What is the name of this plan?

- 1.1 This contributions plan is called the Ku-ring-gai Section 94 Contributions Plan 2004-2009 – Residential Development (Amendment 1). This plan amends Ku-ring-gai Section 94 Contributions Plan 2004-2009 – Residential Development adopted by Council and effective from 30 June 2004.

2. What is the purpose of this plan?

- 2.1 The primary purpose of this plan is to enable the Council to require a contribution towards the provision, extension or augmentation of:

- community facilities,
- recreation facilities and open space,
- traffic, pedestrian and cycleway facilities and public domain improvements and
- administration

that will, or are likely to be, required as a consequence of residential development in the area.

- 2.2 Residential development which is subject to S94 includes single dwelling houses, residential flat buildings, units, villas, townhouses, dual occupancies and developments under State Environmental Planning Policy (Seniors Living).

- 2.3 Other purposes of this plan are to:

- (i) ensure that the level of social and physical infrastructure provided throughout Ku-ring-gai is adequate for the population as it grows;
- (ii) enable Council to recoup funds which it spends on the provision of social and physical infrastructure in anticipation of likely future development;
- (iii) ensure that the existing community is not burdened by the provision of social and physical infrastructure required as a result of future development and disadvantaged by pressure on existing facilities and services;
- (iv) provide a comprehensive strategy for the assessment, collection, expenditure, accounting and review of development contributions until 2009; and
- (v) satisfy the requirements of the EP&A Act and Regulation.

3. To what area does this plan apply?

- 3.1 This plan applies to all land within the Ku-ring-gai Local Government Area (LGA).

Ku-ring-gai S94 Plan 2004-2009 – Residential Development (Amendment No 1)

- 3.2 Certain precincts, as shown on Figure 1, will contribute in greater or lesser amounts, to particular facilities which will benefit only the residents of part of the LGA, rather than all new residents in the LGA.

4. What is its relationship to other plans and policies?

- 4.4 This contributions plan amends Ku-ring-gai Section 94 Contributions Plan 2004-2009 – Residential Development in a limited way by:

- updating the works schedule to include current cost estimates of capital works and land acquisition and to include some new works;
- authorising money paid for different purposes in accordance with conditions of development consents to be pooled and applied progressively for those purposes; and
- reviewing the plan in response to matters raised in various Court proceedings.

- 4.5 This contributions plan has been prepared having regard to practice notes issued in July 2005 by the Department of Infrastructure Planning and Natural Resources.

- 4.6 Development consents which include conditions requiring the payment of development contributions levied under the previous contributions plans including Ku-ring-gai Section 94 Contributions Plan 2004-2009 – Residential Development will continue to be acted upon and those contributions (together with any applicable inflation) will become due and payable in accordance with the wording of the relevant consent condition.

- 4.7 The Council will continue to expend all incoming contributions levied under the preceding Contributions Plans for the purposes for which they were levied in accordance with Section 94 of the Environmental Planning and Assessment Act 1979.

5. How does this plan operate?

- 5.1 In determining a development application, Council may impose a condition requiring the payment of a monetary contribution and/or the dedication of land in accordance with the provisions of this plan.

6. When does the plan come into effect?

- 6.1 This plan comes into effect when public notice is given of its' approval.

7. What formula is used to determine the contribution?

- 7.1 The formulas generally used to determine the contributions for residential development are:

$$\text{Total Contribution (CT)} = \$\text{Cap} + \$\text{Land} - \$\text{ECon} - \$\text{Grant}$$

THEN

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Contribution per person(CP)= $\frac{CT}{P}$

P

where:

\$Cap - sum of capital costs for facilities which have been or which are to be provided.

\$Land - sum of land costs which have been or are to be acquired to provide the required public facilities.

\$ECon - sum of any existing contributions (where relevant) which have been previously paid towards the provision of the public facility or are anticipated to be paid.

\$Grant - sum of any grants, subsidies or other funding source which may be available to fund capital works.

P - anticipated increase in population to the year 2009.

7.2 Where a facility or service will be built to serve the long term capacity of the Residential Development Strategy and contributions collected over the period of several plans, the total cost of these facilities will be divided by the anticipated increase in population to the year 2026.

7.3 In certain situations the contribution has been determined by applying the same per capita rate of provision of a facility or service as is presently enjoyed by the existing population or the rate of provision which is targeted to be provided for the existing LGA population. An example is the provision of book stock, where the number of books required per capita for each new resident is the same as the current number of library books per capita in Ku-ring-gai LGA. In this case the formula is:

Contribution per Person (CP) = Existing RP X \$Cost

where:

Existing RP – Existing Rate of Provision

\$Cost – cost per item or place or m² for facilities which have been or which are to be provided including both capital cost and land value and minus the sum of any grants, subsidies or other funding source which may be available to fund capital works where relevant. i.e.

$$\text{\$Cost} = \frac{\text{\$Cap} + \text{\$Land} - \text{\$Grant}}{\text{Number of items, places or m}^2}$$

7.4 For the purposes of calculating the contribution rates, the following components have been *included*:

- the capital costs of the proposed works
- the costs of such master planning, detailed design and studies as are required for the proposed works; and

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- the cost of acquiring land at current average market prices.

7.5 For the purposes of calculating the contribution rates, the following components have been excluded:

- the cost associated with the share of any proposed facilities and services (capital and land costs) which are intended to serve the existing population or to make up for an existing deficiency of provision
- any development contributions which may have been collected previously or are anticipated to be collected for the provision of a particular work which have not as yet been expended (deducted where relevant as \$Econ in the general formula)
- any assured grants, subsidies or funding from other sources which may be payable in respect of any nominated work (deducted as \$Grant in the general formula)
- any recoverable funding which has been provided for works which may have otherwise been provided under Section 94
- costs associated with ongoing or routine maintenance, staff resources or other recurrent expenses, other than where these are required as part of a contract to provide a program or service
- any facilities or services which may be required by the population, which another organisation or government agency is responsible for providing.

8. When are contributions payable?

8.1 A contribution is payable in full as follows:

- (i) in the case of development applications involving *subdivision* - before the release of any construction certificate related to the subdivision works or the release of the linen plan/subdivision certificate, whichever occurs first
- (ii) in the case of development applications involving building work – before the release of the construction certificate
- (iii) in the case of development applications involving both subdivision and building work - before the release of the construction certificate or the release of the linen plan/subdivision certificate, whichever occurs first
- (iv) in the case of *development applications where no construction certificate is required* – at the time of issue of notification of consent or prior to commencement of the approved use, or prior to occupation of the premises, as may be determined by Council.

8.2 No contribution will be required where an addition/extension occurs to an existing dwelling (other than in the case of an attached dual occupancy creating an additional dwelling).

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- 8.3 Where a dwelling or dwellings replace an existing dwelling or dwellings on the site, the applicant will be entitled to a credit for existing dwelling or dwellings.
- 8.4 Where a vacant lot has previously had a Section 94 contribution paid at the time of subdivision, and proof can be shown by the applicant that this contribution has been paid, then the applicant for a subdivision will be entitled to a credit for one lot.
- 8.5 Where the application is for construction of one or more dwellings on a vacant lot for which a Section 94 contribution has previously been paid, and proof can be shown that this contribution has been paid, then the applicant will be entitled to a credit for one dwelling.
- 8.6 The amount of the contribution shall be the current rate at the time of payment.

9. Can deferred or periodic payments be made?

- 9.1 Deferred payment generally will not be accepted by Council. However Council may accept a deferred or periodic payment of a contribution if the applicant or any other person entitled to act upon the relevant consent satisfies Council that:
- (i) compliance with the provisions relating to when contributions are payable is unreasonable or unnecessary in the circumstances of the case and
 - (ii) non-compliance with the terms of clause 8 will not increase the cost or prejudice the timing or the manner of providing the facility or service for which the contribution was required as outlined in the works schedule. The decision to accept a deferred or periodic payment is at the sole discretion of Council.
- 9.2 Council may, if it decides to accept the deferred or periodic payment of a contribution, require the applicant to provide a bank guarantee by an Australian bank for the contribution or the outstanding balance on condition that:
- (i) the guarantee requires the bank to pay the guaranteed amount unconditionally to the consent authority where it so demands in writing, not earlier than six months (or a term determined by Council) from the provision of the guarantee or completion of the development or stage of the development to which the contribution or part relates
 - (ii) the guarantee prohibits the bank from:
 - having recourse to the applicant or other person entitled to act upon the consent before paying the guaranteed amount
 - having regard to any appeal, dispute, controversy, issue or other matter relating to the consent or the carrying out of development in accordance with the consent, before paying the guaranteed amount
 - (iii) the bank's obligations under the guarantee are discharged:
 - when payment is made to the consent authority according to the terms of the bank guarantee
 - if the related consent lapses

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- if the consent authority otherwise notifies the bank in writing that the bank guarantee is no longer required
 - (iv) the applicant pays interest to Council on the contribution or the outstanding amount at the overdraft rate on and from the date when the contribution would have been otherwise payable in accordance with clause 8 of this plan.
- 9.3 Where Council does not require the applicant to provide a bank guarantee, it may require a public positive covenant under Section 88E of the *Conveyancing Act 1919* to be registered on the title to the land to which the relevant development application relates.
- 10. Can 'Works In Kind' (WIK) be undertaken or a material public benefit provided?**
- 10.1 Council may accept an applicant's offer to make a contribution by way of a WIK contribution (for an item included on the works schedule). It may also accept a material public benefit for an item not included on the works schedule where it considers the acceptance of that material public benefit will not create an unacceptable shortfall in contributions collected which may lead to difficulty in providing other items on the works schedule.
- 10.2 Council may accept the offer of a WIK if the applicant, or any other person entitled to act upon the relevant consent, satisfies the consent authority that:
- (i) payment of the contribution in accordance with the provisions of the plan is unreasonable or unnecessary in the circumstances of the case
 - (ii) the in kind contribution will not prejudice the timing or the manner of the provision of the facility or service for which the contribution was required
 - (iii) the value of the works to be undertaken are at least equal to the value and standard of the contribution assessed in accordance with this plan.
- 10.3 GST is not included in estimating the value of works in kind. If the applicant provides tax invoices for any works in kind Council will reimburse the applicant any GST credited by the Australian Taxation Office.

11. How will the contribution rates be reviewed?

- 11.1 It is Council policy to review contribution rates to ensure that the monetary contributions reflect the costs associated with the provision of the particular public facility.
- 11.2 The contribution rate will be reviewed ~~quarterly~~ on the following basis:
- (a) for all costs other than land acquisition costs, **quarterly** by reference to the Consumer Price Index (All Groups) for Sydney published by the ABS;
 - (b) for land acquisition costs, **half yearly** by reference to **the Housing Price Index – Established House Prices published by the ABS.** ~~average land valuation figures published by Council in Council's Management Plan;~~

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11.3 In accordance with Clause 32(3)(b) of the EP&A Regulation, the contribution rates would be indexed in accordance with the following formula:

For changes to the Consumer Price Index (All Groups Index) Sydney, the contribution rates within the plan will be reviewed on a quarterly basis in accordance with the following formula:

$$\$C_A + \frac{\$C_A \times ([\text{Current Index} - \text{Base Index}])}{[\text{Base Index}]}$$

Where:

$\$C_A$ is the contribution at the time of adoption of the plan expressed in dollars;

Current Index is the Consumer Price Index as published by the Australian Bureau of Statistics available at the time of review of the contribution rate;

Base Index is the Consumer Price Index as published by the Australian Bureau of Statistics at the date of adoption of this Plan.

Note: In the event that the current index is less than the previous index, the current index shall be taken as not less than the previous index in each case.

For changes to the ***Housing Price Index – Established House Prices (Sydney)***, ***the contribution rates within the plan will be reviewed on a half-yearly basis*** ~~land values, the council will publish, at least on an annual basis, the revised land index values that are to be used to change the base land values contained in the plan which will be determined~~ in accordance with the following formula:

$$\$C_{LV} + \frac{\$C_{LV} \times ([\text{Current LV Index} - \text{Base LV Index}])}{[\text{Base Index}]}$$

Where:

$\$C_{LV}$ is the land values within the plan at the time of adoption of the plan expressed in dollars;

Current LV Index is the land value index as published by the ***Australian Bureau of Statistics*** ~~council~~ available at the time of review of the contribution rate;

Base LV Index is the land value index as published by the ***Australian Bureau of Statistics*** ~~council~~ at the date of adoption of this Plan.

Note: In the event that the current index is less than the previous index, the current index shall be taken as not less than the previous index in each case.

11.1 Council ***will continue to monitor land acquisition costs and*** reserves the right to review rates quarterly ~~or on a 6 monthly basis at any time~~ should it be deemed appropriate to do so.

12. How are contributions adjusted at the time of payment?

12.1 The contributions stated in a consent are calculated on the basis of the s94 contribution rates determined in accordance with this plan. If the contributions are not paid within the quarter in which consent is granted, the contributions payable will be

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adjusted and the amount payable will be calculated on the basis of the contribution rates that are applicable at time of payment in the following manner:

$$\text{\$ } C_P = \text{\$ } C_{DC} + \frac{[\text{\$ } C_{DC} \times (\text{\$ } C_Q - \text{\$ } C_C)]}{\text{\$ } C_C}$$

Where:

$\text{\$ } C_P$ is the amount of the contribution calculated at the time of payment

$\text{\$ } C_{DC}$ is the amount of the original contribution as set out in the development consent

$\text{\$ } C_Q$ is the contribution rate applicable at the time of payment

$\text{\$ } C_C$ is the contribution rate applicable at the time of the original consent

The current contributions are published by council and are available from council offices. Should the council not validly publish the applicable contribution rates, the rate applicable will be calculated in accordance with the rate prevailing in the previous quarter.

13. Are Contributions Payable for Complying Development?

- 13.1 This contributions plan authorises, and requires, the imposition of a condition requiring monetary contributions on any consent for complying development in accordance with the plan. It is the responsibility of the principal certifying authority to accurately calculate and apply the Section 94 contribution conditions where applicable. Likewise, it is the responsibility of any person issuing a construction certificate to certify that the contributions have been paid to Council prior to the issue of the certificate. Deferred payments of contributions required by a condition of a complying development certificate will not be accepted.

14. Pooling of Contributions

- 14.1 This plan authorises monetary contributions paid for different purposes to be pooled and applied (progressively or otherwise) for those purposes. The priorities for the expenditure of the contributions are shown in the works schedule where possible, however changing rates of development in different areas may alter those priorities.

15. Savings and Transitional Arrangements

- 15.1 A development application that has been submitted prior to the adoption of this plan but not determined shall be determined in accordance with the provisions of the plan which applied at the date the development application was lodged.

16. Monitoring and Review

- 16.1 It is generally intended that this plan will be comprehensively reviewed at the end of the 5 year period in 2009. This review will be triggered by the full release of census data from the five-yearly census. It is anticipated that data from the 2006 census will be fully released by early 2008 allowing a review to commence during 2008.

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- 16.2 While the Council commits to keeping this contributions plan under review, nothing in this contributions plan can be taken as a commitment to adopt any review of this document by any specified date. Nothing in this plan may be read as implying that the plan will cease to operate unless reviewed within any particular period.

Ku-ring-gai S94 Plan 2004-2009 – Residential Development (Amendment No 1)

PART C : STRATEGY PLANS

Development Potential and Projected Population

17. What are the expected types of development in Ku-ring-gai?

- 17.1 The Ku-ring-gai LGA is a middle ring suburb located on Sydney's north shore. Prior to the 1996 Census, the population of the Ku-ring-gai area had been generally declining. The results of the 2001 Census indicate that between 1996 and 2001 the population of Ku-ring-gai increased at a steady rate of around 0.5% per annum.
- 17.2 Housing in Ku-ring-gai is predominantly in the form of separate, detached houses. In 2001, 86% of all dwellings were separate houses which was substantially higher than the average for the Sydney Statistical Division (SSD) of 63%.
- 17.3 In recent years the dwelling stock of Ku-ring-gai has been increasing steadily. Between 1996 and 2001 the total number of occupied private dwellings increased by around 2.1% (or 703 dwellings).
- 17.4 An analysis of dwelling applications made to Ku-ring-gai Council between 2000 and 2003 showed indicatively that multi unit dwellings are continuing to be the dominant form of new development, although there has been some resurgence in the development of separate houses. During this period, 43% of dwellings approved were aged housing developments under SEPP (Seniors Living), 35.9% were separate houses (up from 24.4% between 1995 and 1998) and 16.5% were dual occupancy developments. Only 5.0% were flats. In total, multi-unit housing accounted for 64.1% of all new dwellings, down from 72.8% between 1995 and 1998.
- 17.5 It is anticipated that future housing development in Ku-ring-gai will be in a variety of forms and in accordance with State Government policy, the future housing choices in Ku-ring-gai have been widened to provide for changing housing needs. Multi unit housing development is expected to increasingly become the dominant form of new housing development, following the implementation of Stage 1 of the Residential Development Strategy and the development of the sites rezoned by the Minister under SEPP 53. Aged housing developed under SEPP (Seniors Living) is likely to slow due to decreasing availability of suitable sites, but will continue to occur at a lesser rate unless an exemption to this type of housing is granted.
- 17.6 Projections of additional dwelling stock based on the capacity of the Stage 1 RDS areas and expected trends in dwelling construction, dual occupancies and SEPP (Seniors Living) housing are as follows:

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Table 4 - Projected Change in Dwelling Stock 2001-2026

	2001 (census)	2004	2009	2011	2016	2021	2026
Houses	30679	31120	31640	31848	32368	32888	33408
Other	4858	5179	7676	8444	10304	12164	13350
Total	35537	36299	39317	40293	42673	45053	46836

- 17.7 The increase in dwellings is predicted to be strongest in the other dwelling category, which includes multi unit dwellings.
- 17.8 Stage 1 of the Ku-ring-gai Residential Development Strategy identifies areas suitable for future multi unit development, which are concentrated along the Pacific Highway-railway spine corridor, and around the St Ives town centre. This multi unit housing will vary in scale from dual occupancy to multi- storey apartment buildings. Dual occupancy development will be limited to the Stage 1 RDS areas. Stage 2 of the Strategy envisages further multi unit housing at the main town centres. This stage will require a new contributions plan to be developed.
- 17.9 It is envisaged that the Stage 1 RDS will be implemented over a 20 to 25 year development time frame. In established areas redevelopment and change is a continuous process without a definitive beginning or end. The redevelopment process has been progressive in Ku-ring-gai over the past 10 years subject to cyclical changes and an increase in SEPP (Seniors Living) housing instigated by changes in State planning policies.
- 17.10 Council planning staff report a strong latent demand for multi unit housing and expect an increase in development applications and construction activity following the gazettal of LEP 194. It is expected that there will be a significant increase in activity over next five years following which the rate of development will stabilise. In view of the development potential created by Stage 1 of the RDS, it is important to take a long term view of development activity and Council's response in terms of infrastructure provision. Consequently projections of dwellings and population have been prepared for the long term period of 2004 to 2026 within which the residential strategy is likely to be implemented.
- 17.11 The long term nature of the RDS requires Council to take a long term view of the provision of public amenities and services and to plan for infrastructure to meet the needs of the additional population over the life of the RDS.
- 17.12 In order to support a long range planning horizon, the management of Section 94 requires continuous monitoring and review. This is reinforced by the difficulties in accurately predicting development and change in established areas. Consequently the plan envisages an on-going process of review of development trends, population growth and the changing needs of the community.

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18. What is the expected increase in population?

18.1 Long range resident population projections have been prepared for Ku-ring-gai LGA by projecting the dwelling stock in the first instance and then applying a number of assumptions to project the population likely to live in each precinct of the LGA. The projections involved:

- Beginning with the 2001 census dwelling stock, estimates of dwellings and population to the year 2004 were made based on current trends in development activity. This provides the base year population for this plan
- Net additions to dwelling stock from 2004 to 2026 were made based on the assessed dwelling capacity of the rezoned areas (Stage 1 of the RDS and the sites rezoned by the Minister)
- An assumed vacancy rate was applied to the sum of the existing and new dwellings to obtain a projection of the number of occupied dwellings in a given year
- The occupancy rate was projected on the basis of the trends between 1996 and 2001 and then applied to the projected occupied dwellings to obtain the projected population.

18.2 The projections were prepared for the LGA, precincts and RDS Areas within each precinct. Separate estimates were made for houses and other dwellings.

18.3 On the basis of the projections described above, it was estimated that the Ku-ring-gai LGA population will increase steadily from the estimated resident population 107,819 in 2001 to reach 109,824 by 2004, 114,823 by 2009 and 126,181 by 2026.

18.4 The population of the southern suburbs (Roseville, Lindfield, Killara and Gordon) is projected to increase to 42,357 in 2009 and to 47,697 in 2026. The population of the northern suburbs (Pymble, St Ives, Turramurra/Warrawee and Wahroonga) is projected to increase to 72,466 by 2009 and to 78,485 by 2026.

18.5 The period of the plan may be reduced or extended by the Council should these projections be reached earlier or later than projected.

18.6 The projected population for each precinct is indicated on Table 5.

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Table 5 - Projected Resident Population by Precinct

Precinct	2001 ¹	2004	2009	2026
Roseville	8,776	8,905	9,182	10,015
Lindfield	12,524	12,785	13,695	15,212
Killara	11,842	11,998	12,573	14,216
Gordon	6,184	6,289	6,907	8,254
<i>Southern Area</i>	<i>39,326</i>	<i>39,977</i>	<i>42,357</i>	<i>47,697</i>
St Ives	18,547	18,816	19,357	20,939
Pymble	15,343	15,593	16,376	17,163
Turramurra	21,249	21,614	22,281	24,032
Wahroonga	13,356	13,825	14,452	16,351
<i>Northern Area</i>	<i>68,495</i>	<i>69,848</i>	<i>72,466</i>	<i>78,485</i>
Total	107,819	109,824	114,823	126,181

NB: Sub totals do not sum to totals due to rounding

¹ 2001 Census figure for Estimated Resident Population (ERP)

19. What are the anticipated characteristics of the population?

19.1 Analysis of the population profile of Ku-ring-gai LGA in 2001 and trends between the 1996 and 2001 Censuses found that:

- the Ku-ring-gai population had increasing numbers and proportions of children in all age groups 0-14 years. The most significant absolute increase was for 5-9 year olds; while the 0-4 year olds were the fastest growing population group in the LGA
- between 1996 and 2001 the number and proportion of young people aged 15–24 years declined significantly, as did the population of adults aged 25-39
- between 1996 and 2001 the number and proportion of adults aged 40 and over increased. The greatest growth occurred in those aged between 50 and 64, who were the second fastest growing population group in the LGA
- in 2001 Ku-ring-gai LGA had above average and increasing numbers and proportions of people in the older age groups (50-64 years) and very old age (65+) groups.

19.2 Based on these trends and the characteristics of new residential developments in Ku-ring-gai, the future population is likely to exhibit the following characteristics:

- a growing population of children and young people (0-15)
- a growing population aged 40 and over
- a significant proportion of older people who are moving from larger family homes to medium density housing

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- an influx of new families taking the place of these people in larger family homes and replacing older dwellings with new family homes
- the possibility of a reversal in the decline of young people aged 18-24 and 25-29 with the development of multi unit housing around railway stations; and
- a continuing higher than average proportion of people with higher than average income levels and working in professional or managerial positions.

19.3 These new residents, especially younger children and families, and young adults, will create new demands not currently experienced by the existing population.

20. What is the relationship between expected development and demand for additional works?

20.1 This part establishes the relationship (nexus) between the expected types of development in the area and the demand for a range of community and recreation facilities; provision of additional open space; traffic, pedestrian and cycleway facilities; other works in the public domain such as street tree planting and shopping centre improvements; and administration to meet the needs of new development and the expectations of new residents to the area.

Causal Nexus (Link with What is Needed)

20.2 The anticipated increase in resident population and development, and the differing population characteristics of these residents, will:

- (i) place greater demands on existing facilities, services and infrastructure
- (ii) require the provision of new, additional or improved facilities, services and infrastructure which are currently not available in Ku-ring-gai or are available but do not have the capacity to meet the demands of future population.

20.3 The link or nexus between anticipated development in Ku-ring-gai and the nominated works has been established according to:

- (i) characteristics of the population and the requirements for new, additional or improved facilities
- (ii) the availability and capacity of existing facilities, services and infrastructure in the area
- (iii) the extent to which the proposed facilities and services will meet the needs of the new population.

20.4 This plan includes a schedule of works which are required as a consequence of anticipated development (Table 1). The cost of providing these facilities will in part be met and recouped from new development in Ku-ring-gai.

20.5 The proposed works will be carried out to meet the likely needs for, and the increasing usage of, facilities, services and infrastructure as a consequence of new development or in anticipation of new development.

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Physical Nexus (Link with Where it is Needed)

- 20.6 Where possible this plan identifies the location of the proposed works to be provided relative to the communities which they are intended to service. The location of the works has been determined having regard to the location of increased demand, accessibility to the identified facilities and services and the manner in which such need may best be satisfied. In some cases specific sites need to be identified as development occurs.
- 20.7 Some facilities and services will serve all new residents of the LGA, and consequently all new development will contribute to these facilities and services. Other facilities may benefit residents of particular precincts in the LGA more than others and therefore different contributions will be required from different precincts to contribute to these facilities.

Temporal Nexus (Link with When it is Needed)

- 20.8 Only those works which are required as a consequence of anticipated development up to and including the year 2009 are included in the plan. To ensure temporal nexus is attained, it is proposed that some of the facilities and services are developed prior to all contributions being collected for the facility or service, and that the cost of providing the facility or service is recouped by Council.
- 20.9 The works schedule identifies:
- (i) works for which all contributions are proposed to be taken during the period of the plan
 - (ii) works which are longer term, major works, for which contributions will be commenced to be taken during the period of the plan, but will continue to be taken and may not be provided until the period of the next plan.
- 20.10 There may be a lag between the end of the plan and the time at which a facility is provided. This is because a period of time elapses between the date of contributions levied under the plan and their payment. Council will make all efforts to expend contributions as soon as possible after the end of the plan and within reasonable time of their collection.

21. To what extent will the proposed works meet the needs of the population?

- 21.1 The proposed works identified in this plan are required to satisfy the anticipated demands of the expected types of residential development in Ku-ring-gai.
- 21.2 Ku-ring-gai already provides many of the types of community, recreation, open space, and other infrastructure likely to be required by the expected types of development. However, these facilities are, in some cases, straining to meet the needs of the existing population and there is no spare capacity available to serve the additional

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demand created by the incoming population. New residents, such as mobile young singles, will also have different needs and expectations to existing residents.

21.3 Where works will meet the needs of both existing and new residents, the cost of the facility will be apportioned between the two.

22. What facilities are required?

22.1 The works required have been identified through work undertaken by Council, community consultation and an assessment of needs undertaken for this plan.

22.2 The nexus for the facilities required is summarised in each of the following sections:

- Section C1: Community Facilities
- Section C2: Recreation Facilities and Open Space
- Section C3: Traffic, Pedestrian and Cycleway Facilities and Public Domain Improvements and
- Section C4: Administration.

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SECTION C1: COMMUNITY FACILITIES

23. Overview of proposed facilities and services

23.1 The proposed community facilities and services are as follows:

Community and Cultural Facilities

- Multipurpose Community Centre
 - Stage 1 – Masterplan, Feasibility Study and Concept Design
 - Stage 2 – New Library and Fit-out
 - Stages 3-5 – Community Centre
- Library Book stock and Computers

Children's Services

- Purchase of site and development of a new multipurpose child care centre

Youth Facilities

- Gordon Student Resource Centre – purchase furniture and equipment
- St Ives Youth Centre – purchase furniture and equipment
- Mobile Youth Centre – purchase vehicle and equipment

Senior's Facilities

- Minor alterations, additional computers, furniture and equipment to Council's seniors' centres

Information Services

- Preparation of New Residents' Kits
- New Resident Survey

24. Community and Cultural Facilities

24(a) Factors Affecting Supply

24.1 A place of some kind for the community to meet is considered a basic prerequisite for community development. A sense of identification with an area and seeing it as 'our community' is encouraged in a number of ways, an important one being shared activities carried out in the locality. A local community facility such as a community centre, hall or meeting room both provides a home for existing groups, encourages the formation of new groups and provides a place for both to meet and integrate.

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Locality based groups are some of the building blocks of community cohesion and often the focus of effective neighbourhoods.

24.2 Ku-ring-gai Council manages and maintains six community halls and six meeting rooms throughout the municipality. Community halls are as follows:

- East Lindfield Community Hall
- West Lindfield Community Hall
- West Pymble Community Hall
- Ku-ring-gai Town Hall (Pymble)
- St Ives Community Hall
- East Roseville Community Hall.

24.3 The community halls are suitable for a variety of recreational activities, community and social events, family celebrations and parties, company functions, exhibitions, sales, receptions and fund-raising events. All halls include a stage and provide kitchen facilities that include hot water, a refrigerator, microwave and oven. The facilities also provide disabled access and amenities, together with off-street parking.

24.4 There are also six meeting rooms, which are suitable for small classes, club meetings and workshops. They are all fully carpeted, temperature controlled and include whiteboards.

24.5 Meeting rooms include:

- Ku-ring-gai Library Meeting Room
- St Ives Library Meeting Room
- Ku-ring-gai Town Hall Meeting Room
- Ku-ring-gai Community Groups Centre Meeting Room (St Ives)
- Hamilton Park Meeting Room (Turramurra)
- Performing Arts Resource Centre Meeting Room (Pymble)

24.6 There are a large number of other clubrooms, halls and premises owned by Council which are leased to individual community groups.

24.7 The cultural development of the community is a more recent initiative. Council has previously prepared a Ku-ring-gai Cultural Policy (1997), and is currently finalising the preparation of the Ku-ring-gai Cultural Plan.

24.8 The Ku-ring-gai Cultural Policy (1997) identifies Council's role in the cultural development of the Ku-ring-gai area through the provision of services, access to facilities, resources and expertise. Council's commitment to the cultural viability of

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its community has been established through the provision of a network of libraries, recreation services and facilities, the activities of the Ku-ring-gai Arts Centre, the organisation of special events, support for cultural groups and individuals, the provision of resources and employment of an Arts Officer.

- 24.9 Council has one central library at Gordon and three branch libraries. The distribution of libraries throughout the LGA is such that they are easily accessible from most parts of the LGA, although they all show bias in usage. Branch libraries are located at Turramurra, St Ives and Lindfield. The Turramurra Library includes a toy library. St Ives Library is located within the St Ives village and is one of the newer libraries in the LGA. Lindfield Library was built in 1954 and due to its age and condition requires a major refurbishment to bring it up to current library standards. Turramurra Library also requires an upgrade.

24(b) Basis of Nexus

Community Centre

- 24.10 An analysis was undertaken on the level of patronage of the existing community facilities. It was found that community halls and meeting rooms were increasingly well utilised, especially those in centres along the spine and in St Ives.
- 24.11 The main barrier to increased use of the existing facilities to meet the needs of future population is the quality and condition of building stock. Issues include:
- The majority of community halls are over 40 years old and have dated internal configurations in terms of size, layout, storage, access, fixtures, fittings and climate control
 - The majority of meeting rooms, with the exception of the St Ives Library Meeting Room, are also quite old and dated and have similar limitations in their size and configurations.
- 24.12 An access audit was undertaken in December 2000 on all Council owned facilities. Access improvements and accessible toilets are required under the Disability Discrimination Act on several of the halls and meeting rooms to ensure that all members of the community, including people with disabilities, are able to participate in Council activities and to ensure that people have a reasonable expectation of access to Council facilities.
- 24.13 The Ku-ring-gai Social Plan 2000 identifies the following issues requiring consideration relating to these facilities:
- the provision of conference facilities
 - the upgrading of kitchen facilities to enable catering for functions and events
 - the upgrading of associated playground areas.
- 24.14 There is also a need to provide climate control (air conditioning) in the Ku-ring-gai Town Hall and community halls, to ensure these facilities can meet their additional

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multi-use functions, cater for the increase in numbers effectively and meet the expectations of new users.

24.15 The alternative is to provide new floor space for the existing population, either according to commonly used standards, or at the same rate of provision as the existing population. It has been determined that contribution to a new centre potentially provides the highest level of amenity for new residents.

Cultural Facilities

24.16 The cultural policy identifies issues arising from the ad hoc manner in which the existing cultural facilities have evolved. In particular, there has been limited co-ordination or cross referencing within Council, between the various departments overseeing the management of these resources. The policy also points to a perception within Council that arts issues are regarded as a fringe issue.

24.17 According to the Cultural Policy, the cultural needs of the community include:

- an audit of Council's properties and review of their potential for cultural uses
- investigation of the potential use of existing facilities for multi-purpose activities e.g. performance, sculpture, craft, exhibitions
- examination of opportunities for upgrading existing halls for multi-purpose activities, performance, conference facilities and meeting space
- investigation of potential sites for new cultural facilities; and
- investigation of the potential of existing sites for redevelopment in order to support the community's diverse cultural activities and needs.

24.18 Discussions with Councillors and Council officers indicate the need for a large multi-purpose meeting/performance space. For large functions and events, users are currently required to utilise private or educational provider's facilities. The need for such a space was identified in the 1997 Policy, which offered office accommodation, meeting space, exhibition/performance space, formal and informal conference area, teaching and messy areas (arts), multi-purpose kitchen and dining area.

24.19 Council officers have more recently detailed the concept for a multi purpose community facility and performance venue, which could accommodate community and cultural services as well as a library.

Library facilities

24.20 The need for upgrading and expansion of library buildings in Ku-ring-gai has been emerging for some time. The community consultation held during the period of preparation of this plan found that:

- Gordon Library is over utilised
- Lindfield, Turramurra and St Ives libraries all need extending

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- there is a need for more study areas and resources in smaller libraries
- students use libraries to study, hold tutorials, use references and the Internet
- there is a need for all libraries to have a good range of books, materials and computers.

24.21 The library is a strong community institution within the Ku-ring-gai community. To enhance the community access and use of the library, the location of library branches should be within a hub or focus of community activity. In any redevelopment of existing or siting of new libraries, it is commonplace for co-location of library facilities with other community uses, such as child care centres, community centres, and possibly other uses such as residential and commercial uses.

24.22 The future library design needs to be flexible to be able to adapt to changing technologies and methods of providing, gathering and storing information. The libraries need to be dynamic to enable them to meet the changing requirements to maintain their relevancy within the community.

24.23 The distribution of libraries throughout the LGA is such that they are easily accessible from most parts of the LGA. However Lindfield library branch was built in 1954 and due to its age and condition requires a major refurbishment to bring it up to current library standards. Redevelopment options for the site have long been considered. The site is occupied by the library, two tennis courts, a former children's play ground, the Seniors Citizen's Centre, the Arrunga aged care residential units and a free standing building at the rear which is used as a Senior's Resource Centre and for University of the Third Age classes. Future redevelopment of the site would need to consider replacement of the facilities already provided on the site. Even if such a redevelopment does not proceed, Council needs to give consideration to development of a new library to serve the southern part of the LGA.

24.24 Similarly, the Turramurra Library also requires an upgrade, in recognition of its high levels of patronage, visitation and use and also to enable the library to meet current State Library Standards.

24(c) Proposed Facilities

24.25 The proposed facilities are:

- a Multipurpose Community Centre, comprising five stages tentatively comprising
 - Stage 1 – Masterplan, Feasibility Study and Concept Design
 - Stage 2 – New Library and Fitout
 - Stage 3 – Meeting and Conference Centre
 - Stage 4 - Auditorium
 - Stage 5 - Exhibition Centre

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- Library Bookstock and Computers

24.26 It is proposed that the multipurpose community facility would accommodate a number of existing users as well as having capacity for new emerging groups. The above is an indication of the proposed staging of the facility. This may change or Council may vary components of the facility as detailed planning and design progresses.

24(d) Basis of Apportionment

24.27 The provision of the Multipurpose Community Centre will both meet a backlog which exists and is well acknowledged in the Ku-ring-gai community, as well as serving the new residents of the LGA.

24.28 The long term nature of the project and the benefits it will endow are such that it will be a major long term project of Council, and as such should be apportioned over several contributions plans spanning the life of the RDS.

24.29 At the same time, the use of the centre will be shared with existing residents and as such the total cost of the facility is apportioned between existing and future users as follows.

24.30 The cost of Stage 2, comprising a new library, and upgrading and/or expansion of either Lindfield or Turramurra libraries, has been apportioned on the basis of an LGA wide per capita rate being applied to the provision of new floorspace according to the State standards and formulae contained in the NSW State Library publication, "People Places – A guide for public library buildings in New South Wales 2000". At this rate of provision, 550 square metres of floorspace will be required of the new population between 2004-2026. This has been costed at \$3,000 per square metre (building and fit-out costs in 2007), which will be fully apportioned to the new population. However in order to build a new library in excess of this floorspace, Council will need to contribute the cost of any shortfall. Alternatively Council could provide new space of the amount contributed, at Lindfield or Turramurra Libraries.

24.31 The cost of Stages 3-5, comprising community and cultural floorspace, has been apportioned by applying the current per capita provision of Council provided floorspace to the future population. Based on the current provision, the additional population 2004-2009 would require approximately 965 square metres of additional community and cultural floorspace. The reasonableness of this requirement has been cross checked by considering a standards approach. Commonly used standards suggest the provision of one community centre of 750-1000 square metres on a site of 3500-4000 square metres for 10,000-20,000 people. For the long term new population of 16,357 people, a new centre of 1000 square metres is consequently proposed. Council has not required a site because of the cost of acquiring land, and intends to site the facility on Council land.

24.32 The use and staging of this floorspace will be determined by the Stage 1 planning process, and as such, the cost of Stage 1 is 100% apportioned to the new population between 2004-2026. Council will need to determine whether and at what stage it wishes to contribute additional funds to meet current backlogs for the existing community.

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25. Children's Services

25(a) Factors Affecting Supply

25.1 Ku-ring-gai LGA has a range of child care services. The New South Wales Department of Community Services licenses the following full-time equivalent licensed children's places in Ku-ring-gai:

Table 6 - Licensed Children's Services

Children's Service	Licensed Places
Long Day Care	986
Family Day Care	140
Home Based Care	65
Occasional Care	64
Pre-school	1,005

Source: Ku-ring-gai Council, 2004-2007

25.2 Ku-ring-gai Council is active in fulfilling the child care needs of residents of the LGA. Council owns and manages the Thomas Carlyle Children's Centre, a 53 place long day care centre and operates the Ku-ring-gai Family Day Care Scheme which is a Council managed scheme that recruits, trains and supports carers to provide child care in carer's homes. It also owns the Bradfield Park Pre-school and Child Care Centre.

25.3 Additionally Council leases buildings to 13 children's services providers who provide:

- 1 long day care service
- 1 before and after school care service
- 1 occasional care service
- 9 pre-school services, and
- 1 playgroup service.

25.4 Council also holds a licence with 2 pre-schools who operate from Council halls. Council supports these services by providing a rental rebate to the services and provides maintenance to the properties according to specified lease or licence conditions.

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25(b) Basis of Nexus

- 25.5 In April 1999, the Commonwealth Department of Family and Community Services published information from the National Planning System for Child Care. The Department found that Ku-ring-gai LGA rated third last among the LGAs in the Northern Region of Sydney, with only 80.7% of the demand for below school aged care being met in Ku-ring-gai. Within the Northern Sydney Region, Ku-ring-gai had the third lowest ranking, equating to a shortfall of 189 long day care places, especially for children aged 0-2 years. The Department estimated at that time that Ku-ring-gai required 979 full time formal child care places to be available when as at 1 February 1999 there were only 790 places available. Of the places available at that time 578 places were in long day care centres and 212 places were in family day care.
- 25.6 Since that time, the Department of Family and Community Services has ceased to prepare the above child care data. However extrapolating the methodology of the 1999 assessment shows that despite the development of 118 additional long day care places through the expansion of existing centres and the provision of two new centres, Ku-ring-gai LGA continues to experience a level of supply just under 80%. This is most likely due to a combination of population growth, especially by young families, a significant loss of family day care carers, and possibly increased demand by working parents.
- 25.7 The Department of Family and Community Services calculations show that one full-time formal child care place is required for every three children who have either both parents, or a sole parent, working, studying or training, and not enrolled in school. In 2004, this meant 1014 places are required; in Ku-ring-gai however only 807 places were available (647 in long day care centres and 160 family day care), leaving a shortfall of 207 places. Hence the supply of long day care places in Ku-ring-gai was 79.6% in 2004. Therefore one in every five working parent families (with a sole parent or both parents working) who require a long day care place, will not find a child care place in Ku-ring-gai.
- 25.8 The shortage of long day care places is further emphasised through the Council's waiting list in its own service. At the end of 2003, this had 302 families on the waiting list for a centre with only 53 full time care places available. Council's discussions with service providers, family day care services and parents have identified that levels of demand exceeded that supplied across all service categories of child care for 0-6 year olds. According to data collected by Council, other services in the LGA consistently report long waiting lists and strong demand.
- 25.9 The incoming population arising from new development will contribute significantly to the demand for child care. The analysis of demographic trends outlined earlier found that the previous decline in population aged 0-4 and 5-9, in particular, has been arrested and the Ku-ring-gai population now has increasing numbers and proportions of children in all age groups 0-14 years. The most significant proportional increase between the 1996 and 2001 Censuses was for 0-4 year olds, who were the fastest growing population group in the LGA (9.5%).
- 25.10 Council currently provides and manages 5.3% of long day care places in the Ku-ring-gai area. There has been a significant increase in the number of places since 2004 due to the involvement of the private sector in the provision of long day child care.

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In June 2007 there were 986 licensed long day care places in Ku-ring-gai, an increase of 52% on the number available in 2004. This increase in supply has meant that the shortfall identified in 2004 has been satisfied. The private providers have increased supply to meet the perceived market need. This has occurred over all age groups.

25.11 The increase in supply of places has led to a reported reduction in waiting lists.

25(c) Proposed Facilities

25.12 The following facilities are proposed for Council provision from S94 contributions:

25.13 Contribution to the purchase of a site and development of a new multipurpose child care centre.

25.14 In accordance with current practice the centre proposed has been redefined as a more multipurpose child care centre, including a hall, meeting rooms and play area suitable for other child care activities such as playgroups, meetings of family day carers etc.

25(d) Basis of Apportionment

25.15 The estimated number of required places for the anticipated population increase of 4,998 between 2004-2009 is 46 places.

25.16 However, as indicated above, it is expected that the private sector will continue to meet some of the demand for child care places. Consequently the cost of the new multi-purpose child care facility is apportioned on the basis of the existing (2007) percentage of long day child care places provided by the Council. This percentage is currently 5.3%.

25.17 This will be in addition to any places which will be funded by levies collected under earlier contribution plans. Funds already collected for child care will be used for the provision of the multi-purpose child care facility.

26. Youth Facilities

26(a) Factors Affecting Supply

26.1 Council currently directly provides the following youth services:

- St Ives Youth Centre
- Gordon Student Resource Centre
- Mobile Youth Outreach services
- Entertainment program
- Facilitation and resourcing of the Ku-ring-gai Youth Council.

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- 26.2 Council, in partnership with Hornsby Council produces the Hornsby/Ku-ring-gai Youth Services Guide and the youth information card.
- 26.3 Financial assistance is available to community groups through Council's donation program. In the past the number and scope of applications received in the youth section have been limited and this may reflect the limited service outlets in the area. Regardless the amount of requests far outweighs the available funding.
- 26.4 The Ku-ring-gai Arts Centre provides a number of programmes specifically targeted at young people in school holidays and throughout the year.
- 26.5 Accommodation including a 90% rebate is provided to a number of community groups who service youth e.g. the Willoughby/Ku-ring-gai Life Education Programme and the provision of land is made for numerous scout and girl guide halls.

26(b) Basis of Nexus

- 26.6 Utilisation or attendance at young people's service centres has been increasing as they have become known. Gordon Student Resource Centre is particularly well used.
- 26.7 In order to sustain and permit higher levels of utilisation there is a need to ensure that services remain relevant and up-to-date with the latest technology and equipment, and are suitably furnished and outfitted.
- 26.8 The number of actual youth centres within the LGA is quite limited and not easily accessible to all areas of the LGA. Therefore the role of the mobile/outreach youth service is important in the provision of youth services which are accessible to the whole LGA.
- 26.9 The Social Plan (2000) identifies transport as a key issue for youth. Young people have indicated that unless they have parents who were willing and able to drive them to and from activities, their transport options were very limited if located away from rail stations. The frequency of buses at night and on the weekend is a particular issue for young people.
- 26.10 On the basis of the above it would appear that the main facility needs in relation to young people are:
- To restructure existing youth services based on an outreach model
 - To establish youth services (consistent with the above) in locations such as Turramurra (initially), and potentially in the longer term, Wahroonga, Gordon and Lindfield
 - To develop additional and improved indoor/outdoor recreation and entertainment facilities, such as an Internet Café, further development of St Ives Youth Centre and Gordon Student Resource Centre
 - To provide computer facilities in all youth facilities.

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26.11 With the continuing trend toward increasing numbers of children and young families in Ku-ring-gai, the new population of Ku-ring-gai will increasingly warrant provision of new youth services.

26(c) Proposed Facilities

26.12 The facilities proposed for youth are:

- Gordon Student Resource Centre – purchase new furniture, equipment, resources, computers and electronic games
- St Ives Youth Centre – purchase new furniture, equipment, resources, computers and electronic games including PA, lighting and mixing equipment
- Mobile Youth Centre – purchase vehicle and equipment, resources, computers and electronic games.

26(d) Basis of Apportionment

26.13 Contributions will be used to upgrade and embellish existing youth facilities which have been provided for the young people of Ku-ring-gai. This is considered a more appropriate and cost-effective response to meeting the needs of the new population than providing new facilities. This is particularly the case with youth facilities, for which threshold populations are relatively high and the establishment of new services would not be justified. Contributions to existing facilities are considered necessary to expand the capacity of existing facilities for the new population and are therefore apportioned 100% to new development over the next five years.

26.14 In the case of the Mobile Youth Service, the current service is only provided on a part time basis with a non-dedicated vehicle and therefore it is considered appropriate for the existing and new populations to contribute proportionally to the establishment of this service. S94 in this case will provide only a very small proportion of the cost of this facility, which will be apportioned over all residents of the LGA.

27. Seniors' Facilities

27(a) Factors Affecting Supply

27.1 There are two senior citizens' centres in the LGA. These are located at Turramurra and Lindfield so that the centres service both the northern and southern parts of the LGA. The Seniors Resource Centre is also located at Lindfield, providing a home for the University of the Third Age as well as other seniors' activities.

27.2 The Ku-ring-gai Support Services Centre is located at Turramurra and offers a range of HACC services. The Centre is used by the North East Metropolitan Regional HACC Forum Inc., the Volunteer Recruitment, Referral and Training Service, the Hornsby-Ku-ring-gai Aged and Disabled Transport Service and Easy Care Gardening. Council works in partnership with KOWPA to manage and support the Meals on Wheels services which operate from both the Turramurra Centre and a kitchen at Gordon.

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27(b) Basis of Nexus

- 27.3 According to the Social Plan (2000), the operations at the Senior Citizen's Centres have declined in recent years. Without the support of paid staff it is difficult for the centres to develop appropriate programs for members. Both centres require physical upgrading to maintain their attraction to new members, and to cater adequately for these, as does the Seniors Resource Centre on the Lindfield Library site. Transport to access centres, as well as for other community purposes, is in constant demand.
- 27.4 There is a particular need to establish services that focus on the needs of older people from culturally and linguistically diverse backgrounds. It has been suggested that Council could establish a support group for older Chinese women for example and ensure that the Senior Citizens Centres are available to accommodate such groups.
- 27.5 Based on the above discussion, it appears that the main needs of older people are:
- To upgrade the existing Senior Citizens Centres and investigate options to better resource the centres
 - To ensure that HACC facilities are capable of accommodating the increasing demands on them for services
 - To develop leisure/recreation/social activities suitable for older people
 - To expand community transport including the provision of community transport which is accessible to the elderly and disabled.

27(c) Proposed Facilities

- 27.6 The proposed facilities included in this plan are:
- Minor alterations, additional computers, furniture and equipment to Council's senior's centres.

27(d) Basis of Apportionment

- 27.7 These minor improvements will be necessary to accommodate the additional needs of new population over the next 5 years.
- 27.8 Therefore they will be apportioned 100% to the new population

28. Information Services

28(a) Factors Affecting Supply

- 28.1 Council currently provides a comprehensive information service to all residents. This includes the regular updating and publication of a community services directory and the production of various brochures. It has also been providing new residents' kits to specifically orient newcomers to the LGA.

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28.2 New development will require an expansion to this service to ensure that the incoming population are aware of the services and facilities available in their local area.

28.3 It will also be important for Council to obtain information about the characteristics and needs of new residents. This information is not currently available.

28(b) Basis of Nexus

28.4 There is a need for new residents to be made aware of the available services and facilities operating in the local area. Council has currently been preparing a new residents' kit inhouse on a low budget but there is a need for a major update of the kit and possibly outsourcing of the preparation of a new residents' kit on an annual basis. This will be distributed to new residents of the LGA as a means of fulfilling this need. It will be necessary for Council to ensure that this information is as accessible as possible to people with barriers to language, literacy and disability.

28.5 The new resident survey will allow Council to ensure that the needs of new residents are identified and addressed wherever possible. On this basis, funds have been allocated for the survey to be undertaken once during the five year period of the plan.

28(c) Proposed Facilities

28.6 The following facilities are proposed for Council provision with assistance from S94 contributions:

- preparation of new residents' kits;
- preparation and administration of a new resident survey.

28.7 Preparation of the new resident kits is being undertaken each year from Council's general revenue and will be recouped when funds are collected.

28(d) Basis of Apportionment

28.8 The proposed expenditure on the new resident kit will be to meet the needs of the future population, and the new resident survey will specifically benefit only new residents. It is therefore appropriate for the cost of these to be fully recouped through S94 contributions.

29. Library Bookstock and Computers

29(a) Factors Affecting Supply

29.1 Council places a high priority on library services, as do members of the community. Overall library usage, measured by the number of loans has declined marginally across the LGA in recent years. While the overall number of loans is down, visitor numbers have increased marginally in recent years. Gordon and Turramurra Branches have experienced greater visitation, while St Ives and Lindfield Branches have declined, but to a lesser extent to that in 2001/2002. This is in line with trends that suggest libraries are increasingly becoming places of social interaction in a

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“virtual” world. Library membership is also increasing as a percentage of the population.

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29(b) Basis of Nexus

- 29.2 This plan aims to maintain the existing level of access to library resources by requiring new development to contribute towards providing additional material and public access computers at existing libraries to meet the needs of new residents.
- 29.3 Standards of service provision for the range of services, and response rates for these services remain high. It is noted that since September 2002 enquiries have been made available through the Internet, which based on the number of enquiries appears to be very successful and is increasing rapidly.
- 29.4 The Social Plan identified that the Library service is well recognised within the Ku-ring-gai community and that the Council provides a “very good” library service. Suggestions made for improving library services included:
- the need for additional books in large print to meet the needs of older users of the library
 - a need for Council’s library services to consult with peak ethnic agencies to develop library resources and materials in community languages; and
 - investigating the feasibility of establishing an Internet Café at Ku-ring-gai Library.
- 29.5 Libraries of the future need to ensure that future book stock considers the traditional printed material, audio visual material, as well as multicultural and multimedia resources. The library’s electronic resources are highly used, therefore any upgrade of the library resources must ensure that electronic systems meet current and potential future IT needs.

29(c) Proposed Facilities

- 29.6 Council proposes to require the following facilities to be provided at the same rate enjoyed by the existing population:
- Library book stock
 - Public access computers (including computer furniture)

29(d) Basis of Apportionment

- 29.7 Ku-ring-gai Council currently provides library facilities and associated resources and equipment to serve the population of the LGA. Council intends to maintain the existing standard of provision to these services and facilities by requiring the new population to contribute appropriately toward additional library resources at the same rate as the existing population.
- 29.8 The proposed library book stock is 2.2 items per capita, at an average cost per item of \$27.11 per item. Both to maintain this level of provision of existing residents and to ensure new residents have access to the same level of resources, incoming residents in the LGA within the next five years will be levied at this rate (indexed for inflation).

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29.9 At the present time residents of Ku-ring-gai LGA enjoy access to computers at the rate of 1 per 3,059 people. The average cost of leasing a computer (all computers are leased) for one year is \$1069 plus \$1069 for a computer desk and chair. This has been capitalised over the 5 years of the plan, to ensure that this level of access is maintained.

29.10 It is therefore appropriate that new residents of the LGA contribute 100% to the cost of these proposed resources over a five year time frame.

30. Public Art

30(a) Factors Affecting Supply

30.1 Ku-ring-gai Council has a public art policy in recognition that public art can fill a myriad of functions in the public domain. It can:

- Act as a signature for local identity, history and contemporary value
- Reflect the values and aspirations of the local community
- Act as a focal point for cultural activities, tourism and community development
- Be a planning component in revitalisation of the urban environment and
- Add interest and aesthetic elements to public parks and civic places.

30.2 In 1998, Council adopted a Public Art Policy. The aim of the Public Art Policy is “to guide and encourage the exhibition and inclusion of art within public places, ensuring the valued characteristics of Ku-ring-gai are enhanced.”

30.3 The Public Art Policy relates to visual and performing arts located in a public place. The policy aims to complement, and not override, Council’s planning regulations i.e. the existing or future Local Environmental Plans and Development Control Plans.

30.4 The objectives of the Public Art Policy are to:

- encourage art in public places in Ku-ring-gai
- contribute to raising the profile and recognition of arts and arts development;
- implement processes so that public art complements and enhances the valued characteristics of Ku-ring-gai, eg. leafy environment, spaciousness, heritage etc
- guide a coordinated and planned approach to the development and management of public art
- provide clear guidelines for Council and the community regarding public art development and responsibility; and
- where relevant, implement processes and systems so that this Public Art Policy is reflected within Council’s strategic directions, policies and planning controls, and vice versa.

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30(b) Basis of Nexus

- 30.5 Ku-ring-gai Council has an increasing interest in the value of public art and sculpture, as demonstrated by its incorporation into new community developments such as the Gordon Library. It is intended to continue to support and encourage local artists and the expression of local identity and character.
- 30.6 Public art can be both large and small scale, transitory (chalk art) or permanent (mosaics); it can be made up of sculptures, designed paving, mosaic seating, play sculptures, unique fencing, fountains and waterworks; and it can be freestanding or integrated into the architectural fabric of buildings, amenities, pavements, sources of lighting, underpasses and bridges.
- 30.7 It will be important with the influx of new residents that public art can be commissioned, created through community arts projects, or be designed and made through place-making projects which help to define a new sense of cultural identity.
- 30.8 Public art can encourage a sense of identification with an area, and is one method seeing a sense of community being encouraged. Local art, like activities, help create a social focus, a sense of belonging to and responsibility for an area that supports community well being and safety.
- 30.9 Facilitation of Council's public art initiatives is consequently anticipated to assist in integrating existing and new residents, particularly where residents of different cultural backgrounds settle in the area.

30(c) Proposed Facilities

- 30.10 While most developers of sizeable developments would be expected to be keen to include public art in their own development, it is possible that a developer can choose to place a levy in trust with Council to commission local artists to undertake projects within the LGA.
- 30.11 A number of possible future public art projects have been identified under the "From the Ground Up" Public Art Initiative by Council's Leisure and Cultural section:
- A pavement mosaic project along the Pacific Highway spine in Gordon, Roseville, Killara, Roseville, Wahroonga, and also St Ives
 - Contemporary/indigenous street seating in town centres
 - Gordon Library Mural Relief Wall
 - St Ives Park water sculpture fountain/amphitheatre
 - Ku-ring-gai Pride Project, Pacific Highway.
- 30.12 These projects would be provided in and will enhance the public domain of the RDS Areas and hence contribute to the leisure and cultural resources of these areas.

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30(d) Basis of Apportionment

- 30.13 Public art such as the above is proposed to be provided by the Council as part of its capital works programme. No specific contribution is required for this purpose.
- 30.14 Developers are encouraged to incorporate a suitable public art project in their own development.

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SECTION C2: RECREATION FACILITIES AND OPEN SPACE

31. Overview of proposed facilities and services

31.1 The proposed recreation facilities and services are as follows:

Parklands

- Acquisition and Embellishment of Open Space

Sports Fields

- Reconfiguration of Koola Park, surface levelling and upgrade, and relocation of the turf wicket
- North Turramurra Sports Field Development

Embellishment

- Walking track links
- More recreation facilities (picnic areas, walking tracks, playgrounds)
- Upgrades to existing recreation facilities
- Sports facility upgrades.

31(a) Factors Affecting Supply

31.2 Ku-ring-gai Council already provides a range of recreation and leisure facilities and includes outdoor sports facilities and a range of facilities for unstructured play and recreation (including picnic areas, playgrounds, bike tracks and walking paths). Ku-ring-gai presently has no indoor facilities dedicated to physical recreation. Indoor leisure activities are restricted to libraries, cultural centres and public halls.

31.3 Parks and open spaces are key components of the environmental, recreation and social infrastructure in all communities. They are used and/or valued by a wide cross section of residents, from all age groups and socio-economic backgrounds.

31.4 The total and per head provision of open space in Ku-ring-gai is illustrated in Table 7.

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Table 7 - Provision of open space per capita by type

Open Space Type	No of parks	Total Hectares	Ha/000–Existing Pop*	Ha/000–2009 Pop**
Local & district open space				
Parkland/public garden	171	66.8041	0.6196	0.5855
Sports facility – sports fields	44	93.0779	0.8633	0.8157
Sports facility – tennis/netball courts	20	10.0841	0.0935	0.0884
Sports facility – other***	3	5.9406	0.0551	0.0521
West Pymble Swimming Pool	1	0.8531	0.0079	0.0075
Ancillary space	7	0.7616	0.0071	0.0067
Sub-total	246	177.5244	1.6465	1.5558
Regional/other open space				
Natural area	134	1,130.5316	10.4855	9.9078
St Ives Showground	1	25.2205	0.2339	0.2210
Ku-ring-gai Wildflower garden	1	4.1510	0.0385	0.0364
Golf course (+ sports precinct)	3	69.2962	0.6427	0.6073
TOTAL OPEN SPACE	385	1,406.7237	13.0471	12.3283

* Estimated residential population of 107,819

** Forecast 2009 population of 114,105

*** Semi-private facilities (lawn bowls, equestrian, croquet) used exclusively by single-purpose clubs

- 31.5 Table 7 shows there is an existing provision of 1,407 hectares (or 13.04 ha per thousand population) of Council-controlled open space in Ku-ring-gai. This is exclusive of the extensive natural areas within the Lane Cove, Ku-ring-gai Chase and Garrigal National Parks.
- 31.6 The majority (80%) of this open space is classified as 'natural area' and is primarily of regional significance. Only 177 hectares (or 1.65 hectares per thousand population) is developed open space of local and district level significance.
- 31.7 This relatively low provision of local/district scale open space is forecast (in the absence of any future open space acquisitions) to reduce to 1.55 hectares per thousand population by 2009.

31(b) Basis of Nexus

Existing recreation facilities

- 31.8 Ku-ring-gai's public open space system accommodates a range of recreation facilities - including outdoor sports courts and fields, golf courses and facilities for 'unstructured' play and recreation (including open grassed areas, picnic areas, playgrounds, bike tracks and walking paths).
- 31.9 Specific facilities include the following:

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- 334 park and open space areas
- 44 sports ground complexes (with 52 sport fields and 29 netball courts)
- 3 golf courses (one leased to a private club)
- 71 tennis courts (at 20 centres)
- 96 playgrounds
- One skateboard facility, and 5 basketball half-courts
- Several kilometres of walking tracks
- Several kilometres of off-road cycle tracks
- 1 aquatic centre (West Pymble Pool)
- 1 dirt bike facility at St Ives Showground (not available to the general public)
- A natural area interpretive centre (Ku-ring-gai Wildflower Garden).

Adequacy of existing open space and recreation facilities

The open space study undertaken in support of the S94 Contributions Plan 2000 – Residential Development addressed the adequacy of open space and recreation facility provision in 2000. Key relevant findings included the following:

Demand for open space and recreation facilities

- Ku-ring-gai's population structure suggests that, on a national comparative basis, the demand for open space and recreation facilities is likely to be relatively average
- Consistent with this, local surveys have identified the high popularity of open space related activities (such as 'walking', 'visiting parks' and 'bushwalking') and high levels of use of parks and open space
- Local surveys have also identified widespread demands for improved open space and recreation facilities – including more walking and bike tracks, large outdoor picnic/gathering areas, new and upgraded sports grounds (including 'family friendly' facilities), improved access to and within open space areas, greater diversity of playgrounds
- Local surveys have identified significant demand for improved indoor and aquatic recreation opportunities
- Local surveys have also identified demands for improved access to natural areas and protection/improvement of those areas (through improved stormwater control, catchment management and bush regeneration)
- Supply of open space and recreation facilities

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- Compared to accepted benchmarks, such as the long standing Department of Planning guideline (which established a minimum standard of 2.8 hectares/1,000 population), Ku-ring-gai has a relatively low provision of local and district level open space
- This is reflected in the relatively high proportion of households (34%) located beyond reasonable walking distance to a local park
- The low provision is also reflected in the high use of sports fields - many of which are used at full or near to full capacity

Conclusions on open space and recreation facility adequacy

- A large number of parks are very small and should be enlarged where their potential is strategically important and where enlargement opportunities are available
- As well, a large number of parks require further embellishments to more effectively meet the recreational needs and expectations of (existing and future) recreational users
- Council's local and district parks are not (in terms of both quantity and suitability) fully meeting the recreation needs of existing populations and do not have the capacity, therefore, to absorb the recreation needs and demands of new populations

Recent research findings

31.10 The key outcomes and findings of the recent research are summarised in

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Table 8.

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Table 8 - Open Space and Recreation Studies in Ku-ring-gai – Key Findings

Broad issue or need	Specific issue or need
Current supply and distribution of open space	<ul style="list-style-type: none"> • Ku-ring-gai LGA has a generous supply of environmentally significant open space. • The provision of sports grounds is comparative to the traditional standard • Sports grounds, however, are not able to be used at their maximum carrying capacities – due to social impact constraints associated with their use on Friday evenings and all day on Saturdays and Sundays • The provision of (non-sport) developed parks is very low according to traditional benchmarks • The distribution of these parks in the LGA is moderately uneven – with relatively low per capita provision in Roseville and Gordon • Despite this, Council's playgrounds (96 playgrounds at 91 sites) are reasonably well distributed throughout the LGA • A relatively high proportion (30%) of local parks are too small to facilitate the provision of a diversity of 'walk to' recreation opportunities • Due to these distributional and size characteristics, a significant minority of the population (35%) is not adequately serviced by high quality neighbourhood open space
Demand for new <i>major</i> facilities	<ul style="list-style-type: none"> • Additional sports fields and courts (athletics, baseball AFL, cricket, hockey, netball, soccer, softball, tennis) • More facilities for women's sport (eg hockey, netball, softball) • Indoor leisure centre and year-round swimming facilities
Demand for greater diversity of recreation opportunities within <i>existing</i> parks and open spaces	<ul style="list-style-type: none"> • More linkages – walking tracks and bicycle paths • Improved barbecue facilities, shade & toilet improvements in parks • More equipment in parks - opportunities for unstructured recreation for youth • Large group/family picnic opportunities (shelters, tables, seating) in major parks • More dog 'off-leash' areas • Integration of play and informal sports facilities with formal sports facilities • More commercial facilities in parks (kiosks)

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Broad issue or need	Specific issue or need
Demand for better quality facilities	<ul style="list-style-type: none"> • Sports ground upgrades (turf, drainage, fencing, amenities, floodlighting) at several grounds • Improved sports facility, playground and toilet maintenance • Playground upgrades – with more innovative play spaces • Improved park design/plantings • Walking track and signage improvements
Demand for environmental protection	<ul style="list-style-type: none"> • Protect and enhance the 'green' environment
Demand for more support services	<ul style="list-style-type: none"> • Improved access to open spaces and facilities (paths, signs, parking and co-location of facilities) • Improved information on available recreation activities and facilities • Improved accessibility – 'access for all' facilities at more public places and improved promotion of 'accessible' facilities • More low-cost opportunities (for families, seniors and young people) • Improved booking systems for sports facilities • More equitable allocation of sports facilities, • Improved lighting (for safety) in public places and ranger/police presence, and • Various forms of assistance from Council (low cost activities, access to facilities)

Future Open Space and Recreation Facilities

31.11 As summarised above, Council already provides a range of open space, recreation and leisure facilities. These are of variable quality and adequacy. While some facilities are adequately meeting needs, others require upgrading and/or diversification to meet the needs of the future population, and there are also demands for some new facilities (as indicated above).

31.12 Council has been addressing these issues through its annual relevant works programs – with open space and recreation facility provision and major improvement works undertaken since adoption of the 2000 S94 Plan including the following:

- Bannockburn Oval and Barra Brui Oval upgrades
- Vernon Street Village Green upgrade
- St Ives Village Green upgrade
- Queen Elizabeth Park – access works

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- Samuel King, Wellington and Turramurra Memorial Ovals - lighting upgrades
- Various tennis court refurbishments.

31.13 The recent Ku-ring-gai Open Space Strategy addresses the needs issues further and includes an action plan containing a range of initiatives including:

- Provide open space of sufficient quality to meet the recreation needs of the existing and forecast populations
- Ensure compatibility between open space uses and the uses of neighbouring land
- Continue to review the need for and, if necessary, an appropriate sites for a major indoor sport and/or aquatic facility in Ku-ring-gai
- Develop new sports facilities (for formal and informal sporting activities) in line with expected population growth and in accordance with demonstrated needs
- Ensure that all children have reasonable access to play facilities in open space areas
- Provide a diversity of age-appropriate play environments for children (and their carers) and youth
- Provide a range of facilities and amenities (toilets, shelters, play areas, picnic facilities, shelters) in accordance with management plans and site master plans
- Provide places of natural and landscaped beauty for quiet activities, solitude and other passive recreation activities
- Provide a diversity of informal recreation activities for all age groups
- Plan and manage Ku-ring-gai's open space as an integrated system with individual land parcels linked through landscape features, habitat corridors, water courses, pedestrian/cycle paths and 'park streets'
- Provide pedestrian and cycle paths in appropriate linear reserves
- Improve bicycle support facilities (on and off-road routes, signs, storage) and intra and inter-LGA links
- Provide night lighting in high use areas and strategic corridors (in accordance with Australian Standards)
- Increase access to environmentally significant areas while ensuring that access does not cause significant detrimental impacts to the environmental values of those areas

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Needs of New Population

- 31.14 Current population projections indicate that the population of Ku-ring-gai will increase up to 15% between 2004 and 2026. A 15% increase in the number of people means, other things being equal, a 15% increase in recreation demand. It means an additional 16,000 potential users of Council's recreation services by 2026 - many of whom are likely, in varying ways, to utilise Council's local and district open space resources. Between 2004-2009, this increase is estimated to be nearly 5,000 potential users.
- 31.15 Ku-ring-gai's population structure suggests that, overall, the demand for developed open space and recreation programs and facilities is likely to be average. The relatively low proportions of (high-participating) children and young adults and the high proportion of (low participating) older people (55+ years) will have a 'dampening' effect on demand. Offsetting this, however, are the higher participation effects of the high proportions of youth, couple families with children and high income levels and the relatively low levels of ethnic diversity in the community¹.
- 31.16 Having noted the above, it is also emphasised that population structures and recreation needs are not static. There will be ongoing local shifts in population size and structure and broader changes in recreation interests and expectations.
- 31.17 These shifts are evident in Ku-ring-gai. The population declined slowly over much of the past 15-20 years but has recently recommenced slow growth. There is also an expectation of substantial growth in the 50+ age groups and, with implementation of the Residential Development Strategy, acceleration of overall growth with possible associated changes in socio-economic structure.
- 31.18 Population shifts will occur most markedly in those areas affected by the Residential Development Strategy. These changes will require on-going monitoring to identify required changes in the quantity and mix of open space and recreation resources.
- 31.19 Additionally, as the existing population ages, leisure and recreation interests and capacities change – and this also has implications for the management and use of open space and recreation facilities and services.
- 31.20 These changes will cause changes in recreation demands and needs – but these changes are difficult to forecast. Key issues include the following:
- An aging population is normally associated with a trend to lower participation rates across most away-from-home sport and recreation activities (although there are exceptions to this, such as walking for pleasure)
 - The participation rates of aging people in the future may not decline in the same way as they have in the past due to increased health awareness, changing expectations and higher participation rates

¹ The under 20 age cohorts are typically the largest users of outdoor sport and recreation activities and the participation rates of 'culturally and linguistically diverse populations' have been found to be generally lower than those of Australian-born people.

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- If participation rates do decline with age, their impacts may be offset by other population shifts – such as the possible inflow of ‘high participating’ younger well-educated adults and children with implementation of the Residential Development Strategy.

31.21 The incoming RDS populations will contribute to the demand for open space and recreation facilities (including indoor and outdoor sport, passive recreation and aquatic facilities).

31.22 The assessments of existing open space and recreation facilities² provide the basis for assessing the likely facility requirements of these incoming populations.

31.23 These studies found that, in terms of quantity or quality or both, the currently available facilities are insufficient for existing populations – and will certainly not meet the additional needs generated by new development.

31.24 In particular, there is a need for more sports facilities (indoor and outdoor), higher quality sports facilities and a greater diversification of ‘unstructured’ recreation opportunities in parks. Other relevant needs are summarised in Table 9 according to the typical needs of the expected new resident age profiles.

² Including the *Ku-ring-gai Open Space Strategy*, the *Business Strategy for West Pymble Pool* and the *Tennis Court Facility Business Plan*

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Table 9 - Required open space and recreation opportunities x new resident age profile

Age profile	Age profile trends	Key activities	Open space and recreation needs
0-14 years	<ul style="list-style-type: none"> Increasing numbers and proportions of children in all age groups 0-14 years between 1996 -2001 0-4 year olds were the fastest growing age group in the LGA Most significant absolute increase was for 5-9 year olds 	<ul style="list-style-type: none"> The recreation needs of children vary according to their age – but all require safe, familiar environments, multi-sensory stimulation, challenge, opportunities for creativity The recreation of children in the 0-4 years age group primarily centres around the home, playgroups and small local parks with suitable play equipment Children 5-12 years will also use local parks but less as they grow older if equipment is not challenging. Some will also play in streets, vacant lots, natural areas Many will get more involved in community recreation and cultural activities – eg. visits to pools and libraries and participation in sport and/or cultural clubs and activities 	<ul style="list-style-type: none"> Local and regional playgrounds and parks – with appropriate provision for both young children and adult supervision (seating, shade) and located near schools, shops and community centres where possible Indoor recreation (sport, gym and dance) and swimming facilities (for recreation, fitness and motor learning skills) Sports fields and courts Safe cycle and pedestrian links between homes and parks
18-29 years	<ul style="list-style-type: none"> The number and proportion of people aged 15–24 and 25-39 years declined significantly between 1996-2001 The possibility of a reversal in the decline of young people aged 18-24 and 25-29 with the development of multi unit housing around railway stations 	<ul style="list-style-type: none"> Young people, in general, have a high rate of participation in recreation – both structured and unstructured. In fact, participation by young people (up to 25 years) in most leisure and recreation activities – including organised sport and physical activities, social life and entertainment - is significantly higher than it is for older age groups Youth-friendly public space and skate facilities are particularly important for young people not interested in structured activities Participation in sport declines slightly after 25 years but is offset by higher participation in family activities as people commence having children 	<ul style="list-style-type: none"> Sports fields and courts Indoor sport and aquatic facilities Fitness gyms and facilities Cycle paths and walking trails Large park and or natural area settings for picnics and social activities Large park areas for informal play

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Age profile	Age profile trends	Key activities	Open space and recreation needs
40+ years	<ul style="list-style-type: none"> Between 1996-2001 the number and proportion of adults aged 40+ increased The greatest growth occurred in the 50-64 age group - the second fastest growing group in the LGA In 2001 Ku-ring-gai LGA had above average and increasing numbers and proportions of people 65+ years a significant proportion of older people are moving from larger family homes to medium density housing 	<ul style="list-style-type: none"> Participation in structured sport and recreation activities declines steadily Family recreation activities – such as visits to district scale parks – is popular for the 40 -55 age groups Many less structured activities – walking, walking the dog, golf – remain popular through all age groups People over the age of 55 years have a diversity of skills, interests and physical and mental abilities. Some will be regular users of 'mainstream' recreation facilities and programs. Others will require various levels of assistance – including transport, facilities designed and constructed in accordance with 'access for all' requirements and/or special programs and activities 	<ul style="list-style-type: none"> Cycle paths and walking trails Large park and or natural area settings for picnics and social activities Swimming pools Dog 'off leash' areas

31.25 As detailed above, there are 78 hectares of parkland³ and 107 hectares of sports fields and courts in Ku-ring-gai⁴. Based on the year 2004 estimated residential population (of 109,824 people), this amounts to 0.71 hectares/1,000 people of parkland (or 0.63 hectares/1,000 if the 'regional' scale components are excluded), and 0.97 hectares/1,000 of sports fields/courts - a total of 1.68 hectares/1,000.

31.26 The forecast RDS and other population increases between 2004 and 2009 will place additional demands on existing local and district open space facilities. In fact, in the absence of further acquisitions, the supply of open space is forecast to drop to 0.67 hectares/1,000 people of parkland, and 0.93 hectares/1,000 of sports fields by 2009.

31.27 But as identified in the supporting document for the S94 Plan 2000 – Residential Development and, more recently, in the Ku-ring-gai Open Space Strategy, the current provision of open space in the LGA is relatively low – particularly in some areas such as Roseville, Lindfield and Gordon. The additional demands of the new populations will therefore exacerbate existing demand pressures. In these

³ This includes 63 hectares of local and district scale parkland and 15 hectares of 'regional' scale open space (ie 9 hectares of the St Ives Showground - the areas not used for sport and/or leased to or used by specialist groups – and the non-sport components of the Ku-ring-gai Bicentennial Park)

⁴ This includes an 'allowance' of 4 hectares for the sports field facilities at St Ives Showground but does not include the 20-22 hectares of sports facility 'demand space' (lawn bowls, croquet, equestrian and motorised sports) in the LGA (more than half of which is within the St Ives Showground)

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circumstances many parks and spaces, due to their specific locations and/or capacities, will not be able to adequately cater to the increased demands.

- 31.28 In this context it would be desirable to acquire open space facilities at least at the current (relatively low) per capita levels of provision for the LGA as a whole - to both meet the reasonable demands of the new population and to maintain service standards for the existing population.
- 31.29 Accordingly, the existing supply of local and district open space in the LGA (ie 0.63 hectares/1,000 people of parkland and 0.97 hectares/1,000 of sports reserves) is considered the appropriate benchmark for determining additional open space requirements.
- 31.30 However, because of the very high cost of acquiring land in Ku-ring-gai, it is not considered reasonable or practicable to acquire open space at this level. As well, any land acquired also requires embellishment – also at substantial cost. The suggested alternative approach is twofold and entails the acquisition of ‘affordable’ quantities of new open space (comprising strategically important sites in accordance with performance criteria detailed in the Open Space Strategy) and substantial improvements, through appropriate embellishments, in the ‘carrying capacity’ of existing open space areas. This approach will still maintain contributions at a lesser level than would have been required should the desired benchmark for open space acquisition alone been applied.
- 31.31 Accordingly, with respect to acquisition, it is proposed to apply a 100% discount to the existing supply benchmark for sports fields and courts is proposed. That is no further acquisition will be required for land for sports fields and courts – rather existing facilities will be embellished to make them “work harder”.
- 31.32 With respect to parkland a policy of differential acquisition by precinct is proposed due to the unevenness of parkland distribution between precincts and the need to ensure that open space is acquired in those areas where it is most needed by new populations. The proposed differential acquisition is based on a ‘weighting factor’ which adjusts (that is, discounts) proposed acquisitions at the precinct level according to the deemed appropriate benchmark (of 0.63 hectares/1,000 people or 5.82m² per capita) and precinct differences in both the existing quantity and accessibility of open space.
- 31.33 For those precincts with lower than average quantities of space, the discounting should be less. This is because, in these precincts, there is less scope to meet the needs of new populations through the embellishment of existing open space (that is, there is less space in these precincts that can be made to ‘work harder’ through appropriate upgrading). Any discounting of the acquisition benchmark in these precincts, therefore, would have a greater negative impact on the open space needs of new populations.
- 31.34 Specifically, it is proposed not to discount those precincts - Lindfield and Gordon - with well under average provisions of open space. Precincts with marginally under average and/or poorly distributed space - Roseville, Killara, St Ives, Pymble and Wahroonga - are discounted by 25%. One precinct - Turramurra-Warrawee - with an above average supply and good distribution of space is discounted by 50%.

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31.35 The resulting precinct acquisition requirements ranged from 2.91m² to 5.82m² per capita – as illustrated in Table 10.

31.36 Killara and Pymble have significantly greater than LGA-average per capita quantities of parkland (7.01m² and 7.52m², respectively, compared to 5.82m² for the LGA). However, it is not appropriate to apply a larger than 25% discount to these precincts because of the very uneven distribution of parkland within both of them. In Pymble, for example, a large percentage of that precinct's parkland is part of Bicentennial Park. Large portions of the precinct – particularly in the areas to the north, east and immediate south of the Avondale Golf Course and to the south and north of the Pymble Golf course – have a very poor supply of parkland and any discount applied to the precinct would reduce the ability to meet the needs of future new residents in and/or adjacent to these areas.

Table 10 - Proposed Urban Park Acquisitions

Precinct	New open space required					
	Existing open space supply			New open space required		
	Ha	Ha/ 1000	m ² / per capita	Deemed reasonable requirement	Discounted requirement	
				m ² per capita	WF (%)	m ² per capita
Roseville	4.7	0.48	4.79	5.82	75	4.37
Lindfield	4.47	0.38	3.77	5.82	100	5.82
Killara	8.59	0.7	7.01	5.82	75	4.37
Gordon	2.9	0.44	4.37	5.82	100	5.82
St Ives	10.62	0.56	5.58	5.82	75	4.37
Pymble	10.93	0.75	7.52	5.82	75	4.37
Turramurra/ Warrawee	12.93	0.63	6.26	5.82	50	2.91
Wahroonga	7.51	0.59	5.86	5.82	75	4.37
TOTAL	62.65	0.58	5.82			

31.37 Both the land to be acquired and existing areas of open space will require substantial embellishment to adequately meet the needs of new users. The key requirement is to enhance their carrying capacity and extend their usability in order to 'compensate' for the reduced per capita quantum of open space.

31.38 The range of required embellishments include tree plantings, earthworks, water supply, fencing, lighting, circulation pathways, car parks, furniture (benches, picnic settings, barbecues, litter bins, shelters), bubblers toilets/amenities, signage, formal gardens, playgrounds and sports facilities.

31.39 The embellishment works proposed to increase the utility of existing open spaces – to make them 'work harder' are detailed in the following two sections.

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31(c) Proposed Facilities

31.40 Council has proposed a variety of embellishments and works to enhance the carrying capacity and usability of existing open space.

31.41 The projects include the following:

- walking track links
- more recreation facilities (picnic areas, walking tracks, playgrounds)
- upgrades to existing recreation facilities
- sports facility upgrades.

31.42 The works focus on increasing the capacity of existing open spaces and facilities to accommodate use through a range of relevant improvements (including multipurpose site layouts, new/extended equipment and enhanced accessibility).

31.43 In this way, the works can reduce the need for additional open space by getting existing spaces and facilities to 'work harder' to meet the recreation needs and demands of the incoming populations associated with new development.

31.44 The key projects are summarised in Table 1.

31.45 The projects are consistent with the findings of the Open Space Strategy and previous studies in identifying key needs. The projects are also consistent with the expected changing demographics of the LGA, that is, the emphasis on play grounds, walking and cycling facilities, family picnic areas and sports facilities is consistent with the needs of a population with the following characteristics:

- A growing population of children and young people (0-15)
- a growing population aged 40 and over
- a significant proportion of older people who are moving from larger family homes to medium density housing
- an influx of new families taking the place of these people in larger family homes and replacing older dwellings with new family homes
- the possibility of a reversal in the decline of young people aged 18-24; and 25-29 with the development of multi unit housing around railway stations.

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- 31.46 Finally, and perhaps most importantly, the projects also extend the 'carrying capacities' of a large number of parks within the RDS areas or within a reasonable travel distance⁵ of them.
- 31.47 The 'carrying capacities' will be enhanced through extending the number of usable hours (lighting and turf improvements), the 'hardening' of facilities (more constructed walking and cycle tracks), the expansion of facilities (larger play grounds, additional toilets, more shelters) and/or the provision of new facilities (picnic areas and recreation facilities – new play areas, chess tables, cricket nets and similar facilities).
- 31.48 This improvement in 'carrying capacities' is a critical requirement in meeting the needs of new populations in the context of the unavoidable decline in the quantum of per capita open space with implementation of the residential strategy.

31(d) Basis of Apportionment

Parkland Acquisitions

- 31.49 Land for parkland is to be acquired to satisfy the reasonable parkland open space requirements of the projected new population.
- 31.50 Given the relatively low provision of parkland open space in Ku-ring-gai (compared to the average for Sydney), these reasonable requirements are deemed to be the existing LGA wide per capita provision of parkland (0.63 hectares/1,000 people).
- 31.51 However, for affordability reasons, given that embellishment is also to be levied - as detailed in section 28(c), above – it is proposed that the acquisition requirement for parkland be according to the differential weighting factor detailed in Table 10.
- 31.52 The 'threshold' requirement for new development will therefore range between 2.91m² and 5.82m² per capita. On this basis, the anticipated new population of 4,998 persons will require an additional 2.3083 hectares of parkland. At the precinct level, the new requirement ranges from 0.1210 Ha in Roseville to 0.5296 Ha in Lindfield – as illustrated in

⁵ 'Reasonable travel distance' is normally defined as up to 500 metres walking/cycling distance for small parks and a 5-10 minute drive for larger 'district scale' parks (ie those with picnic facilities, vantage points, high quality play facilities an/or specialist facilities such as children's bike tracks and dog exercise areas)

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. While Council will attempt to distribute the purchase of open space according to these requirements, practicalities may dictate that a more generalised spatial approach to acquisition is adopted.

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Table 11 - Local open space acquisition requirements x precinct

Precinct	Pop increase (2004-9)	Land requirement		Cost \$/(m ²)
		Per capita (m ²)	Total (m ²)	
Roseville	277	4.37	1,210.49	\$1,580.00
Lindfield	910	5.82	5,296.20	\$1,630.00
Killara	575	4.37	2,512.75	\$1,420.00
Gordon	618	5.82	3,596.76	\$1,660.00
St Ives	541	4.37	2,364.17	\$1,500.00
Pymble	783	4.37	3,421.71	\$1,260.00
Turramurra/Warrawee	667	2.91	1,940.97	\$1,400.00
Wahroonga	627	4.37	2,739.99	\$1,200.00
Total	4,998		23,083.04	

31.53 An Open Space Acquisition Planning Study **Strategy which is** to be funded from **development contributions** under the plan has been **was** commissioned to identify priority sites for the acquisition program. This is required to ensure that the new open space is appropriately configured to most effectively meet the open space needs of new residents. The **Strategy** study is **currently in draft form and, once adopted, will be a core supporting document for the acquisition of open space supported by this Contributions Plan.** ~~anticipated to cost \$30,000 and is to be fully charged to new development.~~ The Work Schedule Maps **Draft Strategy** indicates the acquisition priority areas as it is not possible or desirable in this situation to identify individual sites. **Acquisitions will concentrate on Priority 1 and 2 areas**

Parkland embellishments

31.54 The open space to be acquired may include new parks and/or extensions to existing parks, depending on opportunities. All acquired areas will require embellishment which, depending on the location, may include landscaping, plantings, park furniture, play and recreation equipment, pathways and public art.

31.55 The average cost to embellish the newly acquired parkland is \$140 per m².

31.56 The needs of new populations are also to be met through the further embellishment of a significant number of existing open space areas. These embellishments will expand the carrying capacities of these areas with the key requirements including the following:

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- The expansion of opportunities and 'hardening' of strategically important parks within or proximate to the RDS areas - in accordance with expected needs of the incoming populations
- Linking RDS areas to natural areas – with appropriately located pedestrian and/or cycle paths.

31.57 The upgraded parks – due to the type and quality of the proposed embellishments – are likely to attract 'drive to' as well as 'walk to' visitors. The 'flagship' parks (St Ives Village Green, Turramurra Memorial Park and Wahroonga Park) are likely to have an LGA-wide visitor catchment. The other parks proposed for embellishment are likely to have smaller catchment areas but still extending over two or more suburbs. Accordingly, the projects have been classified as 'southern area', 'northern area' or 'LGA-wide' projects according to their assessed visitor catchment (or benefit) areas. This is shown in Table 1.

31.58 The total estimated cost of the required parkland embellishments (including the walking track links) is \$4.2 million. Of this, nearly 50% (or \$1.98 million) encompasses LGA-wide projects, 20% (0.83 million) are 'southern area' projects and 33% (1.4 million) are 'northern area' projects. Because the embellishments are required to meet the additional needs of new residents, they have been 100% apportioned to new development.

Sports ground acquisitions and embellishments

31.59 Land for sports fields could also be required to satisfy the reasonable sports facility requirements of the projected new population. These requirements could be deemed to be the existing LGA wide per capita provision of 'sports reserve'.

31.60 The 'reasonableness' of this requirement is supported by the high use of these facilities – including the full utilisation of peak time capacity at most playing fields. However as detailed above, the existing LGA wide provision of sports reserve is 0.97 hectares/1000 people. Therefore, the additional sports reserve requirement for the five year projected population increase of 4,998 persons would be 4.848 hectares (or 9.7m² per capita). Given the extremely high land values in Ku-ring-gai and the difficulty of acquiring suitable large parcels of land, such a requirement would be an unreasonable burden on development.

31.61 Instead, in order to maintain the existing provision of sporting facilities to the year 2009, it is proposed to undertake stage 2 of the two sports field embellishment projects in the current S94 Plan (the North Turramurra Sports Field Development and reconfiguration of fields at Koola Park) and to upgrade a cross-section of other sports reserves – to make them 'work harder' - thus maintaining the contribution for sporting facilities to a reasonable level.

31.62 These upgrading projects are required to expand facility capacities to meet the needs of the new populations. The existing facilities are only sufficient to meet the needs of existing populations. The key requirements include sports turf improvements, irrigation, drainage, amenities, spectator facilities, parking and/or floodlighting. The costs of these embellishments have therefore been 100% apportioned to new development.

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31.63 Twelve additional sports facility upgrading projects are proposed. These are well-distributed around the LGA and all have LGA-wide catchment areas. The total estimated cost of these projects is \$6.589 million – which translates to \$1,318 per capita for the anticipated new population of 4,998 persons.

West Pymble Pool upgrade

31.64 Contemporary swimming opportunities are required by both the existing and incoming populations. Council has considered a number of proposals upgrade the pool complex to meet the needs of existing and future population. The cost of the current proposed centre upgrade – comprising substantial improvements to the facility - is \$10.9 million.

31.65 To ensure that the incoming population only pays for its share of the total demand it is considered reasonable that new development contributes at an equivalent rate to this as the new population – because existing and new residents will be equal beneficiaries of the upgraded centre. Therefore the cost of upgrading this facility is apportioned between existing and new residents in direct proportion to their relative numbers. The facility is planned to meet the needs of the population over the longer term planning horizon. It may be implemented in stages.

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SECTION C3: TRAFFIC, PEDESTRIAN AND CYCLEWAY FACILITIES AND PUBLIC DOMAIN IMPROVEMENTS

32. Overview of proposed facilities and services

32.1 The proposed traffic, pedestrian and cycleway facilities and services are as follows:

Traffic Management Improvements and Road Safety Improvements

Pedestrian Facilities

Cycleways

Public Domain Improvements including

- Shopping Centre Improvement Program
- Roadway Lighting and
- Street Trees
- Public Domain Study

Traffic Studies

32(a) Factors Affecting Supply

32.2 Ku-ring-gai LGA's population is presently serviced by an existing movement system which may be regarded as an asset. The amenity and overall level of service provided by this asset reduces progressively as a consequence of both age and the increased traffic generated by new development.

32.3 Therefore, in order to ensure that levels of service do not deteriorate, in addition to normal maintenance (which is not included in S94), it is essential that new development contribute to additional works and facilities as appropriate and help to progressively replace the asset. These works and facilities include measures required to maintain or improve road capacity, road safety, accessibility and amenity, as population increases and the number of vehicles using Ku-ring-gai's roads increase. In addition, given the aims of urban consolidation in the Stage 1 RDS Areas to reduce car usage, the facilities may relate to vehicular, pedestrian any bicycle movement.

32.4 The implementation of Stage 1 of the RDS will concentrate future development along the Pacific Highway-railway spine corridor and at St Ives. Consequently the need for additional transport works generated by new development will be focussed in these areas.

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32(b) Basis of Nexus

32.5 The demand for the provision of traffic and transport facilities has been determined as follows:

- by assessing the existing movement network to identify existing deficiencies which require addressing to meet the needs of existing and future development
- by assessing the need for additional facilities that will be required in response to additional demands created by future development.

32.6 In general terms, existing deficiencies across the transport network relate to existing demands and these deficiencies cannot be funded under Section 94. However, to the extent that these deficiencies may be further exacerbated by new development, then this development contributes to a further deterioration in conditions and therefore should be assessed for inclusion in the Section 94 Plan.

32.7 It is notable that at the community consultation held during the preparation of the S94 Plan, facilities for adequately meeting the traffic, parking, cycleway, footpath and movement infrastructure needs of new development were considered the second highest priority area of need.

32.8 In October 2002, Council adopted a Traffic and Transport Policy in recognition of the importance of traffic and transport issues in Council's current management plan. Council has also endorsed a long term plan for managing traffic on Council's roads. This plan identified criteria adopted by Council in prioritising works required to meet existing and future needs.

32.9 Consistent with these policies, Council has identified a schedule of works required to meet existing and predicted future needs. Some of these works are incorporated into Council's 5 year works program.

32.10 In determining a development application, Council may impose a condition allowed under Section 80A(1)(f) of the EP&A Act requiring off-street traffic and pedestrian works to be undertaken. These works might relate to improvements to footpaths of carriageways in the vicinity of the site as a direct consequence the development. The works in the work schedule to this plan are in addition to any works required as a condition of development consent. Works required to be undertaken in fulfilment of a condition of development consent, other than a condition imposed under S94, will not be considered as works in kind.

32(c) Proposed Facilities

32.11 Improvements have been assessed in various categories as follows. It will be evident that many of the proposals have several benefits that span different categories. For example, many of the traffic management proposals have related road safety and pedestrian benefits etc. In this case the improvement has been included in the category that serves its primary objective.

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Traffic Management Improvements and Road Safety Improvements

- 32.12 Consistent with Council's Traffic and Transport Policy and long term plan for managing traffic on Council's roads, Council officers have identified work required to improve road safety and to improve traffic flows. These are listed in Appendix 1. These works have been identified based on a series of investigations into traffic conditions, analysis of accident data and inspection of sites. Council intends to undertake capital works to improve traffic flows and road safety to meet the needs of existing and future development as envisaged under Stage 1 of the RDS.
- 32.13 Council has identified needs over the next 5 years based on its expected capital works program. While needs substantially exceed those identified, Council's ability to contribute matching resources where the cost of facilities is apportioned, limits the facilities which have been included in the plan. Individual works items included in Appendix 1 may change as a result of changing priorities or funding availability.
- 32.14 It is recognised that some traffic works will be undertaken as a condition of development consent of the type allowed under Section 80A(1)(f) of the EP&A Act. The works identified for this plan are works that are not related to a specific development proposal.
- 32.15 The investigations into road safety undertaken were not conducted as formal road safety audits. Such audits may be undertaken in the future. In addition Council is undertaking additional traffic investigations and analyses. Any additional needs identified through these investigations may require an amendment to the work schedule in this S94 Plan.
- 32.16 Works identified relate to Council roads only. Required upgrading to intersections with RTA managed roads are not included in the S94 Plan, as Council is not responsible for funding such improvements. If subsequent investigations indicate the requirement for a contribution to the cost of such works to meet the needs of new development, an amendment to the S94 Plan may be required.

Pedestrian and Bicycle

- 32.17 A long term strategy for improvements to footpaths and cycleways has been identified by Council in a similar manner to the traffic and road safety improvements, and are also listed in Appendix 1. It will be noted that off-street cycleway and pedestrian facilities are included in the open space section of this Plan.
- 32.18 Pedestrian improvements relate to the provision of new footpaths in areas where none already exist.
- 32.19 Council has identified needs over the next 5 years based on its expected capital works program. While needs substantially exceed those identified, Council's ability to contribute matching resources where the cost of facilities is apportioned, limits the facilities which have been included in the plan. Individual works items may change as a result of changing priorities or funding availability.

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Other Public Domain Improvements

- 32.20 The streets of Ku-ring-gai are an important recreational resource and are a key element of the movement system. This is particularly so in the existing centres where pedestrian activity is related as much to recreation as to movement and access. Improvements can be made to all streets within the LGA. However for the level of contribution and committed works programme to be reasonable, the works need to be prioritised.
- 32.21 Emphasis is given in this plan to improvements to shopping centres, street lighting and street trees. These works are in addition to the footpath and cycleway improvements outlined above.
- 32.22 Council is considering the identification of a programme of further public domain improvements to accommodate growth associated with Stage 1 and Stage 2 of the RDS. Council will be undertaking a public domain investigations to identify works to improve the public domain as a consequence of implementation of Stage 1 and Stage 2 of the RDS. Subsequent plans or amendments to this plan may identify additional improvements to the public domain to accommodate the street based recreational and movement requirements of new residents.

Shopping Centre Improvements

- 32.23 Residential development will generate additional trips to existing shopping centres requiring works to upgrade existing pedestrian systems in centres, to improve street furniture and the like. Council proposes to spend in the order of \$185,000 per annum on such works over the life of the plan. While needs substantially exceed those identified, Council's ability to contribute matching resources where the cost of facilities is apportioned, limits the facilities which have been included in the plan. These works will benefit all residents of the LGA who will visit the existing centre.

Roadway Lighting

- 32.24 Roadway lighting has been identified by Council officers as requiring improvement within and around all centres. This has been assumed to incorporate lighting within the vicinity of existing shopping centres to improve safety for those using the streets. The lighting upgrade does not only relate to pedestrian access to stations, but also to movement within the centres generally and the use of streets as a recreational resource.
- 32.25 It has been assumed that the lighting in all local streets within 500 metres distance of the centres would be upgraded by the provision of an additional pole and luminaries on one side of the street at an interval of 80 metres, thereby resulting in a lighting interval of 40 metres when account is taken of existing luminaries.
- 32.26 These lighting improvements will be of benefit to existing and future residents.
- 32.27 Expected expenditure over the next 5 years is included in the works schedule.

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Street Tree Planting

- 32.28 Council implements a program for street tree planting to replenish and extend the street tree canopy. The program will benefit existing and future residents. Expected expenditure over the next 5 years is included in the works schedule. The money will be spent in accordance with the street tree planting program. This program will provide trees over and above any street trees required as a condition of development consent or provided as part of a development.

Underground Power

- 32.29 Council intends to institute the undergrounding of power lines within the LGA wherever possible on environmental and aesthetic grounds.
- 32.30 While it has not been possible to incorporate undergrounding power into this S94 Contributions Plan at this stage, it will generally be a condition of approval that developers are required to pay for undergrounding of power in the vicinity of their development.
- 32.31 This initiative will further increase the value of the public domain as a leisure and recreation resource for new residents, and is considered particularly important in RDS Areas to increase the use and vitality of streets as a supplement to traditional forms of open space.

Traffic Studies

- 32.32 Council is undertaking or has undertaken a number of studies into traffic and parking in order to identify the works required to meet the needs of the expected population associated with Stage 1 of the RDS.
- 32.33 Council is proposing to undertake an update of the Traffic and Transport Base Study prepared by GHD in 2000 to identify in detail the demand for traffic management measures associated with Stage 1 of the RDS.
- 32.34 Additional studies will be undertaken in the area of public domain improvements.

32(d) Basis of Apportionment

- 32.35 Apportionment of costs for the above traffic, pedestrian and cycleway facilities has been determined on the basis of those who will benefit from the works. Consequently the costs have been apportioned over the total population over the life of the plan.

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SECTION C4: ADMINISTRATION

33. Overview

- 33.1 The earlier parts of this plan have demonstrated that the new incoming population of Ku-ring-gai LGA will need improvements and additions to facilities and services of a variety of types which are not currently available.
- 33.2 S94 provides the mechanism by which contributions can be collected to provide these. However the administration of a S94 Plan requires resources which otherwise would not be devoted to this purpose. Since these would not be required if a S94 Plan was not to be put in place, they are directly attributable to new development.
- 33.3 The needs which have been identified in this regard are:
- preparation of Council's S94 Plan and amendments to the plan
 - a S94 Officer to implement the plan.

34. S94 Plan

34(a) Factors Affecting Supply

- 34.1 Planning studies which establish a comprehensive approach to the administration of S94 and which are outside of the daily work undertaken by Council can be funded through contributions. Only the costs of studies which directly result in a Contributions Plan can be included in S94 charges.

34(b) Basis of Nexus

- 34.2 As work was undertaken with the specific intention of preparation of a S94 Plan and amending this plan, and would not otherwise have been undertaken by Council, then the cost of preparing the study and plan can be directly and fully attributed to S94.
- 34.3 This Contributions Plan was prepared specifically for the purposes of enabling contributions to be levied where the anticipated development is considered likely to increase the demand for facilities and services. The costs of preparing the plan and its amendment includes a range of studies specifically related to the plan preparation, legal advice on the plan and land valuations used in the plan and in contribution rate adjustments.

34(c) Proposed Facilities

- 34.4 The proposed facility is the cost of preparation of the S94 Plan and the cost of amending the plan and indexing the plan.

34(d) Basis of Apportionment

- 34.5 In view of the above, 100% of the cost of the Contributions Plan and its amendments are proposed to be met by new development.

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35. S94 Officer

35(a) Factors Affecting Supply

- 35.1 The management of the Development Contributions system requires significant Council resources including the employment and training of a S94 Officer to administer the Contributions Plan.
- 35.2 Council needs to employ and train resources to prepare and review the Contributions Plan. Tasks to be undertaken include and monitoring plan implementation in terms of moneys contributed and rates of development, responding to legal precedent, reviewing legislative changes, monitoring reviews and indexing, managing consultants and the like. This involves a range of skills and divisions in the organisation.

35(b) Basis of Nexus

- 35.3 A full-time S94 officer is not currently employed, although Council has employed a S94 Accounting Officer. The role of the S94 staff will continue to be needed throughout the life of this plan to ensure the effective and accountable implementation of S94 Development Contributions systems.

35(c) Proposed Services

- 35.4 The making and implementation of a S94 Plan is considered a serious responsibility, under which Council must undertake to expend the funds collected in a reasonable time and in accordance with the Plan. New requirements which have been instituted since the last plan was put into place require increased accountability and transparency. There is an on-going need for continuing professional development in order to respond to new legislation and changes in S94 procedures and practices.
- 35.5 To meet these responsibilities, Council prepares a Ten Year Financial Model which analyses funding capability for S94 projects. The preparation and maintenance of material for this model requires expertise outside that of normal planning officers. This necessitates an officer of Council to change from existing duties to administration of the Plan.
- 35.6 In the case of some facilities, there may also be significant further consultation, planning and discussions required to ensure that the design and modifications to facilities meet the needs of potential users, and that existing services can continue to operate while upgrading occurs.
- 35.7 It is envisaged that this position will be a full time position within Council for the life of the Plan, including standard on-costs associated with establishment and maintenance of the position. Alternatively, part of the role of a Section 94 Officer can continue to be undertaken on a consultancy basis or the role can be undertaken by existing staff of the Council.

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35(d) Basis of Apportionment

- 35.8 The need for a S94 Officer is generated only by the existence of the Contributions Plan. Therefore 100% of the equivalent cost of a full-time officer and on-costs is to be met by new development.

Contributions Rates Calculation

36. How is the contributions rate calculated?

- 36.1 The contributions rate for each residential development is calculated by adding the contribution for each facility or service determined as per the formulae in Section 7.
- 36.2 The relevant populations contributing to the various facilities or services are shown on Table 2. This table shows the contribution for different precincts or parts of the LGA, as shown on Figure 1.
- 36.3 To convert these rates to a contribution per dwelling, the following bedroom occupancy rates have been derived from the 2001 ABS Census.

Table 12: Average Occupancy Rates per Dwelling, Ku-ring-gai LGA

Dwelling Size	No persons/ dwelling ⁶
Bedsit and 1 bedroom dwelling	1.27
2 bedroom dwelling	1.78
3 bedroom dwelling	2.56
4 bedroom dwelling	3.30
5 bedroom dwelling	3.88
SEPP (Seniors Living) Housing	1.3

- 36.4 “bedroom” means, for the purposes of this Contributions Plan, any room which, in the opinion of Council, is, by its physical design, capable of being used as a bedroom. Separately accessible rooms designated a bedroom, study, studio, den, attic, home office, home theatre or the like, including in some circumstances partially enclosed mezzanine levels, may be classified as bedrooms for the purposes of this plan. If a room is called a “study” and it is capable of being used as a separate room, it will be defined as a bedroom i.e. a unit described as a one bedroom plus study is a two bedroom dwelling for the purposes of this contributions plan unless the study is, by virtue of its design, incapable of being used as a bedroom.

37. What is the staging of facilities and services to be provided?

- 37.1 The anticipated timing of provision of the identified facilities and services is shown on Table 2. This may be subject to change dependent on availability of matching funds, changing priorities and other factors. Hence, it should be considered indicative. In some cases works will be undertaken when population thresholds are reached.

⁶ Occupancy rates derived from ABS 2001 Census – No. Bedrooms Private Dwelling by Summation Options, Ku-ring-gai LGA

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37.2 The estimated timing of provision of facilities will be updated in Council's Ten Year Financial Model. This will be available for public scrutiny throughout the life of the plan.

38. What is the priority for facilities and services to be provided?

38.1 Table 2 also provides an indication of priorities for expenditure. It is intended that these priorities will be followed in the event that funds are pooled. These priorities are subject to change based on Council priorities and rates of development in different parts of the LGA.

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PART D : SUPPORTING DOCUMENTS

39. What resource, statistical and support material is relevant?

39.1 The Ku-ring-gai contributions plan is based on various studies, plans and policies which have been undertaken and/or adopted by Ku-ring-gai Council. Relevant documents which support this plan include:

- Ku-ring-gai Council Section 94 Community Facilities Background Report (2004)
- Ku-ring-gai Council Section 94 Recreation/Open Space Background Report (2004)
- Ku-ring-gai Social Plan 2000
- Child Care Services Plan (1995)
- Access and Equity Policy (1997)
- Public Art Policy (1997)
- Disability Discrimination Act Plan (1998)
- Demographic Profile of Ku-ring-gai (1998)
- 1989 Recreational Needs Survey
- 1999 Leisure Needs Survey
- 1999-2002 Management Plan
- Traffic and Transport Base Study (GHD) (2000)
- Parking Study (GHD) (2001)
- Ku-ring-gai Council Traffic and Transport Policy
- Long Term Plan for Managing Traffic adopted by Council on 3 June 2003

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Appendices

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Appendix 1

Transport Works

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Transport Works

TRAFFIC MANAGEMENT AND ROAD SAFETY IMPROVEMENTS

Traffic Management Improvements (RDS Area)

1. Fox Valley Rd at Ada Ave - Kerb blisters on Fox Valley Road to increase deflection.
2. Kylie Ave at Northcote Ave - Channelisation at intersection
3. Werona Ave at Greengate St - Seagull islands on side streets
4. Werona Ave at Locksley St - Median islands in Werona Avenue
5. Werona Ave at Robert St - New traffic signals
6. Balfour St at Bent St - Channelisation at intersection
7. Grosvenor - Reconstruct footpath at bus stop
8. Hill St at Victoria St - Channelisation incorporating pedestrian facility
9. Lindfield Ave at Tryon Rd - New traffic signals
10. Nelson Rd - Install traffic calming treatments
11. Ayres Rd at Mona Vale St - Widen roadway to permit two lanes on exit from Ayres Road
12. Horace St at Stanley St - Install/modify splitter islands to better accommodate pedestrians
13. Killeaton St at Cowan Rd - New signals
14. Station St at Hope St - Channelisation at intersection
15. Woodbury Rd - Install traffic calming treatments

Traffic Management Improvements (Outside RDS Area)

16. Fox Valley Rd at Amaroo St - Roundabout/Channelisation - further investigation required
17. Yanko Rd at Kooloona Cr (north) - Channelisation/Intersection improvements - further investigation required
18. Yanko Rd at Lofberg Rd - Channelisation/Intersection improvements - further investigation required
19. Yanko Rd at Yarrara Rd - Channelisation/Intersection improvements - further investigation required
20. Yanko Rd at Congham Rd - Channelisation/Intersection improvements - further investigation required
21. Lady Game Dr at De Burgh Rd - RT bay on Lady Game Drive
22. Lady Game Drive at Bowes Ave - Seagull island on side street? - further investigation required

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23. Chelmsford Ave at Mcleod Ave - Roundabout/Channelisation - further investigation required
24. Sydney Rd at Woodlands Rd - Roundabout
25. Eastern Arterial at Burraneer Ave (north) - Channelisation? Requires further investigation
26. Eastern Arterial Rd at Barra Brui Cr - Install extended length of raised median
27. Yarrabung Rd at Catherine St / College Cr - Roundabout/Channelisation - further investigation required
28. Burns Rd at Westbrook Ave / Ancona Rd - Channelisation? Requires further investigation
29. Burns Rd at Hampden Rd - Channelisation? Requires further investigation
30. Eastern Rd at Braeside St - Channelisation? Requires further investigation
31. Eastern Rd at Kintore St - Channelisation? Requires further investigation
32. Eastern Rd at Tennyson Ave - Channelisation? Requires further investigation
33. Junction Rd at Wahroonga Ave - Channelisation? Requires further investigation

Road Safety Improvements (RDS Area)

34. Fox Valley Rd at Roland Ave - Roundabout incorporating pedestrian facility
35. Gilroy Lane - Widen footpath and undertake study of feasibility of introducing a shared zone treatment
36. Arthur St at Kylie Ave / Elva Ave - Roundabout incorporating pedestrian facility
37. Khartoum Ave at Werona Ave - Pedestrian refuge at Khartoum Avenue
38. McIntosh St at Arthur St - Roundabout incorporating pedestrian facility
39. Park Ave at Werona Ave / Pearson Ave - Ped refuges/kerb blisters at marked crossings
40. Park Ave at Rosedale Rd - Roundabout, incorporating Memorial as a central island
41. Powell St at Karranga Ave / Wattle St - Correct adverse crossfall through intersection
42. Rosedale Rd at Nelson St - Extended refuge incorporating ped crossing and splitter island at roundabout
43. Rosedale Rd at Robert St - Roundabout incorporating pedestrian facility
44. Spencer Rd at Calvert St - Roundabout incorporating pedestrian facility
45. Stanhope Rd at Nelson Rd - Roundabout incorporating pedestrian facility
46. Stanhope Rd at Springdale Rd - Roundabout incorporating pedestrian facility
47. Wade Lane - Widen footpath and undertake study of feasibility of introducing a shared zone treatment
48. Werona Ave at Railway Underpass - Roundabout incorporating pedestrian facility

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49. Werona Ave at McIntosh St - Roundabout incorporating pedestrian facility
50. Chapman Lane - Flat top threshold with marked footcrossing at Lindfield Arcade
51. Hill St at Lord St - Flat top threshold with marked footcrossing at Lindfield Arcade
52. Kochia Lane - Widen footpath between Lindfield Avenue and Chapman Lane
53. Lindfield Ave at Woodside Ave - Roundabout incorporating pedestrian facility
54. Lindfield Ave at Russell Ave - Pedestrian refuge
55. Provincial Rd at Cook Rd - Roundabout incorporating pedestrian facility
56. Roseville Ave at Hill St - Pedestrian refuge
57. Shirley Rd at Glen Rd - Roundabout incorporating pedestrian facility
58. Grandview St at Station Rd - Roundabout incorporating pedestrian facility
59. Link Rd at Killeaton St - Median island treatment at intersection
60. Telegraph Rd at Station St - Pedestrian refuges/channelisation
61. Bannockburn Rd at Rushall St - Roundabout incorporating pedestrian facility
62. Bannockburn Rd at Selwyn St - Intersection improvements - requires further investigation
63. Billyard Ave at Young St - Roundabout incorporating pedestrian facility
64. Bobbin Head Rd at Berrillee St / Rushall St - Roundabout incorporating pedestrian facility
65. Burns Rd at Grosvenor St / Cleveland Rd - Roundabout at Burns/Grosvenor and channelisation at Burns/Cleveland
66. Cleveland St at Stuart St - Roundabout incorporating pedestrian facility
67. Cleveland St at Billyard Ave - Roundabout incorporating pedestrian facility
68. Eastern Rd at Karuah Rd - Roundabout incorporating pedestrian facility
69. Eastern Rd at Bangalla St - Roundabout incorporating pedestrian facility
70. Ku-ring-gai Ave at Boomerang St - Roundabout incorporating pedestrian facility
71. Millewa Ave at Cleveland St - Roundabout incorporating pedestrian facility
72. Redleaf Ave at Railway Ave - Roundabout incorporating pedestrian facility

Road Safety Improvements (Outside RDS Area)

73. Pentecost Ave at Merrivale St - Roundabout
74. Pentecost Ave at Bannockburn Rd - Roundabout
75. Burns Rd at Bobbin Head Rd - RT arrows/bays in Burns Road/Bobbin Head Road

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76. Eastern rd at Chilton Pde - Roundabout
77. Billyard Ave at Mona St - Roundabout? - further investigation required
78. Burns Rd at Clissold Rd - Install new seal on poor surface
79. Eastern Rd at Billyard Ave - Roundabout? - further investigation required
80. Tennyson Ave at The Chase Rd - Roundabout/Speed reduction measures in The Chase Road
81. Burns Rd at Ellalong Rd - Intersection improvements at curve - further investigation required
82. Burns Rd at Bedford Ave - Intersection improvements at curve - further investigation required
83. Burns Rd at Trentino Rd - Restrict turning movements? - further investigation required
84. Eastern Rd at Trentino Rd - Roundabout?
85. Burns Rd at Eastern Rd - Improvements to signalised intersection - further investigation required
86. Junction Rd at Grosvenor St - Improvements to roundabout - further investigation required
87. Bobbin Head Rd at Pentecost Ave / Boomerang St - RT arrows/bays in Bobbin Head Road
88. Bobbin Head Rd at Milton Rd - Roundabout
89. Junction Rd at Coonanbarra Rd - Improvements to roundabout - further investigation required
90. Junction Rd at Eastern Rd - Improvements to signalised intersection - further investigation required
91. Douglas St at Acron Rd - Roundabout
92. Warrimoo Ave at Dalton Rd - Roundabout
93. Yarrabung Rd at Stanley St - Roundabout
94. Telegraph Rd at Ganmain Rd - Roundabout
95. Killeaton St at Benaroon Ave - Intersection improvements - further investigation required
96. Horace St at Hunter Ave / Eucalyptus St - Improvements to roundabout - further investigation required
97. Acron Rd at Woodbury Ave - Roundabout
98. Killeaton St at Acron Rd - Intersection improvements - further investigation required
99. Killeaton St at Carbeen Ave - Intersection improvements - further investigation required
100. Killeaton St at Warrimoo Ave - Intersection improvements - further investigation required
101. Collins Rd at Toolang Rd - Roundabout
102. Killeaton St at Collins Rd - Intersection improvements - further investigation required

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103. Melbourne Rd at Allambie Ave / Adelaide Ave - Roundabout
104. Melbourne Rd at Wellington Rd - Roundabout
105. Archbold Rd at Chelmsford Ave - Seagull islands on side streets
106. Archbold Rd at Margaret - St - Intersection improvements - further investigation required
107. Archbold Rd at Bancroft Ave - Intersection improvements - further investigation required
108. Archbold Rd at Addison Ave - Improvements to signalised intersection - further investigation required
109. Archbold Rd at Clanville Rd / Carnarvon Rd - Fixed Speed Camera
110. Addison Ave at Moore St - Roundabout
111. Archbold Rd at Duntroon Ave - Seagull islands on side streets
112. Duntroon Ave at Moore St - Roundabout
113. Archbold Rd at Middle Harbour Rd - Seagull islands on side streets
114. Archbold Rd at Lord St - Intersection improvements - further investigation required
115. Lady Game Dr at Provincial Rd - Intersection improvements - further investigation required
116. Archbold Rd at Tryon Rd - RT arrows/RT bays in Tryon Road
117. Archbold Rd at Roseville Ave - Intersection improvements - further investigation required
118. Archbold Rd at Park Ave - Intersection improvements - further investigation required
119. Archbold Rd at Dudley St - Intersection improvements - further investigation required
120. Archbold Rd at Owen St - Intersection improvements - further investigation required
121. Lady Game Dr at Grosvenor Rd - Improvements to roundabout - further investigation required
122. Lady Game Dr at Highfield Rd / Moore Ave - Improvements to roundabout - further investigation required
123. Highfield Rd at Primula St - Roundabout
124. Park Ave at Moore St - Roundabout
125. Eastern Arterial Rd at Koola Ave - Improvements to signalised intersection - further investigation required
126. Eastern Arterial Rd at Springdale Rd - Restrict turning movements? - further investigation required
127. Koola Ave at Churchill Rd - Intersection improvements - further investigation required
128. Lady Game Dr at Fiddens Wharf Rd - Improvements to roundabout - further investigation required

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- 129. Eastern Arterial Rd at Fairlight St - Intersection improvements - further investigation required
- 130. Rosebery Rd at Koola Ave / Wattle St - Improvements to roundabout - further investigation required
- 131. Maxwell St at Geoffrey St - Roundabout
- 132. Comenarra Pwy at Fox Valley Rd - RT arrows/bays in Comenarra Parkway
- 133. Kissing Pt Rd at Catalpa Cr (south) - Roundabout
- 134. Lucinda Ave at Eastbourne Ave - Roundabout
- 135. Yanko Rd at Kendall St - Improvements to roundabout - further investigation required
- 136. Fox Valley Rd at Lucinda Ave - Improvements to roundabout - further investigation required
- 137. Yanko Rd at Wallalong Cr (north) - improvements to signalised intersection - further investigation required
- 138. Yanko Rd at Wallalong Cr (south) - Restrict turning movements
- 139. Fox Valley Rd at Stone Ave - Improvements to ped x'ing approaches/skid resistance? - further investigation required
- 140. Comenarra Pwy at Ravenhill Rd - Delineation around curve - further investigation required

Pedestrian Networks (RDS Area)

- 141. Tryon Rd - Extension of footpath across front of church property Ref 88/5805/01
- 142. Werona Ave - Adjacent to Nos 83/85 No 83 10/86
- 143. Bangalla St at Warrawee Ave to No 31 - northern side (to eliminate ponding of water)
- 144. Drovers Way at Beaconsfield Pde to northern end (to complete) - 134m
- 145. Werona Ave - Footway west side from Stanhope to Arnold
- 146. Everton St - Adjacent to No2-52m2
- 147. Arnold St - Footway north side Werona to Locksley
- 148. Woonona Ave at Pacific Highway to Warwilla Ave - western side - reconstruction in asphalt - 300
- 149. Memorial Ave - Footway near No 65 and remove trees
- 150. Nelson Rd - No 9 to Tryon Rd east side
- 151. Shinfield Ave at Mona Vale Rd to Pildara Ave - south side
- 152. Boyd St at southern side Jersey to Kissing Point Road
- 153. Illoura Ave - Footway on west side north from Stuart - 88/2915/01

Pedestrian Networks (Outside RDS Area)

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154. Lady Game Drive at Fiddens Wharf Rd to crossing at No 57 north side
155. Eppleston Pl - full length No 1 5/87
156. Kendall St at Ryde Rd to Grayling St No 14 1/90
157. Bent La - Extend narrow footway Balfour St to Bent St 88/6275/03
158. Auluba Rd at Kissing Point Rd to Kindergarten south-eastern side 171m2
159. Auluba Rd - north side from Chisholm St to Balmaringa Ave
160. Mona Vale Rd at Bundabah Ave to Woodbury Rd - western side
161. The Comenarra Pwy at Fox Valley Rd to Browns Rd - northern side - 780m No 39 Browns Rd 3/76
162. Mona Vale Rd at Woodbury Rd to Ayres Rd - western side No 322 Mona Vale Rd 5/89
163. Link Rd at Mona Vale Rd to Stanley St - 2 metre c'way
164. Kiparra St - footway Pee Wee Park to Kooyong
165. Kiparra St - footway Pee Wee Park to Ryde Rd
166. Norfolk St - footway Essex to Cecil north side
167. Duneba Ave - shops to Kiparra St
168. Kulgoa Rd - footway east side Cameron to Richmond Park
169. Warrington Ave - Existing path in Koola Ave to northern end - 420m No 2 Harcourt St 1/83
170. Ayres Rd at Mona Vale to Acron Rd - southern side - 664m2 No 46 4/75; No 44 3/75
171. Bobbin Head Rd - Huon Park to school east side
172. Boundary St - Construct pedestrian ramp where steps currently exist opposite Archer
173. Glencroft Rd at Bencroft Ave to Lord St - eastern side - 140m
174. Cherry St - footway over rail bridge
175. Crana Ave at Allambie Ave to Ormonde south-eastern side
176. Bobbin Head Rd at Leura Cr to Lady Davidson Hospital entrance
177. Eucalyptus St from existing path to eastern Arterial Rd - southern side - 330m No 5 Susse
178. Mt Pleasant Ave - Footway south side from existing to retirement village - 88/4200/01
179. Binalong St - Footway one side from grayling to shops - 88/0700/01
180. Murrua Rd - Senior citizens centre to Bobbin Head Rd - south western side - petition 62
181. Merriwa St - North west side from pacific Highway to Fitzsimons Lane construction of conc

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182. Coonanbarra Rd from Woniora Ave to Burns Rd - western side - 160m2 total reconstruction ref 8
183. Eastern Arterial Rd - south of Burraneer Ave - 130m No 78 10/77
184. inlay Rd at Pacific Highway to Denman St - south eastern side Warrawee school
185. Romney Rd at Toolang Rd to opposite Shelby St, eastern side - 496m2 No 19 hillside Ave 7/7
186. Blytheswood Ave - Low level footway, northern side at school
187. Burns Rd - westerly from Eastern Rd - northern side No 92 11/88
188. Congham Rd - Nos 18/20 Wallalong Cr, south eastern side to complete - 346m2 No 4 8/72
189. Randolph St (Lane) - Complete laneway to Billyard Ave
190. Ada Ave at The Glade Walk to Tanderra St - western side No 21 12/89
191. Grandview St from existing path at No 23 to Mona Vale Rd No 17 2/83
192. Archbold Rd - Lowering of footpath / nature strip area adjacent to Nos 33&35
193. Junction Rd at Eastern Rd to Wahroonga Ave, south side - 550m ref88/3010/03 (7/10/98)
194. Eastern Rd at Burns Rd to Junction Rd east side
195. Boomerang St between Ku-ring-gai Ave and Turramurra Ave ref 88/0805/01
196. Hunter Ave - Path and steps on demand line on embankment near Yarabung Rd
197. Chilton Pd - Nos 34&36 to Eastern Rd, southern side No 37 71/7436 (K&G required first)
198. Robinson St at Tryon Rd to Damour Ave, south eastern side - 1260m2
199. Water St from eastern boundary Wahroonga public school to Mona St - n'side con
200. Chilton Pd at Warrawee Ave to pathway between Nos 34&36 southern side

Cycle Networks (RDS Area)

201. Hill St - from Boundary St to Clanville Rd
202. Clanville Rd - from Hill St to Rawhiti St
203. Rawhiti St - from Clanville Rd to Waimea Rd
204. Waimea Rd - from Rawhiti St to Strickland Ave
205. Strickland Ave - from Chelmsford Ave to Lindfield Ave
206. Lindfield Ave - from Strickland Ave to Kenilworth Rd
207. Werona Ave - from Stanhope Rd to Elva Ave
208. Culworth Ave - from Rail Station to Marian St

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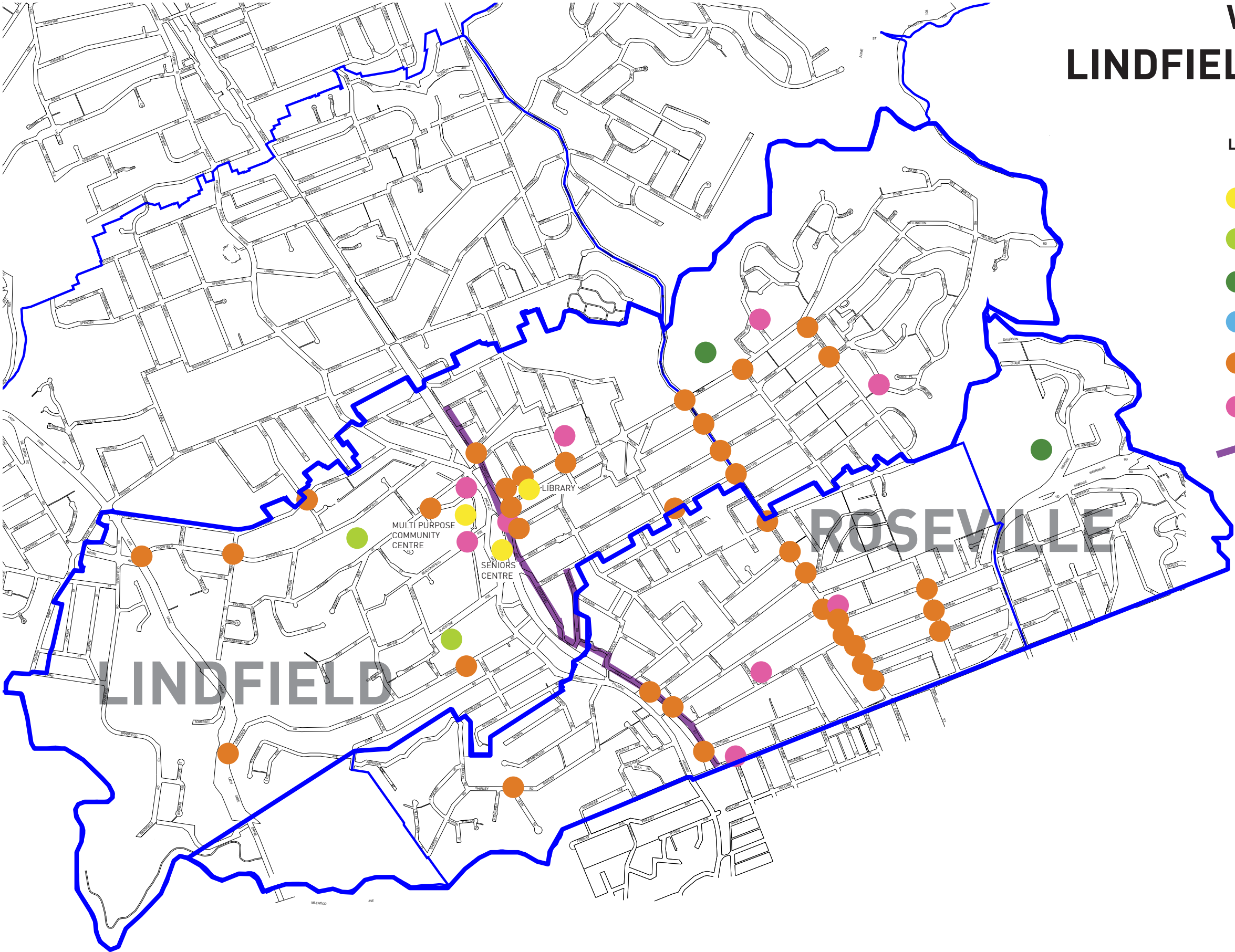
209. Marian St - from Culworth Ave to Pacific Highway
210. Werona Ave - from Forsythe St to Park Ave
211. Pearson Ave - from Park Ave to Mt William St
212. Park Ave - from Pacific Highway to Rosedale Rd
213. Rosedale Rd - from Park Ave to Melkin End
214. Turuga St - from Warrangi St to Ku-ring-gai Ave
215. Ku-ring-gai Ave - from Turuga St to Wonga Wonga St
216. Wonga Wonga St - from Ku-ring-gai Ave to Turramurra Ave
217. Turramurra Ave - from Wonga Wonga St to Gilroy Lane
218. Gilroy Lane - from Turramurra Ave to Gilroy Rd
219. Gilroy Rd - from Gilroy Lane to Eastern Rd
220. Eastern Rd - from Gilroy Rd to Brentwood Ave
221. Hastings Rd - from Cherry St to Warrawee Ave
222. Warrawee Ave - from Hastings Rd to Bangalla St
223. Bangalla St - from Warrawee Ave to Millewa Ave
224. Millewa Ave - from Bangalla St to Freeway
225. Collins Rd - from Village Green Pde to Bimburra Ave
226. Rosedale Rd - from Mona Vale Rd to Pentecost Ave
227. Mona Vale Rd - from Pentecost Ave to Link Road
228. Link Rd - from Stanley St to Killeaton St
229. Pentecost Ave - from Stanley St to Mona Vale Rd
230. Grandview Pd - from Fern St to Station St
231. Station St - from Grandview Pd to Carson St
232. Kissing Point Rd - from Pacific Highway to Catalpa Cr

WORK SCHEDULE MAPS

LINDFIELD AND ROSEVILLE

LEGEND

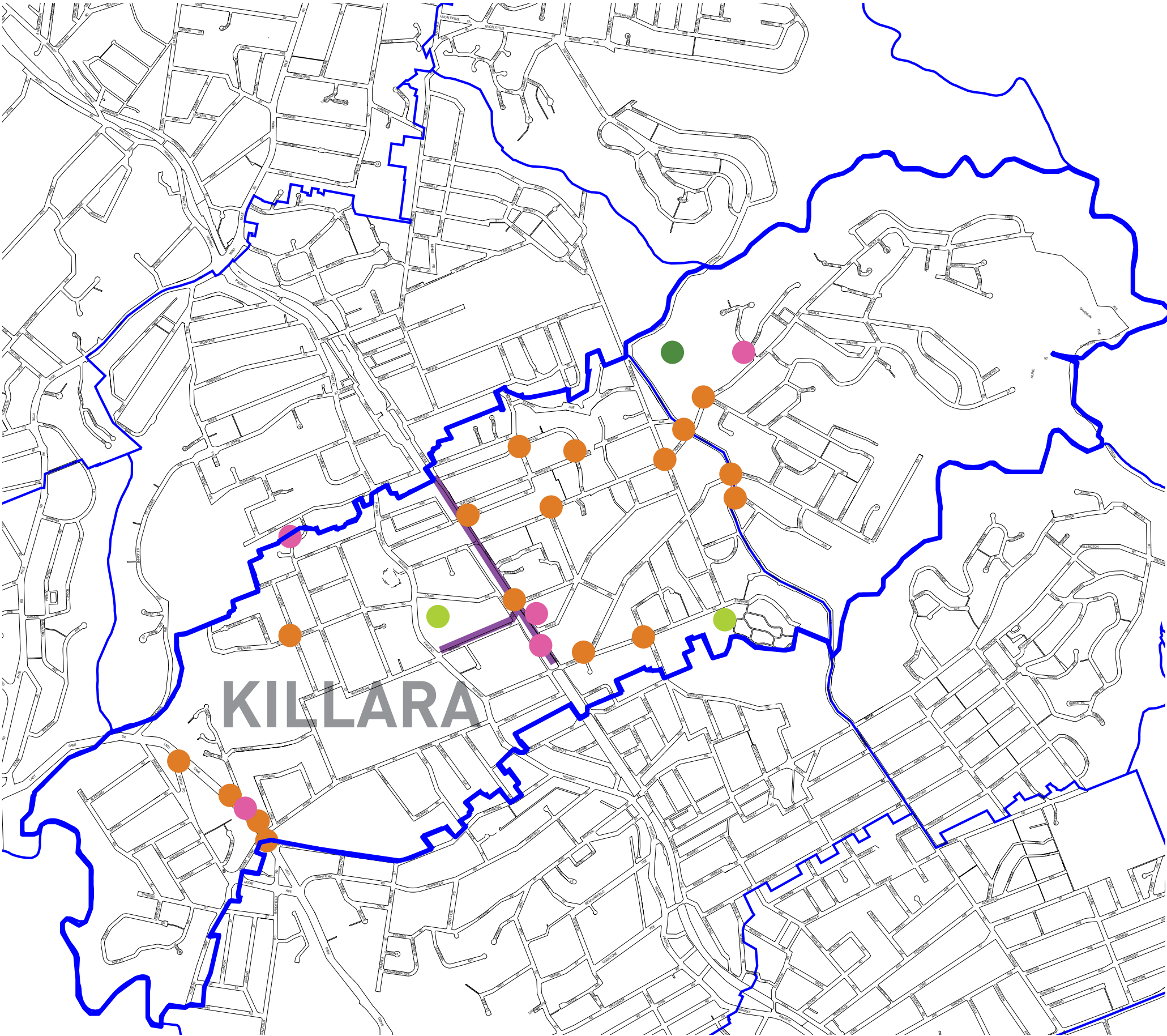
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- PARKS AND OPEN SPACE EMBELLISHMENT
- SPORTSGROUND EMBELLISHMENT
- AQUATIC CENTRE
- TRAFFIC AND ROAD SAFETY WORKS
- PEDESTRIAN NETWORK WORKS
- CYCLE NETWORK WORKS



WORK SCHEDULE MAPS KILLARA

LEGEND

- COMMUNITY WORKS
- PARKS AND OPEN SPACE EMBELLISHMENT
- SPORTSGROUND EMBELLISHMENT
- AQUATIC CENTRE
- TRAFFIC AND ROAD SAFETY WORKS
- PEDESTRIAN NETWORK WORKS
- CYCLE NETWORK WORKS

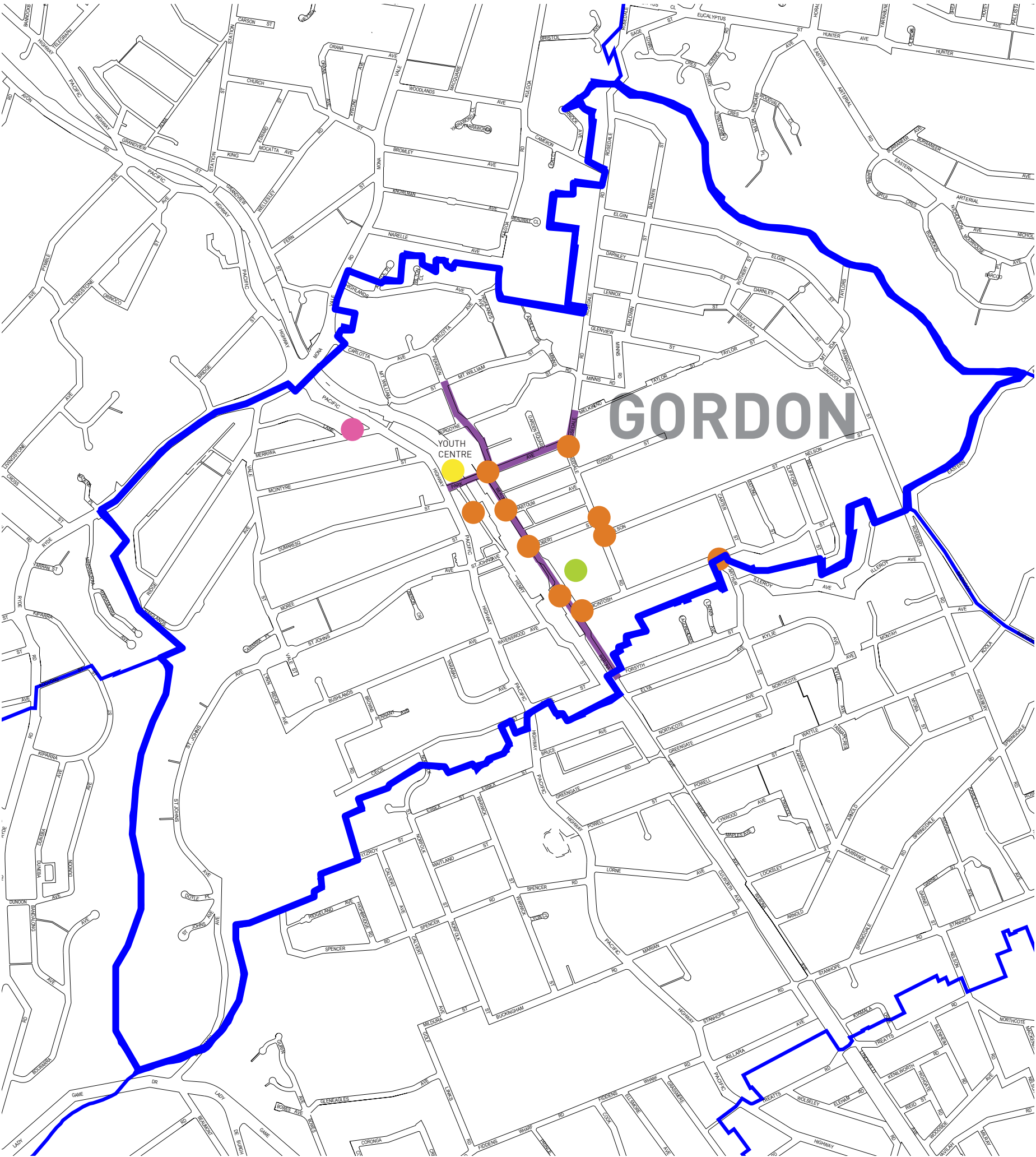


WORK SCHEDULE MAPS

GORDON

LEGEND

- COMMUNITY WORKS
- PARKS AND OPEN SPACE EMBELLISHMENT
- SPORTSGROUND EMBELLISHMENT
- AQUATIC CENTRE
- TRAFFIC AND ROAD SAFETY WORKS
- PEDESTRIAN NETWORK WORKS
- CYCLE NETWORK WORKS

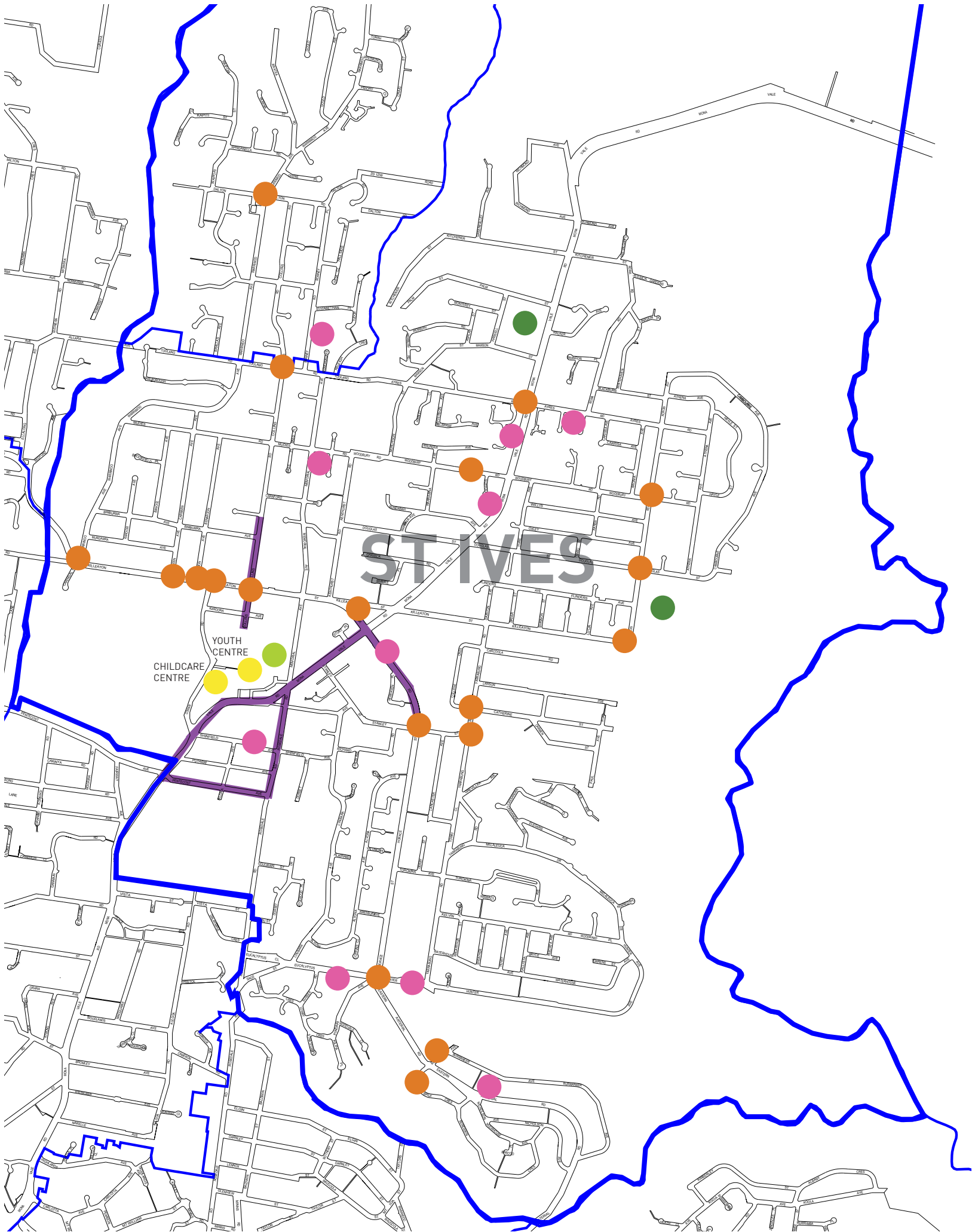


WORK SCHEDULE MAPS

ST IVES

LEGEND

- COMMUNITY WORKS
- PARKS AND OPEN SPACE EMBELLISHMENT
- SPORTSGROUND EMBELLISHMENT
- AQUATIC CENTRE
- TRAFFIC AND ROAD SAFETY WORKS
- PEDESTRIAN NETWORK WORKS
- CYCLE NETWORK WORKS

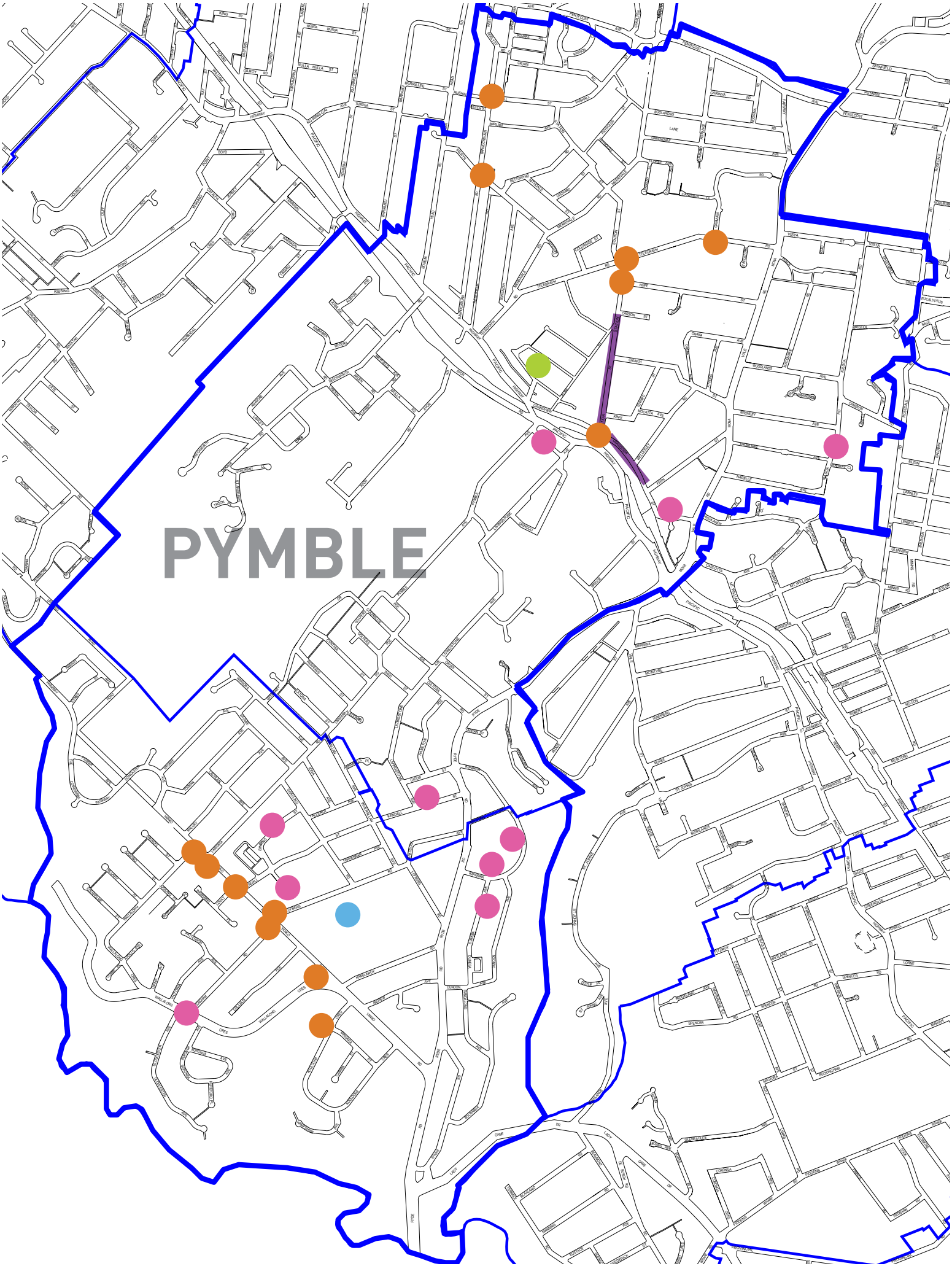


WORK SCHEDULE MAPS

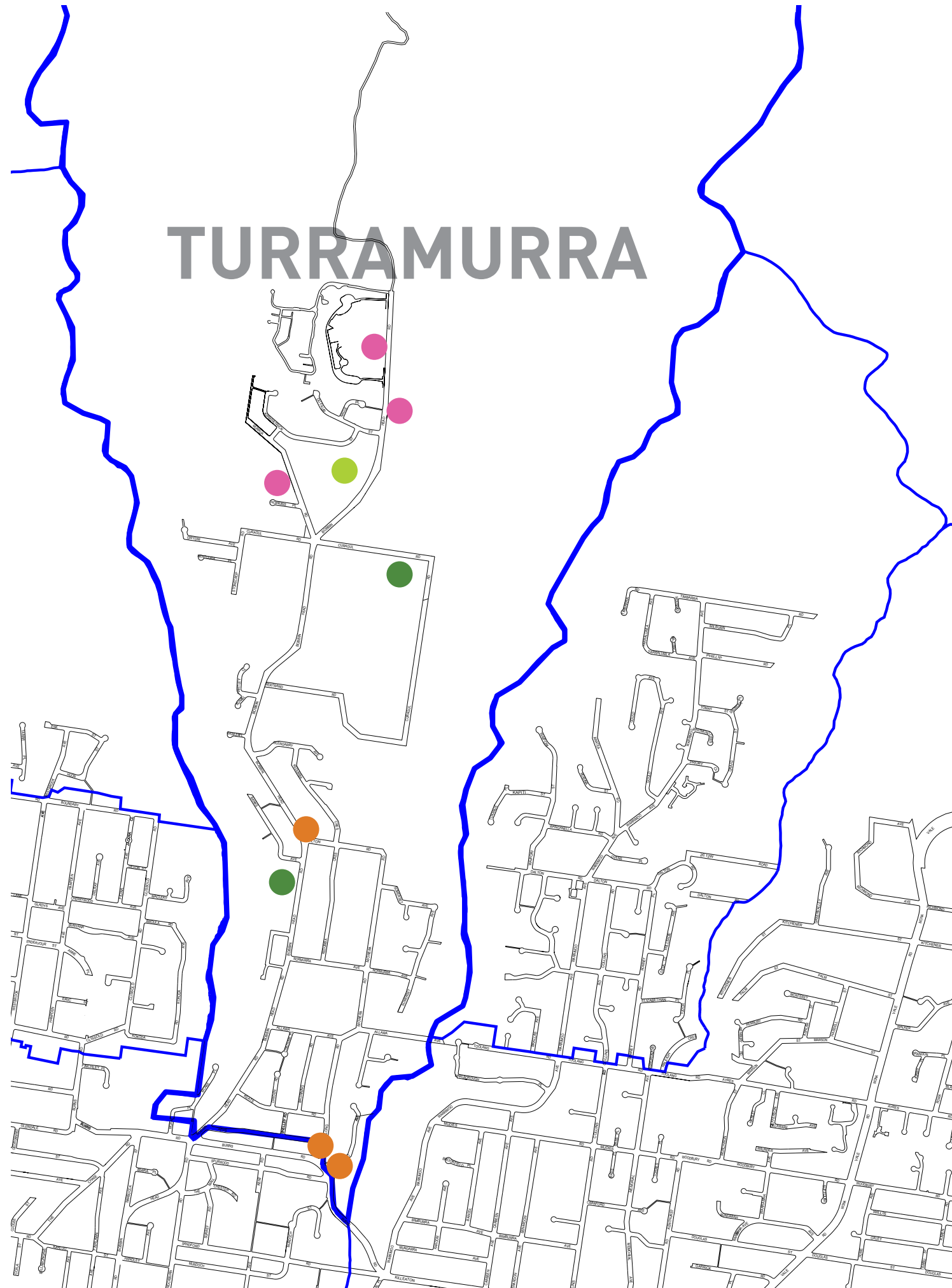
PYMBLE

LEGEND

- COMMUNITY WORKS
- PARKS AND OPEN SPACE EMBELLISHMENT
- SPORTSGROUND EMBELLISHMENT
- AQUATIC CENTRE
- TRAFFIC AND ROAD SAFETY WORKS
- PEDESTRIAN NETWORK WORKS
- CYCLE NETWORK WORKS



LEGEND

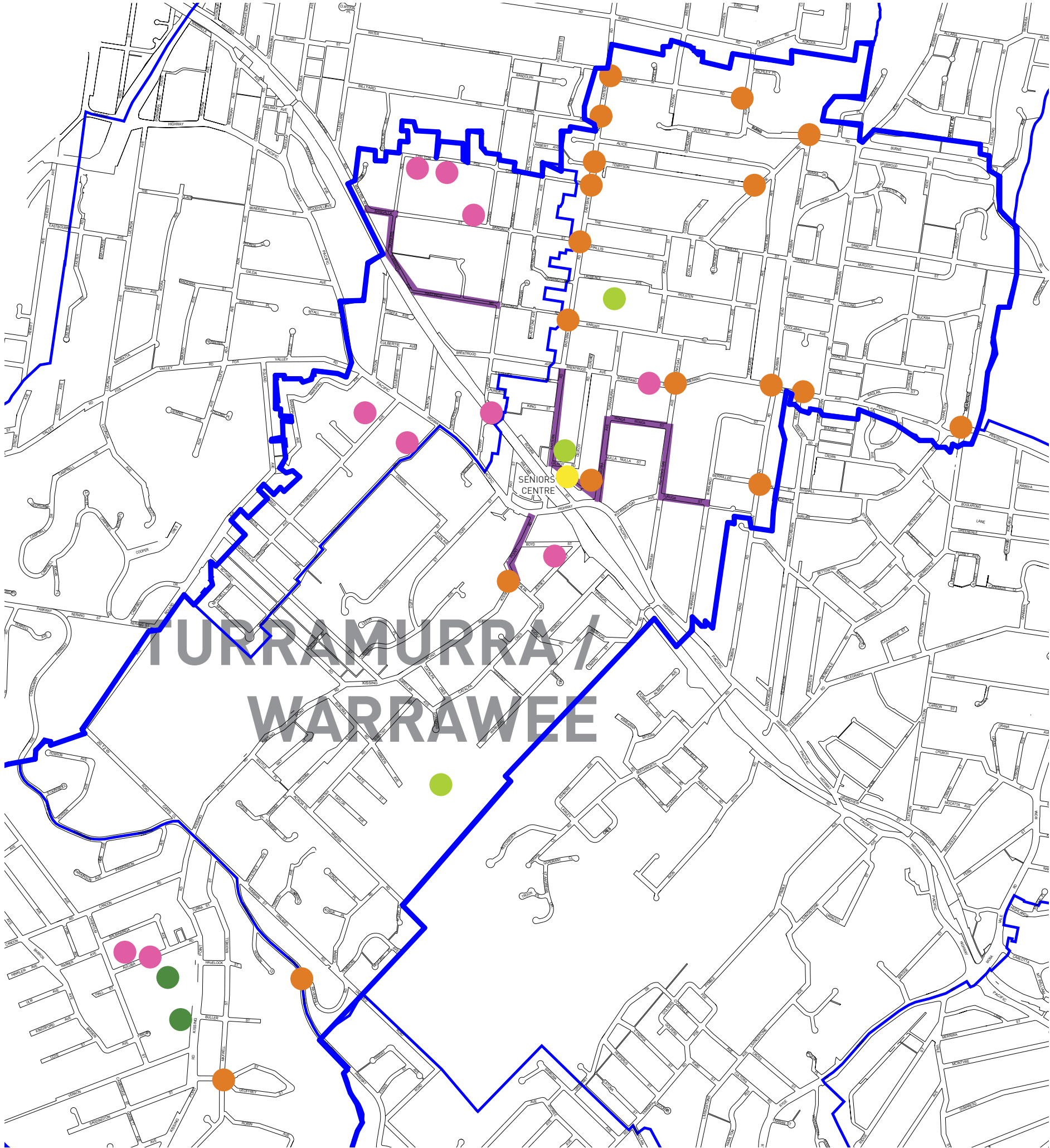


WORK SCHEDULE MAPS

TURRAMURRA / WARRAWEE

LEGEND

- COMMUNITY WORKS
- PARKS AND OPEN SPACE EMBELLISHMENT
- SPORTSGROUND EMBELLISHMENT
- AQUATIC CENTRE
- TRAFFIC AND ROAD SAFETY WORKS
- PEDESTRIAN NETWORK WORKS
- CYCLE NETWORK WORKS



WORK SCHEDULE MAPS

WAHROONGA

LEGEND

- COMMUNITY WORKS
- PARKS AND OPEN SPACE EMBELLISHMENT
- SPORTSGROUND EMBELLISHMENT
- AQUATIC CENTRE
- TRAFFIC AND ROAD SAFETY WORKS
- PEDESTRIAN NETWORK WORKS
- CYCLE NETWORK WORKS

