

# ORDINARY MEETING OF COUNCIL TO BE HELD ON TUESDAY, 17 OCTOBER 2006 AT 7.00PM LEVEL 3, COUNCIL CHAMBERS

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

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

**APOLOGIES** 

**DECLARATIONS OF INTEREST** 

CONFIRMATION OF REPORTS TO BE CONSIDERED IN CLOSED MEETING

MAYORAL PRESENTATION OF CHEQUES - 2006 FINANCIAL ASSISTANCE GRANTS TO COMMUNITY GROUPS

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 26 September 2006 Minutes numbered 359 to 386

**MINUTES FROM THE MAYOR** 

#### **PETITIONS**

## PT.1 Petition to Oppose the Reclassification of Community Land - (Seven Hundred [700] Signatures)

1

File: S05476

"We, the undersigned, oppose the reclassification of Community Land around Ku-ring-gai retail centres.

We believe that land classified as Community Land should be retained in public ownership and be used to provide open space.

This land should be incorporated into a wider area of Community Land to retain and enhance the areas for past, present and future generations by the active use of conservation methods and appropriate development controls - as per the LGA 1993 No. 30, Section 36".

## PT.2 245 to 247 Bobbin Head Road, North Turramurra - Support for Proposed IGA Mini-Market - (Fifteen [15] Signatures)

2

File: DA0509/06

"We, the undersigned, are in favour of the IGA mini-market proposed at North Turramurra. It will significantly improve the level of convenience for local residents and we urge Council to approve the proposal."

#### **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 Lindfield Centre - Revised Draft Planning Controls for Precinct P - Area Bounded by Wolseley Road, Treatts Road & Railway Corridor, Lindfield

File: S04350

Report by Director Open Space & Planning dated 9 October 2006 - to be circulated separately.

3

48

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File: DA1235/05

Ward: Comenarra

Applicant: C M & R W Davidson Owner: C M & R W Davidson

To determine development application No 1235/05, which seeks consent for the subdivision of the site into 4 allotments.

#### Recommendation:

Approval.

# GB.3 1689 to 1693 Pacific Highway, Wahroonga - Demolition of the Existing Structures & Construction of a Residential Flat Building Containing 35 Units & Basement Parking for 49 Cars

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File: DA0643/06

Ward: Wahroonga

Applicant: Bundarra Avenue Pty Ltd

Owner: David Wilkins, Elke Wagener, Cornelia Wagener, Bundarra Avenue Pty Ltd

To determine development application No. 643/06, which seeks consent for the demolition of the existing structures and construction of a residential flat building containing 35 units and basement parking for 49 cars.

#### Recommendation:

Approval

# GB.4 2, 4 & 6 Bundarra Avenue, Wahroonga - Demolition & Construction of a 116 Residential Flat Building Containing 36 Units & Basement Car Parking for 66 Cars

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File: DA0644/06

Ward: Wahroonga

Applicant: Bundarra Avenue Pty Ltd

Owner: Yi Tan Tong, Gillian Watson, Adam Stewart

To determine development application No. 644/06, which seeks consent for the demolition and construction of a residential flat building containing 36 units and basement parking for 66 cars.

#### Recommendation:

Approval

### GB.5 1 to 7 Carlotta Avenue, Gordon - Consolidation of 8 Lots & Subdivision into 2 Lots

185

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File: DA0361/06

To determine development application No 361/06, which seeks consent for the consolidation of 8 existing lots and subdivision into 2 lots, hereafter referred to as Proposed Lot 1 and Proposed Lot 2.

The proposal has been lodged by Ku-ring-gai Council on land owned by Council and is currently used for the purpose of Council's Works Depot. This report has been prepared by Don Fox Planning Pty Ltd for Council's consideration.

#### **Recommendation:**

That Council approve the application in accordance with the recommendations made by the independent planning consultant, J McFadden of Don Fox Planning Pty Ltd in Attachment 1 - Consultant's Report.

#### GB.6 Amendments to the Conduct Committee Guidelines

209

File: S04462

Amend the Ku-ring-gai Council Conduct Committee Guidelines.

#### Recommendation:

That Council adopt the proposed amendments to the Conduct Committee Guidelines.

#### GB.7 Disclosure of Interests Returns Register

220

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.8 Annual Financial Statements for the year ended 30 June 2006

222

File: S04639

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 2006 and to provide a summary of Council's financial performance and financial position at 30 June 2006.

#### **Recommendation:**

That Council receives the audited Financial Statements and the report of Council's external auditor, Spencer Steer Chartered Accountants.

#### GB.9 Capital Works Carried Forward 2005/2006

231

File: S03638

To seek endorsement from Council to carry forward the attached list of 2005/2006 projects into the current financial year.

#### Recommendation:

That Council approve the attached list of carried forward projects and that the net balance of \$336,800 be funded from working funds and the shortfall of \$93,600 be funded from the September Review.

#### GB.10 Ku-ring-gai Access Advisory Committee

243

File: S02116

To provide Council with the Minutes of the Ku-ring-gai Access Advisory Committee of 17 August 2006.

#### Recommendation:

That the Minutes of the Ku-ring-gai Access Advisory Committee of 17 August 2006 be received and noted.

#### GB.11 Development Options of the Abandoned B2 Road Corridor, South Turramurra

251

File: S02846

The purpose of this report is to seek Council's direction to the future use of the land owned by Council and the NSW Department of Planning within the B2 road corridor, South Turramurra.

#### **Recommendation:**

That Council reclassify and prepare a LEP for the low density residential development of the existing land zoned 2(c) in conjunction with the NSW Department of Planning and seek a land transfer of the bushland section zoned 6(a) from the Department.

# GB.12 Parks, Sport & Recreation Reference Group - Minutes of Meeting of 31 August 2006

File: S03447

To bring to the attention of the Ordinary Meeting of Council, the Minutes from the Parks, Sport and Recreation Reference Group Meeting held Thursday, 31 August 2006.

#### Recommendation:

That the Minutes of the Parks, Sport and Recreation Reference Group meeting held on 31 August 2006, be received and noted.

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

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

## NM.1 Former Freeway Corridor Land - South Turramurra - Potential for New Playing Field 280

File: S02921

Notice of Motion from Councillor E Malicki dated 27 September 2006.

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271

#### I move:

"That staff prepare a preliminary report on the potential for delivering a new playing field on former freeway corridor land in Chisholm Street South Turramurra on land known as the horse paddocks.

The report should deal with;

- 1. Size of various sporting fields and the capacity of the site to locate a field and parking
- 2. Land ownership in the area and the capacity for land swaps
- 3. Approximate costs of building a playing field in this area
- 4. Any other relevant matter

The purpose of seeking this report is to allow Council the opportunity to consider the future of land owned by our community in South Turramurra, bearing in mind that the land has now been rezoned and may shortly be put on the market for housing, thus losing the opportunity to build a much needed playing field in this area."

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

**QUESTIONS WITHOUT NOTICE** 

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

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# Environmental Planning & Assessment Act 1979 (as amended)

#### Section 79C

#### 1. Matters for consideration - general

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

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

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

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

### **PETITION**

# PETITION TO OPPOSE THE RECLASSIFICATION OF COMMUNITY LAND (SEVEN HUNDRED [700] SIGNATURES)

"We, the undersigned, oppose the reclassification of Community Land around Ku-ring-gai retail centres.

We believe that land classified as Community Land should be retained in public ownership and be used to provide open space.

This land should be incorporated into a wider area of Community Land to retain and enhance the areas for past, present and future generations by the active use of conservation methods and appropriate development controls - as per the LGA 1993 No. 30, Section 36'.

#### RECOMMENDATION

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

DA0509/06 10 October 2006

### **PETITION**

# 245 TO 247 BOBBIN HEAD ROAD, NORTH TURRAMURRA - SUPPORT FOR PROPOSED IGA MINI-MARKET - (FIFTEEN [15] SIGNATURES)

"We, the undersigned, are in favour of the IGA mini-market proposed at North Turramurra. It will significantly improve the level of convenience for local residents and we urge Council to approve the proposal."

#### **RECOMMENDATION**

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

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### LINDFIELD CENTRE - REVISED DRAFT PLANNING CONTROLS FOR PRECINCT P - AREA BOUNDED BY WOLSELEY ROAD, TREATTS ROAD AND RAILWAY CORRIDOR, LINDFIELD

#### **EXECUTIVE SUMMARY**

PURPOSE OF REPORT: For Council to consider and adopt for exhibition

the revised draft planning controls for Precinct P (area bounded by Wolseley Road, Treatts Road, Ibbotson Park and the Railway corridor) in the Lindfield Centre prior to formal exhibition of

the Draft Plans.

BACKGROUND: At its meeting on 26 September 2006, Council

considered the draft planning controls for Precinct P in the Lindfield Centre, and resolved to make a further review in relation to traffic, access and additional public open space for the precinct prior to the formal exhibition of the

Draft Plans.

**COMMENTS:** This report provides further revised planning

controls for Precinct P in the Lindfield Centre for Council's consideration and adoption for

formal public exhibition.

**RECOMMENDATION:** That Council endorse the revised draft

Development Control Plan controls for Precinct P in the Lindfield Centre for formal exhibition

as outlined in the recommendation.

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#### PURPOSE OF REPORT

For Council to consider and adopt for exhibition the revised draft planning controls for Precinct P (area bounded by Wolseley Road, Treatts Road, Ibbotson Park and the Railway corridor) in the Lindfield Centre prior to formal exhibition of the Draft Plans.

#### BACKGROUND

Precinct P is an area broadly bounded by Wolseley Road, Treatts Road, Ibbotson Park and the railway corridor. It comprises the North Shore Synagogue and the Masada Infants and Primary School sites as well as single detached housing.

At its meeting on 16 August 2006, Council considered and adopted the Draft Local Environmental Plan (LEP) and Development Control Plan (DCP) for the Lindfield Centre for formal public exhibition. In addition, Council resolved to undertake further planning for Precinct P in the Lindfield Centre prior to formal exhibition of the Draft Plans.

On 26 September 2006, Council considered draft planning controls for Precinct P and resolved to make a further review in relation to traffic, access and additional public open space for the precinct prior to the formal exhibition period. Copy of Council's report on Lindfield Centre of 26 September 2006 is included in **Attachment A**.

Following Council's resolution of 26 September 2006, this report provides further revised planning controls for Precinct P for Council's consideration and adoption for formal public exhibition.

#### COMMENTS

### DCP Controls for Precinct P (Wolseley Road / Treatts Road / Ibbotson Park / Railway Corridor)

#### Background

On 16 August 2006, Council resolved to adopt land use Option 2 for rezoning Precinct P generally to R3 Medium Density Residential, with the exception of 6 lots owned by Masada Infants and Primary School which are to be rezoned to R4 High Density Residential. This adopted land use option with a mix of R3 and R4 zoning provides increased density and housing choice while protecting the interface zone and providing the maximum public domain benefits. Accordingly, Council's urban design consultant prepared a Draft DCP plan for Precinct P for Council's consideration and adoption in its meeting on 26 September 2006.

On 26 September 2006, Council further resolved to undertake further work on Precinct P mainly in regard to the traffic and access strategies and public domain improvements prior to the formal exhibition.

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The relevant resolutions for Precinct P from 26 September 2006 were:

- 1. "That staff consider alternative access from the R4 site in Precinct P to Treatts Road only"
- 2. "Staff to reduce new road by approximate half and, to add further public open space to Ibbotson Park and report back to Council on 17 October 2006."

Council's planning staff and traffic engineers, and consultants have undertaken further investigation of the traffic proposals for Precinct P in accordance with Council's resolution. Council's Urban Design Consultant Hill Thalis, in consultation with staff have subsequently prepared revised Draft DCP controls for Precinct P.

#### Revised Built form Controls

The development of townhouses permitted under R3 zoning is proposed along the street frontages to Wolseley and Treatts Roads to ensure that the neighbourhood character of the locality is preserved. The natural boundaries formed by the existing roads to this precinct will help to reduce interface impacts to the nearby low density residential area. Apartment buildings up to 4 storeys within proposed R4 zone are to be located towards the raised rail corridor.

There is potential for site amalgamation in this precinct to reflect existing land ownership patterns. The DCP plan (**Attachment B**) shows 5 possible development parcels for new dwellings as follows:

- Site 1 (15 Treatts Road) Proposed R3 Medium Density Residential zone currently owned and occupied by the North Shore Synagogue. Large building setback of 15 metres is to be provided from western boundary to facilitate future street connection through the precinct.
- Site 2 (1-6 Eleham Road) Proposed R4 High Density Residential zone currently owned and occupied by the Masada Infants and Primary School. Large building setback of 15 metres is to be provided from western boundary to facilitate future street connection through the precinct. This area contains part of Council's owned Eleham Road area of 1,203sqm.
- **Site 3** (7-9 Eleham Road) Proposed R3 Medium Density Residential zone owned by Masada and partly used as school ground for Masada. This area contains part of Council's owned Eleham Road area of 1,018sqm and the built form controls minimise the potential isolation of the site south of Eleham Road.
- **Site 4** (7, 9 Wolseley Road) Proposed R3 Medium Density Residential zone with building setback requirement of 10 metres to Wolseley Road.
- **Site 5** (1, 3, 5, 7, 9, 11 Treatts road) Proposed R3 Medium Density Residential zone with building setback requirement of 10 metres to Treatts Road.

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#### Traffic and Access Strategies

It is considered crucial to rationalise the existing street configuration within this precinct upon redevelopment. This includes reconfiguration of Council's owned Eleham Road which is currently closed off for the use of school as playground under a lease agreement.

A new street connection running parallel to the railway corridor through the mid section of this precinct will improve the permeability of the area in terms of pedestrian and vehicular movement.

A 12-metre road reserve is proposed to include two traffic lanes, and footpaths and street trees on both sides of the carriageway. This street will provide mainly local access to the developments within this precinct. It will also serve as a pedestrian thoroughfare. Future residential developments must address the proposed new street and Ibbotson Park to provide passive surveillance and activity.

The provision of the newly aligned road as a public road to Council could be achieved via a planning agreement under Section 93F of the Environmental Planning & Assessment Act or via Section 80A Condition of Consent. It is important to note that the provision of a new street connection should not result in any reduction in development yield proposed for the sites.

The proposed street connection is likely to be achieved in stages. It is proposed to locate the street connection through Sites 1 and 2 which are of two large land holdings in single ownership. This presents a real opportunity for achieving the proposed connection. However it is possible to shift the location of the road slightly to the west through Sites 3 and 5 depending on staging of the redevelopment within the precinct.

#### **Traffic Comments**

Road width is generally influenced by traffic flows and road classification. To determine the appropriate road width, the future traffic flows in the new road were estimated, considering both a cul-de-sac road connecting to Wolseley Road, and a link road connecting Treatts Road with Wolseley Road. Both road types would be generally to serve as local access streets or places. Traffic flows take into account reduced site area (and hence apartment yield) from Site 2.

For a new road forming a cul-de-sac (with access to Wolseley Road) it is estimated that the peak hour traffic flows at the entrance to the cul-de-sac would be 38 vehicles per hour (or approximately 380 vehicles per day). According to the AMCORD guidelines, for roads with two-way traffic flows between 300 and 1000 vehicles per day, the guidelines suggest a carriageway road width 5m-5.5m wide, within a road reserve 13m wide. Given that the expected traffic flows are at the low end of the range, consideration was given to a narrower carriageway. AMCORD guidelines suggest that for a road with two-way traffic flows of up to 300 vehicles per day, the appropriate carriageway road width would be up to 5m, within a road reserve 12m wide. Based on this, the proposed road reserve of 12m and a road carriageway of up to 6m are considered to be satisfactory.

In terms of impacts to Wolseley Road, it is estimated that the traffic flows at the intersection of Wolseley Road and the new cul-de-sac road would be 42 vehicles per hour (during the peak hour) or 465 vehicles per day. Traffic flows in Wolseley Road at the intersection of Treatts Road are estimated to be 62 vehicles per hour (during the peak hour) or 630 vehicles per day. These flows

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are lower that the RTA's desirable environmental capacity for a local road (200 vehicles per hour), which indicates that the additional traffic will not significantly impact on amenity.

For a new road linking Treatts Road with Wolseley Road, it is estimated that the peak hour traffic flows at the Treatts Road end would be 28 vehicles per hour (or approximately 280 vehicles per day), with 10 vehicles per hour (or approximately 100 vehicles per day) at the Wolseley Road end. This includes a component of traffic from Site 2 as well as a component of traffic from the eastern dwellings in Site 3.

AMCORD guidelines suggest that for a road with two-way traffic flows of up to 300 vehicles per day, the appropriate carriageway road width would be up to 5m, within a road reserve 12m wide. The traffic flows on the possible future link road would fall within this range, therefore the proposed road reserve 12m wide with a road width greater that 5m is considered appropriate.

In terms of impacts to Wolseley Road, it is estimated that the traffic flows at the intersection of Wolseley Road and the new link road would be 15 vehicles per hour (during the peak hour) or approximately 160 vehicles per day. Traffic flows in Wolseley Road at the intersection of Treatts Road are estimated to be 34 vehicles per hour (during the peak hour) or 350 vehicles per day. These flows are significantly lower that the RTA's desirable environmental capacity for a local road.

#### **Summary of Traffic Assessment**

Reducing the road width by half would generally be satisfactory for traffic volumes of up to 10 vehicles per hour (or 100 vehicles per day), and are only recommended for 'rear lane' type roads. Therefore, it is considered that reducing the road width would impact significantly on local access and circulation in the new road (cul-de-sac or link road), and it is recommended that the road widths be set generally in accordance with the AMCORD guidelines. The proposed road width in the Draft DCP are therefore considered satisfactory, and should not be reduced to narrower than 5.5 metres.

In addition, it is recommended not to reduce the proposed road reserve of 12 metres to achieve good pedestrian amenity by providing adequate footpaths and street trees planting as this connection will serve as a pedestrian link through the area.

#### Public Domain and Landscape Improvements

There is a significant opportunity to increase and improve open space in the locality by extending and upgrading existing Ibbotson Park. A potential increase of area up to approximately 1,230sqm could be added to existing Ibbotson Park upon redevelopment of R4 sites. This additional public domain benefit is likely to be achieved through a planning agreement or other similar mechanisms which would most likely involve a land swap of at least part of the Eleham Road area and not reduce the overall yield of the development.

Retention and enhancement of existing vegetation at the western edge of this precinct will assist in preserving the existing streetscape along Wolseley Road. The landscape setbacks and new street will provide a transition between the R4 zoned lands to the east and the R3 zoned lands to the west.

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#### Summary of Recommendations

The revised planning controls for Precinct P are shown in **Attachment B**. In summary they are:

- Residential apartment buildings up to 4 storeys within R4 zone towards the railway line and townhouses up to 3 storeys within R3 zone along Wolseley and Treatts Roads;
- Approximately up to 120\* new dwellings in total with a mix of housing types;
- 10-metre building setback for deep soil landscaping and significant trees along street frontage to Wolseley and Treatts Roads;
- Creation of new two way street connection with footpaths and street trees between Wolseley Road and Treatts Road as part of the site redevelopment;
- Provision of active frontages to the new street connection;
- Possible land swap or sale of Eleham Road area to achieve extension and improvement to existing Ibbotson Park.

These controls are consistent with the development standard contained in the Draft LEP for Lindfield Centre adopted by Council on 16 August 2006.

#### **CONSULTATION**

All property owners within and adjacent to the Precinct P have been notified of this report going to Council on 17 October 2006. Relevant information has also been placed on Council's website. The Draft LEP and Draft DCP for Lindfield Centre (including Precinct P if adopted) will be placed on formal public exhibition in October / November 2006 seeking public comment on the Draft Plans

#### FINANCIAL CONSIDERATIONS

Planning for the Lindfield Centre is covered by the Open Space and Planning Department budget.

#### CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

The integrated planning approach has ensured input from all Council departments throughout the project including Open Space and Technical Services advice.

<sup>\*</sup> This is calculated on the basis of an average of 110sqm per dwelling.

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#### **SUMMARY**

At its meeting on 26 September 2006, Council considered the draft planning controls for Precinct P in the Lindfield Centre, and resolved to make a further review in relation to traffic, access and additional public open space for the precinct prior to the formal exhibition of the Draft Plans.

This report provides further revised draft planning controls for Precinct P for Council's consideration and adoption for formal public exhibition.

#### RECOMMENDATION

That in accordance with Council's resolution on the Lindfield Centre Draft Local Environmental Plan and Draft Development Control Plan on 16 August 2006, the following amendment be made prior to formal exhibition:

A. That Council endorse the revised draft Development Control Plan Controls for Precinct P in the Lindfield Centre for formal public exhibition.

Ling Lee Antony Fabbro Steven Head Urban Design Architect Manager Urban Planning Director

Open Space and Planning

**Attachments:** Attachment A - Copy of Lindfield Centre report presented to Council on

26 September, 2006 - 681589

Attachment B - Revised Draft Development Control Plan Controls for

Precinct P in the Lindfield Centre - 681912

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### LINDFIELD CENTRE - DRAFT BUILT FORM CONTROLS FOR PRECINCT F (DROVERS WAY / BEACONSFIELD PARADE / GLADSTONE PARADE) AND PRECINCT P (WOLSELEY ROAD / TREATTS ROAD / RAILWAY)

### **EXECUTIVE SUMMARY**

PURPOSE OF REPORT:

To have Council consider and adopt the Draft

Description (DCR) control of the Council Cou

Development Control Plan (DCP) controls for Precinct F (an area bounded by Drovers Way / Beaconsfield Parade / Gladstone Parade) and Precinct P (an area bounded by Wolseley Road / Treatts Road / Railway) in the Lindfield Centre

prior to formal exhibition of the Draft Plans.

prior to formal exhibition of the Draft Plans.

At its meeting on 16 August 2006 Council considered and adopted the Draft Local Environmental Plan (LEP) and Draft Development Control Plan (DCP) for the Lindfield Centre for formal public exhibition.

Council also resolved to undertake further planning on Precincts F and P prior to formal

exhibition of the Draft Plans.

**COMMENTS:** This report provides further detailed planning and design controls for Precincts F and P in the

Lindfield Centre for Council's consideration and

adoption for formal public exhibition.

**RECOMMENDATION:** That Council endorse the draft site specific built

form controls for Precincts F and P in the

Lindfield Centre for formal public exhibition as

outlined in the recommendation.

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#### PURPOSE OF REPORT

To have Council consider and adopt the Draft Development Control Plan (DCP) controls for Precinct F (an area bounded by Drovers Way / Beaconsfield Parade / Gladstone Parade) and Precinct P (an area bounded by Wolseley Road / Treatts Road / Railway) in the Lindfield Centre prior to formal exhibition of the Draft Plans.

#### **BACKGROUND**

At its meeting on 16 August 2006 Council considered and adopted the Draft Local Environmental Plan (LEP) and Draft Development Control Plan (DCP) for the Lindfield Centre for formal public exhibition.

Council also resolved to undertake further planning on Precincts F and P in the Lindfield Centre prior to formal exhibition of the Draft Plans. Copies of Council's Report and Resolution of 16 August 2006 are included in **Attachment 1**. The relevant Resolutions for Precincts F and P read as follows:

Precinct F (Drovers Way / Beaconsfield Parade / Gladstone Parade)

"Precinct F controls for the Development Control Plan be deferred from the Plan and a report be brought back to Council that clarifies the status of the riparian corridor and any amendments required to the Development Control Plan prior to the exhibition of the Draft Lindfield Local Environmental Plan."

Precinct P (Wolseley Road / Treatts Road / Railway)

"In relation to Precinct P Wolseley and Treatts Road, Lindfield that the draft development controls be prepared consistent with Option 2 in the officer's report. Development controls be reported to Council prior to the exhibition period. The land within the proposed R4 zone be allocated a FSR of 1:1 and a maximum height of 4 storeys and proposed R3 zone be allocated a FSR of 0.8:1 and a maximum height of 3 storeys in the draft Local Environmental Plan."

Following Council's resolution of 16 August 2006, this report provides further detailed planning and design controls for Precincts F and P for Council's consideration and adoption for formal public exhibition. The documentation has been prepared by Council's Urban Design Consultant Hill Thalis, in consultations with staff and other specialist consultants. Feedback from community consultation including a mediation session for Precinct P has been considered and incorporated.

In addition, Council's traffic engineers and planners have undertaken further assessment of the traffic proposals for Precincts F and P. The traffic report in **Attachment 2** supports the recommended traffic proposals for these precincts and provides more detailed traffic analysis and recommendation.

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#### **COMMENTS**

Site Specific Built Form Controls for Precinct F (Drovers Way / Beaconsfield Parade / Gladstone Parade)

#### Background

Precinct F is an existing 2(d3) zoned area characterised by single dwellings on steep site and has street frontages to Beaconsfield Parade, Drovers Way and Gladstone Parade, with predominantly residential apartment buildings to the east and single detached houses to the west.

This Precinct has been identified as containing a watercourse and riparian zone (**Attachment 3A**) consistent with Council's Riparian Policy 2004. This riparian zone is subject to ongoing review process and should be added to the Council's adopted Riparian Policy and associated map. The classification of this riparian zone under the Riparian Policy is recommended to be a Category 3 "Bed and bank stability / water quality" which has a core riparian zone of at least 10 metres from the top of each bank.

Council resolved on 23 May 2006 to rezone the existing 2(d3) sites in Precinct F to R4 High Density Residential. Following the Council's resolution, a number of planning options were developed and reviewed and a preferred option was included in the Draft DCP for Council's consideration and adoption for formal exhibition. However it was resolved at the Council Meeting of 16 August 2006 that the draft controls for this precinct be deferred for further clarification on the status of the riparian corridor through this area.

In response to Council's resolution of 16 August 2006, Council's Environmental Officers have undertaken a detailed site assessment of the riparian zone in this precinct. The report summarising the key findings and recommendations is included in **Attachment 3B**. Council's urban design consultant has also prepared revised draft built form controls incorporating the riparian zone for Council's consideration.

#### Issues and opportunities

The most significant factor for consideration in this precinct is the existing drainage corridor identified as riparian zone and to ensure revegetation and restoration of the channel. The riparian zone provides an opportunity for communal open space, visual amenity, water quality maintenance and habitat for local fauna.

Based on a detailed assessment of the existing situation and consideration of the objectives of the Riparian Policy, the following conclusions can be made:

• There is a poorly defined channel that would classify as a current riparian zone within Precinct F. It has been confirmed by site investigations that the existing drainage is mostly in an open channel form with some piping towards Drovers Way. There is a good potential for

creation of a semi-natural riparian zone and stream "channel" and therefore water quality control and aquatic habitat.

- There are a number of large mature trees within the precinct which require protection and retention. These trees have been identified and assessed by Council's Environmental Officers (Attachment 3B).
- The corridor has a recovery potential in terms of revegetation of indigenous species.
- The site is at the top of the catchment and therefore has a low flood risk.

New street connections are considered vital through this precinct with the increased density to improve the permeability of the area. There is an opportunity for a new street connecting Beaconsfield Parade and Drovers Way to provide pedestrian access and vehicular access (mainly local) to the car parks of future developments. This proposed connection will incorporate deep soil landscaping area for street trees to provide transition to the adjoining low density residential area to the east. Retention of the significant native canopy trees along the battle-axe access way off Beaconsfield Parade will also assist in providing a visual buffer between properties.

It is important to note that the provision of new open space and street connections should not result in any reduction in development yields for the current 2(d3) sites rezoned R4 zone within this precinct. Also the revised draft DCP controls comply with the height and FSR standard for this precinct in the draft Lindfield Centre LEP adopted by Council on 16 August 2006.

#### **Recommendations**

The draft building envelope controls for this precinct are shown in the Draft Lindfield Centre DCP Part 4 Precinct F (**Attachment 4**). In summary they are:

- Residential apartment buildings of 5 and 6 storeys with the higher buildings fronting part of Drovers Way and Gladstone Parade.
- 10-12m building setback for deep soil landscaping and significant trees along Beaconsfield and Gladstone Parades.
- 6-8m building setback to Drovers Way.
- Minimum building setback of 9m from the western edge of this precinct.
- New one way street with footpaths and street trees provided as part of the site redevelopment (Attachment 2). The existing significant native canopy trees along the battle-axe access way off Beaconsfield Parade will be incorporated within the street reserve.
- New linear open space along the riparian corridor provided as part of site redevelopment. Pedestrian access will be provided within this corridor.

In addition, the built form controls for the site requires all buildings to be set back at least 10 metres on either side of the riparian corridor. This creates a 20 metre wide predominantly landscape zone following the existing pipe line alignment. In conjunction with these requirements the following controls are also recommended to be included within Part 4 of the Draft DCP as site specific guidelines for Precinct F:

• Removal of existing pipe and creation of a new bed, bank and piping following the current alignment. The relevant guidelines are provided in **Attachment 3A**.

- Protection of significant trees that have ecological and landscape character value.
- Private open space controls that limit the extent of private courtyards and ensure the riparian corridor is communal open space (and provides a habitat corridor).
- Restoration and revegetation of the riparian corridor with local indigenous plants.
- Allowance of a piered vehicle crossing over the riparian zone if required consistent with the Riparian Policy.

#### Site Specific Built Form Controls for Precinct P (Wolseley Road / Treatts Road / Railway)

#### Background

Precinct P is broadly bounded by Wolseley and Treatts Roads, the railway line and existing Ibbotson Park. It comprises the North Shore Synagogue and the Masada Infants and Primary School sites as well as single detached housing.

At its meeting 23 May 2006, Council resolved to rezone the entire precinct to R2 Low Density Residential. Upon the receipt of the Draft LEP from Council, the NSW Department of Planning has requested the removal of all lands proposed to be zoned R2 from the Draft LEP and an improved yield from all sites to be rezoned. In response to this request, the following three land use options were subsequently developed for Council's consideration based on the outcomes of the mediation session held on 27 July 2006 with relevant stakeholders:

**Option 1A:** The rezoning of the entire precinct to R3 Medium Density Residential.

**Option 1B:** Rezoning the precinct to R3 Medium Density Residential, with the exception of properties at 1, 3, 5, 7, 9 and 11 Treatts Road.

**Option 2:** Rezoning the precinct generally to R3 Medium Density Residential, with the exception of 6 lots owned by Masada which would be rezoned to R4 High Density Residential.

On 16 August 2006, Council resolved to adopt land use option 2 for Precinct P as per the officer's recommendation. The adopted land use option for Precinct P with a mix of R3 and R4 zoning is consistent with the Minister's direction and would provide increased density and housing choice while protecting the interface zone and providing the maximum public domain benefits. Accordingly, Council's urban design consultant has undertaken further work on Precinct P in regard to the built form proposals, traffic and access strategies and public domain and landscape improvements and presented a preferred draft plan to the Planning Committee on 19 September 2006.

#### Issues and opportunities

The development of townhouses permitted under R3 zoning is proposed along the street frontages to Wolseley and Treatts Roads to ensure that the neighbourhood character of the locality is preserved. The natural boundaries formed by the existing roads to this precinct will help to reduce interface impacts to the nearby low density residential area. Retention and enhancement of existing vegetation at the western edge of this precinct acting as a buffer will also assist in preserving the existing streetscape along Wolseley Road.

Apartment buildings up to 4 storeys within proposed R4 zone are to be located towards the raised railway line. It is envisaged that the greater density proposed under R4 zoning would provide public domain benefit, such as the opportunity to improve open space by upgrading existing local parks and improvement to the permeability of the area by providing new connections.

There is a significant opportunity to rationalise the existing street configuration within this precinct. This includes reconfiguration of Council's owned Eleham Road which is currently closed off for the use of school as playground under a lease agreement. A new street connection running parallel to the railway corridor through the mid section of this precinct will improve the permeability of the area in terms of pedestrian and vehicular movement. The proposed future developments will need to address this street to provide passive surveillance and activities. The provision of the newly aligned road as a public road to Council could be achieved via a planning agreement under Section 93F of the Environmental Planning & Assessment Act or via Section 80A Condition of Consent.

#### Recommendations

The draft building envelope controls for this precinct are shown in the Draft Lindfield Centre DCP Part 4 Precinct P (**Attachment 5**). In summary they are:

- Residential apartment buildings up to 4 storeys within R4 zone towards the railway line and townhouses up to 3 storeys within R3 zone along Wolseley and Treatts Roads.
- Approximately up to 128 new dwellings in total with a mix of housing types.
- Predominantly 10m building setback for deep soil landscaping and significant trees along street frontage to Wolseley Road.
- Predominantly 10m building setback for deep soil landscaping and significant trees along street frontage to Treatts Road.
- Creation of new two way street connection with footpaths and street trees between Wolseley Road and Treatts Road as part of the site redevelopment (**Attachment 2**).
- Provision of active frontages to the new street connection.
- Improvement to existing Ibbotson Park.
- Possible sale or land swap of Eleham Road to gain additional public domain benefit in the locality.

These controls are consistent with the development standard contained in the Draft LEP for Lindfield Centre adopted by Council on 16 August 2006.

#### **Summary of Proposed Yields**

The final proposed residential yield for the Lindfield Centre in Draft LEP / DCP will increase from 516\* to 644\* dwellings with an additional of 128\*\* dwellings provided within Precinct P.

<sup>\*</sup> This calculation does not include yield from existing medium density zones 2(d3), 2(d), 2(e), 2(f) or 2(h) or strata titled apartment buildings considered unlikely to change in the future.

<sup>\*\*</sup> This is calculated on the basis of an average of 110sqm per dwelling.

\$04350 18 September 2006

#### CONSULTATION

All property owners within and adjacent to the Precincts F and P have been notified of this report going to the Planning Committee on 19 September 2006 and to Council on 26 September 2006. In addition, all those on the planning email feedback register for Lindfield have been notified. This group comprises of interested residents, business owners, local groups and other stakeholders and includes those who attended the community workshop. Relevant information has also been placed on Council's website.

Matters raised at the 19 September 2006 Planning Committee Meeting have also been addressed in this report.

#### FINANCIAL CONSIDERATIONS

Planning for the Lindfield Centre is covered by the Open Space and Planning Department budget.

#### CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

The integrated planning approach has ensured input from all Council departments throughout the project including Open Space and Technical Services advice.

#### **SUMMARY**

At its meeting on 16 August 2006 Council considered and adopted the Draft Local Environmental Plan and Draft Development Control Plan for the Lindfield Centre for formal public exhibition. Council also resolved to undertake further planning on Precincts F and P prior to formal exhibition of the Draft Plans.

#### RECOMMENDATION

That in accordance with Council's resolution on the Lindfield Centre Draft Local Environmental Plan and Draft Development Control Plan on 16 August 2006 the following amendments be made prior to formal exhibition:

i. That Council endorse the draft site specific built form controls for Precinct F in the Lindfield Centre for the inclusion of Part 4 of the Draft Development Control Plan for formal public exhibition.

- ii. That Council endorse the draft site specific built form controls for Precinct P in the Lindfield Centre for the inclusion of Part 4 of the Draft Development Control Plan for formal public exhibition.
- iii. That strategy diagrams in Part 2 of the Draft Development Control Plan be amended to be consistent with the proposed draft controls for Precincts F and P.
- iv. That the identified riparian zone in Precinct F be added to Council's adopted Riparian Map.

Ling Lee Antony Fabbro Steven Head

Urban Design Architect Manager Urban Planning Director Open Space & Planning

Attachments: Attachment 1 - Copies of Lindfield report and resolution from 16 August 2006

meeting - 655021 & 653109

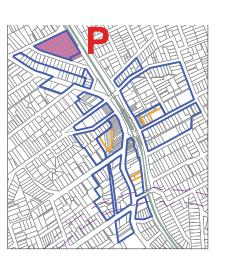
Attachment 2 - Traffic Assessment report - 674485

Attachment 3A - Proposed Riparian Corridor Map and Guidelines - 674021 Attachment 3B - Report outlining detailed assessment of the riparian zone in Precinct F - 672611

Attachment 4 - Draft Built Form Controls for Precinct F in the Lindfield Centre - 674569

Attachment 5 - Draft Built Form Controls for Precinct P in the Lindfield Centre - 674573

### 4.7.7 BLOCK P BUILT FORM CONTROLS



#### **Public Domain**

new streets or new public connection existing parks/potential open space deep soil zone public domain/riparian management priority public domain strategy/public benefit arcade proposed community use site/ building footpath - type 01/ type 02

#### **Private Domain**

setback zone retail commercial / commercial only

residential - shop top/ articulation zone

residential - R3/ articulation zone

residential - R4/ articulation zone residential - R4 (to 6 storeys)/ articulation zone

heritage existing/proposed

number of storeys 3

carpark entry/service dock 🗘 🛆 pedestrian entry - all ground level dwellings -

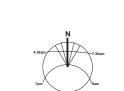
pedestrian entry - all upper level dwellings

direction of traffic

North Shore Line

precincts / lot amalgamations

existing buildings retain/demolish existing church/school





#### 4.5.8 BLOCK P BUILT FORM CONTROLS

#### **Desired Future Character**

- High quality built form that provides definition to a new street connection linking Treatts Road and Wolseley Road.
- Increase the permeability\* of the town centre with the creation of new connections - streets, lanes and generous walkways.
- Provide building types that respond to the leafy character and sloping topography in this area of the Lindfield Centre edge.
- Provide building types that are parallel to the street alignment.
- Use building types that take full advantage of the natural topography.

#### **Building Uses and Ground Floor Activities**

Fully residential buildings.

#### **Street Frontages**

 Residential active frontage defined as individual street address for ground floor dwellings plus shared address for upper level dwellings.

#### Site Amalgamations

Refer to Block P Plan for preferred lot amalgamations.

#### **Public Domain Dedication**

- Refer to Block P Plan for details.
- Public domain dedication setback requirements detailed in Block Plans.
- New vehicular connections to be located linking Treatts Road with Wolseley Road.

#### **Building Heights**

- The maximum residential building height is 4 storeys to achieve new public spaces and street connections (see Block Plan P for detail).
- Generally 3 storeys maximum over Block P.
- Floor to floor height to be a minimum:
  - 3.2m for residential use.

#### **Building Depth and Separation**

- Building depth requirements are defined window-towindow as indicated in the Block P Plan.
- Refer Section 5 for detail on building separation.

#### **Building Articulation**

Three articulation zone depths are nominated:

Primary articulation zone - 2.0m to accommodate primary orientation of balconies and the like and some articulation of the main building depth

Secondary articulation zone - 1.5m for secondary balconies and articulation of building form.

General articulation zone - 0.5m for structural detail on other built faces.

 Built form can encroach on articulation zone as follows:

> High density residential - maximum of 40% of the building facade set back at least 10m from the front boundary, and a minimum of 60% of the building facade set back at least 12m from the front boundary.

Note: Refer to Section 5 for detailed building façade controls for articulation.

Note: Controls for building depth also apply where built form encroaches on articulation zone.

#### **Building Setbacks**

 Building setbacks are taken to the outer edge of the articulation zone.

#### **Deep Soil Zones**

Residential landscape

R4 permits 50% deep soil with 35% building footprint.

R3 permits 50% deep soil with 40% building footprint.

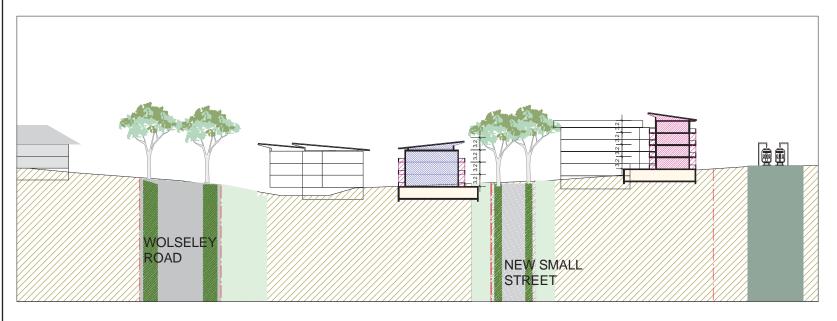
- Refer to Section 5.5.1 for deep soil landscaping requirements.
- Roof terraces and podiums to be encouraged.

#### **Vehicle Access**

Refer to Block P Plan for future vehicle access points.

Note: Refer to Section 5.13.2 and 5.13.3 for detailed controls.

### 4.3.8 BLOCK P BUILT FORM CONTROLS



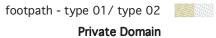
section aa

#### **Public Domain**

new streets or new public connection existing streets or public connection existing parks/potential open space

deep soil zone public domain/riparian management priority public domain strategy/public benefit arcade

proposed community use site/ building



setback zone

residential - R3/ articulation zone

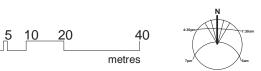
residential - R4/ articulation zone

residential - R4 (to 6 storeys)/ articulation zone

North Shore Line

existing buildings retain/demolish





### **DEVELOPMENT APPLICATION**

#### SUMMARY SHEET

**REPORT TITLE:** 25 ROLAND AVENUE,

WAHROONGA - TORRENS TITLE SUBDIVISION INTO 4 LOTS

WARD: Comenarra

DEVELOPMENT APPLICATION N<sup>o</sup>: 1235/05

SUBJECT LAND: 25 Roland Avenue, Wahroonga

APPLICANT: C M & R W Davidson

OWNER: C M & R W Davidson

**DESIGNER:** Craig & Rhodes Surveyors Engineeers

Planners

PRESENT USE: Residential

**ZONING:** Residential 2(C)

HERITAGE: No

PERMISSIBLE UNDER: Ku-ring-gai Planning Scheme Ordinance

COUNCIL'S POLICIES APPLICABLE: KPSO, Subdivision Code

COMPLIANCE WITH CODES/POLICIES: No

GOVERNMENT POLICIES APPLICABLE: SEPP 1, SEPP 55

**COMPLIANCE WITH GOVERNMENT POLICIES:** Yes

*DATE LODGED:* 7 November 2005

40 DAY PERIOD EXPIRED: 17 December 2005

**PROPOSAL:** Torrens Title subdivision into 4 lots

**RECOMMENDATION:** Approval

2 / 2 25 Roland Avenue, Wahroonga DA1235/05 9 October 2006

Item 2

**DEVELOPMENT APPLICATION N<sup>o</sup>** 1235/05

PREMISES: 25 ROLAND AVENUE, WAHROONGA PROPOSAL: TORRENS TITLE SUBDIVISION INTO 4

**LOTS** 

APPLICANT: C M & R W DAVIDSON OWNER: C M & R W DAVIDSON

DESIGNER CRAIG & RHODES SURVEYORS

**ENGINEEERS PLANNERS** 

#### PURPOSE FOR REPORT

To determine development application No 1235/05, which seeks consent for the subdivision of the site into 4 allotments.

#### **EXECUTIVE SUMMARY**

Issues: • Non-compliant width of Lot 1 at 12.2 metres from the

street boundary.

• Non-compliant width of access corridors to Lots 3 & 4.

**Submissions:** One

**Land & Environment Court** 

Appeal:

No appeal to the Land and Environment Court lodged

**Recommendation:** Approval

#### THE SITE AND SURROUNDING AREA

#### The site

Zoning: Residential 2(C) Visual Character Study Category: 1945-68 & Post 1968

Lot Number: A & M

DP Number: 397638 & 420466

Heritage Affected: No

Bush Fire Prone Land: Yes - Bushfire prone vegetation buffer

Endangered Species: Yes - Blue Gum High Forest

Urban Bushland: No Contaminated Land: No

The site is located on the western side of Roland Avenue to the south of Fox Valley Road in Wahroonga. The site consists of two lots, Lot A in DP 397638 and Lot M in DP420466, with a total area of 5445m², a frontage dimension of 43.705 metres, a depth of approximately 135 metres and a rear width of approximately 40 metres.

The site has a fall of approximately 25 metres in a westerly direction to a watercourse at the rear which defines the rear boundary.

Lot A contains a one and two storey brick dwelling, known as No. 25 Roland Avenue. Lot B contains a single storey fibro dwelling, known as No. 27 Roland Avenue. Both dwellings are to be retained within the newly created lots. The site also contains remnant Blue Gum High Forest to the rear.

The site also contains remnant Blue Gum High Forest to the rear.

#### **Surrounding development:**

The surrounding development consists of single dwelling houses.

#### THE PROPOSAL

The proposal is to Torrens Title subdivide the site into 4 allotments. Details of the proposed subdivision are as follows:

#### **Proposed Lot 1:**

Proposed Lot 1 is a street frontage lot and will contain the existing dwelling at No. 25 Roland Avenue. The proposed lot is irregular in shape, with an area of  $1003\text{m}^2$ , a frontage of 13.2 metres and a depth of 55 metres. Two thirds of the lot has a width of approximately 19 metres. Access to Lot 1 will be by way of the access corridors to the rear lots, being Lots 3 & 4 over which reciprocal rights will be created. The existing garage is to be removed and 2 car spaces are proposed to the south of the house.

#### **Proposed Lot 2:**

Proposed Lot 2 is a street frontage lot and will contain the existing dwelling at No. 27 Roland Avenue. The proposed lot is irregular in shape, with an area of 994.1m<sup>2</sup>, a frontage of 24 metres and a depth of 61 metres. Access to Lot 2 will be by way of the access corridors to the rear lots, being Lots 3 & 4 over which reciprocal rights will be created. It is proposed to provide 2 car spaces within the rear yard area adjacent to the existing dwelling.

#### **Proposed Lot 3:**

Proposed Lot 3 is a battle-axe lot and is vacant. The proposed lot is irregular in shape, with an area of  $1561 \text{m}^2$ ,  $(1353 \text{m}^2 \text{ exclusive of the access corridor})$ . The lot has a width of 18 metres and a depth along the northern side of 74.4 metres. The lot is roughly rectangular. The lot contains numerous Blue Gum High Forest trees.

The site has a 3 metre frontage to Roland Avenue, which forms half of the vehicular access corridor. Reciprocal rights of way over the access handle are granted to the other lots within the subdivision.

#### **Proposed Lot 4:**

Proposed Lot 4 is a battle-axe lot and is vacant. The proposed lot is irregular in shape, with an area of 1829m², (1617m² exclusive of the access corridor). The lot has a width of 22 metres and a depth along the southern side of 82.2 metres. The lot contains numerous Blue Gum High Forest trees.

The site has a 3 metre frontage to Roland Avenue which forms half of the vehicular access corridor. Reciprocal rights of way over the access handle are granted to the other lots within the subdivision.

#### Access corridor

The access corridor is 6 metres in width, with a 4 metres wide vehicle access path. The grade of the pavement averages 16.7%. The formed width of the access corridor is sufficient to enable pedestrians to use the access corridor without any pedestrian /vehicle conflict.

#### **Existing garage and car-port**

It is proposed to demolish the existing garage and carport at Nos. 25 and 27 Roland Avenue, respectively.

#### **Proposed building footprints**

The applicant provided indicative building footprints for potential future development on the rear lots. The location of buildings on the rear lots is a matter of assessment at the time such development for those lots is proposed. No dwellings are proposed under this application. A condition requiring the removal of the building footprints has been imposed, (**Refer to Condition 39**).

#### **CONSULTATION - COMMUNITY**

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

In response, a submission from the following person was received:

1. Mrs. Suzanne Adam, 7 Adelong Place, Wahroonga NSW 2076

The submission raised the following issues:

#### Loss of birdlife

Council's Technical Biodiversity Officer, David Wilkes has reviewed the applicant's flora and fauna study and supports the development, subject to conditions requiring the rehabilitation of the Blue Gum High Forest Endangered Ecological Community. (**Refer to Conditions 70 and 71.**).

#### Loss of trees

Council's Landscape Development Officer, Stephen Fenn and Technical Biodiversity Officer, David Wilkes, have imposed conditions relating to the preservation and well being of existing native vegetation on the site. (**Refer to Conditions 42- 52, 64-71, 77-84.**).

#### Drainage, potential for flooding with increased paving.

Council's Development Engineer is satisfied that the proposed works can be satisfactorily drained. The increase in paved area complies with the built upon area controls of the Ku-ring-gai Planning Scheme Ordinance.

#### **CONSULTATION - WITHIN COUNCIL**

#### **Engineering**

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

The property slopes away from the road and at the rear is a watercourse which is a Category 2 stream under Council's Riparian Policy.

*Under DCP 47, the development is Type 8, Location B.* 

*The following documentation was used for the assessment:* 

Don Fox Planning Statement of Environmental Effects, dated November 2005;

Craig & Rhodes detail survey Drawing 24798T1, dated 09/2005;

Craig & Rhodes Drawings 24798E01 Sheets 1 to 6 dated 6.10.05;

*Craig & Rhodes drawing 247-98, dated 7/2005, showing setbacks and lot widths.* 

*The works associated with the subdivision are:* 

Construction of a driveway to provide access to the rear lots;

Construction of an interallotment drainage system to service all the lots and convey the runoff to the watercourse at the rear of the site; and

Construction of an on-site detention tank(located under the driveway adjacent to the entry to lots 3 and 4) for the driveway, in accordance with Section 6.7.3 of DCP 47 (driveway area greater than  $200m^2$ ).

The works, including the indicative building envelopes, are well clear of the 30 metre setback from the top of the bank which is required under the Riparian Policy. This setback will ensure that any proposed dwellings on the two new lots will be well clear of and above the 100 year ARI flood extent associated with the watercourse.

The proposed access driveway width is adequate under AS2890.1:2004. It is expected that RFS requirements will dictate the dimensions of the driveway.

There are no engineering objections to the proposed development.

#### Landscaping

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

#### Site description

The site is divided approximately evenly into 2 lots. The front third of each lot contains a dwelling, vehicle access, undercover parking, lawns and gardens. The central third of each lot is mostly cleared and mown beneath Blue Gum High Forest canopy and understorey trees, including Eucalyptus saligna (Sydney Blue Gum), Eucalyptus pilularis (Blackbutt), Syncarpia glomulifera (Turpentine) and Pittosporum undulatum (Sweet Pittosporum) although contains small islands of ferns. Several native plants have been decimated by mowing. The rear third of each lot contains Blue Gum High Forest canopy trees, some understorey trees and dense shrub and groundcover layers, mostly of noxious plants and weed species, although including ferns and other native plants.

#### Proposal

The applicant proposes to create 4 lots from the existing 2 lots. Two that address Roland Avenue, with a further 2 lots at the rear, accessed by a 6 metres wide access handle. Both proposed rear lots contain the Endangered Ecological Community of Blue Gum High Forest and a 30 metres wide Riparian Zone. Future dwelling envelopes are proposed within the cleared eastern half of the rear lots. It is proposed that a gravel access for fire fighting be paved upon construction of the southern dwelling.

The applicant has proposed the rear 40 metres (30 metres riparian zone and 10 metres as an inner protection area for any future dwellings as a Conservation Zone. However, the 10 metres wide Inner Protection Area is to be maintained weed free and also to serve as a recreation area that will be ineffective as part of the conservation zone. Therefore it is not to be included in the approved Conservation Zone as the area could not be rehabilitated and maintained as such. (Refer to Condition 83).

#### Endangered ecological community (EEC)

Approximately two thirds of the subject site - downslope of the existing 2 dwellings - contains Blue Gum High Forest Endangered Ecological Community (BGHF EEC) that has become fragmented by clearing and mowing, and highly degraded by a profusion of noxious plant and weeds species, particularly Asparagus densiflorus (Asparagus Fern), Ligustrum sp. (Privet) and Ochna serrulata (Ochna) that have competed with the groundcover and shrub layers of the Endangered Ecological Community. Hedera helix (English Ivy) has also scaled the trunks of several canopy trees.

The central third of the site (proposed location for 2 future dwellings) supports BGHF canopy trees.

8-Part Test

Point c) in relation to the regional distribution of the habitat of a threatened species, population or ecological community, whether a significant area of known habitat is to be modified or removed,

- Rarity of community: This EEC is rare as less than 1% of its original extent remains.
- Connectivity values: The BGHF EEC (not just the canopy) extends along the eastern side of the creekline at the locality but not continuously in all directions.
- Fragmentation and isolation: The lower stratas of the EEC on site have been fragmented and isolated by extended weed invasion, clearing and mowing.
- Size of the site: The subject site is 0.5445 ha. I estimate the site contains 3000m<sup>2</sup> of BGHF EEC.
- A calculation of the amount of habitat that the study area represents in relation to the regional distribution: Of the total remaining 1,375.4 ha area of BGHF EEC, I estimate 3000m<sup>2</sup> or 0.022% of the BGHF EEC is regional distribution.
- A calculation of the amount of habitat of the study area which is proposed to be removed or modified: 1600m<sup>2</sup> of habitat will be removed. The proposed area of the site shown for the 2 proposed dwellings and driveways within the BGHF EEC approximates 1200m<sup>2</sup> plus the 400m<sup>2</sup> of the Inner Protection Area/recreation area between the dwellings and the 30 metre Riparian Zone increasing the area to 1600m<sup>2</sup>.
- A calculation of the amount of habitat of the region which is proposed to be removed or modified: The report calculates the proposed area to be removed or modified to be erroneously 0.0005% (corrected 0.005%) of the total remaining BGHF EEC, however, I calculate the area to be removed a s 1600m<sup>2</sup> or 0.0116% of the total remaining BGHF EEC.
- Modification or removal: I estimate the area to be affected is 1600m<sup>2</sup>, however, there are islands of ground ferns, ground cover plants and trees attempting to regenerate from mown vegetative basal parts. The cessation of mowing the ground cover, shrub and understorey layers of the BGHF EEC plus weeding, would ensure its regeneration.
- Whether an area of known habitat is likely to become isolated from currently interconnecting or proximate areas of habitat for a threatened species, population or ecological community: Less than half of the existing area of BGHF EEC at the site will remain although it will remain connected along the creekline corridor.
- Whether the development or activity proposed is of a class of development or activity that is recognized as a threatening process: Clearing for the proposed development is

a Key Threatening Process, but so is the current activity of clearing and mowing that the report does not highlight.

• Whether any threatened species, population or ecological community is at the limit of its known distribution: The applicant's claim that the subject site is at the centre of its main area of distribution is incorrect as the subject site is at the edge of its habitat range or distribution, although it is located centrally within its geographic area. BGHF EEC is limited by the presence of Wianamatta shale based soil and high rainfall in a horse-shoe shape along the North-Shore and Main rail line ridges that surround the Lane Cove River valley system, and extending to Castle Hill.

I have concluded that there is a viable, although highly degraded, Endangered Ecological Community of Blue Gum High Forest located within the rear two thirds of the subject site, of which more than half will require removal for the construction of 2 future houses and driveways within the rear 2 lots pending approval of this subdivision application.

The application is supported subject, to Blue Gum High Forest within the 30 metres Riparian Zone being preserved and rehabilitated and adequately protected by conditions.(**Refer Condition 83**).

#### Impact upon trees

The applicant's Tree Assessment Report dated November 2005 has been prepared by Stuart Pittenrigh – Consultant Arborist.

Removal of T2 - 2 Camellia japonica (Japanese Camellia), of 3 metres height in healthy condition and T8 – Eucalyptus saligna (Sydney Blue Gum), of 19 metres height and healthy condition, for the construction of proposed Road No.1 is supported. Road No.1 should be constructed above grade and its crossfall be graded to the south to avoid excavation into the root zone beneath the canopy spread of T33 –Eucalyptus saligna (Sydney Blue Gum), of 25 metres height and healthy condition. (Refer Condition 65).

The proposed Road No.1 detention tank should be rotated 90° so that its length is perpendicular to the Sydney Blue Gum tree's trunk to minimise its adverse impact upon the tree's root system. The kerb should be located on the southern side of the road so that the drainage lines and pits are positioned at the extremity of the tree's canopy. (**Refer Condition 67**).

Road No.3, including 2 parking spaces, should be relocated behind the building line to avoid any excavation to a maximum depth of 1.2 metres into the root zone of T53 – Eucalyptus saligna (Sydney Blue Gum) located close to the southern side boundary of No. 23 Roland Avenue. (Refer Condition 40).

The route of proposed drainage line 2 is supported as it will pass through the root zone of T7 – Erythrina x sykesii (Coral Tree) – an exempt species.

The proposed rainwater re-use tank for the dwelling at No. 25 Roland Avenue should be above ground to avoid excavation into the root zone of T50 – Eucalyptus saligna (Sydney Blue Gum) located adjacent to the southern boundary of No. 23 Roland Avenue. (**Refer Condition 43**).

### Bushfire protection

Only a small portion of the site is within the Category 1 bushfire-prone vegetation buffer zone that extends from Browns Field along the creek corridor within the rear of properties that front Roland Avenue, Ada Avenue and Lucinda Avenue.

The NSW Rural Fire Service has imposed 4 conditions for this application pending its approval.

### Riparian corridor

The watercourse has been assessed as Category 2 – Terrestrial and Aquatic Corridor, whereby it requires a 20 metres wide core riparian zone each side of the top edge of its embankments and an additional 10 metres wide buffer to counter edge effects on the urban interface.

The submitted site plan shows a proposed 30 metres riparian zone measured from the centerline of the watercourse (rear boundary) rather than the top edge of the watercourse embankment. This non-compliance will reduce the width of the proposed 10 metres wide Inner Protection Area/residential recreation area at the rear of lots 3 and 4 that is claimed in the applicant's report to be part of a 40 metres wide conservation zone.

The proposed 10 metres wide Inner Protection Area is not required, therefore the 10 metres residential recreation area will have little value as part of a conservation zone. As the outer riparian zone boundary would extend approximately halfway into the area of the proposed inner protection area it is acceptable and therefore is supported.

This application is supported, subject to conditions. (Refer to Conditions 42 - 52, 64 - 71, 77 - 84).

### **Technical Officer Biodiversity**

Council's Technical Officer Biodiversity, David Wilkes, commented on the proposal as follows:

The flora and fauna report by Abel Ecology is adequate and sufficiently comprehensive. The recommendations in regard to the Vegetation Management Plan should be included in the conditions. (Refer Conditions 68, 70). I would suggest that a binding covenant is included that protects the BGHF on site (particularly in the lower 30m of the site) now and in the future (for future owners). This would include the vegetation management plan and or a long-term bush regeneration plan. (Refer Condition 83).

Until any proposed dwellings and works are approved, no further clearing or mowing of native vegetation should occur (except for careful weed control works) as it would constitute harming a an Endangered Ecological Community which is an offence under the Threatened Species Conservation Act. (Refer Condition 42).

The proposed building footprints for the two new lower dwellings will have a negative impact and would require a Species Impact Statement regarding BGHF on site in their present form. Guidelines for which must be obtained from Department of Environment and Conservation (NPWS). The footprints could be modified so that they do not impact on the remnant BGHF on site.

The proposed road / fire break would cause undue impacts on and off site so should be deleted unless required by the RFS.

The site would also be subject to draft recovery plans including - Large Forest Owls and the Cumberland Plain plans. The site would also be subject to the Rivers and Foreshore Act as the stream is listed on the local 1:2500 topographic map.

The application is supported subject to Blue Gum High Forest within the 30 metres Riparian Zone being preserved and rehabilitated and adequately protected by conditions as indicated above.

*Relevant conditions are included within the landscape conditions, Conditions 42 – 52, 64 – 71, 77 – 84.* 

### Heritage

Council's Heritage Advisor, Paul Dignam, expressed the view that the proposed subdivision will not have any adverse impact on the adjoining heritage item at No. 23 Roland Avenue.

There may be some minor impact from the proposed rainwater tank to be located on the northern side of the existing dwelling at 25 Roland Avenue, however, the tank should be suitably screened. (**Refer to Condition 64**).

### **CONSULTATION - EXTERNAL**

### **Rural Fire Services**

Under the provisions of Section 91 of the Environmental Planning and Assessment Act 1979, the proposal is Integrated Development on the basis that a bush safety authority from the Commissioner of the NSW Rural Fire Service is required under the provisions of s.100B of the Rural Fires Act 1997. This is due to the proposal involving subdivision of bush fire prone land for residential purposes.

Accordingly, the development has been referred to the NSW Rural Fire Service. Comments, as follows:

Based upon an assessment of the plans and documentation received for the proposal, the NSW Rural Fire Service is prepared to grant a Bush Fire Safety Authority, subject to the following conditions:

- 1. Access is to comply with section 4.3.2 of Planning for Bushfire Protection 2001.
- 2. A suitable turning bay shall be provided at the end of the property access road to permit turning of a RFS Cat1 Tanker. The turning bay shall be 6 metres wide (4m paved) and 15 metres deep from the centre line of the property access road and the inner turning radius shall be no less than 6 metres.
- 3. Water supply for firefighting purposes shall be in accordance with section 6.4.3 of Planning for Bushfire Protection 2001. A minimum 5,000L onsite storage tank is required, per dwelling, if mains water is not accessible to within the distances described in section 6.3.3 a) of Planning for Bushfire Protection 2001.
- 4. Locations of fire hydrants, where available, are to be delineated by blue pavement markers offset 100mm from the center of the road. The direction of offset should indicate on which side of the road the hydrant is located.

#### Comment

With regard to **Condition 2** above, the turning bay can be constructed within the confines of proposed Road No. 2. It would only need to be 15 metres in length as opposed to 37 metres as proposed. It could also be located elsewhere at the end of the access driveway. It would need to be to the satisfaction of Rural Fire Services and Council if it were to vary from what is shown on the proposed plans.

The terms advanced by the RFS are included in **Condition 41** of the recommendation.

### **Australian Government - Department of Environment and Heritage**

The proposal was referred to the Australian Government - Department of Environment and Heritage as the site contains Sydney Turpentine- Ironbark Forest and Blue Gum High Forest. Large continuous areas of these forests are protected under the Environment Protection and Biodiversity Conservation Act, 1999.

The departments comments are as follows:

As you are aware, the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) protects nationally listed threatened species and ecological communities, including the listed threatened ecological communities, Sydney Turpentine-Ironbark Forest and Blue Gum High Forest. However, the listing of both these communities includes only occurrences where there is intact vegetation structure, a tree canopy cover greater than 10%, and an area greater than one hectare. Patches with less than 10% of tree canopy cover are also included if they are more than one hectare in size and are part of a native vegetation remnant larger than five hectares. ...

The Department engaged an environmental consultant to assess the Roland Avenue site in terms of the presence of the communities and likely impacts of the proposed development. The

Department has concluded that either the vegetation on the site was not of sufficient quality to comprise the EPBC listed community, or that the development proposed would not have a significant impact on the remnant vegetation on the site. We therefore do not consider that EPBC Act approval is necessary for the development and will be advising the proponent accordingly.

### STATUTORY PROVISIONS

# State Environmental Planning Policy No 55 - Remediation of Land

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

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

COMPLIANCE TABLE		
Development Standard	Proposals Numeric Compliance	Complies
Site Area: 5445m <sup>2</sup>		
Subdivision for dwelling houses		
• Site area: 929m² (min)	Lot 1:1003m <sup>2</sup>	YES
,	Lot 2: 994.1m <sup>2</sup>	YES
And 1300 m <sup>2</sup> (min)	Lot 3:1892m <sup>2</sup> (ex. access 1617m <sup>2</sup> )	YES
	Lot 4: 1561m <sup>2</sup> (ex. access 1353m <sup>2</sup> )	YES
• Site width: 18m (min) at a	Lot 1:12.7m	NO
distance of 12.2m from the street alignment	Lot 2: 21.3m	YES
Access handle width: 4.6m	Lot 3:3m	NO
(min) as measured at the street alignment (For each lot)	Lot 4: 3m	NO

### Width of proposed Lot 1 at 12.2 metres from the street alignment

The width of Lot 1 fails to achieve the minimum width of 18 metres as required by the KPSO. An objection under SEPP 1 has been lodged requesting variation to the standard.

The Clause states:

# (a) Purpose of the development standard.

There are no objectives listed in the Ku-ring-gai Planning Scheme Ordinance (KPSO) indicating the reasons for the standard set out in Clauses Clause 58B (3) (c) (i) regarding the lot width at 12.2 metres back from the street alignment.

However, it is considered that this standard was established to ensure that lots created from subdivisions were of adequate size and breadth to allow for development that meets the aims and objectives for residential zones as set out in Schedule 9 of the KPSO.

### (b) Variation to the standard

Proposed Lot 1 provides a width of 12 metres at 12.2 metres from the street in lieu of the required width of 18 metres.

### (c) Reasons for non-compliance

The applicant has provided the following reasons for non-compliance with the standards.

Reasons why strict compliance with Council's '18 metres site width is unnecessary and/or unreasonable

- 1. Proposed Lot 1 will retain the existing dwelling and contains a site width which ranges from 18 metres at the alignment of the existing dwelling to 19.07 metres at the rear of proposed Lot 1. Proposed Lot 1 does not achieve numerical with Clause 58B(c)(i) due to the angle of the proposed access corridor, which seeks to avoid a straight, gun-barrel access driveway to proposed Lots 3 and 4 at of the subject site whilst allowing for the natural fall of the land.
- 2. The proposed development is able to generally comply with Council's DCP No. 38— The Good Design Manual, and given the retention of existing dwellings on proposed Lots 1 and 2, the minor variation to Clause 58B(c)(i) of the KPSO will be largely imperceptible when viewed from Roland Avenue and surrounding development.
- 3. The proposed subdivision is not excessive in density and will contribute to the orderly and economic development of existing residential land through the creation of two additional lots.
- 4. The proposed variations are within an acceptable tolerance level and will have no consequential effect in regard to principles of environmentally sustainable development.
- 5. The proposed subdivision development achieves the minimum area of  $929m^2$  for proposed Lots 1 and 2 as required by Clause 58B(c)(i) of the KPSO.

# (d) Whether compliance is unreasonable or unnecessary

Proposed Lot 1 is a street frontage lot and will contain the existing dwelling at No. 25 Roland Avenue. The proposed lot is irregular in shape with an area of  $1003 \, \mathrm{m}^2$ , a frontage of 13.2 metres and a depth of 55 metres on the north. Two thirds of the lot has a width of approximately 19 metres. The existing dwelling is located 16 metres from the street alignment and there is sufficient room within the site to provide car parking spaces behind the building setback. The shortfall in width over part of the lot will have no adverse impacts beyond the site.

#### Item 2

The site is of sufficient size to comply with the requirements of DCP 38.

The site retains a suitable site width to maintain an appropriate level of amenity for the residents of Lot 1 and is suitable for redevelopment with a new residence if so desired. The density of the lot is not excessive and allows for orderly and economic development.

### (e) Whether the application is consistent with the aims of the policy set out in clause 3

For the reasons stated above the application is not inconsistent with Clause 3 nor with the objects specified in section 5 (a)(i) and (ii) of the Act.

### (f) Whether there is concurrence

The proposed non-compliance does not raise any matter of significance state or regional environmental planning.

The proposed non-compliance in relation to lot width will not result in any adverse impact on adjoining sites or the wider environment as residential amenity can be maintained for the reasons addressed above.

Accordingly, the public benefit in maintaining the planning controls will not be compromised in this instance, and the SEPP1 objection has merit and compliance with the development standard is unreasonable and unnecessary.

Accordingly, the granting of development consent would be consistent with the aims and objectives set out in Clause 3, and the objects specified in section 5 (a)(i) and (ii) of the Act.

### Width of the access corridors to the rear lots, Lots 3 and 4.

The access handles to Lots 3 and 4 fail to comply with the minimum requirement of 4.6 metres under the KPSO. An objection under SEPP 1 has been lodged requesting variation of the standard.

### (a) Purpose of the development standard

There are no objectives listed in the Ku-ring-gai Planning Scheme Ordinance (KPSO) indicating the reasons for the standard set out in Clause 58B (3) (c) (iii) regarding the width of the access corridors to rear battle-axe shaped lots.

However, it is considered that this control was established to ensure that lots created from subdivisions provided safe and efficient access to the proposed battle-axe lots that meets the aims and objectives for residential zones as set out in Schedule 9 of the KPSO.

### (b) Variation to the standard

The width of the access corridors to the rear lots, Lots 3 and 4 is 3 metres each (with reciprocal rights of carriageway and easements for services over both access corridors, giving a total width of 6 metres) in lieu of the required 4.6 metres each (combined width 9.2 metres).

# (c) Reasons for non-compliance

The applicant has provided the following reasons for non-compliance with the standards.

Reasons why strict compliance with Council's width of access corridor is unnecessary and/or unreasonable

- 1. Access to proposed Lots 3 and 4 will be provided via a 6 metres wide shared access handle with reciprocal rights of carriageway over each respective lot. All vehicles will be able to enter and exit the site in a forward direction.
- 2. The proposed variations are within an acceptable tolerance level and will have no consequential effect in regard to principles of environmentally sustainable development.
- 3. The proposed access handle will provide suitable access for emergency vehicles to fire accessway on proposed Lot 3.
- 4. The proposed subdivision development achieves the minimum area of 1,300m<sup>2</sup> for proposed Lots 3 and 4, as required by Clause 58B(c)(iii) of the KPSO.

### (d) Whether compliance is unreasonable or unnecessary

The access corridor to the two rear lots, Lots 3 and 4, is 6 metres wide in lieu of the normally required 9.2 metres, consisting of two 3 metre wide corridors with reciprocal rights of carriageway and easements for services.

The access corridor is of sufficient width to cater for both pedestrians and vehicles, including emergency vehicles such as a RFS Tanker. The corridor will allow for forward entry and exit for all vehicles.

The applicant's arguments that the development standards are unnecessary and/or unreasonable in the circumstances of this case are supported.

### (e) Whether the application is consistent with the aims of the policy set out in clause 3

For the reasons stated above the application is not inconsistent with Clause 3 nor with the objects specified in section 5 (a)(i) and (ii) of the Act.

### (f) Whether there is concurrence

The proposed non-compliance does not raise any matter of significance state or regional environmental planning.

The proposed non-compliance in relation to access corridor width will not result in any adverse impact on adjoining sites or the wider environment as residential amenity can be maintained for the reasons addressed above.

Accordingly, the public benefit in maintaining the planning controls will not be compromised in this instance, and the SEPP1 objection has merit and compliance with the development standard is unreasonable and unnecessary. Accordingly, the granting of development consent would be consistent with the aims and objectives set out in Clause 3, and the objects specified in section 5 (a)(i) and (ii) of the Act.

### **Draft SEPP (Application of Development Standard) 2004**

The aims of this draft SEPP (Application of Development Standard) 2004 are:

- (a) to provide an appropriate degree of flexibility in the application to particular development of a development standard specified in or under an environmental planning instrument, and
- (b) to achieve better outcomes for and from development in the circumstances addressed in this Policy, and
- (c) to promote good strategic planning practice by incorporating provisions allowing flexibility in local environmental plans.

Clause 7(2) of draft SEPP (Application of Development Standard) 2004 also sets out the requirements that must be demonstrated in writing to justify the departure. This includes:

- (a) that the proposed departure from the development standard will result in a better environmental planning outcome than that which could have been achieved on the site had the standard been complied with, and
- (b) that the proposed development will be in the public interest by being consistent with any aims and objectives expressed in, or implied from:
  - (i) the zone in which the development is proposed to be carried out,
  - (ii) the development standard, or in any relevant environmental planning instrument.

The above departures would result in a better environmental planning outcome than that which could have been achieved on the site had the lot width at 12.2 metres back from the street alignment and access corridor widths complied with the KPSO standards as this would have prevented subdivision on a site of 5445m<sup>2</sup> which would not be an economic use of land.

The proposal is consistent with the objectives of the residential zoning under Schedule 9 of the KPSO and is considered acceptable for the reasons provided above.

### Aims and objectives for residential zones

The development: (i) maintains the amenity and environmental character of the residential zone; and (ii) allows for residential development compatible with the character of the area. Consequently, the aims of the KPSO have been satisfied.

### **POLICY PROVISIONS**

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

The following compliance table relates to the performance of the existing dwellings to be retained on the new lots against the requirements of DCP38.

COMPLIANCE TABLE			
<b>Development Control</b>	<b>Proposed Numeric Compliance</b>	Complies	
Building setbacks (s.4.1.3)			
• Front setback: 11m (avg.) -75% front elevation 9m (min) – 25% front elevation	Lot 1: 16m (existing dwelling) Lot 2: 9m existing dwelling to be retained	YES NO	
Side setback: Lot 1     Single Ground floor:     1.5m(min)     Double Ground floor:	Lot 1: 1.65m Lot 1: 2m	YES	
2m(min) 1 <sup>st</sup> floor: 2.85m (min)	Lot 1: 2m existing dwelling to be retained	YES NO	
• Side setback: Lot 2 Ground floor: 1.5m(min)	Lot 2: 1.5m(approx)	YES	
• Rear setback: 12m(min)	Lot 1; 16m Lot 2; 37m	YES	
Front fences (s.4.1.5) • Height: 1.2m(max)	Not proposed	N/A	
<ul> <li>Side &amp; rear fences (s.4.1.5)</li> <li>Height (forward of building line) compatible with established front fencing in the street:</li> </ul>	retain existing	N/A	
Height (behind building line): 1.8m (max)	post and wire fencing and cyclone wire	N/A	
4.2 Building Form:			
<b>FSR</b> ( <b>s.4.2.1</b> ) 0.37:1 (max)	Lot 1: 0.22:1 Lot 2: 0.07:1	YES YES	
Height of building (s.4.2.2)  • 2 storey (max) and 7m (site <20° slope)	Lot 1: 7.4m existing dwelling to be retained Lot 2: ≤7m	NO YES	
<b>Building height plane (s.4.2.3)</b> 45° from horizontal at any point 3m above boundary	Lot 1 Refer to comments below. Lot 2 Refer to comments below.	NO NO	

COMPLIANCE TABLE		
<b>Development Control</b>	Proposed Numeric Compliance	Complies
First floor (s.4.2.4) • FSR: < 40% total FSR	Lot 1: 28% Lot 2 (single storey)	YES YES
Roof line (s.4.2.6)  • Roof height (5m – single storey) (3m – two <sup>+</sup> storey)  • Roof pitch 35 <sup>0</sup> (max)	Lot 1: 1.15m Lot 2: $\leq 3m$ Lot 1: $10^0$ Lot 2: $\leq 35^0$	YES YES YES
<b>Built-upon area (s.4.2.7)</b> Lot 1, 52% (521m <sup>2</sup> ) (max) Lot 2, 56% (557m <sup>2</sup> ) (max)	Lot 1: ≤ 52% Lot 2: ≤56%	YES YES
Unrelieved wall length (s.4.2.8) 12m (min)	Lot 1: 13m minor variation to existing dwelling at the rear Lot 2: ≤ 12m	NO YES
Solar access (4.2.11) 4h solar access to adjoining properties between 9am to 3pm	no change	N/A
Energy efficiency (4.2.12) Thermal Assessment Score 60%	existing buildings	N/A
External noise sources (s.4.2.13) 14m Setback to main roads or 40dba compliance	no change	N/A
<ul> <li>Cut &amp; fill (s.4.2.15)</li> <li>Max cut 900mm</li> <li>max cut &amp; fill across building area of 1800mm</li> </ul>	existing buildings no cut or fill	N/A N/A
and 900mm  on cut or fill within side setbacks		N/A
4.3 Open space & landscaping:		
<b>Soft landscaping area (4.3.3)</b> Lot 1: 48% (481m <sup>2</sup> ) (min) Lot 2: 44% (437m <sup>2</sup> ) (min)	Lot 1: ≥48% (481m²) Lot 2: ≥44% (437m²)	YES YES

COMPLIANCE TABLE		
<b>Development Control</b>	<b>Proposed Numeric Compliance</b>	Complies
Tree replenishment ( s4.3.6 )	Refer to condition 4	YES
<ul> <li>Landscaping cut &amp; fill (4.3.7)</li> <li>max cut or fill 500mm relative to natural ground</li> <li>no cut &amp; fill within 2m of boundary</li> </ul>	no cut or fill proposed	N/A N/A
Useable open space (s.4.3.8) Min depth 5m and min area $50\text{m}^2$	adequate space exists within the new lots	YES
4.4 Privacy & Security:		
Refer discussion	No change to existing other than the construction of the driveway	N/A
No. of car parking spaces (s.4.5.1) 2 spaces behind building line	2 spaces behind building line	YES
Size of car parking space (s.4.5.2) 6.2m x 5.4m	6m x 6m	NO
Driveway width (s.4.5.6) 6m	Lots 1 and 2 will have right of carriageway over the access corridor to Lots 3 and 4	N/A

### Frontage setback

The setback to the dwelling on proposed Lot 2 is 9 metres. This dwelling is existing and as such no objection is raised.

### Side setback

The northern (existing) side setback to the existing dwelling on proposed Lot 1 at the upper level is 2 metres in lieu of 2.65 metres. This variation is insignificant as it only affects a small triangular section of the upper level main bedroom, a distance of 650mm in from the corner of the room and perpendicular to the side boundary.

### **Building height**

The height of the existing building on proposed Lot 1 exceeds the maximum height of 7 metres by 400 mm. This is insignificant and whilst it is a DCP variation, the height complies with the KPSO and will not adversely impact surrounding allotments.

## **Building height plane**

The subdivision and subsequent relocation of the southern boundary of Lot 1 containing the existing dwelling, creates a non-compliance with the building envelope standards contained within DCP 38.

The variation is relatively small in area and is located in the south-west corner of the building within the upper level en-suite.

Given the generous driveway width (6 metres) adjacent to the non-compliance, no objection is raised as it will have no significant effect on the newly created lot to the south.

The dwelling on proposed Lot1 also has a building envelope encroachment to the existing northern boundary. The non-compliance is in the upper level northern corner of the building through Bedroom 1. It cuts through the upper level approximately 2 metres below the eaves but only affects a small portion of the building because of the skewed building footprint. No objection is raised as this variation already exists.

The dwelling on proposed Lot 2 also has an existing building envelope variation in the south-western corner of the building. No objection is raised for the same reasons as above.

### Unrelieved wall length

The rear wall of the lower floor level of the existing dwelling on proposed Lot 1 is approximately 13 metres in length in lieu of 12 metres. The wall is at the rear of the building and setback under a verandah roof which runs the length of the wall. It is not a significant variation and will have no impacts beyond the site boundaries.

### Size of car parking spaces

The proposed car parking spaces are 6 x 6 metres in lieu of 6.2 x 5.4 metres for both lots. Whilst a variation, the size complies with the car parking code and will enable on-site parking for two vehicles per lot.

# **POLICY PROVISIONS (SUBDIVISION CODE)**

COMPLIANCE TABLE		
Development Standard	Proposals Numeric Compliance	Complies
Site Area: 5445m <sup>2</sup>		
Subdivision		
• Site area: 929m <sup>2</sup> (min)	Lot 1:1003m <sup>2</sup>	YES
, ,	Lot 2: 994.1m <sup>2</sup>	YES
And 1300 m <sup>2</sup> (min)	Lot 3:1892m <sup>2</sup> (ex. access 1617m <sup>2</sup> )	YES
	Lot 4: 1561m <sup>2</sup> (ex. access 1353m <sup>2</sup> )	YES
• Site width: 18.29m (min) at a	Lot 1:12.7m	NO
distance of 12.2m from the street alignment	Lot 2: 21.3m	YES
Access handle width: 3.66m	Lot 3:3m	NO
(min) as measured at the street alignment (For each lot)	Lot 4: 3m	NO

#### Subdivision:

With regard to the variations to lot width and access corridor width, refer to discussion under the KPSO.

### LIKELY IMPACTS

All likely impacts of the proposal have been discussed elsewhere in this report.

### SUITABILITY OF THE SITE

The site is suitable for the development.

### ANY SUBMISSIONS

All submissions received have been considered.

### **PUBLIC INTEREST**

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

### **SECTION 94 CONTRIBUTION**

The application is subject to a Section 94 Contribution for two (2) new lots of \$64,648.00.

### ANY OTHER RELEVANT MATTERS CONSIDERATIONS

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, is of the opinion that the objection under *State Environmental Planning Policy No. 1 – Development Standards* to Clause 58B (3) (c) (i) of the Ku-ring-gai Planning Scheme Ordinance is well founded. The Council is also of the opinion that strict compliance with the development standard is unreasonable and unnecessary in the circumstances of this case as the proposal will achieve the objectives of the lot width standards of the KPSO in that Lot 1 is of sufficient width to maintain an appropriate level of residential amenity.

Item 2

### **AND**

THAT the Council, as the consent authority, is of the opinion that the objection under *State Environmental Planning Policy No. 1 – Development Standards* to Clause 58B 93) (c) (iii) of the Ku-ring-gai Planning Scheme Ordinance is well founded. The Council is also of the opinion that strict compliance with the development standard is unreasonable and unnecessary in the circumstances of this case as the proposal will achieve the objectives of the access corridor width standards of the KPSO in that safe and efficient vehicle access can be provided to all lots.

### **AND**

THAT the Council, as the consent authority, being satisfied that the objections under SEPP No. 1 are well founded and also being of the opinion that the granting of consent to DA 1235/05 is consistent with the aims of the Policy, grant development consent to DA 1235/05 for subdivision of two lots into four lots and the demolition of the existing garage and carport on land at 25 - 27 Roland Avenue, Wahroonga, being Lot A, DP397638 and Lot M, DP420466, for a period of two (2) years from the date of the Notice of Determination subject to the following conditions:

### **GENERAL CONDITIONS**

- 1. The development to be in accordance with Development Application No. 1235/05 and Development Application plans prepared by Craig and Rhodes, Job number 247-98, Drawing 24798E01, Version C, dated 6 October, 2005 and lodged with Council on 7 November, 2005.
- 2. All building works shall comply with the Building Code of Australia.
- 3. The submission of the approved plans to Sydney Water, before any work is commenced to ensure that the proposed structure meets that Authority's By-Laws. Failure to submit these plans before commencing work will render the owner liable to a penalty and may result in the demolition of work.
- 4. The opening of any footway, roadway, road shoulder or any part of the road reserve shall not be carried out without a Road Opening Permit being obtained from the Council (upon payment of the required fee) beforehand.
- 5. For the purpose of ensuring the compliance with the terms of the approval, an approved copy of the plan and this Consent and Construction Certificate shall be kept on site at all times.
- 6. For the purpose of safety and amenity of the area, no building materials, plant or the like are to be stored on the road or footpath without the written approval being obtained from the Council beforehand. The pathway shall be kept in a clean, tidy and safe condition during building operations. Council reserves the right, without notice, to rectify any such breach and to charge the cost against the applicant/owner/builder, as the case may be.
- 7. HOURS OF WORK: For the purpose of residential amenity, noise generating work carried out in connection with building and construction operation, including deliveries of building materials and equipment, is restricted to the following hours: Mondays to Fridays inclusive: 7.00am to 5.30pm. Saturdays: 8.00am to 12.00 noon. Sundays and Public Holidays: Not Permitted. The use of the following items of plant on the site is also restricted to the abovementioned hours: compressors, bulldozers, power operated woodworking machines,

excavators and loaders, jackhammers, Ramset guns, concrete mixers and concrete delivery wagons, hoists, winches, welding and riveting plant.

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

- 8. For the purpose of public safety, a sign shall be erected on the site prior to any work commencing which is clearly visible from a public place stating that unauthorised entry to the site is not permitted and showing the name of the builder or another person responsible for the site and a telephone number for contact outside working hours. The sign may only be removed on satisfactory completion of the works.
- 9. A sign shall be erected in a prominent position on the site which states the name and contact details of the Principal Certifying Authority.
- 10. All excavations shall be properly guarded and protected with hoardings or fencing to prevent them from being dangerous to life and property.
- 11. To maintain existing ground levels all excavated material shall be removed from the site.
- 12. Any excavation of rock involving hydraulic or compressed air rock hammers or other excavation equipment shall comply with the requirements of Council's Code for the Control and Regulation of Noise on Building Sites.
- 13. No rock breaking or other machinery for the excavation, drilling or removal of rock shall be used on the site without the prior approval of the Principal Certifying Authority. Should rock breaking or associated machinery be required, the following details are to be submitted to the Principal Certifying Authority for consideration:
  - a. The type and size of machinery proposed.
  - b. The routes of all trucks to convey material to and from the site.
  - c. A report by a Geotechnical Engineer detailing the measures recommended in undertaking the work so as to prevent any damage to any adjoining or nearby buildings.
- 14. With regard to the proposed rock breaking the following conditions are to be observed:
  - a. The Geotechnical Engineer shall supervise the works in progress.
  - b. A dilapidation report on adjoining or nearby properties shall be prepared prior to any excavation, rock breaking, or associated work commencing and shall be submitted to the Principal Certifying Authority.
  - c. All material removed from or imported to the site shall be loaded, unloaded or conveyed in such a manner that will minimise nuisance. Trucks shall be covered and site controls shall include shaker grids at the exits of the site. All materials falling to any part of the road or footpath or any public place shall be immediately cleaned up.
  - d. All material removed from or imported to the site shall be loaded, unloaded or conveyed in such a manner that will minimise nuisance. Trucks shall be covered and site controls shall include shaker grids at the exits of the site. All materials falling to any part of the road or footpath or any public place shall be immediately cleaned up.

- 15. The applicant is advised that the Construction Certificate plans and specifications must comply with the provisions of the Building Code of Australia.
- 16. Toilet facilities are to be provided, within the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.
- 17. If the work involved in the construction of the driveway
  - a. is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
  - b. building involves the enclosure of a public place, a hoarding or fence must be erected between the work site and the public place.

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

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

### **Demolition**

- 18. The demolition is to be carried out in accordance with the guidelines contained in Australian Standard 2601-1991: The Demolition of Structures.
- 19. Access to demolition sites shall be protected as directed by the Principal Certifying Authority by the use of suitable fences or hoardings.
- 20. Where a new development is not commencing immediately following demolition, the demolition shall be limited to the extent of the footprint of the building/s on the site and no excavation shall be carried out.
- 21. Demolition work, including removal of material or debris from the site, on any building in a residential area shall only be carried out during the following hours: Mondays to Fridays inclusive: 7.00am to 5.30pm. Saturdays: 8.00am to 12.00 noon. Sundays and Public Holidays: Not Permitted.
- 22. A person taking down or demolishing or causing to be taken down or demolished any building or part thereof shall, upon identifying or suspecting that asbestos is present in the building, immediately notify the Workcover Authority. The Authority is the controlling body for the safe removal, handling and disposal of asbestos. The Authority supervises and monitors contractors engaged in asbestos removal.
- 23. The requirements and standards imposed by the Authority, its consultants or contractors shall be complied with.
- 24. Erosion control measures shall be provided on demolition sites to prevent the siltation of watercourses and drainage systems.
- 25. Dust control measures shall be taken on all demolition sites so as to avoid a nuisance to adjoining properties and harm to the environment.
  - a. A person taking down or demolishing or causing to be taken down or demolished any building or portion of any building shall:

- i. cause the windows or other openings in the external walls to be close boarded or otherwise covered;
- ii. cause screens of canvas, hessian, boards, mats or other suitable material to be fitted in appropriate locations;
- iii. cause areas, components and debris to be wetted down; in such a manner as to minimise, as far as practicable, the nuisance arising from the escape of dust during such taking down or demolition.
- 26. Soil on demolition sites is to be stabilised as soon as possible to prevent erosion and the site shall be kept clear of excess vegetation.
- 27. A temporary construction exit and sediment trap to reduce the transport of sediment from the site onto public roads shall be provided before demolition commences.
- 28. Existing stormwater lines on the site are to be blocked and made inoperable after buildings are demolished so as to prevent the conveyance of silt or sediments into the gutter or street drainage system.
- 29. All combustible material shall be removed from the site on a daily basis. Material shall not be burnt on the site.
- 30. Materials salvaged from a demolition may be stored on site provided they are non combustible, neatly and safety stockpiled and not likely to become a harbourage for vermin.
- 31. Adequate precautions shall be taken to ensure the protection of adjoining premises and persons therein from damage and injury during the process of demolition.
- 32. Buildings built prior to the 1970's may contain lead based paint. Lead dust is a hazardous substance. You are advised to follow the attached WorkCover guidelines to prevent personal and environmental contamination.
- 33. The applicant or builder/developer is responsible for the cost of making good any damage that may be caused to any Council property as a result of work associated with the demolition.
- 34. A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
  - a. stating that unauthorised entry to the work site is prohibited, and
  - b. showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.

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

This clause does not apply to:

- a. building work carried out inside an existing building, or
- b. building work carried out on premises that are to be occupied continuously (both during and outside working hours) while the work is being carried out.
- 35. All demolition materials of value for re-use either on-site or elsewhere, shall be separated and made available for re-cycling.

### **Special**

- 36. Your attention is directed to the operation of the Commonwealth Disability Discrimination Act 1992, which may impose greater obligations on providing access to disabled persons other than compliance with the Building Code of Australia. You are advised to seek advice from the Human Rights and Equal Opportunity Commission (phone (02) 9284 9600) in respect of your application.
- 37. Lot 4 is to have a minimum width of 18 metres.
- 38. The length of Road No. 2 is only to be constructed to a length that satisfies the Rural Fire Service condition related to the turning bay for a RFS Cat1 Tanker.
- 39. The indicative building footprints shown on the plans are not approved and shall be deleted from the plans. Plans are to be amended prior to the issue of the Construction Certificate.
- 40. The proposed car spaces for Lot 1 which are located in the front setback, are unacceptable. They are to be relocated adjacent to the entrance to the existing dwelling on proposed Lot 1, in accordance with the plan prepared by Craig and Rhodes (as attached and marked Plan A). A right of carriageway is to be created in favour of proposed Lot 1 over proposed Lot 2 for any vehicle overhang in respect of manoeuvrering of the vehicle to leave the site in a forward direction.

### **Rural Fire Services**

- 41. Compliance with the general terms of approval issued by Rural Fire Services.
  - 1. Access is to comply with section 4.3.2 of Planning for Bushfire Protection 2001.
  - 2. A suitable turning bay shall be provided at the end of the property access road to permit turning of a RFS Cat1 Tanker. The turning bay shall be 6 metres wide (4m paved) and 15 metres deep from the centre line of the property access road and the inner turning radius shall be no less than 6 metres.
  - 3. Water supply for firefighting purposes shall be in accordance with section 6.4.3 of Planning for Bushfire Protection 2001. A minimum 5,000L onsite storage tank is required, per dwelling, if mains water is not accessible to within the distances described in section 6.3.3 a) of Planning for Bushfire Protection 2001.
  - 4. Locations of fire hydrants, where available, are to be delineated by blue pavement markers offset 100mm from the center of the road. The direction of offset should indicate on which side of the road the hydrant is located.

# Landscape

42. No further clearing or mowing of Blue Gum High Forest Endangered Ecological Community species is permitted within Lots 3 and 4 until a Construction Certificate or Development Application for any construction works on site is approved by Council. Clearing of Endangered Ecological Community vegetation without approval is an offence under the Threatened Species Conservation Act.

- 43. To avoid negative impact upon T50 *Eucalyptus saligna* (Sydney Blue Gum) located within No. 23 Roland Avenue, the rainwater reuse tank for the dwelling on Lot 1 shall be installed above ground.
- 44. Removal or pruning of the following trees shown for removal on the subdivision layout plan is not approved as part of this Development Consent:

No/Tree/Location

5/Eucalyptus saligna (Sydney Blue Gum)/Near the southern boundary and towards the eastern boundary of Lot 3.

11/Eucalyptus saligna (Sydney Blue Gum)/Close to the western side of the Road No. 1 site within Lot 3.

12/Eucalyptus saligna (Sydney Blue Gum)/Close to the western side and end of the Road No. 1 site within Lot 3.

13/Eucalyptus resinifera (Red Mahogany)/Near the western side and end of the Road No. 1 site within Lot 3.

14/Eucalyptus resinifera (Red Mahogany)/Between T11 and T19 within Lot 3.

15/Syncarpia glomulifera (Turpentine)/Between T11 and T19 within Lot 3.

17/Eucalyptus saligna (Sydney Blue Gum)/Between T13 and T19 within Lot 3

19/Syncarpia glomulifera (Turpentine)/Close to the western end of the proposed Road No. 2 site within Lot 3.

21/Eucalyptus pilularis (Blackbutt)/Close to the southern (side) boundary and towards the eastern boundary of Lot 4.

22/Eucalyptus saligna (Sydney Blue Gum)/Adjacent to the northern (side) boundary and towards the eastern boundary of Lot 3.

23/Eucalyptus saligna (Sydney Blue Gum)/Close to the northern (side) boundary and towards the eastern boundary of Lot 3.

34/Eucalyptus pilularis (Blackbutt)/Near the northern (side) boundary and towards the eastern boundary of Lot 4.

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

No/Tree/location Time of inspection

33/Eucalyptus saligna (Sydney Blue Gum) Earthworks for Road No. 1 and Close to the southwestern corner of Lot 1. drainage works stage s.

12/Eucalyptus saligna (Sydney Blue Gum) Earthworks for Road No. 1 and Close to the western side of the end of Road No. 1. drainage works stages.

19/Syncarpia glomulifera (Turpentine) Drainage works stage.

Close to the centre of the southern (side) boundary of Lot 3.

- 46. Constructed slopes greater than 1:3 gradient shall be vegetated immediately after earthworks are completed.
- 47. If tree roots are required to be severed for the purposes of constructing the approved works they shall be cut cleanly by hand, by an experienced Arborist/Horticulturist with a minimum qualification of the Horticulture Certificate or Tree Surgery Certificate.
- 48. No tree roots of 30mm or greater in diameter located within the specified radius of the trunk/s of the following, tree/s shall be severed or injured in the process of any site works during the construction period:

No/Tree/Location Radius From Trunk

33/Eucalyptus saligna (Sydney Blue Gum) 12m

Close to the south-western corner of Lot 1.

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

No/Tree/Location Radius From Trunk

19/Syncarpia glomulifera (Turpentine) 3m

Close to the centre of the southern (side) boundary of Lot 3.

33/Eucalyptus saligna (Sydney Blue Gum) 12m

Close to the southwestern corner of Lot 1.

44/Syncarpia glomulifera (Turpentine) 5m

Close to and towards the western end of the

southern (side) boundary of Lot 3.

- 50. The applicant shall ensure that at all times during the site works no activities, storage or disposal of materials shall take place beneath the canopy of any tree protected under Council's Tree Preservation Order.
- 51. The following tree species shall be planted, at no cost to Council, in the nature strip fronting the property along ROLAND AVENUE. The tree/s used shall be a minimum 25 litre container size specimen/s trees:

Tree Species Quantity

Notelaea longifolia (Large mock Olive) 2

52. 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

### **Engineering**

- 53. Stormwater runoff from new hard surfaces generating runoff or landscaped areas that are not at natural ground level shall be piped to the watercourse within the site. New drainage line connections to the watercourse shall conform and comply with the requirements described in sections 5.5 of Councils Water Management Development Control Plan 47, available in hard copy at Council and on the Council website.
- 54. A mandatory rainwater re-use tank system, together with the additional on-site stormwater detention/retention requirements described in chapter 6 of Councils Water Management Development Control Plan 47 (DCP47), shall be provided for the development. DCP47 is available in hard copy at Council and on the Council website.
- 55. Where required, the adjustment of any utility service facilities must be carried out by the applicant and in accordance with the requirements of the relevant utility authority. These works shall be at no cost to Council. It is the Applicants responsibility to ascertain impacts of the proposal upon utility services and Council accepts no responsibility for any matter arising from its approval to this application involving an influence upon utility services provided by another authority.
- 56. All public footways and roadways fronting and adjacent to the site are to be maintained in a safe condition at all times during the course of the development works. A safe pedestrian circulation route and a pavement/route free of trip hazards must be maintained at all times on or adjacent to the public access ways fronting the construction site. Where public infrastructure is damaged, repair works must be carried out when and as directed by Council officers. Where circulation is diverted on to the roadway, clear directional signage and protective barricades must be installed in accordance with AS1742-3 1996 "Traffic Control Devices for Work on Roads". If pedestrian circulation is not satisfactorily maintained, and action is not taken promptly to rectify the defects, Council may undertake proceedings to stop work.
- 57. The provision of temporary sediment and erosion control facilities and measures are to be installed, prior to the commencement of any works on the site to eliminate unnecessary erosion and loss of sediment. These facilities must be maintained in working order during construction works and up to the completion of the maintenance period. All sediment traps must be cleared on a regular basis and after each major storm, and/or as directed by the Principal Certifying Authority and Council officers.

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

### Administration

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

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

- 59. It is a condition of consent that the applicant, builder or developer or person who does the work on this residential building project arrange the Builders Indemnity Insurance and submit the Certificate of Insurance in accordance with the requirements of Part 6 of the *Home Building Act 1989* to the Council or other Principal Certifying Authority for endorsement of the plans accompanying the Construction Certificate. It is the responsibility of the applicant, builder or developer to arrange the Builder's Indemnity Insurance for residential building work over the value of \$12,000 and to satisfy the Council or other Principal Certifying Authority by the presentation of the necessary Certificate of Insurance so as to comply with the applicable requirements of Part 6 of the *Home Building Act 1989*. The requirements for the Builder's Indemnity Insurance does not apply to commercial or industrial building work or for residential work less than \$12,000, nor to work undertaken by persons holding an Owner/Builder's Permit issued by the Department of Fair Trading (unless the owner/builder's property is sold within 7 years of the commencement of the work).
- 60. The Infrastructure Restorations Fee calculated in accordance with the Council's adopted schedule of Fees and Charges is to be paid to the Council prior to any earthworks or construction commencing. The applicant or builder/developer will be held responsible for and liable for the cost any damage caused to any Council property or for the removal of any waste bin, building materials, sediment, silt, or any other article as a consequence of doing or not doing anything to which this consent relates. "Council Property" includes footway, footpath paving, kerbing, guttering, crossings, street furniture, seats, litter bins, trees, shrubs, lawns mounds, bushland, and similar structures or features on road reserves or any adjacent public place. Council will undertake minor restoration work as a consequence of the work at this site in consideration of the "Infrastructure Restorations Fee" lodged with the Council prior to the release of the Construction Certificate. This undertaking by the Council does not absolve the applicant or Builder/developer of responsibility for ensuring that work or activity at this site does not jeopardise the safety or public using adjacent public areas or of making good or maintaining "Council property" (as defined) during the course of this project.
- 61. Prior to commencing any construction or subdivision work, the following provisions of the Environmental Planning & Assessment Act, 1979 (the 'Act') are to be complied with:
  - a. A Construction Certificate is to be obtained in accordance with Section 81A(2)(a) of the Act.
  - b. A Principal Certifying Authority is to be appointed and Council is to be notified of the appointment in accordance with Section 81A(2)(b) of the Act.
  - c. Council is to be notified in writing, at least two (2) days prior to the intention of commencing buildings works, in accordance with Section 81A(2)(c) of the Act.
  - d. Should the development be certified by a Principal Certifying Authority other than Council, a fee for each Part 4A Certificate is to be paid to Council on lodgement of those Certificates with Council.

#### Construction

62. To ensure structural stability, engineer's details (in duplicate) of retaining walls, prepared by a qualified practising structural engineer, shall be submitted to the Principal Certifying Authority for consideration prior to the issue of the Construction Certificate.

### **Special**

63. A contribution is to be paid for the provision, extension or augmentation of community facilities, recreation facilities, open space and administration that will, or are likely to be, required as a consequence of development in the area.

TOTAL CONTRIBUTION FOR THIS DEVELOPMENT OF TWO ADDITIONAL DWELLING LOTS IS CURRENTLY \$64.648. The amount of the payment shall be in accordance with the Section 94 charges as at the date of payment. The charges may vary at the time of payment in accordance with Council's Section 94 Contributions Plan to reflect changes in land values, construction costs and the consumer price index.

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

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

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

### OCCUPANCY RATES FOR DIFFERENT DEVELOPMENT TYPES

New Lot 3.48 persons

# Landscape

64. Lots 1, 2, 3 and 4 shall support a minimum number of 5, 6, 10 and 10 canopy replenishment trees respectively, that will attain 13.0 metres height at the site, to preserve the tree canopy of Ku-ring-gai. The existing tree/s and 4 additional trees to be planted within both lots 1 and 2 shall be shown on the Landscape Plan/Site Plan. The plan shall be submitted to the satisfaction of the Principal Certifying Authority prior to release of the Construction Certificate. The trees to be planted shall be locally occurring native trees.

Screen planting shall be provided to the proposed rainwater tank within proposed Lot 1.

- 65. Road No.1 shall be constructed above grade and its crossfall shall be sloped to the south, to ensure that no roots of T33 *Eucalyptus saligna* (Sydney Blue Gum) greater than 30 mm diameter are severed or damaged during road construction. Details for the paving shall be prepared by a suitably qualified professional and submitted to and approved by the Principal Certifying Authority prior to the release of the Construction Certificate:
- 66. Paving works within the specified radius of the trunk/s of the following tree/s shall be of type and construction to ensure that existing water infiltration and gaseous exchange to the tree/s root system is maintained. Details for the paving shall be prepared by a suitably qualified

professional and submitted to and approved by the Principal Certifying Authority prior to the release of the Construction Certificate:

No/Tree/Location Radius From Trunk

33/Eucalyptus saligna (Sydney Blue Gum) 12m

Close to the south-western corner of Lot 1.

- 67. To minimise negative impacts upon the root system of T33 *Eucalyptus saligna* (Sydney Blue Gum) the below ground O.S.D. tank shall be rotated 90° so that its length is perpendicular to the tree 's trunk and drainage line 3 and pit 3.1 shall be located on the southern side of Road No. 1. Details for the paving shall be prepared by a suitably qualified professional and submitted to and approved by the Principal Certifying Authority prior to the release of the Construction Certificate.
- 68. The Construction Certificate shall not be released until a Site Management Plan is prepared by a suitably qualified professional and approved by the Principal Certifying Authority.

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

69. A CASH BOND/BANK GUARANTEE of \$10,000.00 shall be lodged with Council prior to the release of the Construction Certificate to ensure that the following trees are maintained in the same condition as found prior to commencement site development work.

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

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

No/Tree/Location	Bond Value
5/Eucalyptus saligna (Sydney Blue Gum) Near the southern boundary and towards the eastern boundary of Lot 3.	\$1,000.00
11/Eucalyptus saligna (Sydney Blue Gum) Close to the western side of the Road No. 1 site within Lot 3.	\$1,000.00
12/Eucalyptus saligna (Sydney Blue Gum) Close to the western side and end of the Road No. 1 site within Lot 3.	\$1,000.00
19/Syncarpia glomulifera (Turpentine) Close to the western end of the proposed Road No. 2 site within Lot 3	\$1,000.00

Item 2

33/Eucalyptus saligna (Sydney Blue Gum) \$5,000.00

Close to the southwestern corner of Lot 1.

44/Syncarpia glomulifera (Turpentine) \$1,000.00

Close to and towards the western end of the southern (side) boundary of Lot 3.

- 70. The program of bush regeneration/weed removal included in the Vegetation Management Plan prepared by Abel Ecology and dated 28 October 2005 shall be used to rehabilitate the Blue Gum High Forest Endangered Ecological Community within Lots 3 and 4 on a permanent basis. Only species occurring within the sub-formation of Blue Gum High Forest growing on the site and adjoining properties shall be planted at the site. Appendix 3 is not to be used for regeneration planting. *Pseuderanthemum variabile* (Pastel Flower) shall be amended to *Myoporum debile* (Winter Apple) that grows within the cleared and mowed area of the site.
- 71. The following recommendations within the Flora and Fauna Report prepared by Abel Ecology, dated 28 October, 2005 and submitted with the Development Application shall be carried out:
  - (a). All weed propagules will be bagged and removed from site.
  - (b). Prior to removal of any tree, seeds will be collected by certified seed collectors. This seed will be propagated for projects involving Blue Gum High Forest in the area, and for any planting of trees on the site, if required. If available, seed from any shrub within the property which is a component of the BGHF will be collected. For example, if Acacia data or Allocasuarina torulosa seed is available on site, this seed must be propagated for use on site for areas which are depleted after the removal of privet groves.
  - (c). It is strongly recommended that any native ground-covers and small shrubs (less than 0.5m) be retrieved from those areas of the site that will be cleared for housing or other constructions. These can be transplanted into the 30m-wide riparian regeneration zone.
  - (d). Landscaping around the two lower western houses is to be consistent with the Blue Gum High Forest community, and contain at least 80% plants of local provenance. No plants declared noxious or considered environmental or nuisance weeds may be used in this area.
  - (e). Ten nesting boxes for arboreal mammals and ten bat boxes will be provided within the 30 m riparian regeneration zone. The nesting boxes will be monitored for at least five years, in order to prevent their use by pest bird species.
  - (f). Logs from felled trees are to be cut into suitable lengths and retained on the site for habitat, and/or erosion control.
  - (g). Smaller branches and leaves are to be mulched. All mulch not immediately used is to be stored for future on-site use in a suitable weed-free location on the site. The mulch stockpile is to be covered.

- (h). It may be necessary to use mulch to prevent soil erosion, weed invasion and water/soil loss, and to assist in the establishment of possible plantings/landscaping. All reasonable measures are to be taken so as to maintain mulch stockpiles in a weed-free condition. This will include stockpiling on a 'clean' surface (weed-free) and covering of mulch to prevent contamination by weed seed. An assessment will be required by the bush regeneration contractor as to the benefits of mulch for weed control against the disadvantages, in that mulch will repress natural regeneration as well.
- (i). If planting is required, planted areas must be regularly monitored to prevent soil being washed away and/or the onset of erosion. If problems are detected, appropriate ameliorative measures must be undertaken immediately. Mulch prevents the dispersal of soils, but it also prevents regeneration. Mulch is therefore, only to be used when absolutely necessary or around landscaping close to the dwellings.
- (j). Erosion and sediment control structures are to be installed prior to any commencing.
- (k). Erosion and sediment control structures are to be cleared after any storm.
- (l). Siltation fences will be installed on the eastern and western extremities of Conservation Zone.
- (m). Any machinery or equipment used is to be free of weed seed. This is particularly important if the machinery has also been used elsewhere (for example by external contractors) as they are known vectors for the spread of weed seeds. Cleaning may simply require the hosing down of machinery to be used, and this will occur either offsite, or in an on-site designated area from which weed seed can be controlled.
- (n). Removal of rock is prohibited. All rock shall remain in place on site for use as formal habitat replacement within the 30m riparian regeneration zone.

### **Engineering**

- 72. The applicant is to provide construction details for the following works:
  - Access driveway to the rear lots and car spaces to the front lots;
  - On site detention tank for the new driveway:
  - Interallotment drainage pipe to service all lots;
  - Permanent water quality measures as required under Section 8.3.1 of DCP 47.

The designs are to be submitted to and approved by the Principal Certifying Authority prior to issue of the Construction Certificate.

The designs shall be generally based on the concept plan 24798E01 by Craig & Rhodes, and shall be advanced for construction issue purposes. The detention storage volumes and design shall comply with Councils Water Management DCP 47 (available on the Council website and at Council customer services). Rainwater tank(s) for the existing dwellings shall be designed to capture and retain runoff from a minimum  $100m^2$  roof area for each 5000 litres of storage. Overflow shall revert to the main drainage system. The design and construction plans, with all supporting documentation, are to be prepared by a qualified and experienced civil/hydraulic engineer and may be incorporated on the overall site drainage plan.

Item 2

73. The property drainage system shall be designed for a 235mm/hour rainfall intensity for a duration of five (5) minutes (1:50 year storm recurrence) and shall be compatible with the necessary retention and/or detention devices. Plans and calculations are to be prepared by a suitably qualified and experienced civil/hydraulic engineer in accordance with Councils Water Management Development Control Plan 47 available on the Council website and at Council, and AS 3500.2 - Plumbing and Drainage Code.

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

#### Administration

74. Prior to the commencement of any work, the Principal Certifying Authority shall be notified in writing of the name of the contractor/owner/builder who intends to carry out the approved works.

### **Pollution and Environment**

- 75. To preserve and enhance the natural environment, the downslope side of the proposed construction area of the site is to be enclosed with a suitable erosion control barrier (e.g. straw bales or geofabric fence) along contour before any other work on the site commences.
- 76. To preserve and enhance the natural environment, all soil erosion and sediment control structures shall be inspected following each storm event and any necessary maintenance work shall be undertaken to ensure their continued proper operation. Sediment shall be removed from the soil erosion and sediment control structures when no more than forty percent (40%) capacity has been reached. These structures shall continue in proper operation until all development activities have been completed and the site fully stabilised.

### Landscape

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

No/Tree/Location	Radius in Metres
3/Syncarpia glomulifera (Turpentine) Close to the centre of the eastern boundary of Lot 3.	4m
4/Eucalyptus saligna (Sydney Blue Gum) Close to and near the eastern end of the southern boundary of Lot 3.	6m
5/Eucalyptus saligna (Sydney Blue Gum) Near the southern boundary and towards the eastern boundary of Lot	3m 3.

78. To preserve the following tree/s, no work shall commence until the area beneath the canopy of the following tree/s excluding that area of the proposed ROAD No.1 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:

Item 2

No/Tree/Location

Radius From Trunk

11/Eucalyptus saligna (Sydney Blue Gum)

Close to the western side of the Road No. 1 site within Lot 3.

12/Eucalyptus saligna (Sydney Blue Gum)

Close to the western side and end of the Road No. 1 site within Lot 3.

33/Eucalyptus saligna (Sydney Blue Gum)

Close to the south-western corner of Lot 1.

- 79. The tree protection fence shall be constructed of galvanised pipe at 2.4 metre spacings and connected by securely attached chain mesh fencing to a minimum height of 1.8 metres prior to work commencing.
- 80. Prior to works commencing tree protection signage is to be attached to each tree Protection Zone and displayed in a prominent position and the sign repeated at 10m intervals or closer where the fence changes direction. Each sign shall advise in a clearly legible form, the following minimum information:
  - 1. Tree Protection Zone
  - 2. This fence has been installed to prevent damage to the trees and their growing environment both above and below ground, and access is restricted.
  - 3. If encroachment or incursion into this Tree Protection Zone is deemed to be essential the consulting Arborist should be informed prior to the undertaking of such works
  - 4. Name, address, and telephone number of the developer.
- 81. Prior to works commencing the area of the Tree Protection Zone is to be mulched to a depth of 100mm with composted organic material being 75% Eucalyptus leaf litter and 25% wood. The depth of mulch and type as indicated, to be maintained for the duration of the project & Principal Certifying Authority.
- 82. Upon completion of the installation of the required tree protection measures you are required to arrange for an inspection of the site by the Principal Certifying Authority to verify that tree protection measures comply with all relevant conditions. Following the carrying out of a satisfactory inspection and subject to the payment of all relevant monies and compliance with any other conditions of approval, work may commence.

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

# Landscape

- 83. The creation of a Restriction on the Use of Land under Section 88B of the Conveyancing Act 1919, burdening the area for a distance of 30 metres from the top edge of the watercourse embankment on Lots 3 and 4 of 25 and 27 Roland Avenue, Wahroonga, the terms of which state that any excavation, soil level changes, construction works or removal of any Blue Gum High Forest Endangered Ecological Community vegetation are prohibited. All noxious plant, environmental and nuisance weed species shall be continually removed from this Restriction on the Use of Land using the minimal disturbance method.
- 84. The following noxious plant, environmental and nuisance weed species shall be removed from the property prior to completion of the approved subdivision works. Documentary

evidence of compliance with this condition shall be submitted to the Principal Certifying Authority prior to the release of the Certificate of Subdivision.

# Plant Species

*Acer negundo* (Box Elder)

Ageratina riparia (Mist Weed)

Asparagus densiflorus (Asparagus Fern)

Cinnamomum camphora (Camphor laurel)

Conyza sp (Fleabane)

Crocosmia x crocosmiifolia (Montbretia)

Erythrina x sykesii (Coral Tree)

*Hedera helix* (English Ivy)

*Hedychium gardneranum* (Ginger lily)

Lantana camara (Lantana - Pink Flower)

Ligustrum lucidum (Large-leaved Privet)

Ligustrum sinense (Small-leaved Privet)

Lonicera japonica (Honeysuckle)

Nephrolepis cordifolia (Fishbone fern)

Ochna serrulata (Ochna)

Passiflora edulis (Passionfruit)

Solanum mauritianum (Wild Tobacco)

*Toxicodendron succedaneum* (Rhus Tree)

### **Engineering**

- 85. Prior to release of the linen plan/issue of the subdivision certificate, the following works must be completed:
  - a. Construction of the new driveway crossing and layback in accordance with the levels and specifications issued by Council,
  - b. Removal of all redundant driveway crossings, pipe crossing and/or kerb laybacks. Full reinstatement of these sections to footway, and/or turfed verge and/or kerb and gutter to the satisfaction of Council. Reinstatement works shall match surrounding adjacent infrastructure with respect to marrying of levels and materials.
  - c. Any sections of damaged grass verge are to be replaced with a non-friable turf of native variety to match existing.

Any damaged public infrastructure caused as a result of construction works on the subject site (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub contractors, concrete vehicles) must be fully repaired to the satisfaction of Council - at no cost to Council.

- 86. Prior to release of the linen plan/issue of the subdivision certificate, the following works must be completed:
  - a. Construction of the access driveway and car spaces in accordance with the approved plans,
  - b. Construction of the on site detention tank for the driveway in accordance with the approved plans.

- c. Construction of the interallotment drainage system and permanent water quality measures in accordance with the approved plans.
- 87. Prior to issue of the Subdivision Certificate a suitably qualified consulting civil/hydraulic engineer (as defined in Water Management Development Control Plan 47) is to provide certification for approval by the Principal Certifying Authority (PCA). The certification must make specific reference to each of the following:

That the as-built detention and retention systems achieve the design storage volumes approved by the Principal Certifying Authority with the Construction Certificate (engineer must complete form in appendix 4 of DCP47 in relation to the on-site detention system). The as-built drainage layout (including pits, pipes, spreaders and the like) is in accordance with the relevant stormwater management and drainage plans approved by the Principal Certifying Authority with the Construction Certificate,

That all enclosed floor areas, including habitable and basement levels, are safeguarded from outside stormwater runoff ingress by suitable differences in finished levels, gradings and provision of stormwater collection devices.

The completed as-built drainage and stormwater management systems will achieve the full intent of the approved design plans and Councils Water Management DCP47.

- 88. Prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate, a maintenance regime shall be prepared for the water quality measures and submitted to Principal Certifying Authority. The regime shall specify that the system is to be regularly inspected and serviced by qualified practitioners.
- 89. Prior to issue of an Occupation Certificate the applicant shall submit the following Works-as-Executed (WAE) drawing(s) to the Principal Certifying Authority in relation to the installed access driveway and property stormwater drainage and management systems:
  - As built reduced levels and dimensions for the access driveway and car spaces.
  - As built reduced surface and invert levels for all drainage pits and junctions.
  - As built reduced level(s) at the approved point of discharge to the public drainage system.
  - Gradients of drainage lines, materials and dimensions.
  - As built location and internal dimensions of all detention and retention structures on the property (plan view) and horizontal distances to nearest adjacent boundaries and buildings on site
  - As built locations of all access pits and grates in the detention system, including dimensions.
  - The size of the orifice or pipe control fitted.
  - Dimensions of the discharge control pit and access grates.
  - The achieved capacity of the retention and detention storages and derivative calculation.
  - The maximum depth of storage over the outlet control.
  - Top water levels of storage areas and indicative RL's through the overland flow path in the event of blockage of the on-site detention system.
  - The WAE(s) is to be prepared by a registered surveyor and shall show all critical constructed levels, materials and dimensions in comparison to those shown in the relevant designs approved by the Principal Certifying Authority with the Construction Certificate. All relevant details indicated must be marked in red on the Principal Certifying Authority stamped construction certificate stormwater drawings.

- 90. Prior to release of the linen plan/issue of the subdivision certificate by the Consent Authority, the applicant shall create a Positive Covenant and Restriction on the Use of Land under Section 88B of the Conveyancing Act 1919, burdening the property with the requirement to maintain the site on-site stormwater detention facilities. The terms of the instruments are to be generally in accordance with the Council's "draft terms of Section 88B instrument for protection of on-site detention facilities" (available from Council on request) and to the satisfaction of Council. The location of the on-site detention facilities for all dwellings is to be denoted on the final plan of subdivision.
- 91. Prior to release of the linen plan/issue of the subdivision certificate, the Section 73 Sydney Water compliance certificate **which refers to the subdivision application** must be obtained and submitted to the Council.
- 92. All new public utility services, or appropriate conduits for the same, including electricity, gas, telephone, water and sewerage shall be provided underground by the developer in accordance with the specifications of the supply authorities. A plan detailing services trenches, which shows distances from proposed and existing trees, shall be submitted for approval by the Principal Certifying Authority (Principal Certifying Authority) prior to issue of the Construction Certificate. The provision of these services is to be certified by a consulting engineer or surveyor prior to the issue of a Subdivision Certificate.
- 93. For endorsement of the linen plan/issue of the subdivision certificate, the applicant shall submit an original plan of subdivision plus six (6) copies, suitable for endorsement by Council. The following details **must** be submitted with the plan of subdivision and copies:
  - a. The endorsement fee current at the time of lodgment,
  - b. The 88B Instruments plus six (6) copies,
  - c. A copy of the Occupation Certificate.
  - d. The Consulting Engineer's certification of the on-site stormwater detention facility. This must be on the standard Council on-site detention certification sheet, available from Council.
  - e. A copy of all works-as-executed plans required under the consent,
  - f .All Surveyor's and/or Consulting Engineer's certification(s) required under this consent,
  - g. The Section 73 (Sydney Water) Compliance Certificate for the subdivision.

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

- Note 1: Plans of subdivision and copies must not be folded.
- Note 2: Council will not accept bonds in lieu of completing subdivision works.
- 94. For endorsement of the linen plan / subdivision certificate issue, the Applicant shall submit an original instrument under Section 88B of the Conveyancing Act with the plan of subdivision, plus six (6) copies. This is to create any required easements, rights-of-carriageway, positive covenants, restrictions-on-use or other burdens/benefits as may be required. Ku-ring-gai

Council must be named as the authority whose consent is required to release, vary or modify the same.

- 95. Prior to release of the linen plan/issue of the subdivision certificate, the applicant shall create all burdens including but not limited to drainage easements, easements for services and rights-of-carriageway, as required. A registered surveyor is to certify, prior to release of the linen plan/issue of the subdivision certificate, that all existing interallotment drainage lines, services and/or driveways are fully contained within the proposed burdens and/or that future provision of such are fully covered by the proposed burdens. Alternatively, where the surveyor is of the opinion that no interallotment easements or rights-of-carriageway are required, then certification to this effect must be submitted to the Principal Certifying Authority (PCA).
- 96. Prior to release of the linen plan/issue of the subdivision certificate, the provision of separate underground electricity, gas, telstra, sewer and water services, or appropriate conduits for the same, shall be provided to each allotment. A suitably qualified and experienced engineer or surveyor is to provide certification that all new lots have ready underground access to the services of electricity, gas, Telstra, sewer and water.

G Stewart R Pearson

**Executive Assessment Officer** Acting Team Leader

**Development Assessment - North** 

M Leotta M Prendergast
Acting Manager Acting Director

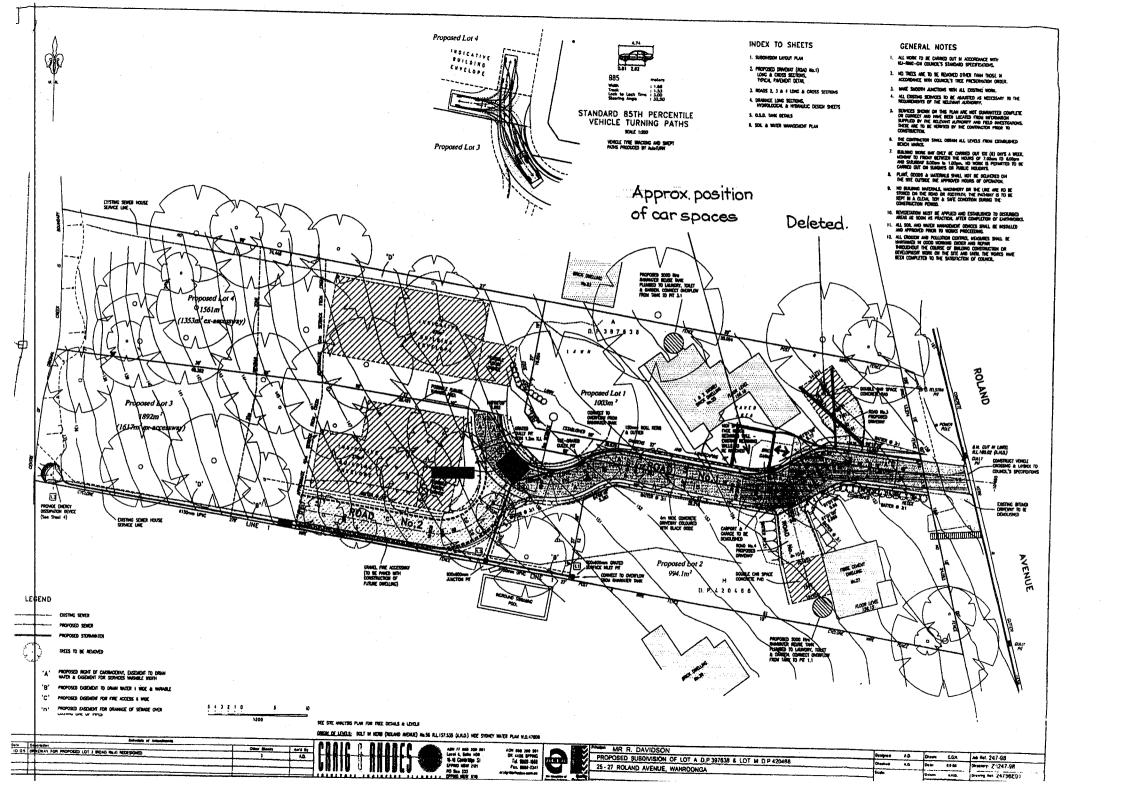
Development Assessment Services Development & Regulation

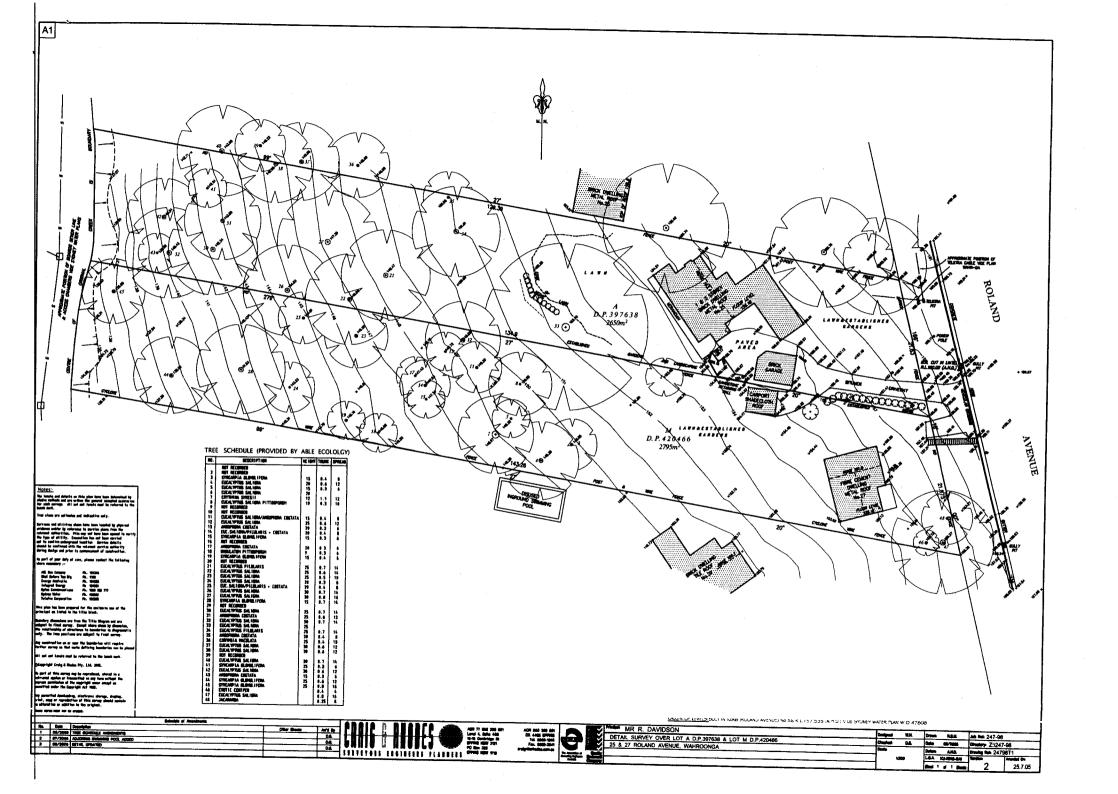
Attachments: Locality plan - 680602

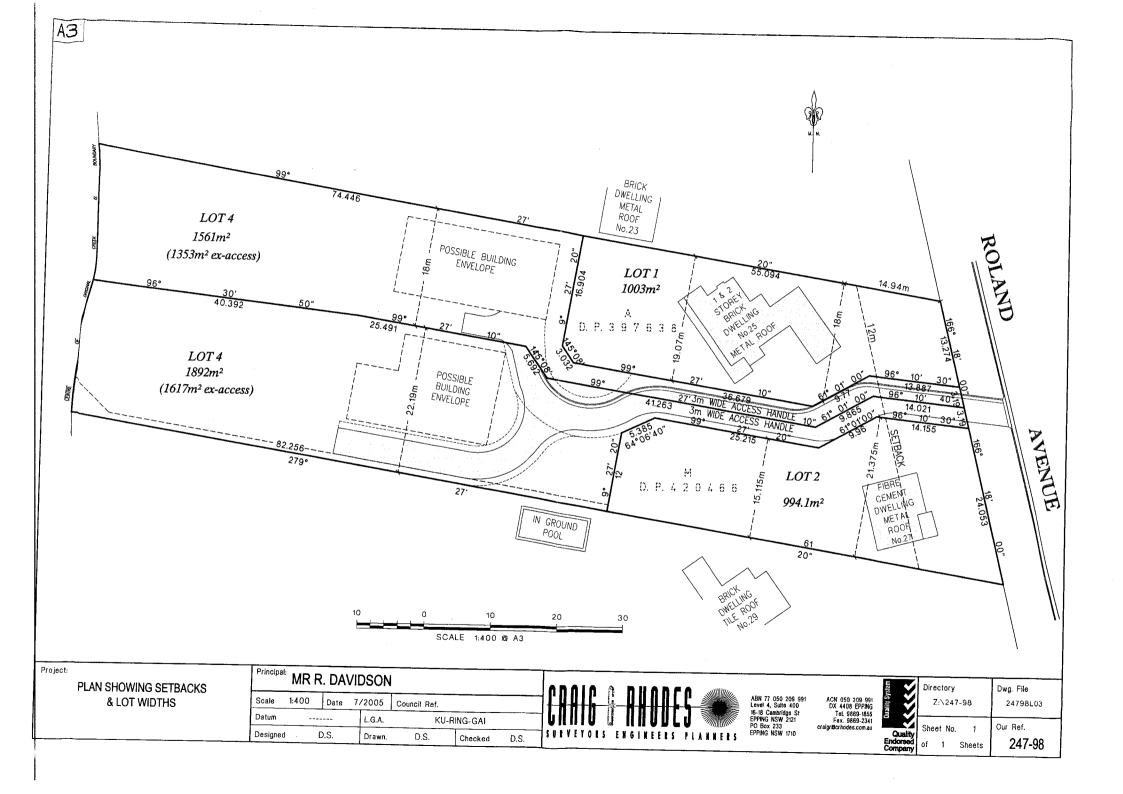
Contour plan - 680606 Subdivision plan - 680607

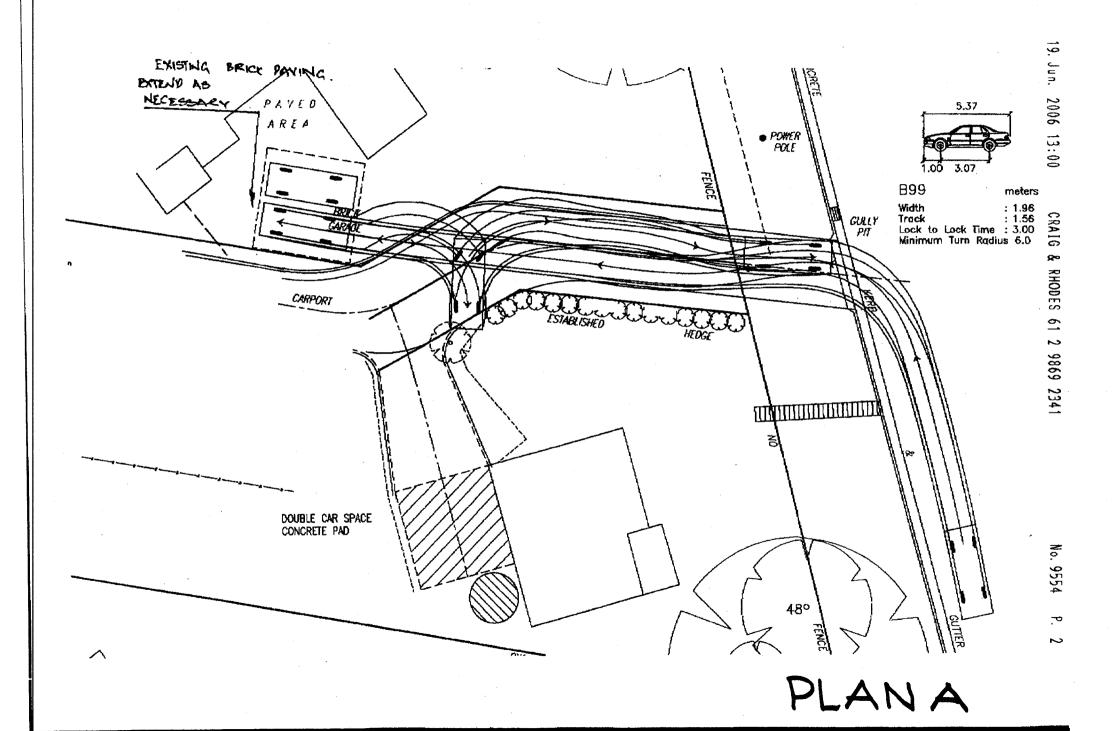
Alternate parking plan for No.25 Plan A - 680608

#### **LOCATION SKETCH** 25-27 Roland Avenue, WAHROONGA **DEVELOPMENT APPLICATION No 1235/05** №92 **36899**5 SOUTH6095 5536 4696 <sub>ರ</sub> D. D. P. 819458 361458 P. D. 376704 <sub>s</sub> 948078 Q. ROLAND 785155 61 P. D. <sup>3</sup>201773 <sup>5</sup> AA 273 Ρ. G940 Q' 947949 ٩ AVE D. P. 19227 D. N 531237 ™ க D. P.≁ Q. D. P. 402 541659 ∾ 510363 D D. P. \_ ADELONG D. 222831 1039416 123 2 404 D. P. 222831 D. 8 EMT. 411148 = D. P. 33<sub>12</sub> 620389 Ρ. Ν D. R. O. W. AVE. 526/109 D. 420466 ס 0 1091754 560620 8 D. 407549 D. 560621 <sup>392897</sup> Q 0 AVE D. ٥. Q 632371 Q **▲** N692 સ્થુ Ö, Ó G 206 21P Õ. 0 Ó 570670 0 405590 Ó <sup>3</sup>>2815 0 **PETITION AGREEMENT** Scale: 1:2000 SUBMISSION **OBJECTION** 04-08-2006 SUBJECT LAND CIRCULATED ARE









# **DEVELOPMENT APPLICATION**

## **SUMMARY SHEET**

**REPORT TITLE:** 1689 TO 1693 PACIFIC HIGHWAY,

WAHROONGA - DEMOLITION OF THE

EXISTING STRUCTURES AND

CONSTRUCTION OF A RESIDENTIAL FLAT BUILDING CONTAINING 35

UNITS AND BASEMENT PARKING FOR

49 CARS

WARD: Wahroonga

**DEVELOPMENT APPLICATION**  $N^{o}$ : 643/06

SUBJECT LAND: 1689 to 1693 Pacific Highway, Wahroonga

APPLICANT: Bundarra Avenue Pty Ltd

OWNER: David Wilkins, Elke Wagener, Cornelia

Wagener, Bundarra Avenue Pty Ltd

**DESIGNER:** Belbore Property Management

PRESENT USE: Residential

**ZONING:** Residential 2(d3)

HERITAGE: No

PERMISSIBLE UNDER: Ku-ring-gai Planning Scheme Ordinance

COUNCIL'S POLICIES APPLICABLE: KPSO - LEP 194, DCP 31 - Access, DCP 40

- Waste Management, DCP 43 - Car Parking, DCP 47 - Water Management, DCP 55 -Railway/Pacific Highway Corridor

COMPLIANCE WITH CODES/POLICIES: Yes

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

**COMPLIANCE WITH GOVERNMENT POLICIES:** Yes

DATE LODGED: 23 June 2006 40 DAY PERIOD EXPIRED: 2 August 2006

**PROPOSAL:** Demolition of the existing structures and

construction of a residential flat building containing 35 units and basement parking for

49 cars

**RECOMMENDATION:** Approval

3 / 2 1689 to 1693 Pacific Highway, Wahroonga DA0643/06 11 September 2006

Item 3

DEVELOPMENT APPLICATION NO 643/06

PREMISES: 1689-1693 PACIFIC HIGHWAY,

**WAHROONGA** 

PROPOSAL: DEMOLITION OF THE EXISTING

STRUCTURES AND CONSTRUCTION OF A

**RESIDENTIAL FLAT BUILDING** 

**CONTAINING 35 UNITS AND BASEMENT** 

**PARKING FOR 49 CARS** 

APPLICANT: BUNDARRA AVENUE PTY LTD
OWNER: DAVID WILKINS, ELKE WAGENER,

**CORNELIA WAGENER, BUNDARRA** 

**AVENUE PTY LTD** 

DESIGNER BELBORE PROPERTY MANAGEMENT

## PURPOSE FOR REPORT

To determine development application No. 643/06, which seeks consent for the demolition of the existing structures and construction of a residential flat building containing 35 units and basement parking for 49 cars.

## **EXECUTIVE SUMMARY**

**Issues:** Setbacks and building width.

**Submissions:** One submission received.

Land & Environment Court Appeal: No appeal to the Land & Environment Court has been

lodged.

**Recommendation:** Approval.

## **HISTORY**

Local Environmental Plan 194 was gazetted on 28 May 2004 rezoning the site for the purposes of medium density housing.

## **Development Application History**

Development application 124/05 for the construction of a residential flat building containing 31 units at No.'s 1689-1691 Pacific Highway was approved by Council on 6 September 2005. Post approval, the applicant acquired the property on the corner of Pacific Highway and Bundarra Avenue and has created 2 development sites being No.'s 1689-1693 Pacific Highway and No.'s 2-6 Bundarra Avenue (under DA 736/06).

A concurrent development application (DA No. 644/06) has been lodged for the site known as 2-6 Bundarra Avenue. This development application proposes the demolition of existing structures and the construction of a residential flat building containing 36 units and parking for 66 cars.

#### THE SITE AND SURROUNDING AREA

#### The site

Zoning: Residential 2(d3)

Visual Character Study Category: 1920-1945 Lot Number: Lots 3, 4 and 5

DP Number: 714035 Area: 2440m<sup>2</sup> Side of Street: Eastern

Cross Fall: 6m from south to north-west
Stormwater Drainage: To F3 Freeway/underground pipe

Heritage Affected:

Required Setback:

Integrated Development:

No
Bush Fire Prone Land:

Endangered Species:

Urban Bushland:

Contaminated Land:

No
No
No

Existing on the site are three single storey dwellings, garaging and an in-ground swimming pool. These structures are to be demolished.

The site is trapezoidal in shape, with a curved edge created by the F3 Freeway corridor. The site is bounded by No. 2 Bundarra Avenue to the north, Bundarra Avenue to the east, the Pacific Highway the south and the F3 Sydney/Newcastle Freeway to the west. The site has an area of 2400m<sup>2</sup>.

#### SURROUNDING DEVELOPMENT

The site is directly adjoined to the north by single storey brick bungalows (circa 1920s). The site is located within walking distance of the Wahroonga Village Shopping Centre, service stations and the Wahroonga Railway Station. The site has recently been rezoned to Residential 2(d3) to allow medium density development.

Development along Bundarra Avenue generally comprises older, low density housing. Medium density housing, in the form of walk-up flats is located between the site and the nearby Wahroonga Village Shopping area along Woonona Avenue South, Neringah Avenue South, Coonanbarra Road and Redleaf Avenue. Buildings comprise a mixture of 1930's (along Warwilla Avenue) and 1950's-60's (along Pacific Highway).

Land adjoining the site to the north is zoned Residential 2(d3), beyond which is land zoned Residential 2(c). Land opposite the site is zoned Residential 2(d).

The Pacific Highway is located upon a ridgeline, with adjoining land falling away gradually to the north and south. The streetscape is dominated by large, mature trees. Housing is visually recessive, behind substantial vegetation.

A number of mature significant trees exist on the site including a mature Himalayan Cedar, a Blue Atlas Cedar along the Pacific Highway frontage and three tall Sydney Blue Gums, adjacent to the northern boundary. A mature Brushbox also exists along the Bundarra Avenue frontage.

#### THE PROPOSAL

The proposal involves the demolition of 3 existing dwellings and associated structures and the construction of a 5 storey residential flat building containing 35 units and two levels of basement car parking for 49 vehicles and associated landscaping.

Vehicular access is proposed via Bundarra Avenue. Pedestrian access is provided by three (3) walkways from Pacific Highway and one from Bundarra Avenue.

Proposed construction and finish materials include rendered and painted brick walls, metal framed widow openings and pergolas and a metal roof. Wall planes are articulated through changes in depth and use of a variety of dark face brick and grey and cream applied renders. The building has a sloped, flat roof line and glazed balconies, window openings and louvred screens. Metal elements are to be powder coated 'silver pearl'. Roof sheeting is colourbond 'shale grey'.

#### **CONSULTATION - COMMUNITY**

In accordance with Council's Notification DCP, adjoining owners were given notice of the application. In response one (1) submission was received:

M B Arnett - 1/17a Woonona Avenue, Wahroonga

The submission raised the following issues:

Impact on heritage items along Wonoona Avenue: 'The Briars', 'Sherwood', 'Fernlea' and 'Moana Circa'

The application has been discussed with Council's Heritage Advisor in relation to heritage impacts. The site is not located within a Heritage Conservation Area and does not directly adjoin any of the abovementioned heritage items. Under the KPSO, there are no heritage items listed along Bundarra Avenue or Pacific Highway, within the visual catchment of the site.

The heritage items raised within the objection are located along Wonoona Avenue, which is the next parallel street to the east. These items will not be visually or physically affected by the development, due to separation distances.

Council's Heritage Advisor has commented that 'The Briars' site is located approximately 100m away from the proposed development and is not within the visual catchment of the site.

## Increase in traffic, particularly along Everett Way

Everett Way is a small public laneway which connects Woonona Avenue South and Bundarra Avenue South, adjacent to Abbotsleigh Junior School. Due to the limited width of the laneway and its proximity to the school, the use of the lane by construction vehicles is inappropriate. **Condition No. 96** which requires the lodgement of a Construction Management Plan prior to any works commencing on the site has been modified to clearly indicate that Everett Way and Woonona Avenue are not to be used by construction vehicles.

## Damage to Council's infrastructure caused by construction works

Prior to any works commencing, Council requires payment of an Infrastructure Restorations Fee to cover the cost of any damage caused through the development process. Refer to **Condition No. 66**.

#### **CONSULTATION - WITHIN COUNCIL**

## **Urban Design Consultant**

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

## Principle 1: Context

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

#### Comment:

The proposed site is located on the northern side of the Pacific Highway at its intersection with the Sydney to Newcastle Freeway and is approximately 500m from the Wahroonga Railway Station.

The site consists of three parcels of land known as 1689, 1691 and 1693 Pacific Highway all of which are zoned 2(d3). The site is approximately 64m wide and has a depth of approximately 36m and an area of  $2440m^2$ .

The built form context is comprised of-

• On the proposed site, three single storey dwellings fronting the Pacific Highway zoned 2(d3), which are currently the subject of a separate DA for a 5 storey flat building

- To the east are predominately single detached residential dwellings zoned 2(d3) and two storey residential flat buildings zoned 2(d)
- *To the south a residential flat building zoned 2(c2)*

The site contains a number of significant trees that will be retained to maintain the established landscape character of the immediate area.

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

The relationship to the future planned context is acceptable.

## Principle 2: Scale

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

#### Comment:

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

Whilst the proposed building exceeds 36m in length, the maximum street frontage stated in DCP 55, this is acceptable as the context of this building is of a very large scale, with large wide spaces, that is the Pacific Highway and the Newcastle Freeway. The proposed building will not be overbearing in this context.

#### Principle 3: Built form

SEPP65: Good design achieves an appropriate built form for a site and the buildings purpose, in terms of building alignments, proportions, building type and the manipulation of building elements.

#### Comment:

All setbacks comply with DCP 55, with the exception of a 5m setback at the rear of the site backing onto the Newcastle Freeway slip road. The 5m setback is acceptable only if the landscape context at the western end of this building is retained both on the site and on the public embankment (adjacent the F3 Freeway). The objective of the 6m setback from boundaries in this case is to maintain a dense landscaped density for the building.

#### 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 site coverage is 35%, which is in compliance with LEP 194. The  $5^{th}$  level occupies approximately 60% of the floor area of the lower floors. There are 5 x 3 bedroom, 23 x 2 bedroom units and 7 x 1 bedroom units. The density is acceptable.

# Principle 5: Resource, energy and water efficiency

SEPP 65: Sustainability is integral to the design purpose. Aspects include.... Layouts and built form, passive solar design principles,....soil zones for vegetation and re-use 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 2 hours sunlight between 9am and 3pm in mid-winter. There are no south -acing apartments.

Approximately 45% of all the kitchens are located with an external wall, which is above that recommended in the Residential Flat Design Code of 25%.

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

The development has a deep soil landscaping area of 52%.

#### Principle 7: Amenity

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

#### Comment:

To provide suitable comfort and amenity bedrooms and living rooms should have minimum dimensions of 3m and 3.6m respectively. It is therefore, essential that in the Construction Certificate these dimensions should not be reduced.

The proposed development has a high percentage of apartments receiving sunlight and cross ventilation.

There are no visual or acoustic issues.

## Principle 8: Safety and Security

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

#### Comment:

There are no perceived safety and security issues.

## Principle 9: Social Dimensions

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

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

## Comment:

The mix of apartments is acceptable.

## Principle 10: Aesthetics

SEPP 65: Quality aesthetics require the appropriate composition of building elements, textures, materials and colours and reflect the use, internal design and structure of the development. Aesthetics should respond to the environment and context, particularly to desirable elements of the existing character of the area.

#### Comment:

There are very few precedents for blue buildings. Blue is a very powerful colour and bright blue does not recede but tends to stand out.

The top floor design objectives in DCP 55 is "top floor design that minimses visual bulk, promotes articulation and prevents any increased overshadowing'. The top floor should recede both physically and visually. The proposed use of bright blue on the top floor is excessively prominent in the streetscape view. It is therefore recommended that a more recessive neutral colour be used.

Otherwise the aesthetics of the proposed development is acceptable.

#### Conclusions and recommendations

It is recommended that:

- The landscape context at the western end of the proposed building is retained throughout the construction process.
- The minimum dimensions for the bedrooms and living rooms of 3m and 3.6m respectively should not be reduced in the Construction Certificate.
- A more recessive neutral colour be used on the top floor.'

#### Comment:

Numerous existing trees are proposed to be retained within the southern, western and northern setbacks. These trees are considered important for integrating the development with the current streetscape which is dominated by tall canopy trees. The proposed tree retention and supplementary planting is considered to be acceptable in maintaining the current landscape context. Refer to *Council's Landscape Officers* comments. **Condition No.'s 30, 35-47, 73-76 and 87-95** are recommended requiring the preservation of these trees through construction.

The submitted plans comply with the bedroom and living area size requirements.

The proposal does not involve change to plating along the adjoining public embankment (off site).

**Condition No. 65** is recommended to ensure a more neutral colour and finish is used on the top floor.

## Heritage

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

#### Existing site

The existing site (referring to both sites: 1689-93 Pacific Highway and 2-6 Bundarra Avenue) contains two houses fronting Pacific Highway and three houses fronting Bundarra Avenue. The houses are relatively modest houses constructed during several periods and are considered to have no heritage value. Demolition of the houses was approved in an earlier application. Demolition of all 5 houses on the site is considered acceptable provided archival recording is undertaken prior to work commencing. Refer to Condition No. 64.

#### **UCA**

The site is within the National Trust Urban Conservation Area No 26 (Mahratta). It should be noted that UCA 26 is a very large area and this site is on the northern edge of the UCA.

#### Nearby heritage items

3 / 10 1689 to 1693 Pacific Highway, Wahroonga DA0643/06 11 September 2006

Item 3

Clause 61E of the KPSO requires Council to make an assessment of the effect of a proposed development of the heritage significance of nearby heritage items. Chapter 3.5 of DCP 55 provides design objectives and design controls for development for residential flat buildings "within the vicinity of a heritage item". There are a number of heritage items within the vicinity, but none are adjoining and the majority are located outside the visual catchment of the site. The nearby heritage items are:

"Vindan House" at 1712 Pacific Highway Lynton House at 1712A Pacific Highway "The Briars" at 14 Woonona Avenue

Vindan House and Lynton, located on the opposite the Pacific Highway are large two storey Federation houses used by Abbotsleigh School for accommodation. Due to the physical separation from the subject site, there would be very minor and acceptable impacts on these items.

"The Briars" is a State heritage item and is also included as a local heritage item. The house is located on a battle axe lot with no direct visual access to the public realm. It is located a reasonable distance from this site and it is considered that this application would have minimal impacts on the item.

#### Other nearby heritage items

"Poole House" at 26 Woonona Avenue 3 Woonona Avenue

"Poole House" is a large Federation house and is used by Abbotsleigh School as accommodation facility. It is further to the east and not within the visual catchment of this site. The house at No 3 Woonona Avenue is also considered to be out of the visual catchment of this development. Given the heritage requirements in the KPSO and the controls and guidelines in DCP 55 it is considered the proposed development would not impact on these items.

#### **Comments**

#### UCA.

The existing UCA is varied in architectural style, period and quality of buildings. It is one of the largest UCA' in Ku-ring-gai. Council has reviewed UCA 26 in detail. The consultant who undertook the review has recommended to exclude this site from the UCA.

The subject development is a relatively restrained contemporary design. The building is reasonably well articulated and uses a range of colours and surface finishes consistent with the UCA. With reference to DCP 55, this building would represent a scale different to the existing area which is characterised by one and two storey residential houses but is consistent with the desired future character of the area and the zoning of the site. Several other sites in

Bundarra Avenue are also rezoned for medium density residential development. The buildings will be screened by existing trees and the design is generally consistent with the guidelines in Chapter 3.4 of DCP 55. The proposed development should have an acceptable level of impact on the UCA and is considered satisfactory.

## Nearby heritage items

The nearby heritage items are a considerable distance from the subject site. With reference to the guidelines in DCP 55 the proposed application would not have any adverse impacts on the nearby heritage items and the proposed development is considered satisfactory.

#### **Conclusions**

Demolition of the existing houses on the site is acceptable provided archival recording of each building is undertaken before works commence on the site. The application is generally consistent with the objectives and guidelines in DCP 55 for development within a UCA and within the vicinity of heritage several items. The development is considered satisfactory and is supported.

## Landscaping

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

## The site

It is proposed to demolish the existing dwellings and associated structures and construct a five storey residential flat building, with basement car parking, on the amalgamated corner site of 2440sqm with vehicular access from Bundarra Ave. The corner site has three street frontages, being Bundarra Ave, Pacific Highway and the F3 Freeway. The site is characterised by an established landscape setting with mature trees, shrubs and grassed areas. The site is generally unkempt, although existing trees are outwardly in good health and condition. The Pacific Hwy frontage is dominated by a mature Cedrus deodara (Himalayan Cedar) #4, approximately 18m high and outwardly in good condition, while the Bundarra Ave site frontage is dominated by a mature Lophostemon confertus (Brushbox) located within the nature strip and a mature Eucalyptus saligna (Bluegum) located adjacent to the northern site boundary.

## Impacts on trees/Trees to be removed/Tree replenishment

The consulting Arborist, Stuart Pittendrigh has identified 11 trees as being located on or associated with the site, of which it is proposed to retain the most significant trees, being #'s 4, 5 and 27. The remaining trees located on site are to be removed as they are either Urban Environmental Weed Species, are located within the proposed building footprint, or are in poor condition or decline. The most significant tree proposed for removal is tree #9 Eucalyptus saligna (Sydney Bluegum), located immediately adjacent to the northern site

boundary on the adjoining property or, which is also proposed a five storey residential building. To accommodate the proposal on the subject site, Tree #9 will require pruning of its canopy on the southern side. The tree is proposed for removal for the neighbouring development, as per the Arborist's recommendations. After further site inspections and detailed consultation with appropriately qualified internal staff, it has been decided that the tree is to be retained. As a result, the tree will be impacted upon and will require both root pruning and canopy pruning. However, it is considered that this will not result in the tree's decline and that it can be retained for the medium term. The tree is considered to be significant to the streetscape and surrounding area, outwardly in good health and worthy of retention. While no design change is required, it will be conditioned for the tree to be retained and adequately protected, monitored and assessed during development works. Refer to Condition No.'s 41-42, 73-74.

# Tree replenishment

It is noted that the proposed landscape works for the site do not include tall canopy trees in scale with the development within the side setback for approximately 50% of the site boundary length, and relies on tree planting within the adjoining site to comply with the aims and objectives of LEP194. As a result, the development does not comply with the aims and objectives of LEP194 regarding trees within side setbacks that are in scale with the development. While the development complies with minimum tree replenishment requirements, as required by DCP55, it is required within LEP194 that tall trees in scale with the development be planted between buildings within setback areas. This will be conditioned as part of required changes to the landscape plan. Refer to Condition No.74.

#### Drainage plan

Landscape Services raises no objections to the proposed drainage works, subject to specific excavation conditions to minimise potential tree impacts.

## Deep soil landscaping

By the applicant's calculations the proposed development will result in a deep soil landscaping area of 1260sqm or 52% of the site area. Landscape Services is in agreement with the areas included within the calculable area.

Subject to conditions, Landscape Services can support the application.

Subject to Condition No.'s 35-48, 72-75, 87-95 and 103, the proposal is assessed as satisfactory.

#### **Engineering**

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

The application is for the demolition of the three existing residences and the construction of a residential flat building comprising 35 units (7x1br, 23x2br and 5x3br). Strata subdivision is not indicated on the application form.

The following documentation was used for the assessment:

Metroplan Statement of Environmental Effects dated June 2006; AFCE Environment + Building Concept plans 363046/A1 to A4, all Issue 1; Geotechnique Pty Ltd Geotechnical Appraisal letter, dated 18 January 2005; Belbore Project Management Environmental Site Management Plan, dated June 2006; Transport and Traffic Planning Associates Assessment of Traffic and parking implications, June 2006;

BASIX Certificate 80034M;

Wolski Lycenko & Brecknock Architects drawings DA00 to DA05;

T.J. Gilbert & Associates Site detail and level survey, dated 6/04/04.

## Water management

The site has gravity fall to the F3 Freeway road reserve and the stormwater concept plan shows runoff being connected to an underground stormwater pipe. This is acceptable. Roads and Traffic Authority (RTA) approval will be required for the works associated with the connection. This approval can be obtained before issue of the Construction Certificate and it is expected that the RTA will provide conditions for the undertaking of the works.

The BASIX Certificate requires 35m<sup>3</sup> of roofwater to be retained and used for toilet flushing, clothes washing, irrigation and car washing. This level of re-use complies.

On site detention is also shown in the combined tank, with a volume of  $31.5m^3$ , which is as required by DCP 47.

## Traffic generation

The development is expected to generate some 15 to 20 vehicle trips per peak hour. That is approximately 1 vehicle movement every three minutes and will be mostly in the direction of the peak flow. This is not expected to adversely affect the traffic flows in the surrounding road network.

# Parking and vehicular access

The site is further than 400 metres from Wahroonga Station, so 40 resident and 9 visitor parking spaces are required, and are shown on the plans. The dimensions of the entry drive and parking spaces comply with AS2890.1. It is proposed to provide a traffic signal at the ramp between the two basement levels. This will be satisfactory given the low traffic flows on the ramp.

## Waste management

A garbage room and collection area is shown on the upper basement level. The security gates are well past this area. The driveway ramp grade is adequate and manoeuvring is available. An easement for waste collection will be required. Refer to Condition No. 58.

## Council infrastructure

There is no kerb and gutter along the site frontage. The applicant will be required to construct road shoulder and kerb for the full frontage of the development. Upright kerb and/ or a small sandstone facing to the existing bank would be acceptable (Refer to Condition No. 82).

The construction of the vehicular crossing and layback will necessitate some regrading of the nature strip because of the Australian Standard requirements that the access be at 5%. These details can also be shown on the plans which will need to be submitted to Council for approval under the Roads Act.

## Construction management

Construction vehicle access to the site will be via Pacific Highway and Bundarra Avenue. Everett Way is not suitable for large vehicles. Bundarra Avenue is not wide enough for two vehicles to pass if cars are parked on each side of the road, so a condition is recommended that the applicant liaise with Council in investigating whether No Parking restrictions will be required, prior to the commencement of any works. Refer to Condition No. 96.

## Geotechnical appraisal

A detailed geotechnical investigation is recommended following demolition and prior to commencement of bulk excavation works. The engineer expects the site to be underlain by Ashfield Shale within about 3-5 metres of the surface. The report of the detailed investigation will contain recommendations for excavation methods and support and vibration monitoring. No existing structures are close enough to the proposed excavation for dilapidation surveys to be required.

The application is supported subject to conditions.

Refer to Condition No.'s 49-60, 77-82, 96-99 and 105-115.

## 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 building across New South Wales and provide an assessment framework and design code for assessing 'good design'. Part 3 of the

SEPP institutes a 'design review panel' to provide an independent, open and professional review of designs submitted to councils for approval. A design verification has been submitted with the application.

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 connection with the comment of Council's *Urban Design Consultant* provided above. The proposal is assessed against the heads of consideration, as follows:

## **Principle 1: Context**

Good design responds and contributes to its context which is defined by existing built and natural features and 'desirable elements' attributed to an area.

The suburb of Wahroonga is formed by a grid subdivision pattern, consisting of large landholdings surrounding the railway line/Wahroonga Station, village shops, schools and churches. The corridor of the Pacific Highway is located on a ridgeline and accommodates a mixture of older style housing, some inter and post-war walk up flat buildings, educational establishments and commercial uses.

Large dwellings are set within large, landscaped curtilages. Architectural styles and landscaping are characteristic of the 1900-30's period. Intricate original federation cottages are mixed with some larger brick homes and flats.

Areas along Pacific Highway corridor were rezoned in 2004 for the purpose of medium density housing. The rezoning provides development parameters, including setbacks, heights and floor space which anticipate a new form of development.

Although the development proposed is significantly larger in bulk than existing, surrounding development, it will be compliant with the established objectives and development controls of LEP 194. The proposed development maintains the landscaped context by allowing maximum retention of existing tall canopy trees and supplementary planting with locally occurring species.

Subject to conditions, the materials of construction and finish are considered representative of local architectural styles (dark recessive colours and face brick).

# **Principle 2: Scale**

The scale of new development should suit that of the street and surrounding development. The scale should be in keeping with the 'desired future character of the area'.

The proposed development complies with the development standards contained in LEP 194 and is consistent with the scale and built form design controls and assessment criteria contained within DCP 55. The building has an appropriate setback and landscaped curtilage. The design accords with the requirements of SEPP 65. The building is adequately articulated and set back behind vegetation,

providing visual relief and interest, without detracting from the streetscape. The scale of the proposed development is satisfactory.

## **Principle 3: Built form**

Design should be appropriate for a site and the purpose of a building. Building alignment, proportions, types and elements should define the public domain, contribute to visual character and provide internal amenity and outlook.

The design, alignment, proportions and elements are consistent with applicable guidelines. The development achieves adequate articulation and screening within the streetscape and internal amenity and outlook for occupants.

## **Principle 4: Density**

Density (including floor space and number of dwellings) should be appropriate for a site and context. Densities should be sustainable and in precincts undergoing a transition, should be consistent with the desired future character stated in relevant planning instruments.

LEP 194 aims to increase housing density and choice and residential amenity without compromising the natural environment and character of the area.

The development complies with Council's development standards and controls relating to density. The proposal achieves a high level of residential amenity for occupants, without adversely impacting on the visual amenity of the area.

# Principle 5: Resource, energy and water efficiency

More than 70% of the apartments achieve greater than 3 hours of sunlight to living areas between 9am and 3pm in mid-winter. There are no single aspect south facing units and the design of units allows adequate cross ventilation.

### **Principle 6: Landscape**

LEP 194 Clause 25I (2) provides a minimum standard for deep soil landscaping. DCP 55 also contains specific requirements in relation to the location, composition and design of deep soil landscaping, with the objective of ensuring that multi-unit housing within Ku-ring-gai maintains consistency with the existing, unique character of the area. Deep soil landscaping must be designed to optimise useability, provide effective screening to neighbours and the streetscape and promote long term management and protection.

The proposal provides landscaping to comply with LEP 194 Clause 25I (2). Council's Landscape Development Officer has assessed the submitted landscape plan and, subject to conditions, the concept provided meets the objectives of DCP 55 and integrates the built form appropriately with the surrounding area.

# **Principle 7: Amenity**

Good design provides amenity through the physical, spatial and environmental quality of a development including considerations such as room dimensions and shapes, solar access, ventilation, privacy, storage, indoor and outdoor space, outlook and access.

DCP 55 contains specific development objectives and guidelines with respect to achieving a high level of amenity in accordance with Principle 7 of SEPP 65. The proposal complies with the residential amenity controls including, open space areas, minimum room sizes, storage, outlook, solar access and ventilation.

## Principle 8: Safety and security

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

Refer to detailed discussion under *DCP 55*. The proposed development provides for appropriate passive surveillance and does not create entrapment areas. The development is consistent with SEPP 65 in this regard.

## **Principle 9: Social dimensions**

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

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

#### **Principle 10: Aesthetics**

Composition of building elements, textures, materials and colours should reflect the use of the development, its environment and desirable elements of the streetscape. Aesthetics of a building should contribute to the desired future character of areas undergoing transition.

An assessment of the aesthetics of the design and its consistency with the design principles of SEPP 65 has been made by Council's Urban Design Consultant. The design, articulation and proposed construction of the building are appropriate for the surrounding local context and is acceptable in terms of aesthetics.

#### Residential Flat Design Code

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

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

#### Site analysis:

An appropriate site analysis was submitted, indicating building edges, landscape response, access, parking and building performance.

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 in detail within this report.

#### **Building design:**

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 under SEPP 65 and DCP 55.

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

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

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

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

SREP 20 applies to land within the catchment of the Hawkesbury Nepean River. The general aim of the plan is to ensure that development and future land uses within the catchment are considered in a regional context. The SREP include strategies for the assessment of development in relation to water quality and quantity, scenic quality, aquaculture, recreation and tourism.

The development has the potential to impact on water quality and volumes to the catchment.

The recommended conditions of consent will require the submission of stormwater management in accordance with Council's DCP 47. This will ensure that the effects of introduced hard surfaces will be contained and not affect the Hawkesbury Nepean River Catchment.

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

COMPLIANCE TABLE		
Development standard	Proposed	Complies
Site area (min): 1200m <sup>2</sup>	$2440 \mathrm{m}^2$	YES
<b>Deep landscaping (min):</b> 50%	52% (1268.8m²)	YES
Street frontage (min): 30m	64m Pacific Highway 35.7m Bundarra Avenue	YES
Number of storeys (max): 5	5	YES
Site coverage (max): 35%	35%	YES

COMPLIANCE TABLE		
Development standard	Proposed	Complies
<b>Top floor area (max):</b> 60% of	60% (512m <sup>2</sup> )	YES
level below		
Storeys and ceiling height	5 & 13.4m	YES
( <b>max</b> ): 5 and 13.4m		
Car parking spaces (min):		
• 9 (visitors)	9	YES
• 40 (residents)	40	YES
• 49 (total)	49	YES
Manegeable housing (min):	10% (4 dwellings)	YES
10%		
<b>Lift access:</b> required if greater	2 lifts available	YES
than three storeys		

## Zone interface (cl.25L):

The site does not adjoin a zone interface.

# 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		
<b>Development control</b>	Proposed	Complies
Part 4.1 Landscape design:		
Deep soil landscaping (min)		
• 150m <sup>2</sup> per 1000m <sup>2</sup> of site	•	
$area = 366m^2$	$1268.8m^2$	YES
No. of tall trees required		
(min): 8 trees	32 trees	YES
Part 4.2 Density:		
<b>Building footprint (max):</b>		
• 35% of total site area	35%	YES
Floor space ratio (max):		
• 1.3:1	1.3:1	YES
Part 4.3 Setbacks:		
Street boundary setback	·	
(min):		

	COMPLIANCE TABLE	
Development control	Proposed	Complies
• 10-12 metres (<40% of	7m-12m (basement level/Pacific Highway)	NO
the zone occupied by	3.8m (basement/Bundarra Avenue)	NO
building footprint)	10m-13.5m (ground and upper levels/Pacific	YES
	Highway)	
	11m-12m (ground and upper levels/Bundarra Avenue)	YES
	<40% occupied by building	YES
Rear boundary setback		
( <b>min</b> ):	4.6m (terrace to Unit 2)	NO
• 6m		
Side boundary setback		
(min):	4.5m (façade of building and above)	NO
• 6m		
Setback of ground floor		
courtyards to street		
boundary (min):		
• 8m/11m	8.8m (courtyard to Unit 1/Bundarra Avene)	YES
	8m (courtyard to Unit 1/Pacific Highway)	YES
	8m and 9.5m (Courtyard to Unit 7/Pacific Highway)	YES
% of total area of front		
setback occupied by private		
courtyards (max):		
• 15%	<15%	YES
Part 4.4 Built form and artic	vulation:	
Façade articulation:	muton.	
• Wall plane depth	>600mm	YES
>600mm	) dodami	125
• Wall plane area <81m <sup>2</sup>	$<81\text{m}^2$	YES
	COTIN	
Built form:	10.5 ( P. 1	
• Building width < 36m	19.5m to Bundarra Avenue	<b>1</b> /100
	46.5m Pacific Highway	YES
	1.2	NO
<ul><li>Balcony projection &lt;</li></ul>	<1.2m	YES
1.2m		
Part 4.5 Residential amenity		
Solar access:	700/	*****
>70% of units receive 3+	>70%	YES
hours direct sunlight in		
winter solstice		

COMPLIANCE TABLE		
Development control	Proposed	Complies
>50% of the principle common open space of the development receives	>50% (to north and west)	YES
<ul> <li>3+ hours direct sunlight in the winter solstice</li> <li>&lt;15% of the total units are single aspect with a western orientation</li> </ul>	No single aspect units	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	Between building and proposed development at 2-6 Bundarra Av.	
• 12m b/w habitable rooms	15m	YES
• 9m b/w habitable and non-	15m	YES
habitable rooms  6m b/w non-habitable	15m	YES
rooms 5th Storey		
<ul><li>18m b/w habitable rooms</li><li>13m b/w habitable and</li></ul>	20m 19m	YES YES
non-habitable rooms  • 9m b/w non-habitable rooms	19m	YES
Internal amenity:		
<ul> <li>Habitable rooms have a minimum floor to ceiling height of 2.7m</li> </ul>	2.7m	YES
Non-habitable rooms have a minimum floor to	2.4m	YES
<ul> <li>ceiling height of 2.4m</li> <li>1-2 bedroom units have a minimum plan dimension</li> </ul>	>3m	YES
of 3m in all bedroom  3+ bedroom units have a minimum plan dimension of 3m in at least two bedrooms	>3m	YES

	COMPLIANCE TABLE	
Development control	Proposed	Complies
• Single corridors:		Compiles
- serve a maximum of 8	Max 4 units	YES
units		~
->1.5m wide	>1.5m	YES
->1.8m wide at lift	>1.8m	YES
lobbies		
Outdoor living:		
• ground floor apartments	>25m <sup>2</sup>	YES
have a terrace or private		
courtyard greater than		
25m <sup>2</sup> in area		
• Balcony sizes:		
- 10m <sup>2</sup> – 1 bedroom unit	$>10m^{2}$	YES
- 12m <sup>2</sup> – 2 bedroom unit	$>12m^2$	YES
$-15m^2 - 3$ bedroom unit	>15m <sup>2</sup>	YES
NB. At least one space >10m <sup>2</sup>		
primary outdoor space has	>2.4m	YES
a minimum dimension of		
2.4m		
Part 4.7 Social dimensions:		-
Visitable units (min):		
• 70%	100%	YES
Housing mix:		
<ul> <li>Mix of sizes and types</li> </ul>	Mix of 1, 2 and 3 bedroom units	YES
Part 4.8 Resource, energy and wat	er efficiency:	
Energy efficiency:		
• >65% of units are to have	100%	YES
natural cross ventilation		
<ul> <li>single aspect units are to</li> </ul>	No single aspect units	YES
have a maximum depth of		
10m		
• 25% of kitchens are to	>100%	YES
have an external wall for		
natural ventilation and		
light		
Part 5 Parking and vehicular acce	SS:	
Car parking (min):		
• 40 resident spaces	40 spaces	YES
• 9 visitor spaces	9 spaces	YES
• 49 total spaces	49 spaces	YES

#### Part 2: Elements of good design

Part 2 of the DCP contains broad guidelines and controls relating to appropriate design for Ku-ringgai.

Elements relate to the integration of a building with the local area and the scale, articulation and entry presentation of a building within the streetscape.

A building should provide a clear identity for the street. Entries should relate to the street and be clearly identifiable within the public domain.

Materials of construction should respond to the existing pattern characteristic of the area, such as dark or red brick, timber or copper. Buildings set well back from the street should be surrounded by a dense tree canopy. Lift overruns and mechanical ventilation equipment should be integrated into the overall building design.

Buildings should be considered 'in the round', rather than being designed as a series of unrelated facades. The number and distribution of elements across the façade determines the simplicity and complexity of a building. Buildings should respond to their orientation using elements such as recesses, awnings, light shelves and environmental controls.

The building has been sited and designed to maximise retention of existing trees and landscaping within the two street frontages. The flat roof-line will minimise the perceived bulk of the development and allow visibility through to the existing canopy trees surrounding the building. The front façade, facing Pacific Highway, is articulated so as to provide steps and variation across the building planes and a mixture of materials for visual interest. The primary access point is provided off Bundarra Avenue, which is the quieter street.

The proposed development is considered to be well designed and subject to **Condition No. 65**, amending the colour of the top storey, the materials of construction are consistent with the pattern of the locality. The proposal is consistent with Part 2 of DCP 55.

## Part 3 Local context:

Development should be consistent with the stated desired future character of the residential 2(d3) zone and not detract from the existing character of adjoining or surrounding areas.

LEP 194 Clause 25 contains objectives in relation to the desired future character of the area including: to encourage the protection and enhancement of the environmental and heritage qualities of Ku-ring-gai, preserve biodiversity, preserve and replenish the existing tree canopy, protect natural watercourses and topographical features and achieve high quality architectural and urban design. Development should respect heritage items within the vicinity.

There are no heritage items within the vicinity of the proposed development. The site is located within the Mahratta Urban Conservation Area (UCA No. 26), but is not within a Heritage Conservation Area.

The development is acceptable in urban design and landscaping terms and protects the 'treed' and landscaped character of the area in accordance with LEP 194 and DCP 55. The submitted landscaping plan provides for the replenishment of indigenous trees characteristic of the locality and provides visual consistency with the other developments and properties along the Pacific Highway corridor.

The style and materials of construction and lack of front fencing are considered to be suitable and reflective of the local context.

# Part 4.1 Landscape design:

Development should reinforce the landscaped and 'treed' character of the area. Deep soil planting is to be established surrounding built form to increase visual amenity and screening and to maintain consistency with the surrounding garden dominated landscape.

The proposal complies with the numerical requirements of the LEP and DCP in relation to the ratio of built form to deep soil landscaping and tree replenishment provided.

The landscape concept plan and planting proposed, integrates the development with the surrounding area, provides for on-site water management and provides acceptable tall canopy trees within the streetscape of Pacific Highway and Bundarra Avenue and provides screening between the subject development and the similar building proposed on the adjoining site at 2-6 Bundarra Avenue, Wahroonga (DA 644/06).

#### Part 4.2 Density:

Site density should be balanced with the need to provide appropriate deep soil landscaping on a site. The proposed development achieves a floor space ratio of 1.3:1 which complies with the design control contained within Part 4.2 of DCP 55.

### Part 4.3 Setbacks:

Front setbacks

DCP 55 prescribes a front setback of between 10-12m and a minimum of 6m from the sides and rear. Part 4.3, Clause 3, stipulates that the setback extends both above and below ground level and applies to all built elements of the development, including car parking.

At ground level, the development fully complies with the front setback control of 10-12m to both Pacific Highway and Bundarra Avenue. However, at basement level, due to a curved underground section of the building, the development encroaches on the setback control along the Pacific Highway and Bundarra Avenue frontages. The extent of the basement non-compliance to the

Pacific Highway is 245m<sup>2</sup>. This represents 4% of the basement footprint. Despite this non-compliance, the majority of the Pacific Highway frontage (96%) is compliant with the 10m setback control. The non-compliance with the setback does not prevent the provision of large canopy trees being planted.

In respect of the setback to Bundarra Avenue, both the upper and lower basement significantly intrude into the front setback. The design of the development is such that a majority of the intrusion is located under the driveway to the basement car park. That area of the intrusion that is not located under the driveway amounts to m² and at its nearest point is located metres below ground. Despite the numeric non-compliance, there is sufficient soil depth above the basement level to provide vegetation that will assist in the screening of the development. It is also advised that Council's Landscape Assessment Section are supportive of the location of he driveway as it allows for the retention of the Brushbox and Blue Gum within the front setback.

The objectives of the setback controls in DCP 55 state that buildings should not intrude upon the streetscape or unreasonably affect solar access and privacy available to adjoining dwellings. Buildings should be set within a landscaped curtilage and should allow separation between developments and space for planting and the creation of amenity between buildings.

The proposed development upholds the above objectives of the DCP. The development provides for the retention of existing trees and supplementary landscaping to provide consistency with the landscaped character of the area. Council's Landscape Development Officer and Urban Design Consultant are satisfied that the proposed development provides adequate connection with the landscaped character of the area and tall canopy trees.

The intrusion into the front setback areas are confined to basement levels. The building complies with the setback controls at ground levels and above, ensuring opportunity of screen planting. The building has been sited to retain a number of significant trees.

The proposed non-compliance is at basement level and will not affect the bulk or presence of the building within the streetscape. The setbacks at ground level fully comply with the 10-12m setback control along both the Pacific Highway and Bundarra Avenue frontages. Accordingly, the development provides adequate opportunity for landscaping. The setback allows a number of significant trees on the site to be retained. These include a Norfolk Island Pine, Hibiscus, Japanese Maple, Jacaranda, Paper Bark and Frangipani along the Pacific Highway frontage and a Jacaranda and 2 Brushbox's on the Bundarra Avenue frontage and 2 Brushbox's on the Council nature strip. The northern side setback allows for the retention of a significant Sydney Blue Gum, which adds to the amenity of the development.

#### Side setbacks

The north-western corner of the building (unit 6 and above) is located within the 6m side setback. The extent of the intrusion is  $6m^2$  and represents less than 1% of the overall building footprint. This very minor non-compliance does not hinder the achievement of the objectives of the control, being to allow building separation and planting of screen trees.

Rear setbacks

The elevated terrace to unit 2 intrudes into the 6m rear setback control. The extent of the breach is extremely minor and only limited to a small percentage of the building footprint. The non-compliance does not hinder the objectives of the control being achieved and adequate space is provided for the establishment of vegetation and provision of open space areas.

#### Part 4.4 Built form and articulation:

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

Soft landscaped features should be evident within the streetscape and building elements should be integrated into the overall building form.

The following specific guidelines apply in the assessment of the articulation of a building:

- Facades to the public domain should be articulated by wall planes varying in depth by not less than 600mm;
- No single wall plane should exceed  $81\text{m}^2$  in area and the width of a single building on any street-facing elevation should not exceed 36m;
- Balconies should not project more than 1.2m from the outermost building façade;
- Service elements should not be visible and should be integrated into the design of the roof; and
- Unit arrangements are to respond to site opportunities and constraints.

The development complies with the above numerical controls, with the exception of the façade length control. C-3 stipulates that the width of a building on any elevation facing the street should not exceed 36m. The Pacific Highway frontage of the building exceeds this control by 10m, achieving a length of 46.5m.

Part 4.4, C-4 of the DCP stipulates that where a building length is greater than 36m, the non-compliance should be justified by the applicant and that the building should be 'sufficiently recessed and/or articulated so as to present to the street as a separate building'.

The design objectives of the façade length control are identified in Section 4.4 of the DCP to ensure: buildings are of a high architectural quality, there is a predominance of soft landscape features, there is mitigation of change in scale between new development and existing lower density housing, there is varied articulation in building design.

Sufficient articulation is provided along the front elevation of the building to provide visual interest and relief within the streetscape. The design and orientation of the building ensures the retention of numerous mature canopy trees, which are considered by Council Officers to be important within the streetscape. The front façade of the building will be diminished by the six existing canopy trees to be retained within the Pacific Highway frontage. The proposed building complies with the density and scale provisions of LEP 194 and DCP 55 and the proposed upholds the objectives of the DCP in relation to articulation.

## Part 4.5 Residential amenity:

Building layouts, orientation and provision of outdoor space and landscaping should maximise internal and external amenity for occupants.

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

The development complies fully with the controls contained in Part 4.5.

Shadow cast by the development on June 21 will generally fall over the southern (Pacific Highway) setback and over the Pacific Highway. This shadow does not unreasonably impact upon the residential amenity afforded to surrounding residents.

#### 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 three proposed pedestrian entry paths are visible from living and bedroom areas of apartments, allowing acceptable passive surveillance. No detail is provided as to the lighting of pathways. **Condition No. 66** which requires details of pathway lighting to be submitted with the Construction Certificate application is included in the recommended set of conditions.

#### Part 4.7 Social dimensions:

The proposal provides 10% 'manageable units' (4), in accordance with LEP 194 Clause 25N.

An access report was submitted with the application. The proposal provides sufficient accessibility through the building, creating 100% of units being 'visitable', as defined by DCP 55.

The proposal provides an appropriate mix of one, two and three bedroom units and accessible housing to meet market demand for a range of medium density accommodation needs.

#### Part 4.8 Resource, energy and water efficiency:

The development has been supported with a BASIX certificate, which indicates that the development complies in terms of water and energy efficiency.

## Part 5 Parking and vehicular access:

Car parking is provided in accordance with the numerical requirements of LEP 194 and DCP 55.

# **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 \$522, 385.53, which is required to be paid by **Condition No. 72.** This contribution is calculated on the basis of 6 x 'large' dwellings, 23 x 'medium' dwellings and 6 x 'small' dwellings with a credit for the 3 existing 'large' dwellings on the site.

#### LIKELY IMPACTS

The likely impacts of this development have been addressed within this assessment report under the relevant planning considerations and in the discussion of submissions received. The proposed development is consistent with Council's objectives and development criteria for the Residential 2(d3) zone. The development will provide increased housing density without adversely impacting on the environment or unduly impacting the residential amenity of existing occupants of the area.

#### SUITABILITY OF THE SITE

The site is considered suitable for the development proposed.

## **ANY SUBMISSIONS**

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

## **PUBLIC INTEREST**

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

## ANY OTHER RELEVANT MATTERS CONSIDERATIONS NOT ALREADY ADDRESSED

There are no other maters for discussion.

## **CONCLUSION**

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

## **RECOMMENDATION:**

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

THAT the Council, as the consent authority, grant development consent to DA 643/06 for demolition of existing buildings and the construction of a residential flat building containing 35 residential units and parking for 49 cars on land at 1689-1693 Pacific Highway, Wahroonga, for a period of two (2) years from the date of the Notice of Determination subject to the following conditions:

#### **GENERAL CONDITIONS**

- 1. This consent relates to work shown in colour on plans numbered DA01-06, Comp\_01-\_02 and SA01, drawn by Wolski Lycenko and Brecknock and Associates, and endorsed with Council's approval stamp and Landscape Plans No. 26.06/071 and 26.06/72 drawn by Ian Jackson dated April 2006, except where amended by the following conditions:
- 2. For the purpose of ensuring the compliance with the terms of the approval, an approved copy of the plan and this Consent and Construction Certificate shall be kept on site at all times.
- 3. For the purpose of safety and amenity of the area, no building materials, plant or the like are to be stored on the road or footpath without the written approval being obtained from the Council beforehand. The pathway shall be kept in a clean, tidy and safe condition during building operations. Council reserves the right, without notice, to rectify any such breach and to charge the cost against the applicant/owner/builder, as the case may be.
- 4. HOURS OF WORK: For the purpose of residential amenity, noise generating work carried out in connection with building and construction operation, including deliveries of building materials and equipment, is restricted to the following hours: Mondays to Fridays inclusive: 7.00am to 5.30pm. Saturdays: 8.00am to 12.00 noon. Sundays and Public Holidays: Not Permitted. The use of the following items of plant on the site is also restricted to the abovementioned hours: compressors, bulldozers, power operated woodworking machines, excavators and loaders, jackhammers, Ramset guns, concrete mixers and concrete delivery wagons, hoists, winches, welding and riveting plant.

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

- 5. For the purpose of public safety, a sign shall be erected on the site prior to any work commencing which is clearly visible from a public place stating that unauthorised entry to the site is not permitted and showing the name of the builder or another person responsible for the site and a telephone number for contact outside working hours. The sign may only be removed on satisfactory completion of the works.
- 6. A sign shall be erected in a prominent position on the site which states the name and contact details of the Principal Certifying Authority.
- 7. All excavations shall be properly guarded and protected with hoardings or fencing to prevent them from being dangerous to life and property.
- 8. To maintain existing ground levels all excavated material shall be removed from the site.
- 9. Any excavation of rock involving hydraulic or compressed air rock hammers or other excavation equipment shall comply with the requirements of Council's Code for the Control and Regulation of Noise on Building Sites.
- 10. No rock breaking or other machinery for the excavation, drilling or removal of rock shall be used on the site without the prior approval of the Principal Certifying Authority. Should rock breaking or associated machinery be required, the following details are to be submitted to the Principal Certifying Authority for consideration:
  - a. The type and size of machinery proposed.
  - b. The routes of all trucks to convey material to and from the site.
  - c. A report by a Geotechnical Engineer detailing the measures recommended in undertaking the work so as to prevent any damage to any adjoining or nearby buildings.
- 11. For the purpose of maintaining visual amenity, no permanent electricity supply poles are to be erected forward of the building setback without the prior Consent of Council. It is the onus of the applicant to consult with the authorised statutory electricity provider prior to construction commencing to ensure that direct connection to the building is possible. Details of any proposed permanent pole must be submitted to and approved by Council prior to installation.
- 12. The applicant is advised that the Construction Certificate plans and specifications must comply with the provisions of the Building Code of Australia.
- 13. All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards and shall be properly guarded and protected to prevent them from being dangerous to life or property.

- 14. If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:
  - a. must preserve and protect the building from damage, and
  - b. if necessary, must underpin and support the building in an approved manner, and
  - c. must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

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

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

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

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

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

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

18. The developer shall submit to Council a letter from the energy supply authority and either Telstra or Optus, confirming that satisfactory arrangements have been made for the provision of underground telephone and power services, prior to the release of the Subdivision Certificate or Occupation. Application may be made to Energy Australia Phone No. 13 1525

and either Optus, Network Operations, Facsimile No 9837 9060, Phone No 9837 9010, or Telstra Phone No 12 455.

- 19. All noise generating equipment associated with any proposed mechanical ventilation system/s shall be located and/or soundproofed so the equipment is not audible within a habitable room in any other residential premises before 7am and after 10pm Monday to Friday and before 8am and after 10pm Saturday, Sunday and Public Holidays. Furthermore, the operation of the unit outside these restricted hours shall emit a noise level of not greater than 5dbA above the background when measure at the nearest adjoining boundary.
- 20. The demolition is to be carried out in accordance with the guidelines contained in Australian Standard 2601-1991: The Demolition of Structures.
- 21. Access to demolition sites shall be protected as directed by the Principal Certifying Authority by the use of suitable fences or hoardings.
- 22. Demolition work, including removal of material or debris from the site, on any building in a residential area shall only be carried out during the following hours: Mondays to Fridays inclusive: 7.00am to 5.30pm. Saturdays: 8.00am to 12.00 noon. Sundays and Public Holidays: Not Permitted.
- 23. A person taking down or demolishing or causing to be taken down or demolished any building or part thereof shall, upon identifying or suspecting that asbestos is present in the building, immediately notify the Workcover Authority. The Authority is the controlling body for the safe removal, handling and disposal of asbestos. The Authority supervises and monitors contractors engaged in asbestos removal.

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

- 24. Erosion control measures shall be provided on demolition sites to prevent the siltation of watercourses and drainage systems.
- 25. Dust control measures shall be taken on all demolition sites so as to avoid a nuisance to adjoining properties and harm to the environment.
  - a A person taking down or demolishing or causing to be taken down or demolished any building or portion of any building shall:
    - i. cause the windows or other openings in the external walls to be close boarded or otherwise covered;
    - ii. cause screens of canvas, hessian, boards, mats or other suitable material to be fitted in appropriate locations;
    - iii. cause areas, components and debris to be wetted down; in such a manner as to minimise, as far as practicable, the nuisance arising from the escape of dust during such taking down or demolition.

- b. Such person shall not chute, throw or let fall or cause to chute, throw or let fall from the floor to floor or into any basement of such building any building materials or any other matter so as to cause dust to escape from the building or cause any such material to fall or cast upon a public way to the annoyance, inconvenience, or danger of persons using such public way.
- 26. Soil on vacant sites is to be stabilised as soon as possible to prevent erosion and the site shall be kept clear of excess vegetation.
- 27. Existing stormwater lines on the site are to be blocked and made inoperable after buildings are demolished so as to prevent the conveyance of silt or sediments into the gutter or street drainage system.
- 28. All combustible material shall be removed from the site on a daily basis. Material shall not be burnt on the site.
- 29. Materials salvaged from a demolition may be stored on site provided they are non combustible, neatly and safety stockpiled and not likely to become a harbourage for vermin.
- 30. Trees and vegetation on a site shall not be disturbed except with the approval of the Council.
- 31. Fire hoses are to be maintained on site during the course of demolition.
- 32. Buildings built prior to the 1970's may contain lead based paint. Lead dust is a hazardous substance. You are advised to follow the attached WorkCover guidelines to prevent personal and environmental contamination.
- 33. A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
  - a. stating that unauthorised entry to the work site is prohibited, and
  - b. showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.

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

This clause does not apply to:

- a. building work carried out inside an existing building, or
- b. building work carried out on premises that are to be occupied continuously (both during and outside working hours) while the work is being carried out.
- 34. All demolition materials of value for re-use either on-site or elsewhere, shall be separated and made available for re-cycling.

- 35. The proposed location of the substation beneath the canopy drip line of tree #27 Lophostemon confertus (Brushbox) is not approved. The substation is to be located so that it is not located beneath the canopy drip line of any tree protected by Council's tree preservation Order to be retained.
- 36. Removal, or pruning of the following trees, is not approved as part of this Development Application:

Tree/ Location

#2 Lagunaria patersonii (Norfolk Is Hibiscus)

Adjacent to Pacific Hwy frontage

#2a Acer palmatum (Japanese Maple)

Pacific Hwy nature strip

#5 Cedrus atlantica 'Glauca' (Blue Atlas Cedar)

Adjacent to Pacific Hwy frontage

#6a Melaleuca stypheloides (Prickly Leaf Paperbark)

Pacific Hwy nature strip

#6b *Plumeria rubra var. acutifolia* (Frangipani)

Adjacent to Pacific Hwy frontage

#8 Jacaranda mimosifolia (Jacaranda)

Adjacent to eastern site frontage

#8a Lophostemon confertus (Brushbox)

Bundarra Ave nature strip

#27 Lophostemon confertus (Brushbox)

Bundarra Ave nature strip

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

Tree/Location	Tree Works
#1 Cinnamomum camphora (Camphor laurel)	Removal

Adjacent to F3 site boundary

#3 XCuppressocyparis leylandii 'Naylors Blue' Removal

Adjacent to Pacific Hwy site frontage

#3a XCuppressocyparis leylandii 'Naylors Blue' Removal

Adjacent to Pacific Hwy site frontage

#4 Cedrus deodar (Himalayan Cedar) Pruning on northern side only, to Adjacent to Pacific Hwy frontage accommodate building works

#6 Jacaranda mimosifolia (Jacaranda) Removal

Adjacent to Bundarra Ave street frontage

#6c Arecastrum romanzoffianum (Coccos Palm) Removal

Within proposed building footprint

#6d Arecastrum romanzoffianum (Coccos Palm) Within proposed building footprint	Removal
#7 <i>Ceratopetalum gummiferum</i> (NSW Christmas Bush) Within proposed driveway footprint	Removal
#7a <i>Brachychiton acerifolius</i> (Illawarra Flame Tree) Within proposed driveway footprint	Removal
#10b Schefflera actinophylla (Umbrella Tree) Within proposed building footprint	Removal
#10c Arecastrum romanzoffianum (Coccos Palm) Within proposed building footprint	Removal
#10d <i>Arecastrum romanzoffianum</i> (Coccos Palm) Within proposed building footprint	Removal
#13 <i>Cinnamomum camphora</i> (Camphor laurel) Within proposed building footprint	Removal
#13a Magnolia soulangeana (Soul's magnolia) Within proposed building footprint	Removal
#13b Cyathea australis (Rough Tree Fern) Within proposed building footprint	Removal

The trees to be retained shall be inspected, monitored and treated when necessary by a qualified Arborist before, during and after completion of development works to ensure their long term survival. Regular inspections and documentation from the Arborist to the Principal

Certifying Authority are required at the following times or phases of work.

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

Canopy and/or root pruning of the following tree/s which is necessary to accommodate the 39. approved building works shall be undertaken by an experienced Arborist/Horticulturist, with a minimum qualification of the Horticulture Certificate or Tree Surgery Certificate:

Tree/Location	Tree Works
#4 Cedrus deodar (Himalayan Cedar)	Pruning on northern side only, to
Adjacent to Pacific Hwy frontage	accommodate building works.
#9 Eucalyptus saligna (Bluegum)	Canopy and root pruning on southern side Adjacent to northern site boundary

in only to accommodate works neighbouring property

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

Tree/Location #2 Lagunaria patersonii (Norfolk Is Hibiscus) Adjacent to Pacific Hwy frontage	Radius From Trunk 3.0m
#2a Acer palmatum (Japanese Maple) Pacific Hwy nature strip	2.5m
#4 Cedrus deodar (Himalayan Cedar) Adjacent to Pacific Hwy frontage	4.0m on northern side 8.0m elsewhere
#5 Cedrus atlantica 'Glauca' (Blue Atlas Cedar) Adjacent to Pacific Hwy frontage	6.0m
#6a Melaleuca stypheloides (Prickly Leaf Paperbark) Pacific Hwy nature strip	3.0m
#6b Plumeria rubra var. acutifolia (Frangipani) Adjacent to Pacific Hwy frontage	2.0m
#8 Jacaranda mimosifolia (Jacaranda) Adjacent to eastern site frontage	3.0m
#8a Lophostemon confertus (Brushbox) Bundarra Ave nature strip	5.0m
#9 Eucalyptus saligna (Bluegum) Northern site boundary in neighbouring property	6.0m on southern side 10.0m elsewhere
#27 Lophostemon confertus (Brushbox) Bundarra Ave nature strip	8.0m

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

Tree/Location Radius From Trunk #9 *Eucalyptus saligna* (Bluegum) 8.0m

Adjacent to northern site boundary

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

Radius From Trunk 3.0m
2.5m
4.0m on northern side 8.0m elsewhere
6.0m
3.0m
2.0m
3.0m
5.0m
6.0m on southern side 10.0m elsewhere
8.0m

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

Radius From Trunk

#2 Lagunaria patersonii (Norfolk Is Hibiscus) Adjacent to Pacific Hwy frontage	3.0m
#2a Acer palmatum (Japanese Maple) Pacific Hwy nature strip	2.5m
#4 Cedrus deodar (Himalayan Cedar) Adjacent to Pacific Hwy frontage	4.0m on northern side 8.0m elsewhere
#5 Cedrus atlantica 'Glauca' (Blue Atlas Cedar) Adjacent to Pacific Hwy frontage	6.0m
#6a <i>Melaleuca stypheloides</i> (Prickly Leaf Paperbark) Pacific Hwy nature strip	3.0m
#6b <i>Plumeria rubra var. acutifolia</i> (Frangipani) Adjacent to Pacific Hwy frontage	2.0m

Tree/Location

#8 Jacaranda mimosifolia (Jacaranda) 3.0m

Adjacent to eastern site frontage

#8a Lophostemon confertus (Brushbox) 5.0m

Bundarra Ave nature strip

#9 Eucalyptus saligna (Bluegum) 6.0m on southern side

Northern site boundary in neighbouring property 10.0m elswhere

#27 Lophostemon confertus (Brushbox) 8.0m

Bundarra Ave nature strip

- 45. The applicant shall ensure that at all times during the site works no activities, storage or disposal of materials shall take place beneath the canopy of any tree protected under Council's Tree Preservation Order.
- 46. The following tree species shall be planted, at no cost to Council, in the nature strip fronting the property along Bundarra Ave. The tree/s used shall be a minimum 25 litre container size specimen/s trees:

Tree Species Quantity
Lophostemon confertus (Brushbox) 1

- 47. All builders' refuse, spoil and/or material unsuitable for use in landscape areas shall be removed from the site on completion of the building works.
- 48. The canopy replenishment trees to be planted shall be maintained in a healthy and vigorous condition until they attain a height of 5.0 metres whereby they will be protected by Council's Tree Preservation Order. Any of the trees found faulty, damaged, dying or dead shall be replaced with the same species.
- 49. Stormwater runoff from new hard surfaces generating runoff or landscaped areas that are not at natural ground level shall be piped to the street drainage system. New drainage line connections to the street system shall conform and comply with the requirements of the Roads and Traffic Authority (RTA).
- 50. A mandatory rainwater retention and re-use system comprising storage tanks and ancillary plumbing must be provided for the development. The (minimum) total storage volume of the rainwater tank system, and the prescribed re-use of the water on site, must satisfy all relevant BASIX commitments and the requirements specified in chapter 6 of Ku-ring-gai Council Water Management Development Control Plan 47 (DCP47).
- 51. In addition to the mandatory rainwater retention and re-use system provided, an **on-site stormwater detention** system must be provided for the development to control the rate of runoff leaving the site. The minimum volume of the required on-site detention system must be determined in accordance with chapter 6 of the Ku-ring-gai Council Water Management Development Control Plan 47 (DCP 47) having regard to the specified volume concession offered in lieu of installing rainwater retention tanks. The design of the on-site detention

- system must be performed by a qualified civil/hydraulic engineer and must satisfy the design controls set out in appendix 5 of DCP 47.
- 52. A maintenance period of six (6) months applies to all work in the public road reserve carried out by the applicant **after** the works have been completed to the satisfaction of Ku-ring-gai Council. In that maintenance period, the applicant shall be liable for any section of the completed public infrastructure work which fails to perform in the designed manner, or as would reasonably be expected under the operating conditions. The maintenance period shall commence once the Applicant receives a written indication from Council stating that the works involving public infrastructure have been completed satisfactorily.
- 53. 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.
- 54. 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.
- 55. All public footways and roadways fronting and adjacent to the site must be maintained in a safe condition at all times during the course of the development works. Construction materials and plant must not be stored in the road reserve. A safe pedestrian circulation route and a pavement/route free of trip hazards must be maintained at all times on or adjacent to any public access ways fronting the construction site. Where public infrastructure is damaged, repair works must be carried out when and as directed by Council officers. Where pedestrian circulation is diverted on to the roadway or verge areas, clear directional signage and protective barricades must be installed in accordance with AS1742-3 (1996) "Traffic Control Devices for Work on Roads". If pedestrian circulation is not satisfactorily maintained across the site frontage, and action is not taken promptly to rectify the defects, Council may undertake proceedings to stop work.
- 56. The provision of temporary sediment and erosion control facilities and measures must be installed, prior to the commencement of any works on the site to eliminate unnecessary erosion and loss of sediment. These facilities must be maintained in working order during construction works up to completion. All sediment traps must be cleared on a regular basis and after each major storm, and/or as directed by the Principal Certifying Authority and Council officers.

- 57. The Applicant must obtain a **Section 73 Compliance Certificate** under the *Sydney Water Act* 1994. An application must be made through an authorised Water Servicing Coordinator. The Applicant is to refer to "Your Business" section of Sydney Water's web site at <a href="https://www.sydneywater.com.au">www.sydneywater.com.au</a> then the "e-developer" icon or telephone 13 20 92. Following application a "Notice of Requirements" will detail water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.
- 58. In order to allow **unrestricted access at all times** for Ku-ring-gai Council waste collection vehicles into the basement garbage collection area no doors, grilles, gates or other devices are to be provided in the access driveways to the basement carpark preventing this service.
- 59. A contractor with specialist excavation experience must undertake the excavations for the development and a suitably qualified and consulting geotechnical engineer must oversee the excavation procedure. Geotechnical aspects of the development work, namely:
  - Appropriate excavation method and vibration control,
  - Support and retention of excavated faces,
  - Hydrogeological considerations,
  - Must be undertaken in accordance with the recommendations of the preliminary geotechnical appraisal by Geotechnique, the detailed geotechnical investigation carried out after demolition and all subsequent geotechnical inspections carried out during the excavation and construction phase. Approval must be obtained from all affected property owners, including Ku-ring-gai Council and/or the RTA where rock anchors (both temporary and permanent) are proposed below adjacent private or public property.
- 60. The geotechnical and hydrogeological works implementation, inspection, testing and monitoring program for the excavation and construction works must be in accordance with the preliminary appraisal by Geotechnique and the report prepared following the subsurface investigation. Over the course of the works a qualified Geotechnical/hydrogeological Engineer must complete the following:
  - Further geotechnical investigations and testing recommended in the above report(s) and as determined necessary,
  - Further monitoring and inspection at the hold points recommended in the above report(s) and as determined necessary,
  - Written report(s) including certification(s) of the geotechnical inspection, testing and monitoring programs.
- 61. Detailed design plans and hydraulic calculations of any changes to the RTA's stormwater drainage system are to be submitted to the RTA for approval, prior to the commencement of any works.

Details should be forwarded to:-The Sydney Asset Management PO Box 558 Blacktown NSW 2148

A plan checking fee will be payable and a performace bond may be required before the RTA's approval is issued. With regard to the Civil Works requirement

62. The proposed development should be designed such that road traffic noise from the Pacific Highway and the Sydney-Newcastle F3 Freeway is mitigated by durable materials, in accordance with EPA criteria for new land use developments (The Environmental Criteria for Road Traffic Noise, May 1999). The RTA's Environmental Noise Management Manual provides practical advice in selecting noise mitigation treatments.

Where the EPA external noise criteria would not practically or reasonably be met. The following internal noise objectives for all habitable rooms under ventilated conditions shall comply with the following requirements of the Building Code of Australia:

- All habitable rooms other than sleeping rooms: 45dB(A) Leq(15hr) and 40 dB(A) leq(9hr)
- Sleeping rooms: 35dB(A) Leq(9h).
- 63. In order to maximise residential amenity and compliance with the requirements of DCP 55 and SEPP 65, a minimum dimension of 3m shall be provided in all bedrooms.

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

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

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

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

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

each elevation and selected interiors

all structures on site such as sheds, outhouses and significant landscape features several photographs of house from public streets or laneways including several views showing relationship to neighbouring buildings.

Minimum requirements:

title page statement of reasons the recording was made

site plan showing all structures on site sketch of the floor plan showing the location of the camera for each photograph Black & White archival quality photographs, contact prints and selected prints (one copy of negatives other copies with contact sheets and selected prints).

Digital images and CDs may be submitted as supplementary information.

- 65. In order to ensure consistency with the streetscape, a more recessive neutral colour shall be adopted for the top storey of the building. Details shall be submitted to the satisfaction of the PCA prior to issue of the Construction Certificate.
- 66. In order to maximise safety and security in accordance with Part 4.6 of DCP 55, details of the proposed lighting along pedestrian paths shall be submitted to the satisfaction of the PCA prior to issue of the Construction Certificate
- 67. The Long Service Levy is to be paid to Council in accordance with the provisions of Section 34 of the Building and Construction Industry Payments Act 1986 prior to the issue of the Construction Certificate.

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

- 68. It is a condition of consent that the applicant, builder or developer or person who does the work on this residential building project arrange the Builders Indemnity Insurance and submit the Certificate of Insurance in accordance with the requirements of Part 6 of the *Home Building Act 1989* to the Council or other Principal Certifying Authority for endorsement of the plans accompanying the Construction Certificate. It is the responsibility of the applicant, builder or developer to arrange the Builder's Indemnity Insurance for residential building work over the value of \$12,000 and to satisfy the Council or other Principal Certifying Authority by the presentation of the necessary Certificate of Insurance so as to comply with the applicable requirements of Part 6 of the *Home Building Act 1989*. The requirements for the Builder's Indemnity Insurance does not apply to commercial or industrial building work or for residential work less than \$12,000, nor to work undertaken by persons holding an Owner/Builder's Permit issued by the Department of Fair Trading (unless the owner/builder's property is sold within 7 years of the commencement of the work).
- 69. The Infrastructure Restorations Fee calculated in accordance with the Council's adopted schedule of Fees and Charges is to be paid to the Council prior to any earthworks or construction commencing. The applicant or builder/developer will be held responsible for and liable for the cost any damage caused to any Council property or for the removal of any waste bin, building materials, sediment, silt, or any other article as a consequence of doing or not doing anything to which this consent relates. "Council Property" includes footway, footpath paving, kerbing, guttering, crossings, street furniture, seats, litter bins, trees, shrubs, lawns mounds, bushland, and similar structures or features on road reserves or any adjacent public place. Council will undertake minor restoration work as a consequence of the work at this site in consideration of the "Infrastructure Restorations Fee" lodged with the Council prior to the release of the Construction Certificate. This undertaking by the Council does not

absolve the applicant or Builder/developer of responsibility for ensuring that work or activity at this site does not jeopardise the safety or public using adjacent public areas or of making good or maintaining "Council property" (as defined) during the course of this project.

- 70. Prior to commencing any construction or subdivision work, the following provisions of the Environmental Planning & Assessment Act, 1979 (the 'Act') are to be complied with:
  - a. A Construction Certificate is to be obtained in accordance with Section 81A(2)(a) of the Act.
  - b. A Principal Certifying Authority is to be appointed and Council is to be notified of the appointment in accordance with Section 81A(2)(b) of the Act.
  - c. Council is to be notified in writing, at least two (2) days prior to the intention of commencing buildings works, in accordance with Section 81A(2)(c) of the Act.
  - d. Should the development be certified by a Principal Certifying Authority other than Council, a fee for each Part 4A Certificate is to be paid to Council on lodgement of those Certificates with Council.
- 71. Prior to issue of the Construction Certificate the applicant shall submit, for approval by the Principal Certifying Authority (PCA), a Soil and Erosion Control Plan prepared in accordance with the NSW Department of Housing document "Managing Urban Stormwater Soils and Construction" (1998). A suitably qualified and experienced civil/environmental engineer or surveyor shall prepare this plan in accordance with the above guidelines and section 8.2.1 of Councils Water Management DCP 47 (available on the Council website).
- 72. A contribution is to be paid for the provision, extension or augmentation of community facilities, recreation facilities, open space and administration that will, or are likely to be, required as a consequence of development in the area.

TOTAL CONTRIBUTION FOR THIS DEVELOPMENT OF 32 ADDITIONAL DWELLINGS IS CURRENTLY \$522,385.53. The amount of the payment shall be in accordance with the Section 94 charges as at the date of payment. The charges may vary at the time of payment in accordance with Council's Section 94 Contributions Plan to reflect changes in land values, construction costs and the consumer price index.

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

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

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

#### OCCUPANCY RATES FOR DIFFERENT DWELLING SIZES

1.27 persons
1.78 persons
2.56 persons
3.48 persons
3.48 persons
1.3persons

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

Tree/Location #4 <i>Cedrus deodar</i> (Himalayan Cedar) Adjacent to Pacific Hwy frontage	Radius From Trunk 8.0m
#5 Cedrus atlantica 'Glauca' (Blue Atlas Cedar) Adjacent to Pacific Hwy frontage	6.0m
#6a Melaleuca stypheloides (Prickly Leaf Paperbark) Pacific Hwy nature strip	3.0m
#8a <i>Lophostemon confertus</i> (Brushbox) Bundarra Ave nature strip	5.0m
#9 Eucalyptus saligna (Bluegum) Northern site boundary in neighbouring property	6.0m on southern side 10.0m elsewhere
#27 Lophostemon confertus (Brushbox) Bundarra Ave nature strip	8.0m

74. An amended plan of the proposed landscape works consistent with the landscape plan 26.06/072 prepared by Ian Jackson dated April 2006, subject to the amendments as specified shall be submitted to, and approved by the Principal Certifying Authority prior to the release of the Construction Certificate. The landscape works shall be carried out and installed in accordance with the approved landscape plan/s.

The following amendments to the plan shall apply:

- Tree #9 *Eucalyptus saligna* (Bluegum) adjacent to the northern site boundary is to be shown to be retained, and the surrounding planting changed accordingly. Existing levels and grades beneath the canopy drip line are to be retained.
- The north point is to be shown correctly.
- Three additional tall trees in scale with the development are to be planted adjacent to the northern site boundary between the boundary and the proposed building.

- The substation relocation as specified is to be shown on plan.
- Additional screening shrubs/small trees capable of attaining heights between 4.0 8.0m are to be planted adjacent to the northern site boundary to provide screening between proposed developments.
- 75. A CASH BOND/BANK GUARANTEE of \$10 000.00 shall be lodged with Council as a Landscape Establishment Bond prior to release of the Construction Certificate to ensure that the landscape works are installed and maintained in accordance with the approved landscape plan/s and other landscape conditions.

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

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

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

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

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

Tree/Location #4 <i>Cedrus deodar</i> (Himalayan Cedar) Adjacent to Pacific Hwy frontage	Bond Value \$2 000.00
#5 Cedrus atlantica 'Glauca' (Blue Atlas Cedar) Adjacent to Pacific Hwy frontage	\$1 000.00
#8a <i>Lophostemon confertus</i> (Brushbox) Bundarra Ave nature strip	\$1 000.00
#27 Lophostemon confertus (Brushbox) Bundarra Ave nature strip	\$2 000.00

77. Prior to issue of the Construction Certificate, driveway and associated footpath levels for any fully new, reconstructed or extended sections of driveway crossings between the property boundary and road alignment must be obtained from Ku-ring-gai Council. Such levels are

only able to be issued by Council under the *Roads Act 1993*. All footpath crossings, laybacks and driveways are to be constructed according to Council's specifications "Construction of Gutter Crossings and Footpath Crossings" or as specified by Council. Specifications are issued with alignment levels after completing the necessary application form at Customer Services and payment of the assessment fee. When completing the request for driveway levels application from Council, the applicant must attach a copy of the relevant Development Application drawing which indicates the position and proposed level of the proposed driveway at the boundary alignment. Failure to submit this information may delay processing.

Approval of this Development Application is for works wholly within the property. DA consent does not imply approval of footpath or driveway levels, materials or location within the road reserve regardless of whether this information is shown on the Development application plans. The grading of such footpaths or driveways outside the property shall comply with Council's standard requirements. The suitability of the grade of such paths or driveways *inside* the property is the sole responsibility of the applicant and the required alignment levels fixed by Council may impact upon these levels. The construction of footpaths and driveways outside the property, in materials other than those approved by Council, is not permitted and Council may require immediate removal of unauthorised installations.

- 78. 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 approval by the Principal 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 clause 2.5.3 of Australian Standard 2890.1 (2004) –"Off-street car parking" to prevent the scraping of the underside of vehicles, particularly along the inside radius for curved driveways.
  - If a new driveway crossing is proposed then the longitudinal sections at the boundary alignment must incorporate the driveway crossing levels as issued by Council upon prior application.
- 79. Prior to issue of the Construction Certificate the Applicant must submit, for approval by the Principal Certifying Authority, certified parking layout plan(s) to scale showing all aspects of the vehicle access and accommodation arrangements clearly dimensioned. A qualified civil/traffic engineer must review the proposed vehicle access and accommodation layout and provide written certification on the plans that:
  - All parking space dimensions, driveway and aisle widths, driveway grades, transitions, circulation ramps, blind aisle situations and other trafficked areas comply in full with Australian Standard 2890.1 2004 "Off-street car parking".
  - A clear height clearance of 2.5 metres (required under DCP40 for waste collection trucks) is provided over the designated garbage collection truck manoeuvring areas within the basement.

- No doors or gates are provided in the access driveways to the basement carpark which
  would prevent unrestricted access for internal garbage collection at any time from the
  basement garbage storage and collection area.
- The vehicle access and accommodation arrangements are to be constructed in accordance with the certified plans.
- 80. Prior to issue of the Construction Certificate and prior to commencement of any works that may be subject to erosion, the applicant must submit, for approval by the Principal Certifying Authority, a Soil and Erosion Control Plan prepared in accordance with the Landcom document "Managing Urban Stormwater Soils and Construction, Volume 1" (2004). A qualified and experienced civil/environmental engineer shall prepare this plan in accordance with the above guidelines and section 8.2.1 of Councils Water Management Development Control Plan 47.
- 81. 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.
  - RTA approval for connection to the underground drainage system in the F3 Freeway reserve.
  - Full layout of the property drainage system components, including but not limited to (as required) gutters, downpipes, spreaders, pits, swales, kerbs, cut-off and intercepting drainage structures, subsoil drainage, flushing facilities and all ancillary stormwater plumbing all designed for a 235mm/hour rainfall intensity for a duration of five (5) minutes (1:50 year storm recurrence).
  - Location(s), dimensions and specifications for the required rainwater storage and reuse tanks and systems. Where proprietary products are to be used, manufacturer specifications or equivalent shall be provided.
  - Specifications for reticulated pumping facilities (including pump type and manufacturer specifications) and ancillary plumbing to fully utilise rainwater in accordance with the Ku-ring-gai Council Development Control Plan 47 and/or BASIX commitments.
  - Details of the required **on-site detention** tanks required under Ku-ring-gai Council Water Management DCP 47 including dimensions, materials, locations, orifice and discharge control pit details as required (refer chapter 6 and appendices 2, 3 and 5 of DCP 47 for volume, PSD and design requirements).
  - Water quality measures.
  - The required basement stormwater pump-out system to cater for driveway runoff and subsoil drainage (refer appendix 7.1.1 of Development Control Plan 47 for design).
  - The above construction drawings and specifications are to be prepared by a qualified and experienced civil/hydraulic engineer in accordance with Councils Water Management Development Control Plan 47, Australian Standards 3500.2 and 3500.3 *Plumbing and Drainage Code* and the BCA. The plans may be generally based on the concept plans by AFCE Environment + Building submitted for Development Application approval, which are to be advanced as necessary for construction issue purposes.

- 82. Prior to issue of the Construction Certificate the Applicant must have engineering plans and specifications prepared by a qualified consulting engineer and the plans **approved by**Council engineers. The plans to be assessed must be to a detail suitable for construction issue purposes and must detail the following infrastructure works required in Bundarra Avenue:
  - Road shoulder for the full frontage of the development
  - Upright kerb and sandstone facing (or alternative as approved) to the existing bank for the full frontage of the development
  - Regrading of the nature strip to allow for construction of a layback and vehicular crossing which complies with Council's specifications and AS2890.1:2004.

This Development Consent under the EP&A Act does **NOT** give approval to these works in the road reserve. **Ku-ring-gai Council must issue a separate consent under section 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 the formal written consent 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 stamped Council *Roads Act 1993* approval.

A minimum of three (3) weeks will be required for Council to assess *Roads Act* submissions. Early submission is recommended to avoid delays in obtaining a Construction Certificate. An engineering assessment and inspection fee (set out in Council's adopted fees and charges) is payable and Council will withhold any consent and approved plans until full payment of the correct fees. Plans and specifications must be marked to the attention of Council's Development Engineers. In addition, a copy of this condition must be provided, together with a covering letter stating the full address of the property and the accompanying DA number.

# CONDITIONS TO BE COMPLIED WITH PRIOR TO WORK COMMENCING

- 83. Prior to the commencement of any work, the Principal Certifying Authority shall be notified in writing of the name and contractor licence number of the owner/builder who intends to carry out the approved works.
- 84. To reduce or eliminate the transport of sediment from the construction site onto public roads, a temporary construction exit, together with necessary associated temporary fencing, shall be established prior to commencement of any work on the site and shall be maintained throughout the duration and progress of construction.

- 85. To preserve and enhance the natural environment, the downslope side of the proposed construction area of the site is to be enclosed with a suitable erosion control barrier (e.g. straw bales or geofabric fence) along contour before any other work on the site commences.
- 86. To preserve and enhance the natural environment, earthworks and/or demolition of any existing buildings shall not commence until an Erosion and Sediment Control Plan (ESCP) is prepared, submitted to the Principal Certifying Authority, approved and implemented to the satisfaction of 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.
- 87. To preserve the following tree/s, no work shall commence until the area beneath the canopy of the following tree/s is fenced off at the specified radius from the trunk/s to prevent any activities, storage or the disposal of materials within the fenced area. The fence/s shall be maintained intact until the completion of all demolition/building work on site.

Tree/Location #2 Lagunaria patersonii (Norfolk Is Hibiscus) Adjacent to Pacific Hwy frontage	Radius in Metres 3.0m
#5 Cedrus atlantica 'Glauca' (Blue Atlas Cedar) Adjacent to Pacific Hwy frontage	5.0m
#6b <i>Plumeria rubra var. acutifolia</i> (Frangipani) Adjacent to Pacific Hwy frontage	2.0m
#8 Jacaranda mimosifolia (Jacaranda) Adjacent to eastern site frontage	2.5m
#8a <i>Lophostemon confertus</i> (Brushbox) Bundarra Ave nature strip	5.0m
#27 Lophostemon confertus (Brushbox) Bundarra Ave nature strip	8.0m

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

Tree/Location	Radius From Trunk
#4 Cedrus deodar (Himalayan Cedar)	8.0m
Adjacent to Pacific Hwy frontage	
#9 Eucalyptus saligna (Bluegum)	10.0m
Northern site boundary in neighbouring property	

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

Tree/Location

#4 *Cedrus deodar* (Himalayan Cedar) Adjacent to Pacific Hwy frontage

#8a Lophostemon confertus (Brushbox) 5.0m

Bundarra Ave nature strip

#9 *Eucalyptus saligna* (Bluegum) 6.0m on southern side Northern site boundary in neighbouring property 10.0m elsewhere

#27 Lophostemon confertus (Brushbox) 8.0m

Bundarra Ave nature strip

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

Tree/Location #4 *Cedrus deodar* (Himalayan Cedar) Adjacent to Pacific Hwy frontage

#8a Lophostemon confertus (Brushbox) Bundarra Ave nature strip #27 Lophostemon confertus (Brushbox) Bundarra Ave nature strip

94. Existing trees and vegetation on the site shall not be disturbed except with the written approval of Council and the following tree/s shall be fenced off before demolition commences.

Tree/Location #2 Lagunaria patersonii (Norfolk Is Hibiscus) Adjacent to Pacific Hwy frontage	Radius From Trunk 3.0m
#4 Cedrus deodar (Himalayan Cedar) Adjacent to Pacific Hwy frontage	4.0m on northern side 8.0m elsewhere
#5 Cedrus atlantica 'Glauca' (Blue Atlas Cedar) Adjacent to Pacific Hwy frontage	6.0m
#6b <i>Plumeria rubra var. acutifolia</i> (Frangipani) Adjacent to Pacific Hwy frontage	2.0m
#8 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to eastern site frontage	3.0m
#8a <i>Lophostemon confertus</i> (Brushbox) Bundarra Ave nature strip	5.0m
#9 Eucalyptus saligna (Bluegum) Northern site boundary in neighbouring property	6.0m on southern side 10.0m elsewhere
#27 Lophostemon confertus (Brushbox) Bundarra Ave nature strip	8.0m

- 95. Upon completion of the installation of the required tree protection measures you are required to arrange for an inspection of the site by the Principal Certifying Authority to verify that tree protection measures comply with all relevant conditions. Following the carrying out of a satisfactory inspection and subject to the payment of all relevant monies and compliance with any other conditions of approval, work may commence.
- 96. Prior to the commencement of **any** works on site the applicant must submit, for review by Council Engineers, a *Construction and Traffic Management Plan*. The following matters must be specifically addressed in the Plan:
  - A plan view of the entire site and frontage roadways indicating:
  - Dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and construction related vehicles in the frontage roadways,
  - Turning areas within the site for construction and spoil removal vehicles, allowing a forward egress for all construction vehicles on the site,
  - The locations of proposed Work Zones in the frontage roadways,
  - Location of any proposed crane standing areas

- A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries
- Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected.
- The provision of an on-site parking area for employees, tradesperson and construction vehicles as far as possible
- Traffic Control Plan(s) for the site
- All traffic control plans must be in accordance with the RTA publication "Traffic Control
  Worksite Manual" and be designed by a person licensed to do so (minimum RTA 'red
  card' qualification). The main stages of the development requiring specific construction
  management measures are to be identified and specific traffic control measures identified
  for each.
- Approval is to be obtained from Ku-ring-gai Council for any temporary road closures or crane use from public property.
- A detailed description and route map of the proposed route for vehicles involved in spoil removal, material delivery and machine floatage must be provided.
- Light traffic roads and those subject to a load or height limit must be avoided at all times unless otherwise approved.
- A copy of this route is to be made available to all contractors, and shall be clearly depicted at a location within the site.
- No construction access is to be gained to the site via Woonona Avenue or Everett Way.
- In addition, the plan must address:
- Evidence of RTA concurrence where construction access is provided directly or within 20m of an Arterial Rd.
- A schedule of site inductions to be held on regular occasions and as determined necessary
  to ensure all new employees are aware of the construction management obligations. These
  must specify that construction-related vehicles to comply with the approved requirements.
- Minimising construction related traffic movements during school peak periods.
- For those construction personnel that drive to the site, the Applicant shall attempt to provide on-site parking so that their personnel's vehicles do not impact on the current parking demand in the area.
- The Construction and Traffic Management Plan shall be prepared by a suitably qualified and experienced traffic consultant and be certified by this person as being in accordance with the requirements of the abovementioned documents and the requirements of this condition. The construction management measures contained in the approved plan shall be implemented in accordance with the plan prior to the commencement of, and during, works on-site including excavation. As the plan has a direct impact on the local road network, the plan shall be submitted to and reviewed by Council, attention Development Engineer. A written acknowledgment from Council engineers shall be obtained (attesting to this condition being appropriately satisfied) and submitted to the Principal Certifying Authority prior to the commencement of any works on site. A fee is payable for the assessment of the plan by Ku-ring-gai Council.

To maintain access in Bundarra Avenue, the applicant is to install "No Parking' signs along the eastern side of Bundarra Avenue which would be effective for the approved hours of construction. The signs are to be considered by the Ku-ring-gai Traffic Committee and approved by Council (subject to resident concurrence), and installed prior to the commencement of any work on the site. The applicant shall pay for the consideration of the matter by the Ku-ring-gai Traffic Committee, as well as for the installation, maintenance, and removal of the signs following completion of the work and the occupation certificate being issued. If construction activities overlap with another medium density development in Bundarra Avenue, the maintenance and subsequent removal of the signs would be carried over to the other developer.

- 97. If a Works Zone is proposed, the Applicant must make a written application to the Ku-ringgai Local Traffic Committee to install the 'Work Zone'. The application must be made at least 15 days prior to the commencement of any works on site approved under this consent. Works Zones are provided specifically for the set down and pick up of materials and not for the parking of private vehicles associated with the site. Works Zones will generally not be approved where there is sufficient space on-site for the setting down and picking up of goods being taken to or from a construction site. If the Works Zone is approved by the Committee, the Applicant must obtain a written copy of the related resolution from the Ku-ring-gai Local Traffic Committee and submit a copy of this to the Principal Certifying Authority for approval prior to commencement of any works on the site. Where approval of the 'Work Zone' is resolved by the Committee, the necessary 'Work Zone' signage shall be installed (at the cost of the Applicant) and the adopted fee paid prior to commencement of any works on the site. Further, at the expiration of the Works Zone approval, the Applicant is required to remove the Works Zone signs and reinstate any previous signs, all at the Applicant's cost.
- 98. Prior to the commencement of any works on site the applicant shall submit to Ku-ring-gai Council a full dilapidation report on the visible and structural condition (**including a photographic record**) of the following public infrastructure:
  - Full road pavement width, including kerb and gutter, of Bundarra Avenue over the site frontage.
  - Pacific Highway southbound, including intersection with Bundarra Avenue.
  - F3 Freeway verge and off ramp for site frontage.
  - All driveway crossings and laybacks in Bundarra Avenue opposite the subject site.
  - The report must be completed by a consulting structural/civil engineer. Particular attention must be paid to accurately recording (both via photo and in written format) *existing* damaged areas on the aforementioned infrastructure so that Council is fully informed when assessing any damage to public infrastructure caused as a result of the development.

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

- 99. Prior to the commencement of bulk excavation works on site, the applicant is to submit the results of the detailed geotechnical investigation comprising a minimum of three cored boreholes to at least 1 metre below proposed basement level. The report is to address such matters as:
  - Appropriate excavation methods and techniques,
  - Vibration management and monitoring,
  - Support and retention of excavated faces,
  - Hydrogeological considerations,

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

# CONDITIONS TO BE COMPLIED WITH PRIOR TO OCCUPATION

- 100. To ensure compliance with the consent, a final report from a Registered Surveyor shall be submitted to the PCA confirming floor/ceiling levels and boundary setbacks prior to occupation.
- 101. Excavation for the installation of CONDUITS/SEWER/STORMWATER/GAS within the specified radius of the trunk/s of tree/s shall be carried out using the thrust boring method. Documentary evidence of compliance with conditions of consent in this regard shall be submitted to the Principal Certifying Authority prior to issue of the Occupation Certificate.
- 102. The trees to be retained shall be inspected, monitored and treated when necessary by a qualified Arborist before, during and after completion of development works to ensure their long term survival. Inspections by and documentation from the Arborist to the Principal Certifying Authority are required at the specified times. Documentary evidence of compliance with this condition shall be submitted to the Principal Certifying Authority prior to issue of the Occupation Certificate.
- 103. The landscape works, shall be installed in accordance with the approved plan/s and/or conditions of consent, be completed prior to release of Occupation Certificate and be maintained in a healthy and vigorous condition at all times.
- 104. The Principal Certifying Authority shall ensure that the landscape works, have been installed correctly, consistent the approved landscape plan(s), specification and the conditions of consent prior to release of the Occupation Certificate.
- 105. Prior to issue of the Occupation Certificate, the Principal Certifying Authority (where not Council) must provide Ku-ring-gai Council with a signed declaration that the following works in the road reserve have been completed in full:
  - New concrete driveway crossing in accordance with levels and specifications issued by Council.

- Removal of all redundant driveway crossings and kerb laybacks (or sections thereof) and reinstatement of these areas to footpath, turfed verge and upright kerb and gutter. (Reinstatement works to match surrounding adjacent infrastructure with respect to integration of levels and materials).
- Full repair and resealing of any road surface damaged during construction.
- Full replacement of damaged sections of grass verge with a non-friable turf of native variety to match existing.
- All works must be completed in accordance with the General Specification for the Construction of Road and Drainage Works in Ku-ring-gai Council, dated November 2004. The Occupation Certificate must not be issued until all damaged public infrastructure caused as a result of construction works on the subject site (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub contractors, concrete vehicles) is fully repaired to the satisfaction of Council. Repair works shall be at no cost to Council.
- 106. Prior to issue of the Occupation Certificate the applicant must create a Positive Covenant and Restriction on the Use of Land under Section 88B or 88E of the Conveyancing Act 1919, burdening the owner with the requirement to maintain the on-site stormwater detention facilities on the lot. The terms of the instruments are to be generally in accordance with the Council's "draft terms of Section 88B instrument for protection of on-site detention facilities" (refer to appendices of Ku-ring-gai Council Water Management DCP 47) and to the satisfaction of Council. For existing Titles, the Positive Covenant and the Restriction on the use of Land is to be created through an application to the Land Titles Office in the form of a request using forms 13PC and 13RPA. The relative location of the On-Site Detention facility, in relation to the building footprint, must be shown on a scale sketch, attached as an annexure to the request forms. Registered title documents showing the covenants and restrictions must be submitted an d approved by the Principal Certifying Authority prior to issue of an Occupation Certificate.
- 107. Prior to issue of the Occupation Certificate the applicant must create a Positive Covenant and Restriction on the Use of Land under Section 88B or 88E of the Conveyancing Act 1919, burdening the property with the requirement to maintain the site stormwater retention and reuse 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 reuse facilities" (refer to appendices of Ku-ring-gai Council Water Management DCP 47) and to the satisfaction of Council. For existing Titles, the Positive Covenant and the Restriction on the use of Land is to be created through an application to the Land Titles Office in the form of a request using forms 13PC and 13RPA. The relative location of the reuse and retention facility, in relation to the building footprint, must be shown on a scale sketch, attached as an annexure to the request forms. Registered title documents showing the covenants and restrictions must be submitted and approved by the Principal Certifying Authority prior to issue of an Occupation Certificate.
- 108. Prior to issue of the Occupation Certificate an easement for waste collection is to be created under Section 88B or 88E 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 Ku-ring-gai Council.

- 109. Prior to issue of the Occupation Certificate the following must be provided to Council (attention Development Engineer):
  - A copy of the approved Construction Certificate stormwater detention/retention design for the site, and
  - A copy of any works-as-executed drawings required under this consent
  - The Engineer's certification of the as-built system.
  - This condition is required so Council may maintain its database of as-constructed on-site stormwater detention systems, and applies particularly where the appointed Principal Certifying Authority (PCA) is not Ku-ring-gai Council.
- 110. Prior to issue of the Occupation Certificate all approved road, f ootpath and/or drainage works must be completed in the road reserve, in accordance with the Council stamped *Roads Act* 1993 drawings, conditions and specifications. The works must be supervised by the applicant's designing engineer and the works shall be completed and approved to the full satisfaction of Ku-ring-gai Council in the interests of ensuring quality of work involving public assets. The supervising consulting engineer is to provide certification upon completion that the works were constructed in accordance with the Council stamped drawings. The works must be subject to inspections by Council at the hold points noted on the *Roads Act* approval. All conditions attached to the approved drawings for these works must be met in full prior to the Occupation Certificate being issued.
- 111. Prior to issue of an Occupation Certificate the Section 73 Sydney Water compliance certificate must be obtained and submitted to the Principal Certifying Authority.
- 112. Prior to issue of an Occupation Certificate the applicant must submit certification from a suitably qualified and experienced traffic/civil engineer to the Principal Certifying Authority. This certification must be based on a site inspection of the constructed vehicle access and accommodation areas, with dimensions measurements as necessary, and must make specific reference to the following:
  - That the as-constructed carpark complies with the approved Construction Certificate plans,
  - That the completed vehicle access and accommodation arrangements comply in full with Australian Standard 2890.1 2004 "Off-Street car parking" in terms of minimum parking space dimensions provided,
  - That finished driveway gradients and transitions will not result in the scraping of the underside of cars.
  - That no doors, gates, grilles or other structures have been provided in the access driveways to the basement carpark, which would prevent unrestricted access for internal garbage collection from the basement garbage storage and collection area.
  - That traffic signals are provided where necessary on the internal driveway ramps.
  - That the vehicular headroom requirements of:
  - Australian Standard 2890.1 "Off-street car parking",

- 2.5m height clearance for waste collection trucks (refer DCP 40) are met from the public street into and within the applicable areas of the basement carpark.
- 113. Prior to issue of the Occupation Certificate a qualified and experienced consulting civil/hydraulic engineer must undertake a site inspection of the completed stormwater drainage and management system. The engineer is to provide written certification based on the site inspection to the Principal Certifying Authority, prior to issue of the Occupation Certificate, which makes specific reference to all of the following:
  - That the stormwater drainage works have been satisfactorily completed in accordance with the approved Construction Certificate drainage plans and the requirements of the RTA.
  - That the minimum retention and on-site detention storage volume requirements of BASIX and Ku-ring-gai Council Water Management DCP 47 respectively, have been achieved in full.
  - That retained water is connected and available for uses including all toilet flushing, laundry and garden irrigation.
  - That basement and subsoil areas are able to drain via a pump/sump system installed in accordance with AS3500.3 and appendix 7.1.1 of Ku-ring-gai Council Water Management DCP 47.
  - That all grates potentially accessible by children are secured.
  - That components of the new drainage system have been installed by a licensed plumbing contractor in accordance with the Plumbing and Drainage code AS3500.3 2003 and the BCA, and
  - All enclosed floor areas, including habitable and garage floor levels, are safeguarded from
    outside stormwater runoff ingress by suitable differences in finished levels, gradings and
    provision of stormwater collection devices.
  - The following certification sheets **must be accurately completed and attached** to the certification:
  - Rainwater retention certification sheet contained at appendix 13 of Water Management DCP 47
  - On-site detention certification sheet contained at appendix 4 of Water Management DCP 47.
- 114. Prior to issue of the Occupation Certificate a registered surveyor must provide a Works-as-Executed (WAE) survey of the completed stormwater drainage and management systems. The WAE plan(s) must be submitted to the Principal Certifying Authority for approval prior to issue of the Occupation Certificate. The WAE survey must indicate:
  - As built (reduced) surface and invert levels for all drainage pits.
  - Gradients of drainage lines, materials and dimensions.
  - As built (reduced) level(s) at the approved point of discharge to the public drainage system.
  - As built location and internal dimensions of all detention and retention structures on the property (in plan view) and horizontal distances to nearest adjacent boundaries and structures on site.

- The achieved storage volumes of the installed retention and detention storages and derivative calculations.
- As built locations of all access pits and grates in the detention and retention system(s), including dimensions.
- The size of the orifice or control fitted to any on-site detention system.
- Dimensions of the discharge control pit and access grates.
- The maximum depth of storage possible over the outlet control.
- Top water levels of storage areas and indicative RL's through the overland flow path in the event of blockage of the on-site detention system.
- The WAE plan(s) must show the as-built details above in comparison to those shown on the drainage plans approved with the Construction Certificate prior to commencement orf works. All relevant levels and details indicated must be marked in red on a copy of the Principal Certifying Authority stamped construction certificate stormwater plans.
- 115. Prior to issue of the Occupation Certificate a maintenance regime shall be prepared for the basement stormwater pump-out system and submitted to Principal Certifying Authority. The regime shall specify that the system is to be regularly inspected and checked by qualified practitioners.

# **ADVICE**

All parking spaces and all areas of common property, including visitor car parking spaces and on site detention facilities, which are to be common property, must be included on the final plans of strata subdivision.

N Richter Executive Assessment Officer M Leotta
Acting Manager
Development Assessment
Services

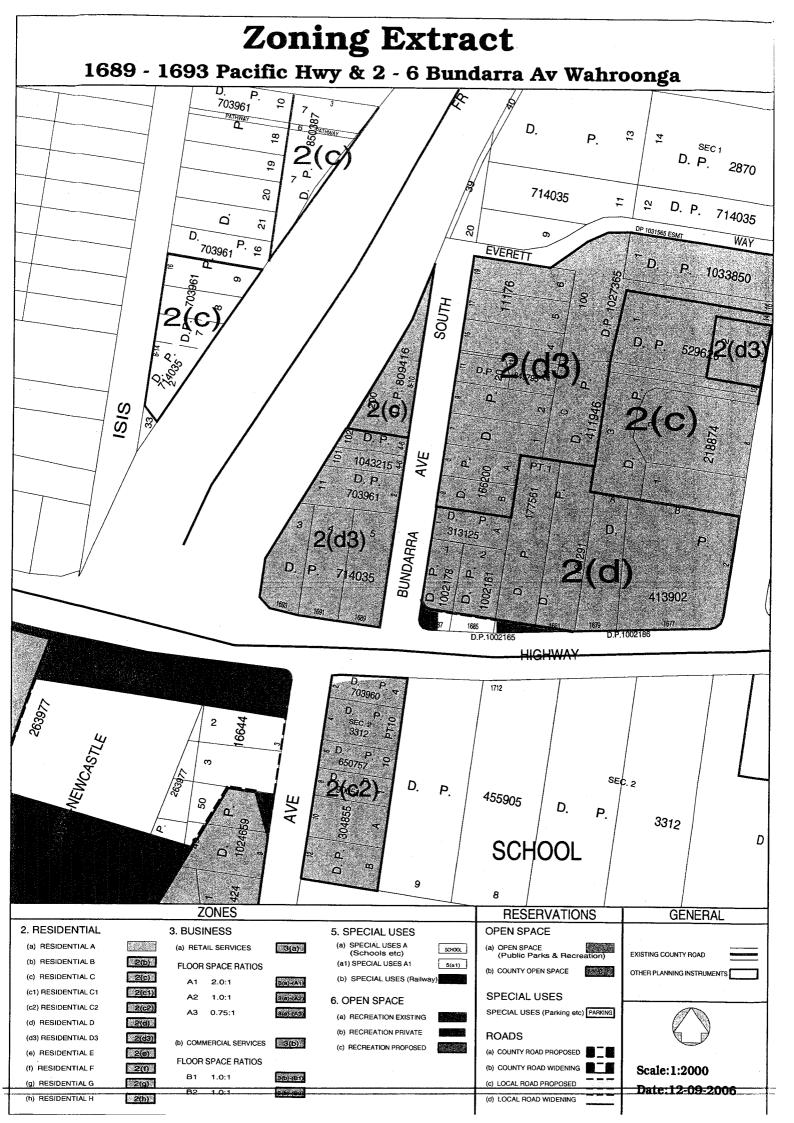
M Prendergast
Acting Director
Development & Regulation

**Attachments: Zoning Extract – 680647** 

**Location/Notification Sketch – 680648** 

Site Plan – 680650

Architectural Plans – 680656 Survey (Height Datum) – 680657 Landscaping Plans – 680653 Shadow Diagrams – 680652 Floor Plans (Confidential)

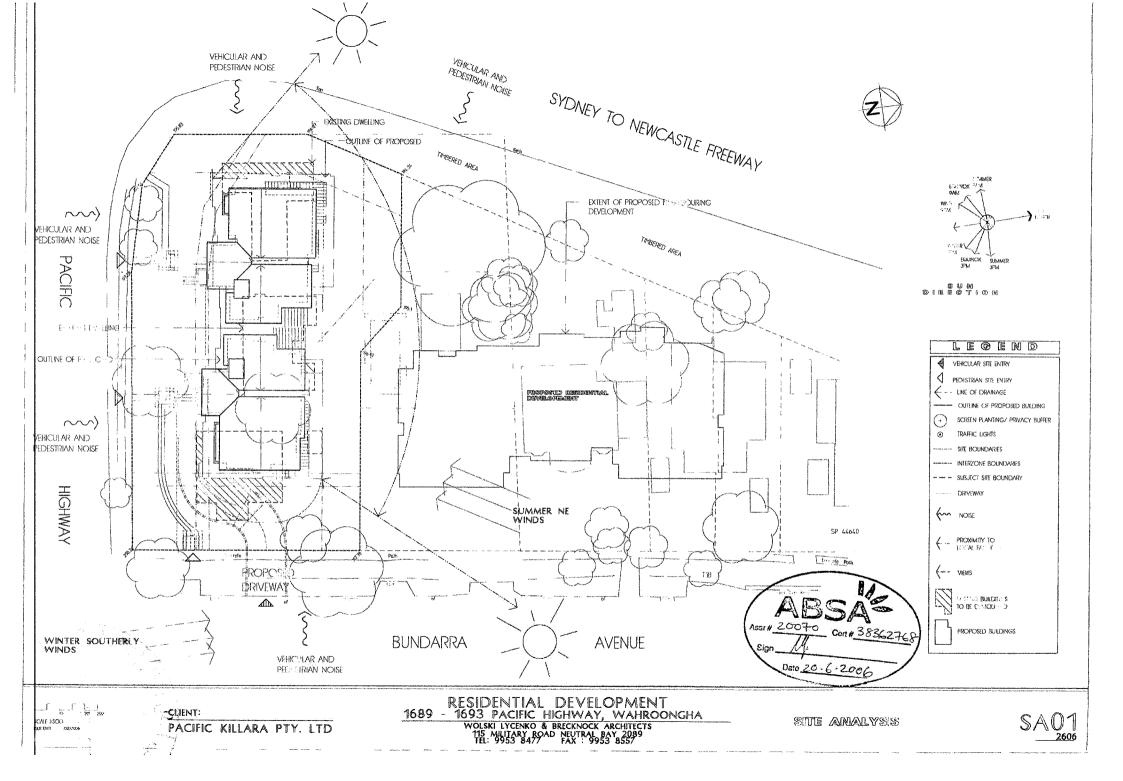


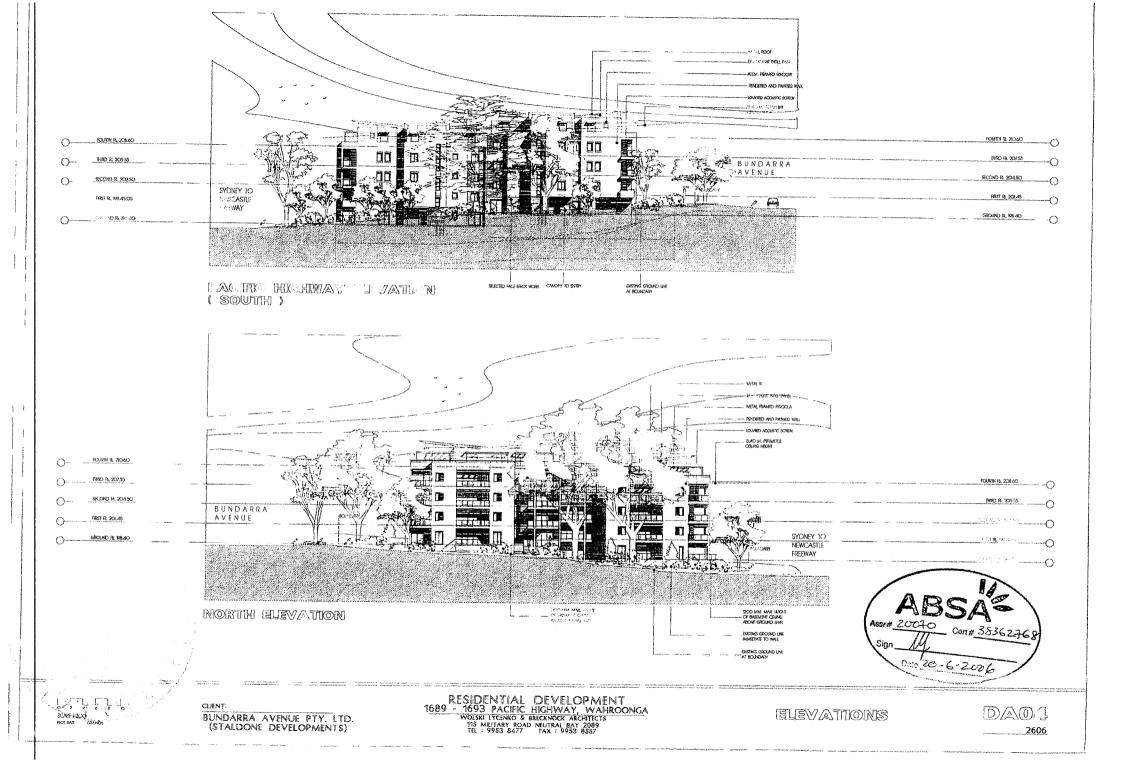
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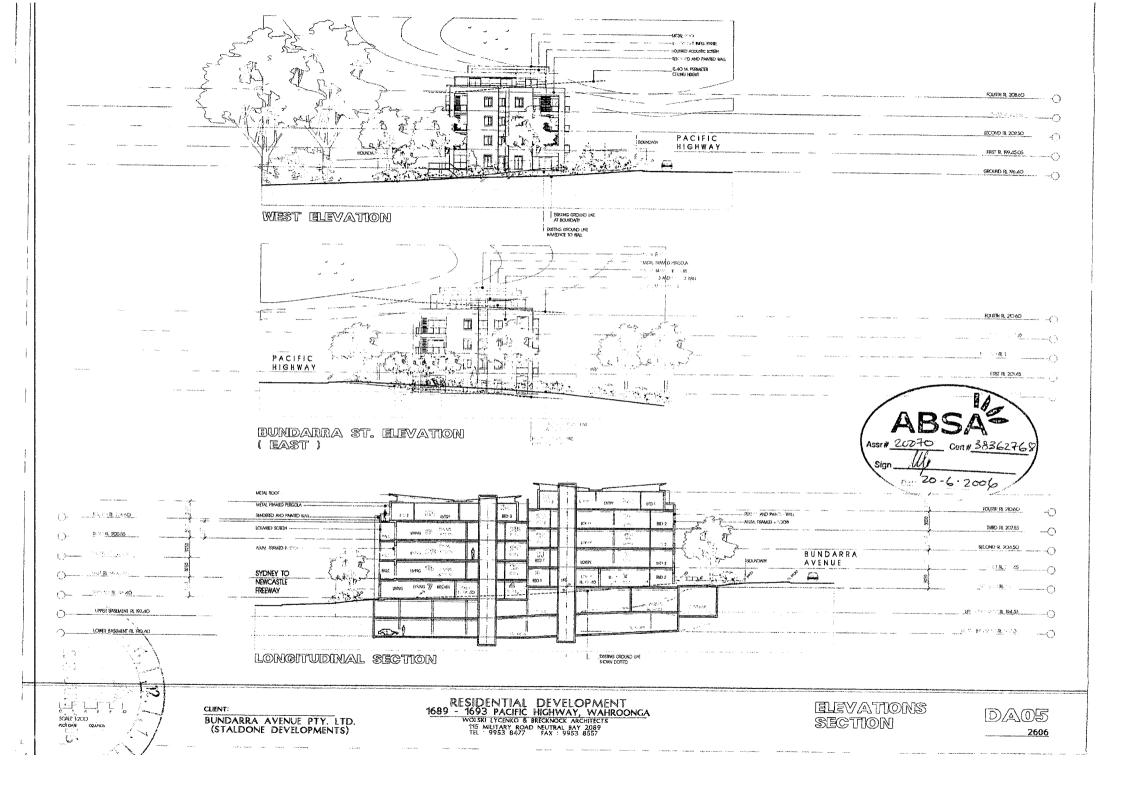
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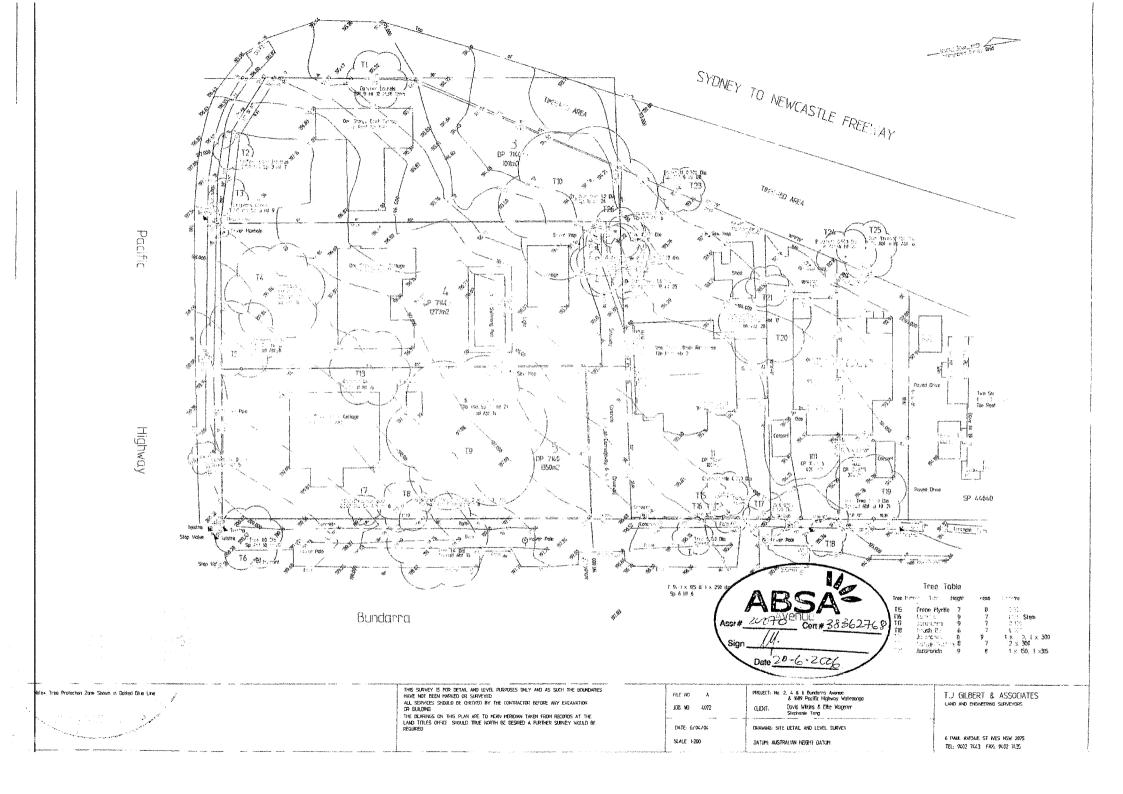


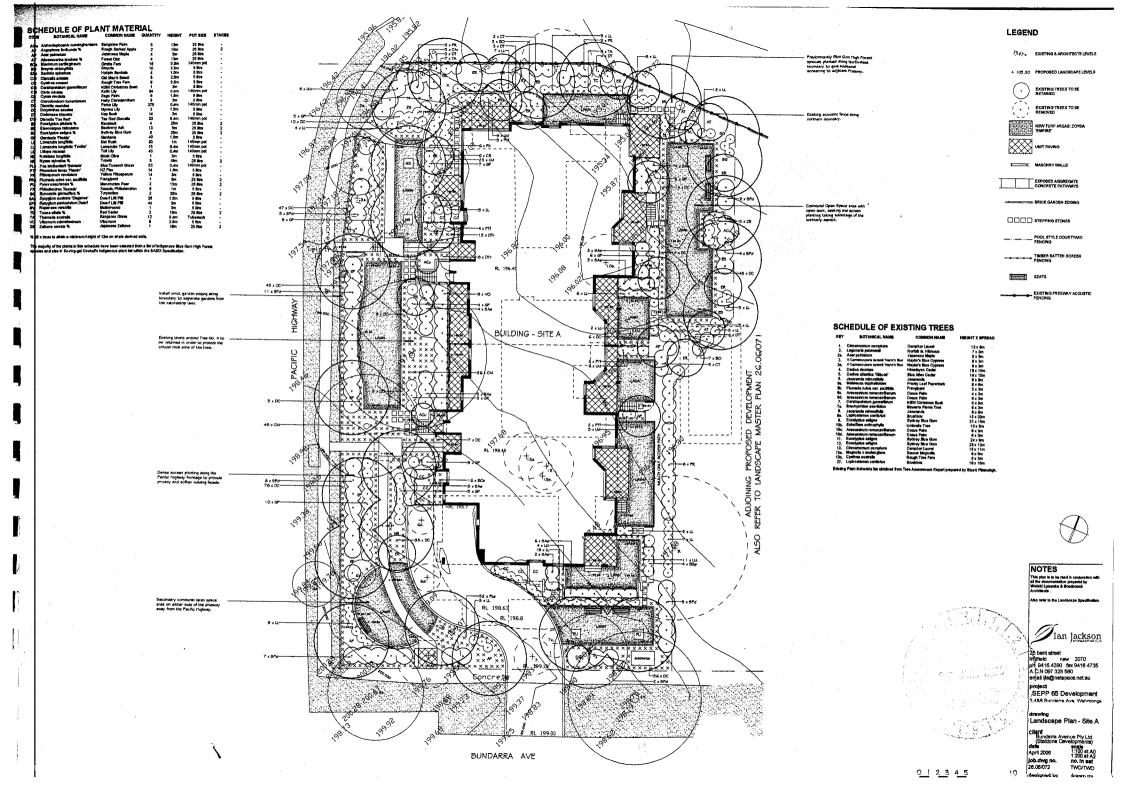
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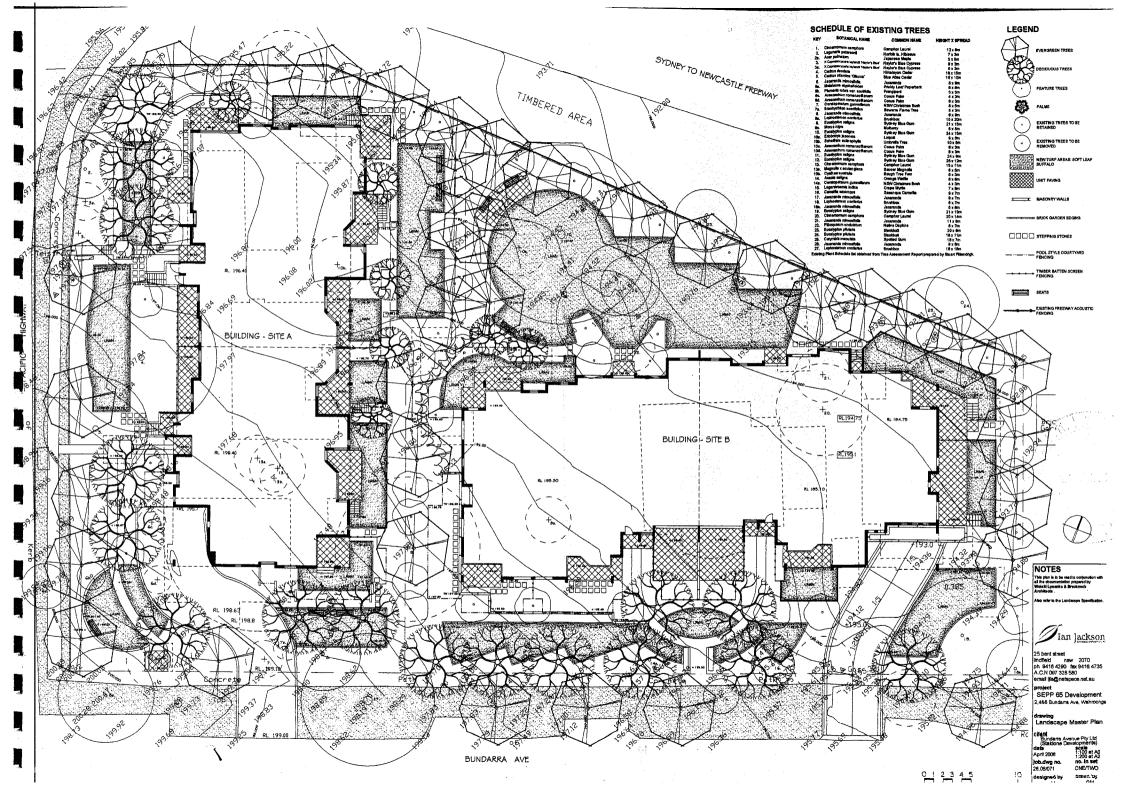


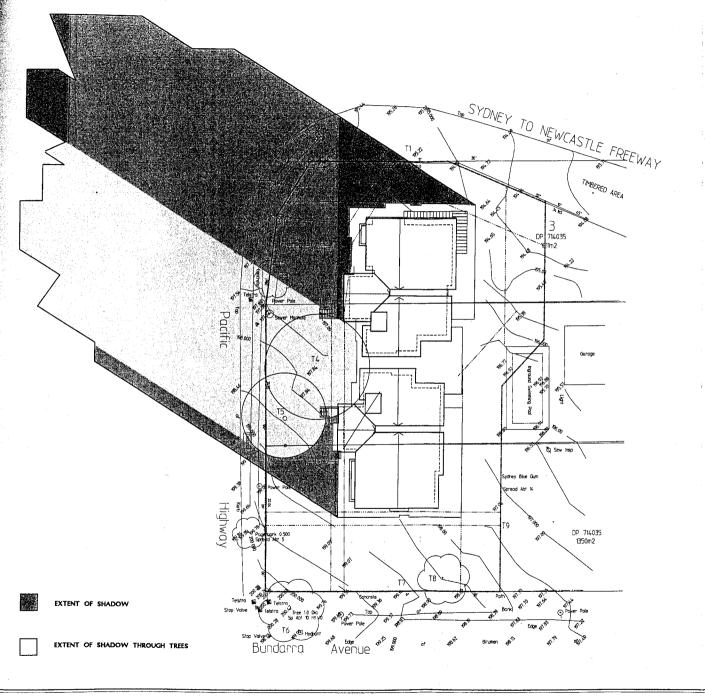


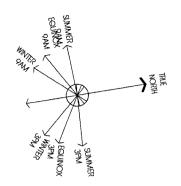


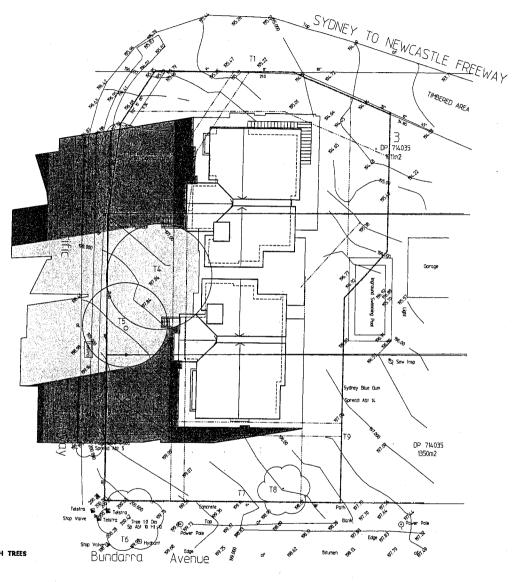


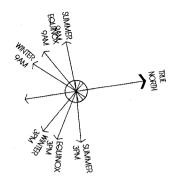












EXTENT OF SHADOW

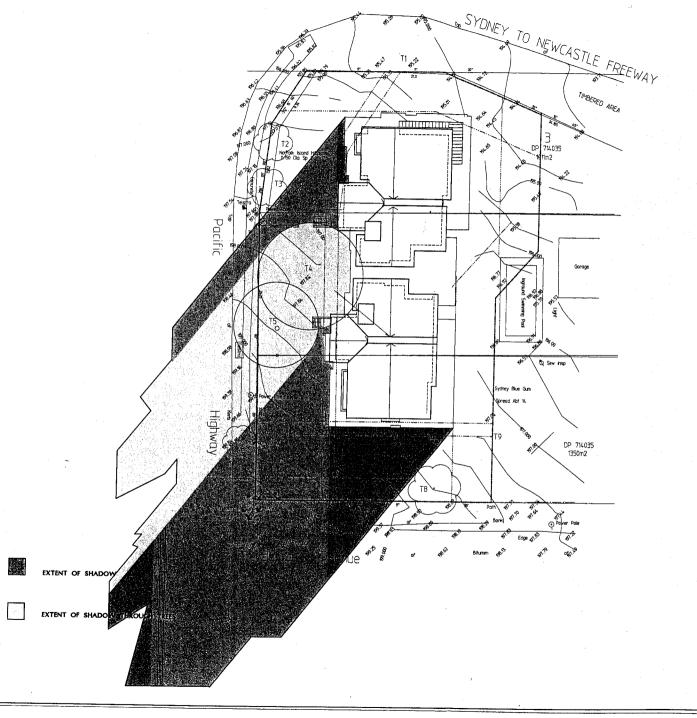
EXTENT OF SHADOW THROUGH TREES

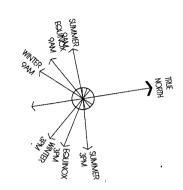
CLIENT:

BUNDARRA AVENUE PTY. LTD. (STALDONE DEVELOPMENTS)

RESIDENTIAL DEVELOPMENT
1689 - 1693 PACIFIC HIGHWAY, WAHROONGA
WOLSKI LYCENKO & BRECKNOCK ARCHITECTS
115 MELITARY ROAD NEUTRAL BAY 2089
TEL: 9953 8477 FAX: 9953 8557

SHADOW DIAGRAM 12:00 NIN 21 JUNE





CALE 1:200 OT DATE 20JUNGS

BUNDARRA AVENUE PTY. LTD. (STALDONE DEVELOPMENTS)

RESIDENTIAL DEVELOPMENT
1689 - 1693 PACIFIC HIGHWAY, WAHROONGA
WOLSKI LYCENKO & BRECKNOCK ARCHITECTS
115 MILTRAY ROAD NEUTRAL BAY 2089
FAX: 9633 4477
FAX: 9633 4657

SHADOW DIAGRAM 8:00 PM 21 JUINE

WSH03

# **DEVELOPMENT APPLICATION**

# **SUMMARY SHEET**

REPORT TITLE: 2, 4 & 6 BUNDARRA AVENUE,

WAHROONGA - DEMOLITION & CONSTRUCTION OF A RESIDENTIAL FLAT BUILDING CONTAINING 36 UNITS & BASEMENT CARPARKING FOR 66

CARS

WARD: Wahroonga

**DEVELOPMENT APPLICATION**  $N^{o}$ : 644/06

SUBJECT LAND: 2, 4 & 6 Bundarra Avenue, Wahroonga

APPLICANT: Bundarra Avenue Pty Ltd

OWNER: Yi Tan Tong, Gillian Watson, Adam Stewart

**DESIGNER:** Belbore Property Management

PRESENT USE: Residential

**ZONING:** Residential 2(d3)

HERITAGE: No

PERMISSIBLE UNDER: Ku-ring-gai Planning Scheme Ordinance (LEP

194)

COUNCIL'S POLICIES APPLICABLE: KPSO - LEP 194, DCP 31 - Access, DCP 40 -

Waste Management, DCP 43 - Car Parking, DCP 47 - Water Management, DCP 55 -

Railway/Pacific Hwy Corridor

COMPLIANCE WITH CODES/POLICIES: Yes

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

**COMPLIANCE WITH GOVERNMENT POLICIES:** Yes

DATE LODGED: 23 June 2006 40 DAY PERIOD EXPIRED: 2 August 2006

**PROPOSAL:** Demolition & construction of a residential flat

building containing 36 units & basement car

parking for 66 cars

**RECOMMENDATION:** Approval

DEVELOPMENT APPLICATION NO 644/06

PREMISES: 2, 4 & 6 BUNDARRA AVENUE,

WAHROONGA

PROPOSAL: DEMOLITION & CONSTRUCTION OF A

**RESIDENTIAL FLAT BUILDING** 

**CONTAINING 36 UNITS & BASEMENT** 

**CARPARKING FOR 66 CARS** 

APPLICANT: BUNDARRA AVENUE PTY LTD

OWNER: YI TAN TONG, GILLIAN WATSON, ADAM

**STEWART** 

DESIGNER BELBORE PROPERTY MANAGEMENT

#### PURPOSE FOR REPORT

To determine development application No. 644/06, which seeks consent for the demolition and construction of a residential flat building containing 36 units and basement parking for 66 cars.

#### **EXECUTIVE SUMMARY**

**Issues:** Setbacks, building articulation, floor space and zone interface.

**Submissions:** One submission received.

**Land & Environment Court** 

Appeal:

No appeal to the Land and Environment Court has been lodged.

**Recommendation:** Approval

### **HISTORY**

Local Environmental Plan No. 194 was gazetted on 28 May 2004, rezoning the site for the purpose of medium density housing.

# **Development application history**

Development application 124/05 for the construction of a residential flat building containing 31 units at No.'s 1689-1691 Pacific Highway was approved by Council on 6 September 2005. Post approval, the applicant acquired the property on the corner of Pacific Highway and Bundarra Avenue and has created 2 development sites being No.'s 1689-1693 Pacific Highway and No.'s 2-6 Bundarra Avenue (DA 736/06).

2, 4 & 6 Bundarra Avenue, Wahroonga DA0644/06 11 September 2006

A concurrent development application (DA No. 643/06) was lodged concurrently and involves a 5 storey residential flat building containing 35 units and parking for 49 cars on the sites to the south known as 1689-1693 Pacific Highway.

On 27 September 2006, amended plans were lodged amending the upper levels of the northern elevation so as to be fully compliant with the 9m interface zone setback control.

#### THE SITE AND SURROUNDING AREA

#### The site

Item 4

Zoning: Residential 2(d3) Visual Character Study Category: 1920-1945

Lot and DP Numbers: Lot 11 DP 703961, Lots 101 and 102 of DP 1043215 and

rear sections of Lots 3, 4 and 5 in DP 714 035

(consolidated under DA 736/06)

Area: 3003m<sup>2</sup>

Side of Street: Western side of Bundarra Avenue
Cross Fall: 5m from south to north-west
Stormwater Drainage: To F3 Freeway/underground pipe

Heritage Affected:

Required Setback:

Integrated Development:

Bush Fire Prone Land:

Endangered Species:

Urban Bushland:

No

Contaminated Land:

No

No

No

The development site comprises existing No.'s 2, 4 and 6 Bundarra Avenue and parts of three (3) existing lots currently known as No. 1689-1693 Pacific Highway (amalgamated under DA 736/06).

The subject development site measures 3003m² in area. One single storey dwelling exists on No. 2 Bundarra and a single storey duplex at 4-6 Bundarra Avenue. The rear section of 1691 Pacific Highway contains a garage.

The site is trapezoidal in shape and is bounded by No. 8 Bundarra Avenue to the north, Bundarra Avenue to the east, the Pacific Highway to the south and the F3 Sydney/Newcastle Freeway to the north-west.

A number of mature significant trees exist on the site including 4 x Sydney Blue Gums, 1 x Spotted Gum, two x 2 Brushbox's, 2 x Blackbutts, 3 x Jacarandas, 1 x Orange Wattle, 1 x NSW Christmas Bush and 1 x Camellia Sasanqua.

# SURROUNDING DEVELOPMENT

Development along Bundarra Avenue generally comprises older, low density housing (circa 1920s). Medium density housing, in the form of walk-up flats, is located between the site and the nearby Wahroonga Village Shopping area along Woonona Avenue South, Neringah Avenue South,

Coonanbarra Road and Redleaf Avenue. Buildings comprise a mixture of 1930's (along Warwilla Avenue), and 1950's-60's (along the Pacific Highway).

The Pacific Highway is located upon a ridgeline, with adjoining land falling away gradually to the north and south. The streetscape is dominated by large, mature trees. The site is surrounded by circa 1920's single storey brick bungalows and some multi-unit residential development. The site is located within walking distance of the Wahroonga Village Shopping Centre, service stations and the Wahroonga North Shore Railway station. The site has recently been rezoned to Residential 2(d3) to allow medium density development.

The sites located directly to the north (No. 8 Bundarra Ave) are zoned Residential 2(c) which means that No. 6 Bundarra Avenue is located at a zone interface under the provisions of LEP 194. Land opposite the site is zoned Residential 2(d) and Residential 2(d3).

#### THE PROPOSAL

The proposal involves the demolition of existing structures and the construction of a 5 storey residential flat building containing 36 residential units and 2 levels of underground parking to accommodate 66 cars.

The proposed building is constructed of a mixture of dark face brick work, metal framed pergolas and windows and doors, a metal roof and glazed windows and balustrades, some walls across the north and south elevations are rendered and painted a cream colour. The building will have a flat colourbond metal roof.

Vehicular access is proposed via Bundarra Avenue. Pedestrian access is provided by a walkway accessed from Bundarra Avenue. Landscaping is proposed surrounding the development and a communal open space area is provided to the rear of the development, adjacent the F3 corridor.

# **CONSULTATION - COMMUNITY**

In accordance with Council's Notification DCP, adjoining owners were given notice of the application. In response, one (1) submission was received:

M B Arnett - 1/17a Woonona Avenue, Wahroonga

The submission raised the following issues:

Impact on heritage items along Wonoona Avenue: 'The Briars', 'Sherwood', 'Fernlea' and 'Moana Circa'

The application has been discussed with Council's Heritage Advisor in relation to heritage impacts. The site is not located within a Heritage Conservation Area and does not directly adjoin any of the abovementioned heritage items. Under the KPSO, there are no heritage items listed along Bundarra Avenue or Pacific Highway, within the visual catchment of the site.

The heritage items raised within the objection are located along Wonoona Avenue, which is the next parallel street to the east. These items will not be visually or physically affected by the development due to separation distances.

Council's Heritage Advisor has commented that 'The Briars' site is located approximately 100m away from the proposed development and is not within the visual catchment of the site.

#### Increase in traffic, particularly along Everett Way

Everett Way is a small public laneway which connects Woonona Avenue South and Bundarra Avenue South, adjacent to Abbotsleigh Junior School. Due to the limited width of the laneway and its proximity to the school, the use of the lane by construction vehicles is inappropriate. **Condition No. 95** which requires the lodgement of a Construction Management Plan prior to any works commencing on the site has been modified to clearly indicate that Everett Way and Woonona Avenue are not to be used by construction vehicles.

# Damage to Council's infrastructure caused by construction works

Prior to any works commencing, Council requires payment of an Infrastructure Restorations Fee to cover the cost of any damage caused through the development process. Refer to **Condition No. 68**.

#### **CONSULTATION - WITHIN COUNCIL**

# **Urban Design Consultant**

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

# Principle 1: Context

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

#### Comment:

The proposed site is located on the western side of the Bundarra Avenue with the rear boundary to the Newcastle Freeway and is approximately 500mm from Wahroonga Railway Station.

The site is approximately 66m wide and has a depth ranging from approximately 35m to 58m and an area of  $3003m^2$ .

The built form context is comprised of-

- On the proposed site, three single storey detached residential dwellings fronting Bundarra Avenue.
- To the north, a recently completed two storey townhouse development
- *To the south, a detached residential flat building.*
- To the east are predominantly single detached residential dwellings zoned 2(d3) and two storey residential dwellings zoned 2(d3) and two storey residential flat buildings zoned 2(d).

The site contains a number of significant trees that will be retained to maintain the established character of the immediate area.

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

# Principle 2: Scale

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

# Comment:

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

The proposed building has a length of 54m to the street front, DCP 55 requires a maximum street frontage of 36m but the proposed building is sufficiently recessed and articulated for this to be acceptable.

# Principle 3: Built form

SEPP65: Good design achieves an appropriate built form for a site and the buildings purpose, in terms of building alignments, proportions, building type and the manipulation of building elements.

#### Comment:

All setbacks 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 site coverage is 35%, which is in compliance with LEP 194. The  $5^{th}$  level occupies approximately 60% of the floor area of the lower floors. There are 14 x 3 bedroom, 21 x 2 bedroom units and 1 x 1 bedroom unit. The density is acceptable.

# Principle 5: Resource, energy and water efficiency

SEPP 65: Sustainability is integral to the design purpose. Aspects include.... Layouts and built form, passive solar design principles,....soil zones for vegetation and re-use 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 2 hours sunlight between 9am and 3pm in mid-winter. There are no south-facing apartments.

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

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

The development has a deep soil landscaping area of 53%.

#### Principle 6: Landscape

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

#### Comment:

The landscape design is acceptable.

# Principle 7: Amenity

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

#### Comment:

Bedroom 2 in units 1, 9, 17 and 25 have a minimum dimension of 2.8m and therefore to not comply with DCP 55 4.5.4. Internal amenity C-3 which states 'one and two bedroom units

shall have a minimum plan dimension of 3m (excluding wardrobe space) in all bedrooms'. Floor space from bedroom 1 can be used in bedroom 2 to ensure a minimum dimension of 3m.

It should also be noted that all bedroom in the proposed building should have a minimum dimension of 3m and this should not be reduced in the Construction Certificate.

The proposed development has a high percentage of apartments receiving sunlight and cross ventilation.

There are no visual or acoustic issues and the apartments are, overall, efficiently designed.

# 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 maximizing activity on the streets, providing clear, safe access points, providing quality public spaces that cater for desired recreational uses providing lighting appropriate to the location and desired activities, and clear definition between public and private spaces.

#### Comment:

There are no perceived safety and security issues.

# Principle 9: Social dimensions

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

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

# Comment:

The mix of apartments is acceptable.

#### Principle 10: Aesthetics

SEPP 65: Quality aesthetics require the appropriate composition of building elements, textures, materials and colours and reflect the use, internal design and structure of the development. Aesthetics should respond to the environment and context, particularly to desirable elements of the existing character of the area.

#### Comment:

The aesthetics for the proposed development are acceptable.

#### Conclusions and recommendations

*It is recommended that:* 

- Apartments 1, 9, 17 and 25 comply with DCP 55 4.5.4 internal amenity design controls with regard to minimum plan dimension of 3m in bedroom 2.
- All bedrooms should have a minimum dimension of 3m, this should not be reduced in the Construction Certificate.

#### Comment:

The internal dimensions have been measured to comply with the requirements of DCP 55 part 4.5.4, however **Condition No. 60** has been recommended to ensure the bedroom dimensions do not change with the Construction Certificate drawings. The development proposed is considered acceptable with respect to internal and external amenity and is consistent with SEPP 65 and DCP 55.

#### Heritage

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

# Existing site

The existing site (referring to both sites: 1689-93 Pacific Highway and 2-6 Bundarra Avenue) contains two houses fronting the Pacific Highway and three houses fronting Bundarra Avenue. The houses are relatively modest houses constructed during several periods and are considered to have no heritage value. Demolition of several of the houses was approved in an earlier application. Demolition of all 5 houses on the site is considered acceptable provided archival recording is undertaken prior to work commencing.

#### **UCA**

The site is within the National Trust Urban Conservation Area No 26 (Mahratta). It should be noted that UCA 26 is a very large area and this site is on the northern edge of the UCA.

Clause 3.4 of DCP 55 provides design objectives and controls when a site is within a UCA.

# Nearby heritage items

Clause 61E of the KPSO requires Council to make an assessment of the effect of a proposed development on the heritage significance of nearby heritage items. Chapter 3.5 of DCP 55 provides design objectives and design controls for development for residential flat buildings "within the vicinity of a heritage item". There are a number of heritage items within the vicinity, but none are adjoining and the majority are located outside the visual catchment of the site. The nearby heritage items are:

4 / 10 2, 4 & 6 Bundarra Avenue, Wahroonga DA0644/06 11 September 2006

#### Item 4

"Vindan House" at 1712 Pacific Highway Lynton House at 1712A Pacific Highway "The Briars" at 14 Woonona Avenue

Vindan House and Lynton are located on the opposite the Pacific Highway but further to the south and are large two storey Federation houses which has been used by Abbotsleigh School for accommodation for a number of years. It is considered that due to the physical separation from the subject site, there would be very minor and acceptable impacts.

"The Briars" is a State heritage item and is also included as a local heritage item. The house is located on a battle axe lot with no direct visual access to the public realm. It is located a reasonable distance from this site and it is considered that this application would have minimal impacts on the item.

# Other nearby heritage items

"Poole House" at 26 Woonona Avenue 3 Woonona Avenue

"Poole House" is a large Federation house and is used by Abbotsleigh School as accommodation facility. It is further to the east and not within the visual catchments of this site. The house at No 3 Woonona Avenue is also considered to be out of the visual catchment of this development. Given the heritage requirements in the KPSO and the controls and guidelines in DCP 55 it is considered the proposed development would not impact on these items.

#### **Comments**

#### UCA.

The existing UCA is varied in architectural style, period and quality of buildings. It is one of the largest UCA's in Ku-ring-gai. Council has reviewed UCA 26 in detail. The consultant who undertook the review has recommended to exclude this site from the UCA.

The subject development is a relatively restrained contemporary design. The building is reasonably well articulated and uses a range of colours and surface finishes consistent with the UCA. With reference to DCP 55, this building would represent a scale different to the existing area which is characterised by one and two storey residential houses but is consistent with the desired future character of the area and the zoning of the site. Several other sites in Bundarra Avenue are also rezoned for medium density residential development. The buildings will be screened by existing trees and the design is generally consistent with the guidelines in Chapter 3.4 of DCP 55. The proposed development should have an acceptable level of impact on the UCA and is considered satisfactory.

#### Nearby heritage items

The nearby heritage items are a considerable distance from the subject site. With reference to the guidelines in DCP 55 the proposed application would not have any adverse impacts on the nearby heritage items and the proposed development is considered satisfactory.

#### Conclusions

Demolition of the existing houses on the site is acceptable provided archival recording of each building is undertaken before works commence on the site. The application is generally consistent with the objectives and guidelines in DCP 55 for development within a UCA and within the vicinity of heritage several items. The development is considered satisfactory and is supported.

The application will not result in adverse heritage impacts and is acceptable. **Condition No. 62** requires the submission of an archival report.

# Landscaping

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

#### The site

It is proposed to demolish the existing dwellings and associated structures and construct a five storey residential flat building, with basement car parking, on the amalgamated site of 3003sqm with vehicular access from Bundarra Ave. The site is characterised by an established landscape setting with mature trees, shrubs, within formal garden beds and grassed areas. The site is generally unkempt, with the exception of one property that is well maintained, existing trees are outwardly in good health and condition. The site is dominated by numerous mature Eucalypts that are endemic to the area, located adjacent to the rear and front site boundaries.

#### Drainage plan

Landscape Services raises no objections to the proposed drainage works, subject to specific excavation conditions to minimise potential tree impacts.

# Deep soil landscaping

The proposed development exceeds, and therefore complies, with minimum deep soil landscape area requirements.

# Impacts on trees/Trees to be removed/Tree replenishment

The consulting arborist, Stuart Pittendrigh has identified eighteen (18) trees within his report as being located on or associated with the site, of which it is proposed to retain the most significant trees being #'s 10, 11, 12, 19 and 27. The remaining trees located on site are to be removed as they are either Urban Environmental Weed Species, are located within the proposed building footprint or are in poor condition/decline. The most significant tree proposed for removal located on site is tree #9, Eucalyptus saligna (Sydney Bluegum),

located adjacent to the western site boundary. The tree is centrally located between two proposed five storey residential buildings. The applicant's arborist has recommended removal of the tree to accommodate the proposal on the subject site. Justification for the removal of the tree has been given as a result of the proximity of the two five storey residential flat buildings on each side of the tree, and the conflict with the required Tree Protection Zone to preserve the tree which would in the arborist's opinion limit the development area of the site. The consulting arborist has not provided in his report any detail as to what the Tree Protection Zone would be, whether or not it relates to the canopy or the root zone, or both. After consultation within council with appropriately qualified staff, Council does not consider the justification given as being reason enough to remove an otherwise outwardly healthy and significant tree that is endemic to the area. Given the tree's location immediately adjacent to the proposed site boundary, it is considered by the author that the proposed development could still retain the tree, and other significant trees, while achieving development yields. After discussion and further consideration, it is considered that the subject tree can be retained without requiring design changes, for the medium to long term. It will be conditioned for the tree to be retained with specific protective measures and arborist supervision at the time of excavation to observe the extent of root severance that may occur.

Subject to conditions, the application can be supported by Landscape Services.

Refer to Condition No.'s 35-44, 76-79, 85-90, recommended by Council's Landscape Development Officer.

# **Development Engineer**

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

*The following documentation was used for the assessment:* 

Metroplan Statement of Environmental Effects dated June 2006; AFCE Environment + Building Concept plans 363046/B1 to B4, all Issue 1; Geotechnique Pty Ltd Geotechnical Appraisal letter, dated 18 January 2005; Belbore Project Management Environmental Site Management Plan, dated June 2006; Transport and Traffic Planning Associates Assessment of Traffic and parking implications 0654, June 2006;

BASIX Certificate 78334M;

 $Wolski\ Lycenko\ \&\ Brecknock\ Architects\ drawings\ DA00\ to\ DA05;$ 

T.J. Gilbert & Associates Site detail and level survey, dated 6/04/04.

# Water management

The site has gravity fall to the F3 Freeway road reserve and the stormwater concept plan shows runoff being connected to an underground stormwater pipe. This is acceptable. Roads and Traffic Authority (RTA) approval will be required for the works associated with the

connection. This approval can be obtained before issue of the Construction Certificate and it is expected that the RTA will provide conditions for the undertaking of the works.

The BASIX Certificate requires 35m3 of roofwater to be retained and used for toilet flushing, clothes washing, irrigation and car washing. This level of re-use is compliant.

On site detention is also shown in the combined tank, with a volume of 39m3, which is as required by DCP 47.

# Traffic generation

The development is expected to generate some 15 to 20 vehicle trips per peak hour. That is approximately 1 vehicle movement every three minutes and will be mostly in the direction of the peak flow. This is not expected to adversely affect the traffic flows in the surrounding road network.

# Parking and vehicular access

The site is further than 400 metres from Wahroonga Station, so 50 resident and 9 visitor parking spaces are required. The plans indicate 57 resident and 9 visitor spaces, which complies. The dimensions of the entry drive and parking spaces comply with AS2890.1. It is proposed to provide a traffic signal at the ramp between the two basement levels. This will be satisfactory given the low traffic flows on the ramp.

# Waste management

A garbage room and collection area is shown on the upper basement level. The security gates are well past this area. The driveway ramp grade is adequate and manoeuvring is available. An easement for waste collection will be required.

# Council infrastructure

There is no kerb and gutter along the site frontage. The applicant will be required to construct road shoulder and kerb for the full frontage of the development. Upright kerb and/ or a small sandstone facing to the existing bank would be acceptable (refer to Condition No. 76).

The construction of the vehicular crossing and layback will necessitate some regrading of the nature strip because of the Australian Standard requirements that the access be at 5%. These details can also be shown on the plans which will need to be submitted to Council for approval under the Roads Act. Refer to Condition No. 70.

# Construction management

Construction vehicle access to the site will be via Pacific Highway and Bundarra Avenue. Everett Way is not suitable for large vehicles. Bundarra Avenue is not wide enough for two

vehicles to pass if cars are parked on each side of the road, so a condition is recommended that the applicant liaise with Council in investigating whether No Parking restrictions will be required, prior to the commencement of any works. Refer to **Condition No. 95.** 

# Geotechnical appraisal

A detailed geotechnical investigation is recommended following demolition and prior to commencement of bulk excavation works. The engineer expects the site to be underlain by Ashfield Shale within about 3-5 metres of the surface. The report of the detailed investigation will contain recommendations for excavation methods and support and vibration monitoring. Dilapidation survey of the structures at 8 Bundarra Avenue will be required. Refer to Condition No. 98).

The application is supported subject to conditions.

Refer to Condition No.'s 47-58, 70-76, 94-96, 103-114 in the recommendation.

#### 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 building across New South Wales and provide an assessment framework and design code for assessing 'good design'. Part 3 of the SEPP institutes a 'design review panel' to provide an independent, open and professional review of designs submitted to councils for approval. A design verification has been submitted detailing that D Wolski (the designer) is registered with the Institute of Architects.

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 connection with the comment of Council's *Urban Design Consultant* provided above. The proposal is assessed against the heads of consideration, as follows:

# **Principle 1: Context**

Good design responds and contributes to its context which is defined by existing built and natural features and 'desirable elements' attributed to an area.

The suburb of Wahroonga is formed by a grid subdivision pattern consisting of large landholdings surrounding the railway line/Wahroonga Station, village shops, schools and churches. The corridor of the Pacific Highway is located on a ridgeline and accommodates a mixture of older style housing stock, some inter and post-war walk up flat buildings, educational establishments and commercial uses.

Large dwellings are set within large, landscaped curtilages. Architectural styles and landscaping are characteristic of the 1900-30's period. Intricate original federation cottages are mixed with some larger brick homes and flats.

Areas along Pacific Highway corridor were rezoned in 2004 for the purpose of medium density housing. The rezoning provides development parameters, including setbacks, heights and floor space, which anticipates new form of development.

Although the development proposed is significantly larger in bulk than existing, surrounding, development, it will be compliant with the established objectives and development controls of LEP 194. The proposed development maintains the landscaped context by allowing maximum retention of existing tall canopy trees and supplementary planting with locally occurring species.

Subject to conditions, the materials of construction and finish are considered representative of local architectural styles (dark recessive colours and face brick).

# **Principle 2: Scale**

The scale of new development should suit that of the street and surrounding development. The scale should be in keeping with the 'desired future character of the area'.

The proposed development complies with the development standards contained in LEP 194 and is consistent with the scale and built form design controls and assessment criteria contained within DCP 55. The building has an appropriate setback and landscaped curtilage. The design accords with the requirements of SEPP 65. The building is adequately articulated and set back behind vegetation, providing visual relief and interest, without detracting from the streetscape. The scale of the proposed development is satisfactory.

# **Principle 3: Built form**

Design should be appropriate for a site and the purpose of a building. Building alignment, proportions, types and elements should define the public domain, contribute to visual character and provide internal amenity and outlook.

The design, alignment, proportions and elements are consistent with applicable guidelines. The development achieves adequate articulation and screening within the streetscape and internal amenity and outlook for occupants.

# **Principle 4: Density**

Density (including floor space and number of dwellings) should be appropriate for a site and context. Densities should be sustainable and in precincts undergoing a transition, should be consistent with the desired future character stated in the relevant planning instruments.

LEP 194 aims to increase housing density and choice and residential amenity, without compromising the natural environment and character of the area.

The development complies with Council's development standards and controls relating to density. The proposal achieves a high level of residential amenity for occupants, without adversely impacting on the visual amenity of the area.

# Principle 5: Resource, energy and water efficiency

The proposal is acceptable with respect to sustainability and resource availability. More than 70% of the apartments achieve greater than 3 hours of sunlight to living areas between 9am and 3m in mid-winter. No single aspect, south-facing units are provided and adequate cross ventilation is provided.

#### **Principle 6: Landscape**

Landscape and building should operate as integrated and sustainable systems resulting in 'greater aesthetic quality' and amenity for occupants and the public domain. Landscape should build on the sites' natural and cultural features, provide habitat for local biodiversity and fit the development within its context.

Landscaping should optimise useability, benefits to neighbours and provide for long term management.

LEP 194 Clause 25I (2) provides a minimum standard for deep soil landscaping. DCP 55 also contains specific requirements in relation to the location, composition and design of deep soil landscaping, with the objective of ensuring that multi-unit housing within Ku-ring-gai maintains consistency with the existing, unique character of the area. Deep soil landscaping must be designed to optimise useability, provide effective screening to neighbours and the streetscape and promote long term management and protection.

The proposal provides landscaping to comply with LEP 194 Clause 25I (2). Council's Landscape Development Officer has assessed the submitted landscape plan and, subject to conditions, the concept provided meets the objectives of DCP 55 and integrates the built form appropriately with the surrounding area.

#### **Principle 7: Amenity**

Good design provides amenity through the physical, spatial and environmental quality of a development including considerations such as room dimensions and shapes, solar access, ventilation, privacy, storage, indoor and outdoor space, outlook and access.

DCP 55 contains specific development objectives and guidelines with respect to achieving a high level of amenity in accordance with Principle 7 of SEPP 65. The proposal complies with the residential amenity controls including: open space areas, minimum room sizes, storage, outlook, solar access and ventilation.

#### **Principle 8: Safety and security**

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

The proposed development provides for appropriate passive surveillance and does not create entrapment areas. The development is consistent with SEPP 65 in this regard.

# **Principle 9: Social dimensions**

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

Refer to detailed discussion of *DCP 55 Clause 4.7 'Social Dimensions'*. The proposal provides housing for a mixture of income levels, family structures and accessibility levels and is consistent with both the SEPP and DCP 55.

# **Principle 10: Aesthetics**

Composition of building elements, textures, materials and colours should reflect the use of the development, its environment and desirable elements of the streetscape. Aesthetics of a building should contribute to the desired future character of areas undergoing transition.

An assessment of the aesthetics of the design and its consistency with the design principles of SEPP 65 has been made by Council's Urban Design Consultant. The design, articulation and proposed construction of the building are appropriate for the surrounding local context and is acceptable in terms of aesthetics.

# Residential Flat Design Code

#### Relating to the local context:

The building envelope, in terms of setbacks, is considered satisfactory having regard to the desired future character of the locality. This is discussed in more detail below, under the provisions of SEPP 65 and DCP 55.

# Site analysis:

An appropriate site analysis was submitted, indicating building edges, landscape response, access, parking and building performance.

In terms of site configuration, the proposal is considered to provide 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 in detail within this report.

# **Building design:**

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 under SEPP 65 and DCP 55.

# State Environmental Planning Policy No 55 - Remediation of Land

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

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

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

SREP 20 applies to land within the catchment of the Hawkesbury Nepean River. The general aim of the plan is to ensure that development and future land uses within the catchment are considered in a regional context. The SREP include strategies for the assessment of development in relation to water quality and quantity, scenic quality, aquaculture, recreation and tourism.

The development has the potential to impact on water quality and volumes to the catchment.

The recommended conditions of consent will require the submission of stormwater management in accordance with Council's DCP 47. This will ensure that the effects of introduced hard surfaces will be contained and not affect the Hawkesbury Nepean River Catchment.

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

	COMPLIANCE TABLE	
Development standard	Proposed	Complies
Site area (min): 1200m <sup>2</sup>	$3003 \text{m}^2$	YES
<b>Deep landscaping (min):</b> 50%	53%	YES
Street frontage (min): 23m	66.46m	YES
Number of storeys (max): 5	5	YES
Site coverage (max): 35%	35%	YES
<b>Top floor area (max):</b> 60% of level below	60%	YES
Storeys and ceiling height	5 & 13.4m	YES
( <b>max</b> ): 5 and 13.4m		
Car parking spaces (min):		
• 9 (visitors)	9	YES
• 50 (residents)	57	YES
• 59 (total)	66	YES
Zone interface setback (min):	9m (top 2 storeys to north)	YES
9m		
Manegeable housing (min):	11% (4 dwellings)	YES
10%		
<b>Lift access:</b> required if greater than three storeys	Yes, 2 lifts provided	YES

# Zone interface (cl.25L):

The northern boundary of the site is a zone interface with adjoining land zoned Residential 2(c). Clause 25L of LEP 194 requires a transition between the scale of buildings between different zones. The third and fourth storey of any building within Zone 2(d3) must be set back at least 9 metres from any boundary with an adjoining zone.

The third and fourth storeys of the northern elevation comply with this control as indicated in the *Compliance Table*.

# 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	
<b>Development control</b>	Proposed	Complies
Part 4.1 Landscape design:		
Deep soil landscaping (min)		
• Min area 1 x 150m <sup>2</sup> per	_	
$1000 \text{m}^2$ of site area =	$1600 \mathrm{m}^2$	YES
450m <sup>2</sup>		
No. of tall trees required		
( <b>min</b> ): 10 trees	34 trees	YES
Part 4.2 Density:		
<b>Building footprint (max):</b>		
• 35% of total site area	35%	YES
Floor space ratio (max):		
• 0.1.3:1	1.35:1	NO
Part 4.3 Setbacks:		
Street boundary setback		
(min):		
• 13-15 metres (<40% of	8.5-10m (basement)	NO
the zone occupied by	10-16m (ground)	NO
building footprint)		
Rear boundary setback		
(min):		
• 6m	Range 5.8-24m	NO
Side boundary setback		
(min):		

	COMPLIANCE TABLE	
Development control	Proposed	Complies
• 6m	5.2m-9m (basement to south boundary)	NO
	6m-9m (basement level to north boundary)	YES
	9m (façade ground floor and upper levels to north)	YES
	6m (façade ground and upper levels south)	YES
Setback of ground floor		
courtyards to street		
boundary (min):		
• 8m/11m	7.5-10m	NO
% of total area of front		
setback occupied by private		
courtyards (max):		
• 15%	<15%	YES
Part 4.4 Built form and articu	lation:	I
Façade articulation:	>600mm	VEC
• Wall plane depth	>ouumm	YES
>600mm	.01 2	MEG
• Wall plane area <81m <sup>2</sup>	<81m <sup>2</sup>	YES
Built form:		
<ul><li>Building width &lt; 36m</li></ul>	51m (Bundarra Avenue)	NO
<ul><li>Balcony projection &lt;</li></ul>	<1.2m	YES
1.2m	\1.2m	T LS
Part 4.5 Residential amenity		
Solar access:		
>70% of units receive 3+	>70%	YES
hours direct sunlight in		
winter solstice		
>50% of the principle	>50%	YES
common open space of		
the development receives		
3+ hours direct sunlight in		
the winter solstice		
<15% of the total units are	No units with single aspect western orientation	YES
single aspect with a		
western orientation		
Visual privacy:		
Separation b/w windows and		
balconies of a building and		
any neighbouring building on		
site or adjoining site:		

COMPLIANCE TABLE		
<b>Development control</b>	Proposed	Complies
	In respect to the development at 1689-1693 Pacific	
Storeys 1 to 4	Hwy	YES
• 12m b/w habitable rooms	12m	YES
• 9m b/w habitable and non-	9m	
habitable rooms		YES
• 6m b/w non-habitable	12m	
rooms		
5th Storey		YES
• 18m b/w habitable rooms	20m	YES
• 13m b/w habitable and	19m	YES
non-habitable rooms		
• 9m b/w non-habitable	15m	YES
rooms		
	15m separation provided between ground floor living	YES
	areas and adjoining dwelling at No. 8, 20m separation	
	at top floor level	
Internal amenity:		
<ul> <li>Habitable rooms have a</li> </ul>	2.7m	YES
minimum floor to ceiling		
height of 2.7m		
• Non-habitable rooms have	2.4m	YES
a minimum floor to		
ceiling height of 2.4m		
• 1-2 bedroom units have a	>3m	YES
minimum plan dimension		
of 3m in all bedroom		
• 3+ bedroom units have a	>3m	YES
minimum plan dimension		
of 3m in at least two		
bedrooms		
• Single corridors:		
- serve a maximum of 8	4 units	YES
units		
->1.5m wide	1.5m	YES
->1.8m wide at lift	>1.8m	YES
lobbies		
Outdoor living:		
<ul> <li>ground floor apartments</li> </ul>	>25m <sup>2</sup>	YES
have a terrace or private		
courtyard greater than		
25m <sup>2</sup> in area		

	COMPLIANCE TABLE	
<b>Development control</b>	Proposed	Complies
Balcony sizes:		
$-10\text{m}^2 - 1 \text{ bedroom unit}$	$12m^2$	YES
$-12m^2 - 2$ bedroom unit	$12m^2$	YES
$-15m^2 - 3$ bedroom unit	$15\text{m}^2$	YES
NB. At least one space >10m <sup>2</sup>		
<ul> <li>primary outdoor space has</li> </ul>	>2.4m	YES
a minimum dimension of		
2.4m		
Part 4.7 Social dimensions:		
Visitable units (min):		
• 70%	100%	YES
Housing mix:		
Mix of sizes and types	Mix of 1, 2 and 3 bedroom units	YES
Part 4.8 Resource, energy and	water efficiency:	
Energy efficiency:		
• >65% of units are to have	70%	YES
natural cross ventilation		
<ul> <li>single aspect units are to</li> </ul>	9m maximum depth	YES
have a maximum depth of		
10m		
• 25% of kitchens are to	100%	YES
have an external wall for		
natural ventilation and		
light		
• >90% of units are to have	BASIX compliant	YES
a 4.5 star NatHERS rating		
with 10% achieving a 3.5		
star rating		
Part 5 Parking and vehicular	access:	
Car parking (min):		
• 9 resident spaces	9 spaces	YES
• 50 visitor spaces	57 spaces	YES
• 59 total spaces	66 spaces	YES

# Part 2: Elements of good design

Part 2 of the DCP contains broad guidelines and controls relating to appropriate design for Ku-ringgai.

Elements relate to the integration of a building with the local area and the scale, articulation and entry presentation of a building within the streetscape.

A building should provide a clear identity for the street. Entries should relate to the street and be clearly identifiable within the public domain.

Materials of construction should respond to the existing pattern characteristic of the area, such as dark or red brick, timber or copper. Buildings set well back from the street should be surrounded by a dense tree canopy. Lift overruns and mechanical ventilation equipment should be integrated into the overall building design.

Buildings should be considered 'in the round', rather than being designed as a series of unrelated facades. The number and distribution of elements across the façade determines the simplicity and complexity of a building. Buildings should respond to their orientation using elements such as recesses, awnings, light shelves and environmental controls.

The building has been sited and designed to retain numerous existing trees and landscaping within the Bundarra Avenue frontage. The flat roof-line will minimise the perceived bulk of the development and allow visibility through to the existing canopy trees surrounding the building, particularly the stand of Blue Gums adjacent the rear boundary of the site/F3. The front façade of the building which faces Bundarra Avenue is articulated with steps meaning that the building appears as two separate building forms. Furthermore, variation is provided across the building planes and a mixture of materials used for visual interest. The primary access points for vehicles and pedestrians are provided directly from Bundarra Avenue and the building has a clear identity

#### Part 3 Local context:

Development should be consistent with the stated desired future character of the residential 2(d3) zone and not detract from the existing character of adjoining or surrounding areas.

LEP 194 Clause 25 contains objectives in relation to the desired future character of the area including: to encourage the protection and enhancement of the environmental and heritage qualities of Ku-ring-gai, preserve biodiversity, preserve and replenish the existing tree canopy, protect natural watercourses and topographical features and achieve high quality architectural and urban design. Development should respect heritage items within the vicinity.

There are no heritage items within the vicinity to be adversely affected by the proposed development. The site is located within the Mahratta Urban Conservation Area (UCA No. 26).

The development is acceptable in urban design and landscaping terms and protects the 'treed' and landscaped character of the area in accordance with LEP 194 and DCP 55. The submitted landscaping plan provides for the replenishment of indigenous trees characteristic of the locality and provides visual consistency with the other developments and properties along the Pacific Highway corridor.

The style and materials of construction and lack of front fencing are considered to be suitable and reflective of the local context.

#### Part 4.1 Landscape design:

Development should reinforce the landscaped and 'treed' character of the area. Deep soil planting is to be established surrounding built form to increase visual amenity and screening and to maintain consistency with the surrounding garden dominated landscape.

The proposal complies with the numerical requirements of the LEP and DCP in relation to the ratio of built form to deep soil landscaping and tree replenishment provided.

The landscape concept, planting to integrate the development with the surrounding area, provides for on-site water management, locally occurring species, screening for surrounding developments and acceptable tall canopy trees within the streetscape of F3 freeway and Bundarra Avenue. However, in order to maximise common open space areas and opportunities for tall screen planting, private courtyard areas associated with units 2, 3, 7 and 8 that encroach within the 6 metre side setback shall be deleted by **Condition No. 65**. It is considered that the retention of the side setback areas as common open spaces allows for the provision and long term retention of vegetation.

# Part 4.2 Density:

Site density should be balanced with the need to provide appropriate deep soil landscaping on a site. The proposed development achieves a floor space ratio of 1.35:1 which exceeds the 1.3:1 control contained within Part 4.2 of DCP 55.

The site density design objective of DCP 55 is to ensure development is in keeping with the optimum capacity of the site, the desired future landscape and built character of the area.

The proposed development complies with the siting and density controls contained within LEP 194. The development is in context with the desired future character of the area and Council's objective of ensuring built form is balanced within a landscaped context. Consequently, the proposed departure from the floor space ratio control is minor and is insignificant in terms of the overall bulk of the development. The proposed dwelling yield is appropriate for the site and the environmental capacity of the area.

# Part 4.3 Setbacks:

Front setbacks

The objectives of setback controls under DCP 55 include: to ensure that the scale of buildings are compatible with the desired streetscape character, to set buildings behind gardens and canopy trees and to provide a consistent urban form and definition from the street edge.

Part 4.3 of DCP 55 requires a 13m-15m front setback when a site has a depth of more then 45m and a width of more than 35m. The subject site has a frontage of 51m and an average depth of 44m, and as is therefore subject to the increased setback. The DCP states that variation may be allowed where the 13m-15m setback will result in the loss of significant vegetation and other standards in the DCP and LEP 194 are compromised. Part 4.3, Clause 3 stipulates that the setback extends both above and below ground level and applies to all built elements of the development, including car parking.

At basement level, the proposed building has a front setback of 8.5-10m which does not comply. The extent of the non-compliance is 114m<sup>2</sup> and represents only 9% of the footprint of the basement

level. This non-compliance is not visible and will not adversely affect the streetscape or the ability to plant tall canopy trees.

At ground level and above, the building achieves a varying front setback ranging between 10m and 16m which provides for the stepping and visual articulation of the building.

The F3 Freeway forms an uneven rear boundary from north to south so the site has an irregular shape and a varying depth. A significant stand of Sydney Blue Gums exists to the rear of the site, adjacent the rear boundary toward the centre of the site (trees No. 10, 11 and 12). Another Sydney Blue Gum exists along the front boundary at the north-eastern corner of the site. Council's Landscape Development Officer considers these trees to be particularly significant and worthy of retention through the development. These trees add to the overall tree canopy of the area and will provide ongoing amenity and character for the development. The proposed design allows for the retention of all these Blue Gums. The design of the building has accommodated the retention of these trees. The retention of these trees would not be possible, if the building was required to fully comply with the front setback control. When assessed against the 10-12m setback control, the above ground elements of the building comply with the DCP.

As the building is stepped along the Bundarra frontage, adequate setback is provided to articulate and diminish the overall physical bulk of the building and provide planting in the foreground. Some courtyard areas encroach within the 8m setback required by DCP 55. In order to provide additional planting within the front setback, these courtyard areas are recommended to be deleted from the plans by **Condition No. 61**.

#### Side setbacks

With the exception of minor (300mm) breaches of the side setback control at basement level, the building complies with the 6m side setback controls. Sufficient area exists within the side setbacks to allow for tree retention and deep soil landscaping. Adequate separation is provided between the subject building, the building proposed on the southern adjoining site and the adjoining interface site (refer to setback comments under *LEP 194*).

#### Rear setback

DCP 55 contains a rear setback control of 6m. At basement level, the building breaches this control by 100mm. At ground floor level, the external stairs leading from the basement, breach the control by 300mm. Otherwise, the building complies well with the rear setback control ranging from 6m at the narrowest section of the site (north) to 24m from the rear boundary at the widest section of the site (south). The building complies with the objectives of the setback control and is satisfactory.

#### Part 4.4 Built form and articulation:

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

Soft landscaped features should be evident within the streetscape and building elements should be integrated into the overall building form.

The following specific guidelines apply in the assessment of the articulation of a building:

- Facades to the public domain should be articulated by wall planes varying in depth by not less than 600mm;
- No single wall plane should exceed 81m<sup>2</sup> in area and the width of a single building on any street-facing elevation should not exceed 36m;
- Balconies should not project more than 1.2m from the outermost building façade;
- Service elements should not be visible and should be integrated into the design of the roof;
   and
- Unit arrangements are to respond to site opportunities and constraints.

The development generally complies with the above numerical controls, with the exception of the façade length control. C-3 stipulates that the width of a building on any elevation facing the street should not exceed 36m.

The building is designed as a long, narrow structure which runs on a north/south axis. The building was sited to allow for the retention of a significant stand of Sydney Blue Gums, located adjacent the rear south-western boundary of the site. As a result, the building achieves a total width at Bundarra Avenue of 51m which exceeds the maximum building width control set by DCP 55 by 15m.

Part 4.4, C-4 of the DCP stipulates that where a building length is greater than 36m, the non-compliance should be justified by the applicant and that the building should be *sufficiently recessed* and/or articulated so as to present to the street as a separate building.

The design objectives of the façade length control of Section 4.4 DCP 55 include to ensure: buildings are of a high architectural quality, there is a predominance of soft landscape features, a mitigated change in scale between new development and existing lower density housing and varied articulation in building design.

The front façade of the building is stepped and 2 distinct entry points are provided, physically breaking the building up into 3 elements. The building form has been designed to retain the significant trees on the site. The use of materials, balcony and window openings and varied materials of finish across the façade adds visual interest and relief to reduce the overall impact of the building length. It is evident that the design of the development was in response to Council's requirement to retain the stand of Sydney Blue Gums.

The non-compliance is considered to be justified and is supported. The development will not result in adverse streetscape impacts and is consistent with the desired future character of the subject medium density residential zone.

# Part 4.5 Residential amenity:

Building layouts, orientation and provision of outdoor space and landscaping should maximise internal and external amenity for occupants.

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

The development complies fully with the controls contained in Part 4.5. Notwithstanding, the top floor balconies have the potential to look toward the north over the northern adjoining interface zone. **Condition No. 115** is recommended required the placement of fixed 1m high planter boxes with minimum 500mm high screen planting above, to prevent any direct overlooking in this direction. These planted boxes will be provided inside the proposed balustrades.

On June 21, shadow cast by the development will affect the existing site to the south (1689-1693) Pacific Highway between 9am and 12 noon and will move away from the adjoining site and over Bundarra Avenue at 3pm. The proposal allows adequate solar access for surrounding dwellings and is considered acceptable in relation to residential amenity.

# 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 courtyards and balconies along the eastern elevation of the building overlook the proposed pedestrian entry path, allowing acceptable passive surveillance. No detail is provided as to the lighting of pathways, **Condition No. 64** requires the submission of lighting detail prior to release of the Construction Certificate.

#### Part 4.7 Social dimensions:

The proposed provides 10% 'manageable units' (4), in accordance with LEP 194 Clause 25N.

An access report was submitted with the application. The proposal provides sufficient accessibility through the building, creating 100% of units being 'visitable', as defined by DCP 55.

The proposal provides an appropriate mix of 1, 2 and 3 bedroom units and accessible housing to meet market demand for a range of medium density accommodation needs.

#### Part 4.8 Resource, energy and water efficiency:

The development has been supported with a BASIX certificate, which indicates that the development complies in terms of water and energy efficiency.

# Part 5 Parking and vehicular access:

Car parking is provided in accordance with the numerical requirements of LEP 194 and DCP 55 and DCP 43 Car Parking for resident, visitor and accessible parking spaces. Four (4) accessible

parking spaces are provided for the manageable units and one (1) accessible visitor space is provided. Bicycle and garbage storage are provided as required.

# **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 \$627, 252.72, which is required to be paid by **Condition No. 77**. This rate is calculated on the basis of 1 x 'small' dwelling, 21 x 'medium' dwellings and 14 x 'large' dwellings. A credit is given for the 2 x 'very large' dwellings existing on the site.

# LIKELY IMPACTS

The likely impacts of this development have been addressed within this assessment report under the relevant planning considerations and in the discussion of submissions received. The proposed development is consistent with Council's objectives and development criteria for the Residential 2(d3) zone. The development will provide increased housing density without adversely impacting on the environment or unduly impacting the residential amenity of existing occupants of the area.

# SUITABILITY OF THE SITE

The site is suitable for the development proposed.

#### **ANY SUBMISSIONS**

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

#### **PUBLIC INTEREST**

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

#### ANY OTHER RELEVANT MATTERS CONSIDERATIONS NOT ALREADY ADDRESSED

There are no other maters for discussion.

# **CONCLUSION**

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

# **RECOMMENDATION:**

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

THAT the Council, as the consent authority, grant development consent to DA 644/06 for demolition and construction of a residential flat building containing 36 residential dwellings and car parking for 66 cars on land at 2-4 Bundarra Avenue, Wahroonga, for a period of two (2) years from the date of the Notice of Determination, subject to the following conditions:

#### **GENERAL CONDITIONS**

- 1. This consent relates to work shown in colour on plans numbered DA01 and DA01, DA03a-DA05a and DA06-DA10, Comp\_01-\_02 and SA01, drawn by Wolski Lycenko and Brecknock and Associates, and endorsed with Council's approval stamp and Landscape Plans No. 26.06/071 and 26.06/73 drawn by Ian Jackson dated April 2006, except where amended by the following conditions:
- 2. For the purpose of ensuring the compliance with the terms of the approval, an approved copy of the plan and this Consent and Construction Certificate shall be kept on site at all times.
- 3. For the purpose of safety and amenity of the area, no building materials, plant or the like are to be stored on the road or footpath without the written approval being obtained from the Council beforehand. The pathway shall be kept in a clean, tidy and safe condition during building operations. Council reserves the right, without notice, to rectify any such breach and to charge the cost against the applicant/owner/builder, as the case may be.
- 4. HOURS OF WORK: For the purpose of residential amenity, noise generating work carried out in connection with building and construction operation, including deliveries of building materials and equipment, is restricted to the following hours: Mondays to Fridays inclusive: 7.00am to 5.30pm. Saturdays: 8.00am to 12.00 noon. Sundays and Public Holidays: Not Permitted. The use of the following items of plant on the site is also restricted to the abovementioned hours: compressors, bulldozers, power operated woodworking machines,

excavators and loaders, jackhammers, Ramset guns, concrete mixers and concrete delivery wagons, hoists, winches, welding and riveting plant.

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

- 5. For the purpose of public safety, a sign shall be erected on the site prior to any work commencing which is clearly visible from a public place stating that unauthorised entry to the site is not permitted and showing the name of the builder or another person responsible for the site and a telephone number for contact outside working hours. The sign may only be removed on satisfactory completion of the works.
- 6. A sign shall be erected in a prominent position on the site which states the name and contact details of the Principal Certifying Authority.
- 7. All excavations shall be properly guarded and protected with hoardings or fencing to prevent them from being dangerous to life and property.
- 8. To maintain existing ground levels all excavated material shall be removed from the site.
- 9. Any excavation of rock involving hydraulic or compressed air rock hammers or other excavation equipment shall comply with the requirements of Council's Code for the Control and Regulation of Noise on Building Sites.
- 10. No rock breaking or other machinery for the excavation, drilling or removal of rock shall be used on the site without the prior approval of the Principal Certifying Authority. Should rock breaking or associated machinery be required, the following details are to be submitted to the Principal Certifying Authority for consideration:
  - a. The type and size of machinery proposed.
  - b. The routes of all trucks to convey material to and from the site.
  - c. A report by a Geotechnical Engineer detailing the measures recommended in undertaking the work so as to prevent any damage to any adjoining or nearby buildings.
- 11. For the purpose of maintaining visual amenity, no permanent electricity supply poles are to be erected forward of the building setback without the prior Consent of Council. It is the onus of the applicant to consult with the authorised statutory electricity provider prior to construction commencing to ensure that direct connection to the building is possible. Details of any proposed permanent pole must be submitted to and approved by Council prior to installation.
- 12. The applicant is advised that the Construction Certificate plans and specifications must comply with the provisions of the Building Code of Australia.
- 13. All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards and shall be properly guarded and protected to prevent them from being dangerous to life or property.

- 14. If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:
  - a. must preserve and protect the building from damage, and
  - b. if necessary, must underpin and support the building in an approved manner, and
  - c. must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

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

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

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

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

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

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

18. The developer shall submit to Council a letter from the energy supply authority and either Telstra or Optus, confirming that satisfactory arrangements have been made for the provision of underground telephone and power services, prior to the release of the Subdivision Certificate or Occupation. Application may be made to Energy Australia Phone No. 13 1525

and either Optus, Network Operations, Facsimile No 9837 9060, Phone No 9837 9010, or Telstra Phone No 12 455.

- 19. All noise generating equipment associated with any proposed mechanical ventilation system/s shall be located and/or soundproofed so the equipment is not audible within a habitable room in any other residential premises before 7am and after 10pm Monday to Friday and before 8am and after 10pm Saturday, Sunday and Public Holidays. Furthermore, the operation of the unit outside these restricted hours shall emit a noise level of not greater than 5dbA above the background when measure at the nearest adjoining boundary.
- 20. The demolition is to be carried out in accordance with the guidelines contained in Australian Standard 2601-1991: The Demolition of Structures.
- 21. Access to demolition sites shall be protected as directed by the Principal Certifying Authority by the use of suitable fences or hoardings.
- 22. Demolition work, including removal of material or debris from the site, on any building in a residential area shall only be carried out during the following hours: Mondays to Fridays inclusive: 7.00am to 5.30pm. Saturdays: 8.00am to 12.00 noon. Sundays and Public Holidays: Not Permitted.
- 23. A person taking down or demolishing or causing to be taken down or demolished any building or part thereof shall, upon identifying or suspecting that asbestos is present in the building, immediately notify the Workcover Authority. The Authority is the controlling body for the safe removal, handling and disposal of asbestos. The Authority supervises and monitors contractors engaged in asbestos removal.

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

- 24. Erosion control measures shall be provided on demolition sites to prevent the siltation of watercourses and drainage systems.
- 25. Dust control measures shall be taken on all demolition sites so as to avoid a nuisance to adjoining properties and harm to the environment.
  - a A person taking down or demolishing or causing to be taken down or demolished any building or portion of any building shall:
    - i. cause the windows or other openings in the external walls to be close boarded or otherwise covered;
    - ii. cause screens of canvas, hessian, boards, mats or other suitable material to be fitted in appropriate locations;
    - iii. cause areas, components and debris to be wetted down; in such a manner as to minimise, as far as practicable, the nuisance arising from the escape of dust during such taking down or demolition.

- b. Such person shall not chute, throw or let fall or cause to chute, throw or let fall from the floor to floor or into any basement of such building any building materials or any other matter so as to cause dust to escape from the building or cause any such material to fall or cast upon a public way to the annoyance, inconvenience, or danger of persons using such public way.
- 26. Soil on vacant sites is to be stabilised as soon as possible to prevent erosion and the site shall be kept clear of excess vegetation.
- 27. Existing stormwater lines on the site are to be blocked and made inoperable after buildings are demolished so as to prevent the conveyance of silt or sediments into the gutter or street drainage system.
- 28. All combustible material shall be removed from the site on a daily basis. Material shall not be burnt on the site.
- 29. Materials salvaged from a demolition may be stored on site provided they are non combustible, neatly and safety stockpiled and not likely to become a harbourage for vermin.
- 30. Trees and vegetation on a site shall not be disturbed except with the approval of the Council.
- 31. Fire hoses are to be maintained on site during the course of demolition.
- 32. Buildings built prior to the 1970's may contain lead based paint. Lead dust is a hazardous substance. You are advised to follow the attached WorkCover guidelines to prevent personal and environmental contamination.
- 33. A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
  - a. stating that unauthorised entry to the work site is prohibited, and
  - b. showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.

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

This clause does not apply to:

- a. building work carried out inside an existing building, or
- b. building work carried out on premises that are to be occupied continuously (both during and outside working hours) while the work is being carried out.
- 34. All demolition materials of value for re-use either on-site or elsewhere, shall be separated and made available for re-cycling.

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

Tree/ Location

#10 Eucalyptus saligna (Bluegum)

Adjacent to south-western site corner

#11 Eucalyptus saligna (Bluegum)

Adjacent to rear site boundary

#12 Eucalyptus saligna (Bluegum)

Centrally located in rear setback

#16 Camellia sasanqua (Chinese Camellia)

Adjacent to eastern site boundary

#18a Jacaranda mimosifolia (Jacaranda)

Adjacent to north-east site corner

#19 Eucalyptus saligna (Bluegum)

Adjacent to north-east site corner

#23 Eucalyptus pilularis (Blackbutt)

Adjacent to western site boundary in F3 corridor

#24 Eucalyptus pilularis (Blackbutt)

Adjacent to western site boundary in F3 corridor

#25 Corymbia maculata (Spotted Gum)

Adjacent to western site boundary in F3 corridor

#26 Jacaranda mimosifolia (Jacaranda)

Centrally located in rear setback

#27 Lophostemon confertus (Brushbox)

Bundarra Ave nature strip

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

Tree/Location Tree Works #9a *Morus nigra* (Mulberry) Removal

Within proposed building footprint

#10a Eriobotrya japonica (Loquat) Removal

Adjacent to south-west site corner

#14 Acacia saligna (Orange wattle) Removal

Bundarra Ave nature strip

#14a Ceratopetalum gummiferum (NSW Christmas Bush) Removal

Adjacent to eastern site boundary

#17 Jacaranda mimosifolia (Jacaranda) Removal

Within proposed driveway footprint

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#18 Lophostemon confertus (Q'ld Brushbox)

Bundarra Ave nature strip

#20 Cinnamomum camphora (Camphor laurel)

Within proposed building footprint

#21 Jacaranda mimosifolia (Jacaranda)

Within proposed building footprint

#22 Pittosporum undulatum (Native Daphne) Removal

Within proposed building footprint

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

Tree/location

All existing trees site being retained located on

site and council's nature strip

Time of inspection Prior to demolition

At the completion of demolition

Removal

Removal

Removal

Prior to excavation works

At the completion of excavation works Prior to the start of construction works At three monthly intervals during

construction

At the completion of construction works At the completion of all works on site

38. 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:

Tree/Location Tree Works

#9 Eucalyptus saligna (Bluegum) Root pruning to accommodate works

Adjacent to southern site boundary in front setback Canopy pruning on northern and southern sides only to accommodate building works only. Upper canopy to be retained with the exception of dead wooding.

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

Tree/Location #9 Eucalyptus saligna (Bluegum)

Adjacent to southern site boundary in front setback

Radius From Trunk 5.0m on northern side 10.0m elsewhere

#10 Eucalyptus saligna (Bluegum) Adjacent to south-western site corner	10.0m
#11 Eucalyptus saligna (Bluegum) Adjacent to rear site boundary	6.0m
#12 Eucalyptus saligna (Bluegum) Centrally located in rear setback	6.0m
#16 Camellia sasanqua (Chinese Camellia) Adjacent to eastern site boundary	4.0m
#18a <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to north-east site corner	3.0m
#19 Eucalyptus saligna (Bluegum) Adjacent to north-east site corner	6.0m
#23 Eucalyptus pilularis (Blackbutt) Adjacent to western site boundary in F3 corridor	5.0m
#24 Eucalyptus pilularis (Blackbutt) Adjacent to western site boundary in F3 corridor	5.0m
#25 <i>Corymbia maculata</i> (Spotted Gum) Adjacent to western site boundary in F3 corridor	5.0m
#26 <i>Jacaranda mimosifolia</i> (Jacaranda) Centrally located in rear setback	5.0m
#27 <i>Lophostemon confertus</i> (Brushbox) Bundarra Ave nature strip	8.0m

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

Tree/Location #9 Eucalyptus saligna (Bluegum) Adjacent to southern site boundary in front setback	Radius From Trunk 5.0m on northern side 10.0m elsewhere
#10 Eucalyptus saligna (Bluegum) Adjacent to south-western site corner	10.0m
#11 Eucalyptus saligna (Bluegum) Adjacent to rear site boundary	6.0m
#12 Eucalyptus saligna (Bluegum) Centrally located in rear setback	6.0m
#16 Camellia sasanqua (Chinese Camellia) Adjacent to eastern site boundary	4.0m
#18a <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to north-east site corner	3.0m

#19 Eucalyptus saligna (Bluegum) Adjacent to north-east site corner	6.0m
#23 Eucalyptus pilularis (Blackbutt) Adjacent to western site boundary in F3 corridor	5.0m
#24 Eucalyptus pilularis (Blackbutt) Adjacent to western site boundary in F3 corridor	5.0m
#25 Corymbia maculata (Spotted Gum) Adjacent to western site boundary in F3 corridor	5.0m
#26 Jacaranda mimosifolia (Jacaranda) Centrally located in rear setback	5.0m
#27 <i>Lophostemon confertus</i> (Brushbox) Bundarra Ave nature strip	8.0m

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

Tree/Location #9 Eucalyptus saligna (Bluegum) Adjacent to southern site boundary in front setback	Radius From Trunk 5.0m on northern side 10.0m elsewhere
#10 Eucalyptus saligna (Bluegum) Adjacent to south-western site corner	10.0m
#11 Eucalyptus saligna (Bluegum) Adjacent to rear site boundary	6.0m
#12 Eucalyptus saligna (Bluegum) Centrally located in rear setback	6.0m
#19 Eucalyptus saligna (Bluegum) Adjacent to northeast site corner	6.0m
#23 Eucalyptus pilularis (Blackbutt) Adjacent to western site boundary in F3 corridor	5.0m
#24 Eucalyptus pilularis (Blackbutt) Adjacent to western site boundary in F3 corridor	5.0m
#25 Corymbia maculata (Spotted Gum) Adjacent to western site boundary in F3 corridor	5.0m
#26 Jacaranda mimosifolia (Jacaranda) Centrally located in rear setback	5.0m
#27 Lophostemon confertus (Brushbox) Bundarra Ave nature strip	8.0m

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

Tree Species Quantity
Lophostemon confertus (Q'ld Brushbox) 5

- 45. 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.
- 46. 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.
- 47. Stormwater runoff from new hard surfaces generating runoff or landscaped areas that are not at natural ground level shall be piped to the street drainage system. New drainage line connections to the street system shall conform and comply with the requirements of the Roads and Traffic Authority (RTA).
- 48. A mandatory rainwater retention and re-use system comprising storage tanks and ancillary plumbing must be provided for the development. The (minimum) total storage volume of the rainwater tank system, and the prescribed re-use of the water on site, must satisfy all relevant BASIX commitments and the requirements specified in chapter 6 of Ku-ring-gai Council Water Management Development Control Plan 47 (DCP47).
- 49. In addition to the mandatory rainwater retention and re-use system provided, an **on-site** leaving the site. The minimum volume of the required on-site detention system must be determined in accordance with chapter 6 of the Ku-ring-gai Council Water Management Development Control Plan 47 (DCP 47) having regard to the specified volume concession offered in lieu of installing rainwater retention tanks. The design of the on-site detention system must be performed by a qualified civil/hydraulic engineer and must satisfy the design controls set out in appendix 5 of DCP 47.
- 50. 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.

- 51. 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.
- 52. Where required, the adjustment or inclusion of any new utility service facilities must be carried out by the applicant and in accordance with the requirements of the relevant utility authority. These works shall be at no cost to Council. It is the Applicants full responsibility to make contact with the relevant utility authorities to ascertain the impacts of the proposal upon utility services at the appropriate stage of eth development (including water, phone, gas and the like). Council accepts no responsibility whatsoever for any matter arising from its approval of this application involving any influence upon utility services provided by another authority.
- 53. All public footways and roadways fronting and adjacent to the site must be maintained in a safe condition at all times during the course of the development works. Construction materials and plant must not be stored in the road reserve. A safe pedestrian circulation route and a pavement/route free of trip hazards must be maintained at all times on or adjacent to any public access ways fronting the construction site. Where public infrastructure is damaged, repair works must be carried out when and as directed by Council officers. Where pedestrian circulation is diverted on to the roadway or verge areas, clear directional signage and protective barricades must be installed in accordance with AS1742-3 (1996) "Traffic Control Devices for Work on Roads". If pedestrian circulation is not satisfactorily maintained across the site frontage, and action is not taken promptly to rectify the defects, Council may undertake proceedings to stop work.
- 54. The provision of temporary sediment and erosion control facilities and measures must be installed, prior to the commencement of any works on the site to eliminate unnecessary erosion and loss of sediment. These facilities must be maintained in working order during construction works up to completion. All sediment traps must be cleared on a regular basis and after each major storm, and/or as directed by the Principal Certifying Authority and Council officers.
- 55. The Applicant must obtain a **Section 73 Compliance Certificate** under the *Sydney Water Act 1994*. An application must be made through an authorised Water Servicing Coordinator. The Applicant is to refer to "Your Business" section of Sydney Water's web site at <a href="https://www.sydneywater.com.au">www.sydneywater.com.au</a> then the "e-developer" icon or telephone 13 20 92. Following application a "Notice of Requirements" will detail water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

- 56. In order to allow **unrestricted access at all times** for Ku-ring-gai Council waste collection vehicles into the basement garbage collection area no doors, grilles, gates or other devices are to be provided in the access driveways to the basement carpark preventing this service.
- 57. A contractor with specialist excavation experience must undertake the excavations for the development and a suitably qualified and consulting geotechnical engineer must oversee the excavation procedure. Geotechnical aspects of the development work, namely:

Appropriate excavation method and vibration control,

Support and retention of excavated faces,

Hydrogeological considerations,

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

- 58. The geotechnical and hydrogeological works implementation, inspection, testing and monitoring program for the excavation and construction works must be in accordance with the preliminary appraisal by Geotechnique and the report prepared following the subsurface investigation. Over the course of the works a qualified Geotechnical/hydrogeological Engineer must complete the following:
  - Further geotechnical investigations and testing recommended in the above report(s) and as determined necessary,
  - Further monitoring and inspection at the hold points recommended in the above report(s) and as determined necessary,
  - Written report(s) including certification(s) of the geotechnical inspection, testing and monitoring programs.
- 59. The proposed development should be designed such that road traffic noise from the Pacific Highway and the Sydney-Newcastle F3 Freeway is mitigated by durable materials, in accordance with EPA criteria for new land use developments (The Environmental Criteria for Road Traffic Noise, May 1999). The RTA's Environmental Noise Management Manual provides practical advice in selecting noise mitigation treatments.

Where the EPA external noise criteria would not practically or reasonably be met. The following internal noise objectives for all habitable rooms under ventilated conditions shall comply with the following requirements of the Building Code of Australia:

- All habitable rooms other than sleeping rooms: 45dB(A) Leq(15hr) and 40 dB(A) leq(9hr)
- Sleeping rooms: 35dB(A) Leq(9h).

A.

61. In order to comply with Part 4.3 Clause C-7 of DCP and to ensure maximim opportunity for

planting within the streetscape, the courtyard areas associated with proposed units 6 and 7, located within the front setback, shall be deleted.

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

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

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

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

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

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

#### Minimum requirements:

#### title page

statement of reasons the recording was made site plan showing all structures on site

sketch of the floor plan showing the location of the camera for each photograph Black & White archival quality photographs, contact prints and selected prints (one copy of negatives other copies with contact sheets and selected prints).

Digital images and CDs may be submitted as supplementary information.

- 63. In order to ensure consistency with the streetscape, a more recessive neutral colour shall be adopted for the top storey of the building. Details shall be submitted to the satisfaction of the PCA prior to the issue of a Construction Certificate.
- 64. In order to maximise safety and security in accordance with Part 4.6 of DCP 55, details of the proposed lighting along pedestrian paths. Details shall be submitted to the satisfaction of the PCA prior to the issue of a Construction Certificate.
- 65. The courtyards proposed along the northern ground floor elevation, adjacent No. 8 Bundarra Avenue shall be deleted to provide common open space 6m in width within the side setbacks and to maximise the opportunity for deep soil planting in accordance with DCP 55 Part 4.3 C-

- 1 (a). The approved landscape plans shall be amended to include additional tall canopy trees along the northern site boundary.
- 66. The Long Service Levy is to be paid to Council in accordance with the provisions of Section 34 of the Building and Construction Industry Payments Act 1986 prior to the issue of the Construction Certificate.

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

- 67. It is a condition of consent that the applicant, builder or developer or person who does the work on this residential building project arrange the Builders Indemnity Insurance and submit the Certificate of Insurance in accordance with the requirements of Part 6 of the *Home Building Act 1989* to the Council or other Principal Certifying Authority for endorsement of the plans accompanying the Construction Certificate. It is the responsibility of the applicant, builder or developer to arrange the Builder's Indemnity Insurance for residential building work over the value of \$12,000 and to satisfy the Council or other Principal Certifying Authority by the presentation of the necessary Certificate of Insurance so as to comply with the applicable requirements of Part 6 of the *Home Building Act 1989*. The requirements for the Builder's Indemnity Insurance does not apply to commercial or industrial building work or for residential work less than \$12,000, nor to work undertaken by persons holding an Owner/Builder's Permit issued by the Department of Fair Trading (unless the owner/builder's property is sold within 7 years of the commencement of the work).
- 68. The Infrastructure Restorations Fee calculated in accordance with the Council's adopted schedule of Fees and Charges is to be paid to the Council prior to any earthworks or construction commencing. The applicant or builder/developer will be held responsible for and liable for the cost any damage caused to any Council property or for the removal of any waste bin, building materials, sediment, silt, or any other article as a consequence of doing or not doing anything to which this consent relates. "Council Property" includes footway, footpath paving, kerbing, guttering, crossings, street furniture, seats, litter bins, trees, shrubs, lawns mounds, bushland, and similar structures or features on road reserves or any adjacent public place. Council will undertake minor restoration work as a consequence of the work at this site in consideration of the "Infrastructure Restorations Fee" lodged with the Council prior to the release of the Construction Certificate. This undertaking by the Council does not absolve the applicant or Builder/developer of responsibility for ensuring that work or activity at this site does not jeopardise the safety or public using adjacent public areas or of making good or maintaining "Council property" (as defined) during the course of this project.
- 69. Prior to commencing any construction or subdivision work, the following provisions of the Environmental Planning & Assessment Act, 1979 (the 'Act') are to be complied with:
  - a. A Construction Certificate is to be obtained in accordance with Section 81A(2)(a) of the Act.
  - b. A Principal Certifying Authority is to be appointed and Council is to be notified of the appointment in accordance with Section 81A(2)(b) of the Act.
  - c. Council is to be notified in writing, at least two (2) days prior to the intention of commencing buildings works, in accordance with Section 81A(2)(c) of the Act.

- d. Should the development be certified by a Principal Certifying Authority other than Council, a fee for each Part 4A Certificate is to be paid to Council on lodgement of those Certificates with Council.
- 70. Prior to issue of the Construction Certificate the applicant shall submit, for approval by the Principal Certifying Authority (PCA), a Soil and Erosion Control Plan prepared in accordance with the NSW Department of Housing document "Managing Urban Stormwater Soils and Construction" (1998). A suitably qualified and experienced civil/environmental engineer or surveyor shall prepare this plan in accordance with the above guidelines and section 8.2.1 of Councils Water Management DCP 47 (available on the Council website).
- 71. Prior to issue of the Construction Certificate, driveway and associated footpath levels for any fully new, reconstructed or extended sections of driveway crossings between the property boundary and road alignment must be obtained from Ku-ring-gai Council. Such levels are only able to be issued by Council under the Roads Act 1993. All footpath crossings, laybacks and driveways are to be constructed according to Council's specifications "Construction of Gutter Crossings and Footpath Crossings" or as specified by Council. Specifications are issued with alignment levels after completing the necessary application form at Customer Services and payment of the assessment fee. When completing the request for driveway levels application from Council, the applicant must attach a copy of the relevant Development Application drawing which indicates the position and proposed level of the proposed driveway at the boundary alignment. Failure to submit this information may delay processing.

Approval of this Development Application is for works wholly within the property. DA consent does not imply approval of footpath or driveway levels, materials or location within the road reserve regardless of whether this information is shown on the Development application plans. The grading of such footpaths or driveways outside the property shall comply with Council's standard requirements. The suitability of the grade of such paths or driveways inside the property is the sole responsibility of the applicant and the required alignment levels fixed by Council may impact upon these levels. The construction of footpaths and driveways outside the property, in materials other than those approved by Council, is not permitted and Council may require immediate removal of unauthorised installations.

72. 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 approval by the Principal 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 clause 2.5.3 of Australian Standard 2890.1 (2004) –"Off-street car parking" to prevent the scraping of the underside of vehicles, particularly along the inside radius for curved driveways.

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

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

All parking space dimensions, driveway and aisle widths, driveway grades, transitions, circulation ramps, blind aisle situations and other trafficked areas comply in full with Australian Standard 2890.1 – 2004 "Off-street car parking".

A clear height clearance of 2.5 metres (required under DCP40 for waste collection trucks) is provided over the designated garbage collection truck manoeuvring areas within the basement

No doors or gates are provided in the access driveways to the basement carpark which would prevent unrestricted access for internal garbage collection at any time from the basement garbage storage and collection area.

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

- 74. Prior to issue of the Construction Certificate and prior to commencement of any works that may be subject to erosion, the applicant must submit, for approval by the Principal Certifying Authority, a Soil and Erosion Control Plan prepared in accordance with the Landcom document "Managing Urban Stormwater Soils and Construction, Volume 1" (2004). A qualified and experienced civil/environmental engineer shall prepare this plan in accordance with the above guidelines and section 8.2.1 of Councils Water Management Development Control Plan 47.
- 75. 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. RTA approval for connection to the underground drainage system in the F3 Freeway reserve. Full layout of the property drainage system components, including but not limited to (as required) gutters, downpipes, spreaders, pits, swales, kerbs, cut-off and intercepting drainage structures, subsoil drainage, flushing facilities and all ancillary stormwater plumbing - all designed for a 235mm/hour rainfall intensity for a duration of five (5) minutes (1:50 year storm recurrence).

Location(s), dimensions and specifications for the required rainwater storage and reuse tanks and systems. Where proprietary products are to be used, manufacturer specifications or equivalent shall be provided.

Specifications for reticulated pumping facilities (including pump type and manufacturer specifications) and ancillary plumbing to fully utilise rainwater in accordance with the Kuring-gai Council Development Control Plan 47 and/or BASIX commitments.

Details of the required on-site detention tanks required under Ku-ring-gai Council Water Management DCP 47 including dimensions, materials, locations, orifice and discharge control pit details as required (refer chapter 6 and appendices 2, 3 and 5 of DCP 47 for volume, PSD and design requirements).

Water quality measures.

The required basement stormwater pump-out system to cater for driveway runoff and subsoil drainage (refer appendix 7.1.1 of Development Control Plan 47 for design).

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

76. Prior to issue of the Construction Certificate the Applicant must have engineering plans and specifications prepared by a qualified consulting engineer and the plans approved by Council engineers. The plans to be assessed must be to a detail suitable for construction issue purposes and must detail the following infrastructure works required in Bundarra Avenue:

Road shoulder for the full frontage of the development

frontage of the development

Regrading of the nature strip to allow for construction of a layback and vehicular crossing which complies with Council's specifications and AS2890.1:2004.

This Development Consent under the EP&A Act does NOT give approval to these works in the road reserve. Ku-ring-gai Council must issue a separate consent under section 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 the formal written consent 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 stamped Council Roads Act 1993 approval.

A minimum of three (3) weeks will be required for Council to assess *Roads Act* submissions. Early submission is recommended to avoid delays in obtaining a Construction Certificate. An engineering assessment and inspection fee (set out in Council's adopted fees and charges) is payable and Council will withhold any consent and approved plans until full payment of the correct fees. Plans and specifications must be marked to the attention of Council's Development Engineers. In addition, a copy of this condition must be provided, together with a covering letter stating the full address of the property and the accompanying DA number.

77. A contribution is to be paid for the provision, extension or augmentation of community facilities, recreation facilities, open space and administration that will, or are likely to be, required as a consequence of development in the area.

TOTAL CONTRIBUTION FOR THIS DEVELOPMENT OF 34 X ADDITIONAL DWELLINGS IS CURRENTLY \$627,252.72. The amount of the payment shall be in accordance with the Section 94 charges as at the date of payment. The charges may vary at the time of payment in accordance with Council's Section 94 Contributions Plan to reflect changes in land values, construction costs and the consumer price index.

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

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

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

#### OCCUPANCY RATES FOR DIFFERENT DWELLING SIZES

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

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

Tree/Location	Radius From Trunk
#9 Eucalyptus saligna (Bluegum)	5.0m on northern side
Adjacent to southern site boundary in front setback	10.0m elsewhere
#12 Eucalyptus saligna (Bluegum)	6.0m
Centrally located in rear setback	

#16 Camellia sasanqua (Chinese Camellia) 4.0m

Adjacent to eastern site boundary

#18a *Jacaranda mimosifolia* (Jacaranda) 3.0m

Adjacent to north-east site corner

#19 Eucalyptus saligna (Bluegum) 6.0m

Adjacent to north-east site corner

#27 Lophostemon confertus (Brushbox) 8.0m

Bundarra Ave nature strip

79. An amended plan of the proposed landscape works consistent with the landscape plan 26.06/073 prepared by Ian Jackson dated April 2006, subject to the amendments as specified, shall be submitted to, and a pproved by the Principal Certifying Authority prior to the release of the Construction Certificate. The landscape works shall be carried out and installed in accordance with the approved landscape plan/s.

The following amendments to the plan shall apply:

The north point is to be shown correctly.

Tree #9 is to be shown to be retained, existing levels and grades maintained beneath it's canopy and proposed planting altered accordingly.

Tree #'s 14 and 14a to be shown to be removed.

The proposed planting of *Eucalyptus saligna* (Bluegum) within the Bundarra Ave nature strip is to be changed to *Lophostemon confertus* (Brushbox) as specified

*Cyathea cooperi* (Rough Tree Fern) is identified as an urban environmental weed and is to be deleted and replaced with another tree fern species.

80. A cash bond/bank guarantee of \$10 000.00 shall be lodged with Council as a Landscape Establishment Bond prior to release of the Construction Certificate to ensure that the landscape works are installed and maintained in accordance with the approved landscape plan/s and other landscape conditions.

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

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

81. A cash bond/bank guarantee of \$14 000.00 shall be lodged with Council prior to the release of the Construction Certificate to ensure that the following trees are maintained in the same condition as found prior to commencement site development work.

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

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

Tree/Location #9 <i>Eucalyptus saligna</i> (Bluegum) Adjacent to southern site boundary in front setback	Bond Value \$2 000.00
#10 Eucalyptus saligna (Bluegum) Adjacent to south-western site corner	\$2 000.00
#11 Eucalyptus saligna (Bluegum) Adjacent to rear site boundary	\$2 000.00
#12 Eucalyptus saligna (Bluegum) Centrally located in rear setback	\$2 000.00
#19 Eucalyptus saligna (Bluegum) Adjacent to north-east site corner	\$4 000.00
#27 Lophostemon confertus (Brushbox) Bundarra Ave nature strip	\$2 000.00

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

- 82. Prior to the commencement of any work, the Principal Certifying Authority shall be notified in writing of the name and contractor licence number of the owner/builder who intends to carry out the approved works.
- 83. To reduce or eliminate the transport of sediment from the construction site onto public roads, a temporary construction exit, together with necessary associated temporary fencing, shall be established prior to commencement of any work on the site and shall be maintained throughout the duration and progress of construction.
- 84. To preserve and enhance the natural environment, the downslope side of the proposed construction area of the site is to be enclosed with a suitable erosion control barrier (e.g. straw bales or geofabric fence) along contour before any other work on the site commences.
- 85. To preserve and enhance the natural environment, earthworks and/or demolition of any existing buildings shall not commence until an Erosion and Sediment Control Plan (ESCP) is prepared, submitted to the Principal Certifying Authority, approved and implemented to the satisfaction of 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.

86. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained.

Application must be made through an authorised Sydney Water Coordinator, for details see Sydney Water web-site www.sydneywater.com.au\customer\urban\index or telephone 13 20 92.

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

The Section 73 Certificate must be submitted to Council prior to release of the linen plan/occupation of the development.

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

Tree/Location #9 Eucalyptus saligna (Bluegum) Adjacent to southern site boundary in front setback	Radius in Metres 4.5m on northern side 10.0m elsewhere
#10 Eucalyptus saligna (Bluegum) Adjacent to south-western site corner	10.0m
#11 Eucalyptus saligna (Bluegum) Adjacent to rear site boundary	6.0m
#12 Eucalyptus saligna (Bluegum) Centrally located in rear setback	4.0m
#16 <i>Camellia sasanqua</i> (Chinese Camellia) Adjacent to eastern site boundary	3.0m
#18a <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to north-east site corner	3.0m
#19 Eucalyptus saligna (Bluegum) Adjacent to northeast site corner	6.0m
#23 Eucalyptus pilularis (Blackbutt) Adjacent to western site boundary in F3 corridor	5.0m
#24 Eucalyptus pilularis (Blackbutt) Adjacent to western site boundary in F3 corridor	5.0m
#25 Corymbia maculata (Spotted Gum) Adjacent to western site boundary in F3 corridor	5.0m
#26 <i>Jacaranda mimosifolia</i> (Jacaranda) Centrally located in rear setback	5.0m

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#27 Lophostemon confertus (Brushbox) 8.0m Bundarra Ave nature strip

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

Tree/Location

#9 Eucalyptus saligna (Bluegum)

Adjacent to southern site boundary in front setback

#19 Eucalyptus saligna (Bluegum) 6.0m

Adjacent to north-east site corner

#27 Lophostemon confertus (Brushbox) 8.0m

Bundarra Ave nature strip

92. Existing trees and vegetation on the site shall not be disturbed except with the written approval of Council and the following tree/s shall be fenced off before demolition commences.

Tree/Location Radius From Trunk
#9 Eucalyptus saligna (Bluegum) 4.0m on northern side
Adjacent to southern site boundary in front setback 10.0m elsewhere

#10 Eucalyptus saligna (Bluegum) 6.0m

Adjacent to south-western site corner

#11 Eucalyptus saligna (Bluegum) 6.0m

Adjacent to rear site boundary

#12 Eucalyptus saligna (Bluegum) Centrally located in rear setback	6.0m
#16 Camellia sasanqua (Chinese Camellia) Adjacent to eastern site boundary	4.0m
#18a <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to north-east site corner	3.0m
#19 Eucalyptus saligna (Bluegum) Adjacent to north-east site corner	5.0m
#23 Eucalyptus pilularis (Blackbutt) Adjacent to western site boundary in F3 corridor	5.0m
#24 Eucalyptus pilularis (Blackbutt) Adjacent to western site boundary in F3 corridor	5.0m
#25 Corymbia maculata (Spotted Gum) Adjacent to western site boundary in F3 corridor	5.0m
#26 Jacaranda mimosifolia (Jacaranda) Centrally located in rear setback	5.0m
#27 Lophostemon confertus (Brushbox) Bundarra Ave nature strip	8.0m

- 93. Upon completion of the installation of the required tree protection measures you are required to arrange for an inspection of the site by the Principal Certifying Authority to verify that tree protection measures comply with all relevant conditions. Following the carrying out of a satisfactory inspection and subject to the payment of all relevant monies and compliance with any other conditions of approval, work may commence.
- 94. Prior to the commencement of any works on site the Applicant must submit, for approval by the Principal Certifying Authority (with a copy forwarded to Council) a full dilapidation report on the visible and structural condition of all neighbouring structures at 8 Bundarra Avenue.

The report must be completed by a consulting structural/geotechnical engineer. Upon submitting a copy of the dilapidation report to Council (or certification that no report is required), a written acknowledgment from Council development engineers shall be obtained (attesting to this condition being appropriately satisfied) and submitted to the Principal Certifying Authority prior to the commencement of any works on site.

- 95. Prior to the commencement of any works on site the applicant must submit, for review by Council Engineers, a Construction and Traffic Management Plan. The following matters must be specifically addressed in the Plan:
  - A plan view of the entire site and frontage roadways indicating:
  - Dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and construction related vehicles in the frontage roadways.

- Turning areas within the site for construction and spoil removal vehicles, allowing a forward egress for all construction vehicles on the site.
- The locations of proposed Work Zones in the frontage roadways.
- Location of any proposed crane standing areas.
- A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries.
- Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected.
- The provision of an on-site parking area for employees, tradesperson and construction vehicles as far as possible.
- Traffic Control Plan(s) for the site.
- All traffic control plans must be in accordance with the RTA publication "Traffic Control Worksite Manual" and be designed by a person licensed to do so (minimum RTA 'red card' qualification). The main stages of the development requiring specific construction management measures are to be identified and specific traffic control measures identified for each.
- Approval is to be obtained from Ku-ring-gai Council for any temporary road closures or crane use from public property.
- A detailed description and route map of the proposed route for vehicles involved in spoil removal, material delivery and machine floatage must be provided.
- Light traffic roads and those subject to a load or height limit must be avoided at all times unless otherwise approved.
- A copy of this route is to be made available to all contractors, and shall be clearly depicted at a location within the site.
- No construction access is to be gained to the site via Woonona Avenue or Everett Way. In addition, the plan must address:
- Evidence of RTA concurrence where construction access is provided directly or within 20m of an Arterial Rd.
- A schedule of site inductions to be held on regular occasions and as determined necessary to ensure all new employees are aware of the construction management obligations. These must specify that construction-related vehicles to comply with the approved requirements.
- Minimising construction related traffic movements during school peak periods.
- For those construction personnel that drive to the site, the Applicant shall attempt to provide on-site parking so that their personnel's vehicles do not impact on the current parking demand in the area.

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

To maintain access in Bundarra Avenue, the applicant is to install "No Parking' signs along the eastern side of Bundarra Avenue which would be effective for the approved hours of construction. The signs are to be considered by the Ku-ring-gai Traffic Committee and approved by Council (subject to resident concurrence), and installed prior to the commencement of any work on the site. The applicant shall pay for the consideration of the matter by the Ku-ring-gai Traffic Committee, as well as for the installation, maintenance, and removal of the signs following completion of the work and the occupation certificate being issued. If construction activities overlap with another medium density development in Bundarra Avenue, the maintenance and subsequent removal of the signs would be carried over to the other developer.

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

  Full road pavement width, including kerb and gutter, of Bundarra Avenue over the site frontage.

F3 Freeway verge and off ramp for site frontage.

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

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

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

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

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

#### CONDITIONS TO BE COMPLIED WITH PRIOR TO OCCUPATION

- 99. To ensure compliance with the consent, a final report from a Registered Surveyor shall be submitted to the PCA confirming floor/ceiling levels and boundary setbacks prior to occupation.
- 100. Excavation for the installation of CONDUITS/SEWER/STORMWATER/GAS within the specified radius of the trunk/s of tree/s shall be carried out using the thrust boring method. Documentary evidence of compliance with conditions of consent in this regard shall be submitted to the Principal Certifying Authority prior to issue of the Occupation Certificate.
- 101. The trees to be retained shall be inspected, monitored and treated when necessary by a qualified Arborist before, during and after completion of development works to ensure their long term survival. Inspections by and documentation from the Arborist to the Principal Certifying Authority are required at the following times or phases of work. Documentary evidence of compliance with this condition shall be submitted to the Principal Certifying Authority prior to issue of the Occupation Certificate.
- 102. The landscape works, shall be installed in accordance with the approved plan/s and/or conditions of consent, be completed prior to release of Occupation Certificate and be maintained in a healthy and vigorous condition at all times.
- 103. The Principal Certifying Authority shall ensure that the landscape works, have been installed correctly, consistent the approved landscape plan(s), specification and the conditions of consent prior to release of the Occupation Certificate.
- 104. Prior to issue of the Occupation Certificate, the Principal Certifying Authority (where not Council) must provide Ku-ring-gai Council with a signed declaration that the following works in the road reserve have been completed in full:
  - New concrete driveway crossing in accordance with levels and specifications issued by Council.
  - Removal of all redundant driveway crossings and kerb laybacks (or sections thereof) and reinstatement of these areas to footpath, turfed verge and upright kerb and gutter.

(Reinstatement works to match surrounding adjacent infrastructure with respect to integration of levels and materials).

- Full repair and resealing of any road surface damaged during construction.
- Full replacement of damaged sections of grass verge with a non-friable turf of native variety to match existing.
- All works must be completed in accordance with the General Specification for the Construction of Road and Drainage Works in Ku-ring-gai Council, dated November 2004. The Occupation Certificate must not be issued until all damaged public infrastructure caused as a result of construction works on the subject site (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub contractors, concrete vehicles) is fully repaired to the satisfaction of Council. Repair works shall be at no cost to Council.
- 105. Prior to issue of the Occupation Certificate the applicant must create a Positive Covenant and Restriction on the Use of Land under Section 88B or 88E of the Conveyancing Act 1919, burdening the owner with the requirement to maintain the on-site stormwater detention facilities on the lot. The terms of the instruments are to be generally in accordance with the Council's "draft terms of Section 88B instrument for protection of on-site detention facilities" (refer to appendices of Ku-ring-gai Council Water Management DCP 47) and to the satisfaction of Council. For existing Titles, the Positive Covenant and the Restriction on the use of Land is to be created through an application to the Land Titles Office in the form of a request using forms 13PC and 13RPA. The relative location of the On-Site Detention facility, in relation to the building footprint, must be shown on a scale sketch, attached as an annexure to the request forms. Registered title documents showing the covenants and restrictions must be submitted an d approved by the Principal Certifying Authority prior to issue of an Occupation Certificate.
- 106. Prior to issue of the Occupation Certificate the applicant must create a Positive Covenant and Restriction on the Use of Land under Section 88B or 88E of the Conveyancing Act 1919, burdening the property with the requirement to maintain the site stormwater retention and reuse 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 reuse facilities" (refer to appendices of Ku-ring-gai Council Water Management DCP 47) and to the satisfaction of Council. For existing Titles, the Positive Covenant and the Restriction on the use of Land is to be created through an application to the Land Titles Office in the form of a request using forms 13PC and 13RPA. The relative location of the reuse and retention facility, in relation to the building footprint, must be shown on a scale sketch, attached as an annexure to the request forms. Registered title documents showing the covenants and restrictions must be submitted and approved by the Principal Certifying Authority prior to issue of an Occupation Certificate.
- 107. Prior to issue of the Occupation Certificate an easement for waste collection is to be created under Section 88B or 88E 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 Ku-ring-gai Council.

108. Prior to issue of the Occupation Certificate the following must be provided to Council (attention Development Engineer):

A copy of the approved Construction Certificate stormwater detention/retention design for the site, and

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

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

- 109. Prior to issue of the Occupation Certificate all approved road, footpath and/or drainage works must be completed in the road reserve, in accordance with the Council stamped Roads Act 1993 drawings, conditions and specifications. The works must be supervised by the applicant's designing engineer and the works shall be completed and approved to the full satisfaction of Ku-ring-gai Council in the interests of ensuring quality of work involving public assets. The supervising consulting engineer is to provide certification upon completion that the works were constructed in accordance with the Council stamped drawings. The works must be subject to inspections by Council at the hold points noted on the *Roads Act* approval. All conditions attached to the approved drawings for these works must be met in full prior to the Occupation Certificate being issued.
- 110. Prior to issue of an Occupation Certificate the Section 73 Sydney Water compliance certificate must be obtained and submitted to the Principal Certifying Authority.
- 111. Prior to issue of an Occupation Certificate the applicant must submit certification from a suitably qualified and experienced traffic/civil engineer to the Principal Certifying Authority. This certification must be based on a site inspection of the constructed vehicle access and accommodation areas, with dimensions measurements as necessary, and must make specific reference to the following:

That the as-constructed carpark complies with the approved Construction Certificate plans, That the completed vehicle access and accommodation arrangements comply in full with Australian Standard 2890.1 – 2004 "Off-Street car parking" in terms of minimum parking space dimensions provided,

That finished driveway gradients and transitions will not result in the scraping of the underside of cars.

That no doors, gates, grilles or other structures have been provided in the access driveways to the basement carpark, which would prevent unrestricted access for internal garbage collection from the basement garbage storage and collection area.

That traffic signals are provided where necessary on the internal d riveway ramps.

That the vehicular headroom requirements of:

Australian Standard 2890.1 - "Off-street car parking",

2.5m height clearance for waste collection trucks (refer DCP 40) are met from the public street into and within the applicable areas of the basement carpark.

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

That the stormwater drainage works have been satisfactorily completed in accordance with the approved Construction Certificate drainage plans and the requirements of the RTA.

That the minimum retention and on-site detention storage volume requirements of BASIX and Ku-ring-gai Council Water Management DCP 47 respectively, have been achieved in full.

That retained water is connected and available for uses including all toilet flushing, laundry and garden irrigation.

That basement and subsoil areas are able to drain via a pump/sump system installed in accordance with AS3500.3 and appendix 7.1.1 of Ku-ring-gai Council Water Management DCP 47.

That all grates potentially accessible by children are secured.

That components of the new drainage system have been installed by a licensed plumbing contractor in accordance with the Plumbing and Drainage code AS3500.3 2003 and the BCA, and

All enclosed floor areas, including habitable and garage floor levels, are safeguarded from outside stormwater runoff ingress by suitable differences in finished levels, gradings and provision of stormwater collection devices.

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

Rainwater retention certification sheet contained at appendix 13 of Water Management DCP 47

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

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

As built (reduced) surface and invert levels for all drainage pits.

Gradients of drainage lines, materials and dimensions.

As built (reduced) level(s) at the approved point of discharge to the public drainage system. As built location and internal dimensions of all detention and retention structures on the property (in plan view) and horizontal distances to nearest adjacent boundaries and structures on site.

The achieved storage volumes of the installed retention and detention storages and derivative calculations.

As built locations of all access pits and grates in the detention and retention system(s), including dimensions.

The size of the orifice or control fitted to any on-site detention system.

Dimensions of the discharge control pit and access grates.

The maximum depth of storage possible over the outlet control.

Top water levels of storage areas and indicative RL's through the overland flow path in the event of blockage of the on-site detention system.

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

- 114. Prior to issue of the Occupation Certificate a maintenance regime shall be prepared for the basement stormwater pump-out system and submitted to Principal Certifying Authority. The regime shall specify that the system is to be regularly inspected and checked by qualified practitioners.
- 115. In order to maximise privacy for the adjoining residential dwellings to the north, fixed 1m high planter boxes with minimum 500mm high screen planting above shall be provided along the north facing edge of the balcony to Unit 33. These planter boxes shall be provided adjacent/inside the proposed balustrades and shall be a maximum of 500mm in width.

#### **ADVICE**

All parking spaces and all areas of common property, including visitor car parking spaces and onsite detention facilities, which are to be common property, must be included on the final plans of strata subdivision.

N Richter M Leotta M Prendergast **Executive Assessment Officer** Acting Manager Acting Director

Development Assessment Development & Regulation

Services

**Attachments: Zoning Extract – 680740** 

Location/Notification Sketch - 680742

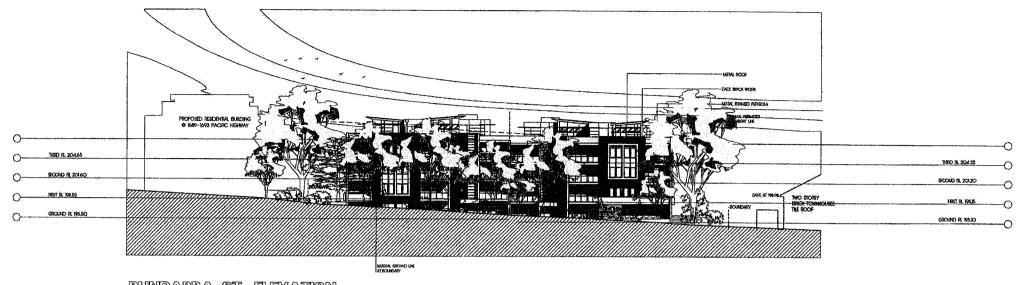
Architectural Plans - 680743 Landscaping Plans -680744 Shadow Diagrams – 680746 Floor Plans (Confidential)



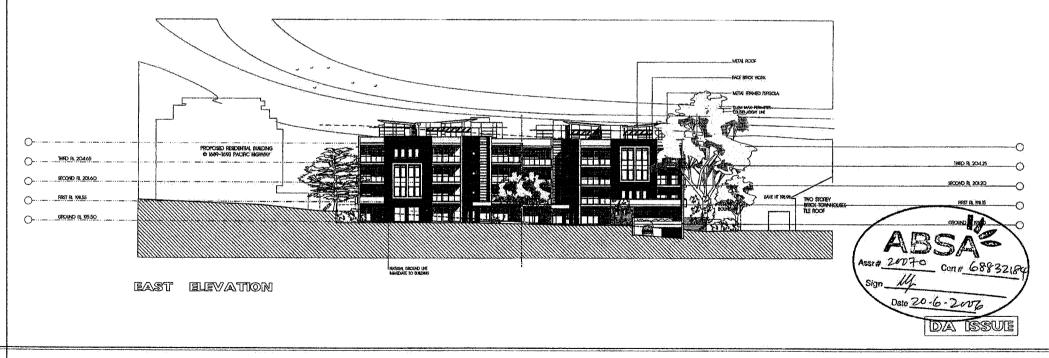
#### **NOTIFICATION SKETCH** 2A Bundarra Avenue Sth, WAHROONGA 180 ROBERTS AVE 4 23199 15 1004733 JOHN D. F 703961 ABBOTSLEIGH JUNIOR SCHOOL D. ರ | 4 18 SEC 1 D. P. 2870 19 714035 8 D. P. 714035 12 DP 1031565 ESMT SP 66366 2 703961 P. P. 1033850 703b61 SOUTH PLAN D. P. 5296; P.C.O. 274 G.G. 9-9-83 529646 D.P.0 ď, D. 411946 Q. ISIS ä D. E. SP 21817 177561 Ö BUNDARRA 313125 D. P. D. 1002161 σ. EMT PACIFIC D. 10021; 413902 ď HIGHWAY D.P.<sub>1013393</sub> D.P. 800265 D. SEC. 2 3312 0. P. 650757 З. Р. 38227 9 D. 900511 AVE 455905 20 D. P. ď D. 1024659 3312 D, 49 Q. ABBOTSLEIGH ď ď 545424 D. D. P. 624660 ď. FREEWAY 439443 Ö, D. P. 380230 25553 911 Ö, D. 811873 a 45 2 3 **SCALE: 1:2500** SUBJECT LAND NOTIFICATION AREA DATE: 30 06-2006

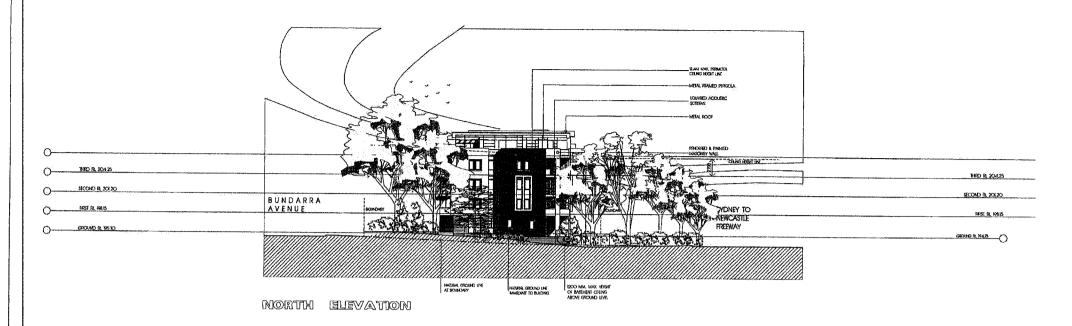
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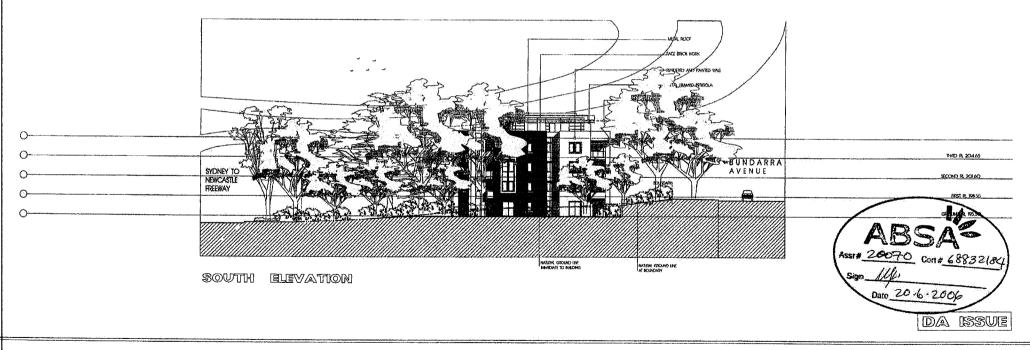
off map



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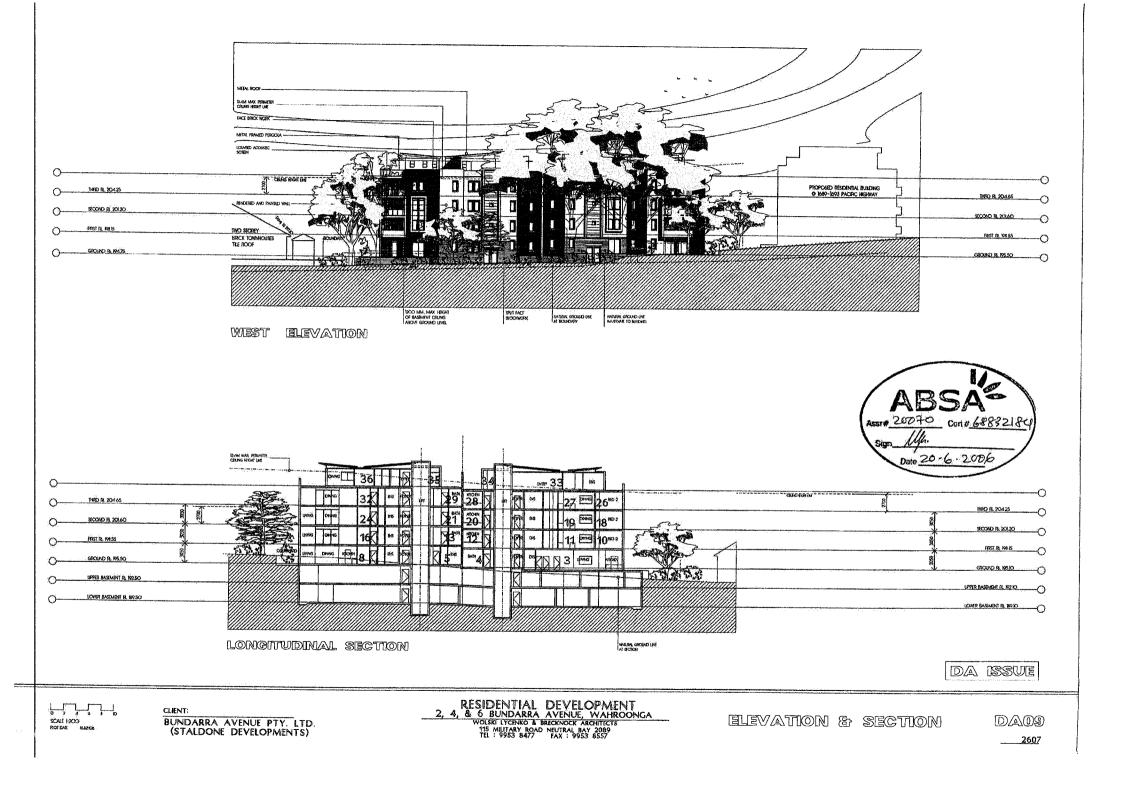
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SCALE 1/200
PLOT DATE NAMAGE

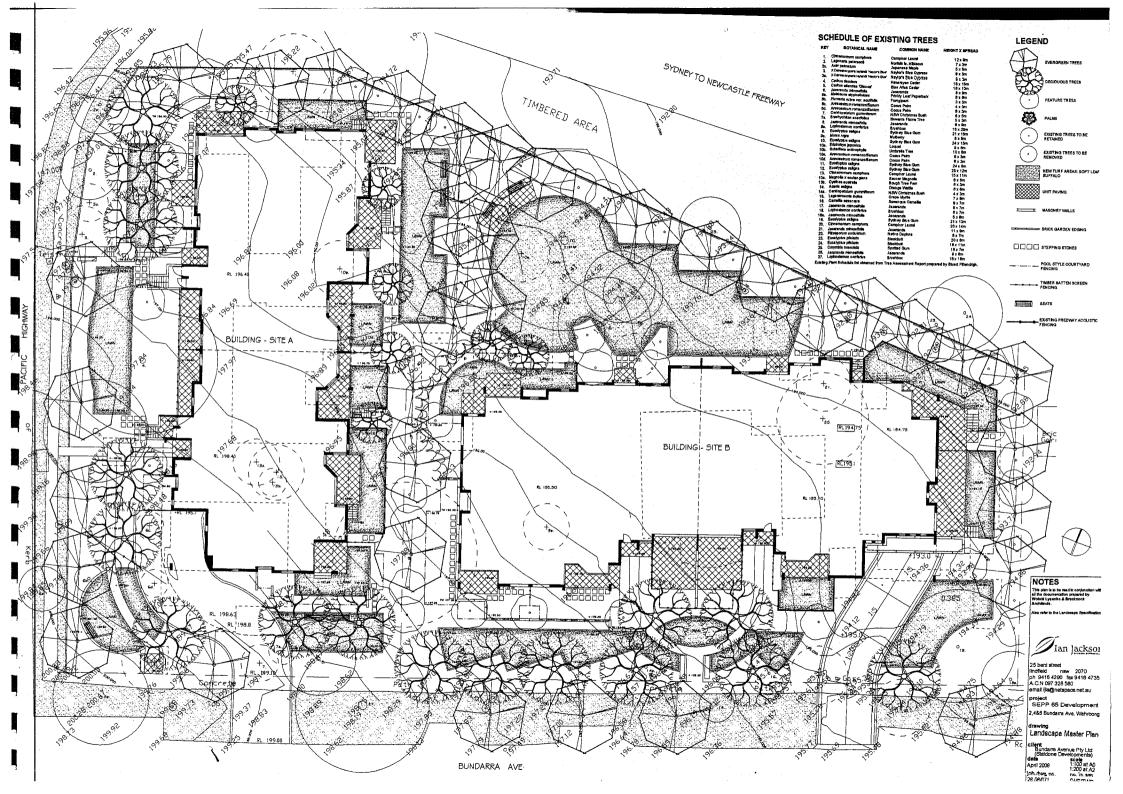
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(STALDONE DEVELOPMENTS)

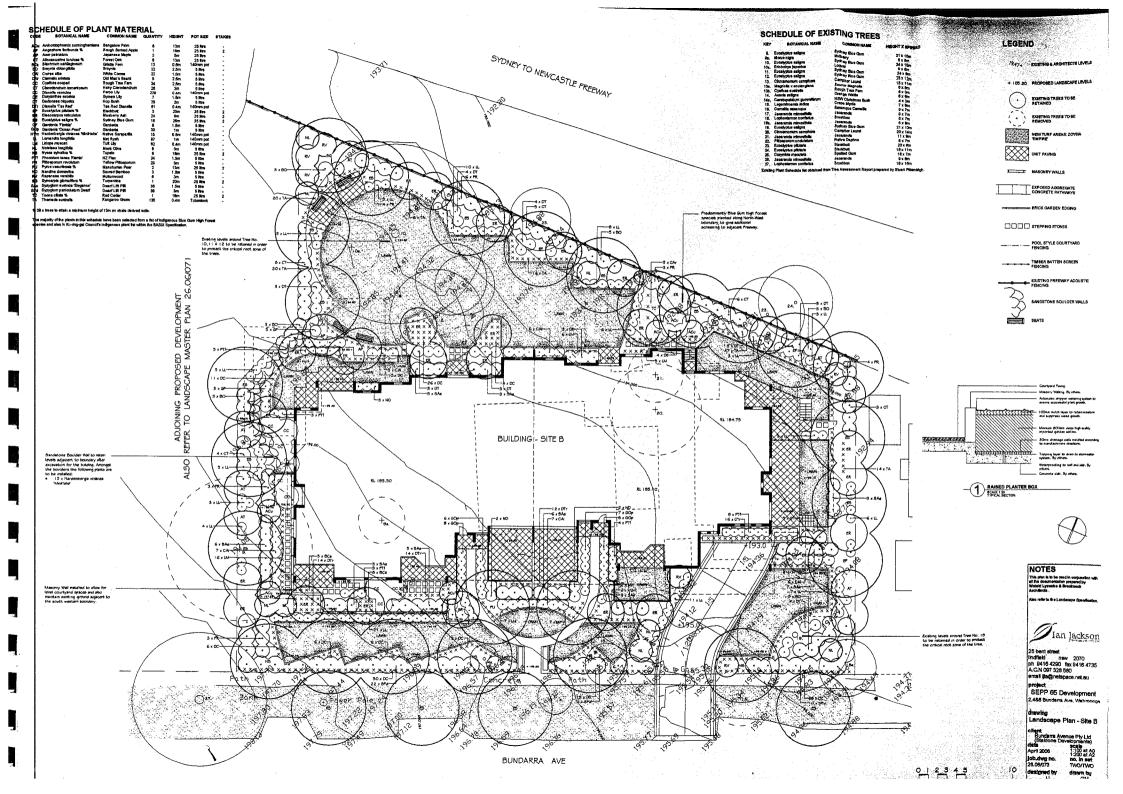
RESIDENTIAL DEVELOPMENT
2, 4, & 6 BUNDARRA AVENUE, WAHROONGA
WOLSKI LYCENSO & BRECKNOCK ARCHITECTS
115 MILITARY ROAD NEUTRAL BAY 2089
TEL: 9953 8477 FAX: 9953 8557

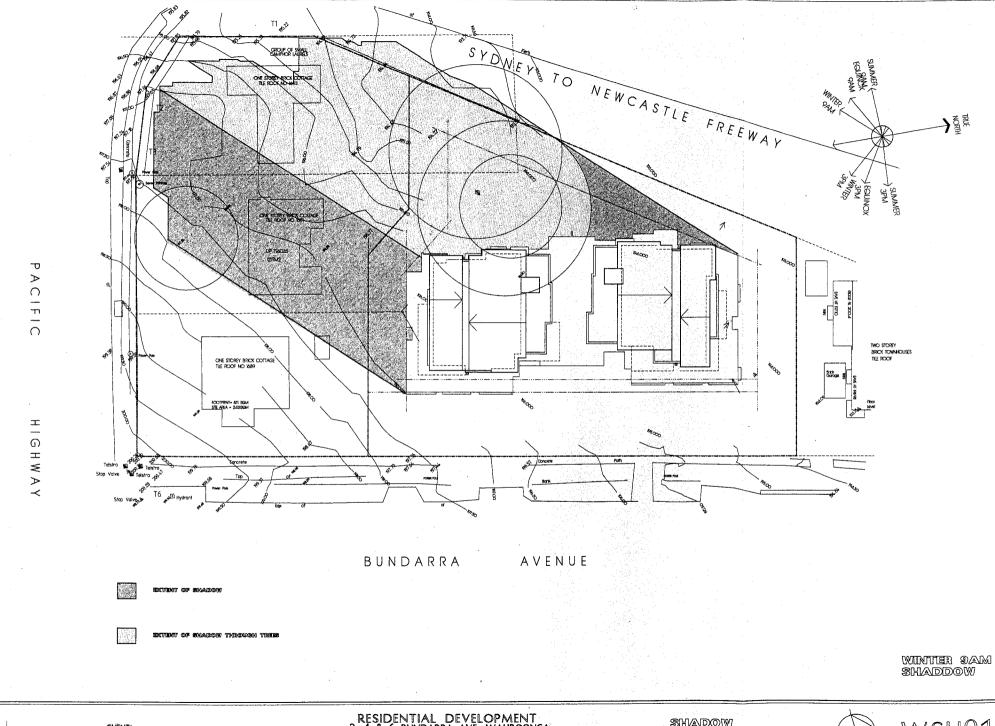
BLEVATIONS

2607









2 4 6 8 K SCALE 1:200 MOT DATE 16JANG6

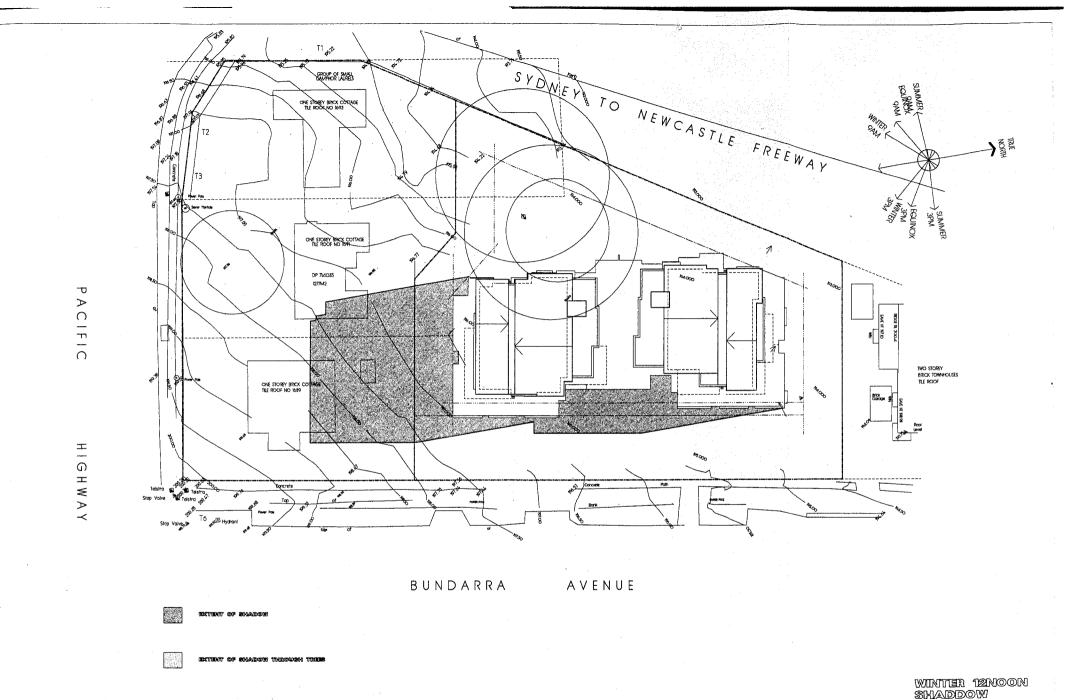
CLIENT:
BUNDARRA AVENUE PTY. LTD.
(STALDONE DEVELOPMENTS)

RESIDENTIAL DEVELOPMENT
2, 4 & 6 BUNDARRA AVE, WAHROONGA
WOLSKI LYCENKO & BRECKNOCK ARCHITECTS
115 MILITARY ROAD NEUTRAL BAY 2089
TEL: 9953 8477 FAX: 9953 8557

SHADOW DIAGRAM



WSH01



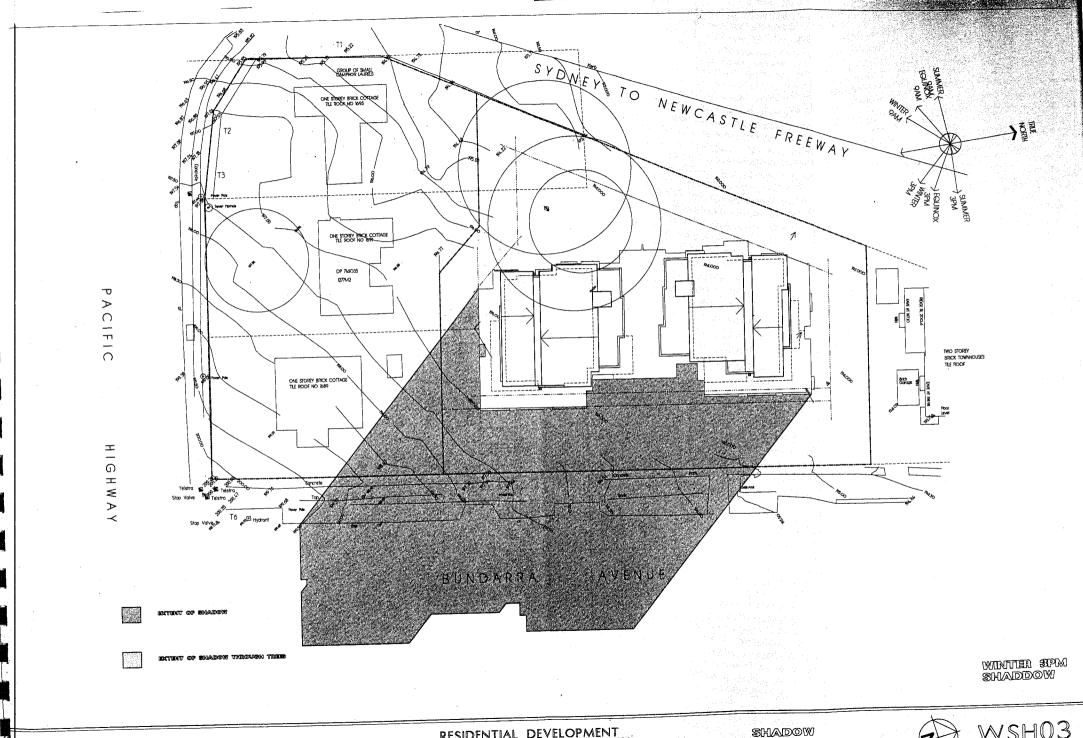
SCALE 1:200 LOT DATE 16JUNO6

BUNDARRA AVENUE PTY. LTD. (STALDONE DEVELOPMENTS)

RESIDENTIAL DEVELOPMENT
2, 4 & 6 BUNDARRA AVE, WAHROONGA
WOLSKI LYCENKO & BRECKNOCK ARCHITECTS
115 MILITARY ROAD NEUTRAL BAY 2089
TEL: 9953 8477 FAX: 9953 8557

SHADOW DIAGRAM





RESIDENTIAL DEVELOPMENT
4 & 6 BUNDARRA AVE, WAHROONGA
WOLSKI LYCENKO & BRECKNOCK ARCHITECTS
115 MILITARY ROAD NEUTRAL BAY 2089
111 GORG 8477 FAX: 9953 8557

SHADOW DIAGRAM



SCAIF 1:200

DA0361/06 10 October 2006

# 1 TO 7 CARLOTTA AVENUE, GORDON - CONSOLIDATION OF 8 LOTS AND SUBDIVISION INTO 2 LOTS

#### **EXECUTIVE SUMMARY**

PURPOSE OF REPORT:

To determine development application No

361/06, which seeks consent for the

consolidation of 8 existing lots and subdivision into 2 lots, hereafter referred to as Proposed Lot

1 and Proposed Lot 2.

The proposal has been lodged by Ku-ring-gai Council on land owned by Council and is currently used for the purpose of Council's Works Depot. This report has been prepared by

don Fox Planning Pty Ltd for Council's

consideration.

RECOMMENDATION:

That Council approve the application in

accordance with the recommendations made by

the independent planning consultant, J McFadden of Don Fox Planning Pty Ltd in

Attachment 1 - Consultant's Report.

DA0361/06 10 October 2006

#### **PURPOSE OF REPORT**

To determine development application No 361/06, which seeks consent for the consolidation of 8 existing lots and subdivision into 2 lots, hereafter referred to as Proposed Lot 1 and Proposed Lot 2.

The proposal has been lodged by Ku-ring-gai Council on land owned by Council and is currently used for the purpose of Council's Works Depot. This report has been prepared by don Fox Planning Pty Ltd for Council's consideration.

#### RECOMMENDATION

That Council approve the application in accordance with the recommendations made by the independent planning consultant, J McFadden of Don Fox Planning Pty Ltd in Attachment 1 - Consultant's Report.

M Prendergast
Acting Director
Development & Regulation

**Attachments:** 

- 1. Consultant's Report 680885
- 2. Location Plan 680759
- 3. Zoning Extract 680761
- 4. Survey Plans 680780
- 5. Subdivision Plan 680784
- 6. Draft Section 88B Instrument 680939

### **DEVELOPMENT APPLICATION**

#### **SUMMARY SHEET**

**REPORT TITLE:** 1 TO 7 CARLOTTA AVENUE,

GORDON - CONSOLIDATION OF 8 LOTS AND SUBDIVISION INTO 2

**LOTS** 

WARD: Gordon

**DEVELOPMENT APPLICATION**  $N^{O}$ : 361/06

SUBJECT LAND: 1 to 7 Carlotta Avenue, Gordon

APPLICANT: Ku-ring-gai Council

OWNER: Ku-ring-gai Council

**DESIGNER:** Degotardi Smith & Partners

PRESENT USE: Council Works Depot

**ZONING:** Residential 2(d3)

**HERITAGE:** Nearby heritage items

PERMISSIBLE UNDER: Ku-ring-gai Planning Scheme Ordinance

COUNCIL'S POLICIES APPLICABLE: KPSO, DCP 55, Subdivision Code

COMPLIANCE WITH CODES/POLICIES: Yes

GOVERNMENT POLICIES APPLICABLE: SEPP 55

**COMPLIANCE WITH GOVERNMENT POLICIES:** Yes

DATE LODGED: 20 April 2006

40 DAY PERIOD EXPIRED: 30 May 2006

**PROPOSAL:** Consolidation of 8 lots and subdivision

into 2 lots

**RECOMMENDATION:** Approval

**DEVELOPMENT APPLICATION N<sup>O</sup> 361/06** 

PREMISES: 1-7 CARLOTTA AVENUE, GORDON PROPOSAL: CONSOLIDATION OF 8 LOTS AND

**SUBDIVISION INTO 2 LOTS** 

APPLICANT: KU-RING-GAI COUNCIL KU-RING-GAI COUNCIL

DESIGNER DEGOTARDI SMITH & PARTNERS

#### PURPOSE FOR REPORT

To determine development application No 361/06, which seeks consent for the consolidation of 8 existing lots and subdivision into 2 lots, hereafter referred to as Proposed Lot 1 and Proposed Lot 2.

The proposal has been lodged by Ku-ring-gai Council on land owned by Council and is currently used for the purpose of Council's Works Depot. This report has been prepared by don Fox Planning Pty Ltd for Council's consideration

#### **EXECUTIVE SUMMARY**

**Issues:** • Building encroachments

Restrictions on use

**Submissions:** No submissions were received by Council

Land & Environment Court N/A

Appeal:

Comments: The proposal has been lodged by Ku-ring-gai Council on land

owned by Council and is currently used for the purpose of Council's works depot. This report has been prepared by Don

fox Planning Pty Ltd for Council's consideration.

**Recommendation:** Approval

#### **HISTORY**

#### **Site history:**

The site has been used as Council's works depot since the 1930's for the storage of materials, fuel and vehicles for Council's operational needs, staff amenities and the maintenance and repair of mechanical plant.

A new Council depot is to be built at 5 Suakin Street, Pymble to provide for improved buildings and facilities to accommodate Council's on-going operational needs.

The subject site was rezoned to Residential 2(d3) from its original zoning of 5(a) Special Uses - Municipal Purposes under the Ku-ring-gai Planning Scheme Ordinance following the gazettal of LEP 194 on 28 May, 2004.

DCP 55 was adopted on 14 December 2004 and applies to residential flat developments in the Residential 2(d3) zone.

Ku-ring-gai Council's Depot Site Masterplan was adopted on 5 April 2005 which included site specific controls for the future development of residential flat buildings and public open space on the site.

At its meeting of 10 May 2005, Council resolved to amend DCP No. 55 to incorporate the Carlotta Avenue Depot Site Masterplan into Part 7 of DCP No. 55 as follows:-

That the adopted Carlotta Avenue Depot Masterplan be incorporated as Section 7.4 of Ku-ring-gai Multi-unit Housing Development Control Plan No. 55 – Pacific Highway/Railway Corridor and St Ives Centre.

Don Fox Planning Pty Ltd has identified that whilst the above provisions will apply to the future development of a residential flat building and other residential development in the Residential 2(d3) zone (and any subsequent Section 96 amendment), Section 1.7 of DCP 55 indicates that the DCP would not apply to the subject application which involves consolidation of 8 lots and subdivision into 2 lots.

At its meeting of 19 July, 2005, Council considered advice on the legal procedure to place the Carlotta Avenue Depot Site Masterplan as a public positive covenant on the Certificate of Title and consolidate all lots forming 1-7 Carlotta Avenue, Gordon and resolved as follows:-

- A. That Council orders that a public positive covenant be imposed on Council's land described in the order and that the owner for the time being of such land (other than Ku-ring-gai Council) must comply with the requirements of the Carlotta Avenue depot site Masterplan adopted by Ku-ring-gai Council on 5 April 2005 in respect of any development on such land or any part thereof. Council's land to which this Order relates is the land being Lots 10 and 11 in Deposited Plan 3387, Lot 2 in Deposited Plan 218590 and Lots 11, 12, 13, 14 & 15 in Deposited Plan 712122, or as consolidated. The prescribed authority for the purposes of Section 88D of the Conveyancing Act 1919 (NSW) in which the land in this order is vested is Ku-ring-gai Council.
- B. That Council approve the consolidation of the individual parcels of land that form 1-7 Carlotta Avenue, Gordon as identified in A above, as 1 single lot.
- C. That Council authorise the Mayor and the General Manager to execute all documentation associated with the 88D instrument and the Plan of Consolidation.
- D. That Council approve the affixing of the common seal of Council to all necessary documentation.

At its meeting of 22 November 2005, Council considered the process to excise a portion of land from the property 1-7 Carlotta Avenue, Gordon, to ensure the requirements of the depot site Masterplan could be observed and resolved as follows:-

- A. That Council approves the Plan of Subdivision of the individual parcels of land that forms 1 to 7 Carlotta Avenue Gordon, to create four (4) Torrens Title Lots.
- B. That the newly subdivided Lots 1, 2 & 3 will form the land known as 1 to 7 Carlotta Avenue Gordon, for future sale.
- C. That Council retains ownership of Lot 4 of the proposed Plan of Subdivision as Operational Land.
- D. That following the registration of the plan of Subdivision with LPI NSW, a public positive covenant on Lots 1, 2 & 3 will be registered in accordance with the previous resolution of Council.
- E. That Council authorises the Mayor and General Manager to execute all documentation associated with the 88D Instrument and the Plan of Subdivision.
- F. That Council approves affixing the Common Seal of Council to all necessary documentation.

The above resolution concerned the identification of approximately 447m<sup>2</sup> of land in the Masterplan which was not to be included in the sale of the property. A portion of Lot 2 DP 218590 formed part of the access handle from Mount William Street. To excise this portion of land from the title of the property, a Torrens Title Plan of Subdivision will be required. The plan of subdivision replaces the need for Council to prepare a plan of consolidation as resolved in Item B at its meeting of 19 July, 2005.

In addition, it is understood that the Plan of Subdivision would clearly identify to all prospective purchases, those lots which are to be dedicated as future open space and public road in accordance with the design principles and planning controls contained within the adopted Masterplan and any subsequent planning agreement accompanying the sale of the site.

At its meeting of 28 February, 2006, Council considered the status of the expressions of interest relating to the sale of the existing depot site and endorsed the sale by tender in accordance with the following resolution.

- A. That Council proceeds with the sale of the existing depot site by tender for Lot 1 only and that the tender documents indicate that development in accordance with SEPP (Seniors Living) is permissible for the site.
- B. That Council retains ownership of Lot 2 being for public open space.
- C. That the plan of subdivision be reduced to a 2 lot subdivision with Lot 1 incorporating Lots 3 and 4.

- D. That a draft planning agreement be prepared requiring embellishment of Lot 2 for tree planting and passive recreation public open space and to address any liability surrounding vacant Council operational structures encroaching on the allotment.
- E. That adjoining residents be notified of the potential for the site to be developed under the SEPP (Seniors Living) and what is the likely control variations between the SEPP and the Masterplan.

Development Application No. 361/06 for consolidation of 8 existing lots and subdivision into 2 lots was lodged on 20 April 2006 and is the subject of this report.

## **Development application history:**

#### DA 361/06

- Development Application No. 361/06 lodged on 20 April, 2006 and referred to Don Fox Planning Pty Ltd for an independent town planning assessment.
- Neighbour notification from 27 April, 2006 until 11 May, 2006 (14 calendar days). No submissions were received by Council.

#### THE SITE AND SURROUNDING AREA

## The site

Zoning: Residential 2(d3)

Visual Character Study Category: 1945-1968

Lot and DP Numbers: Lot 11-15 DP 712122 (inclusive)

Lots 10 & 11 DP 3387 Lot 2 DP 218590

Area: 1.6095 hectares (16,095m<sup>2</sup>)

Heritage Affected: Nearby heritage items

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

The subject site is known as 1-7 Carlotta Avenue, Gordon and comprises 8 existing allotments legally described as Lots 11-15 DP 712122 (inclusive), Lots 10 & 11 DP 3387 and Lot 2 DP 218590. The total site area is 1.6095 hectares with boundaries adjoining Mona Vale Road, Carlotta Avenue and an unnamed laneway on Mount William Street adjacent to the Girl Guides Hall at Lot 19 DP 218590.

The main northern railway line is elevated above the rear south-western boundary of the site with a large (approximately 8 metre high) retaining wall. The site is an irregular shape and contains scattered vegetation including a significant Sydney Red Gum (*Angophora costata*) which is located

in the centre of the site and predominantly hard surface area occupied by workshop buildings, car parking areas, storage sheds and ancillary offices.

The site contains a down slope of approximately 15 metres to the Carlotta Avenue street frontage with a series of terraces and a landform which has been heavily modified for its current use as a Council works depot. The site benefits from gravity drainage to Council's existing stormwater infrastructure in Carlotta Avenue and does not contain any items of heritage significance.

## **Surrounding development:**

The site contains a frontage to Carlotta Avenue and Mona Vale Road and a rear boundary adjoining the main northern railway, however the eastern side boundary adjoins dwelling houses in Mount William Street. The adjoining residential dwellings in Mount William Street are generally lower than the subject site, which indicates that the subject site may contain large areas of fill. Also in Mount William Street is a Girl Guides Hall at Lot 19, DP 218590 which adjoins an unnamed laneway accessible from Mount William Street which also provides pedestrian access from the subject site beneath the main northern railway to the Gordon Town Centre.

Residential dwellings are located opposite the subject site in Carlotta Avenue. No's 6-8 Mona Vale Road and No. 21 Mount William Street are items of heritage significance located within the vicinity of the subject site.

## THE PROPOSAL

Consent is sought for the consolidation of 8 existing allotments and subdivision into 2 new allotments known as proposed Lot 1 and proposed Lot 2. The proposal will enable the sale of proposed Lot 1 for future residential purposes and retention of the existing Council works depot buildings and operations on the site until such time as the Council's new works depot at No. 5 Suakin Street, Pymble is completed. The timeframe for completion of the new depot is likely to be approximately 18 months. The proposal will enable proposed Lot 2 to be retained in Council's ownership for the purpose of future public open space.

The proposal is consistent with the Ku-ring-gai Council Depot Site Masterplan but does not seek consent for a change in use, tree removal, demolition of existing buildings, construction of any new buildings, or remediation of contaminated soil. These uses will be the subject of a separate development application(s). Each of the proposed allotments is described as follows:-

### Proposed Lot 1

Proposed Lot 1 is an irregular shaped allotment with an area of 1.451 hectares (14,510m<sup>2</sup>) and a total road frontage to Carlotta Avenue of 77.75 metres. Proposed Lot 1 is intended to be sold for future residential development and contains multiple restrictions on the use of the land to prevent vehicular access to Mount William Street and Mona Vale Road.

An existing brick building that is located predominantly on proposed Lot 1 encroaches upon proposed Lot 2 and will be the subject of an easement to permit the encroaching structure to remain until it is demolished. A positive covenant is also included in the proposed draft S.88B instrument

submitted with this application which will remain in effect until the encroaching building is demolished with all demolition costs to be incurred by the owners of proposed Lot 1. Pedestrian access will remain available to the unnamed laneway on Mount William Street, which will provide future residents with convenient pedestrian access beneath the main northern railway to the Gordon Town Centre.

## Proposed Lot 2

Proposed Lot 2 has an area of 0.1585 hectares (1585m²) and is an irregular shaped allotment with a frontage of 39.375 metres to Carlotta Avenue. Proposed Lot 2 is intended to be used for public open space and will remain in the ownership of Ku-ring-gai Council. An existing brick building straddles the boundary of proposed Lot 1 and proposed Lot 2, and therefore an easement will be registered on the title of each lot for as long as the building exists to permit the encroaching building on this lot to remain. The proposed easement will enable Council's works depot to continue operating until such time as the new works depot at No. 5 Suakin Street, Pymble is completed and ready for operation.

### **CONSULTATION - COMMUNITY**

In accordance with Council's Notification Policy, adjoining owners were given notice of Development Application No. 361/06 between 27 April, 2006 and 11 May, 2006 for a period of 14 calendar days.

No submissions were received in response to Council's notification of the proposal.

### **CONSULTATION - WITHIN COUNCIL**

## **Engineering**

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

"The application is for the consolidation of 8 existing lots [and subdivision] into 2. Lot 1 is to have an area of 1.451 ha and Lot 2,  $1585m^2$ .

Because the number of lots is to be reduced, and the site has gravity fall to the public drainage system, there are no stormwater management details required, or issues. Vehicular access is currently available to each lot from Carlotta Avenue as required for the continued use of the depot and can be provided in conjunction with a future development. As well as the easement for the encroaching structure (B), it would appear that a right of carriageway in favour of Lot 1 should be created over Lot 2 for the remaining life of the depot.

A Section 73 Certificate would appear to be required because the development does not fall under Attachment 2 of the Sydney Water Guideline "Development types generally not to be referred for Section 73 Compliance Certificates" ie "Consolidation of existing lots of land not involving subdivision of the existing lots."

There are no engineering objections to the proposed development.

Condition No's 3-6 (inclusive) are included in the recommendation of this report to address the issues raised by Council's Engineering Assessment Team Leader. Condition No. 8 is recommended to address demolition of the encroaching structures and subsequent removal of burdens on title.

## STATUTORY PROVISIONS

## State Environmental Planning Policy No 55 - Remediation of Land (SEPP 55)

The provisions of SEPP 55 require Council to consider the potential for a site to be contaminated. The subject site has a history of use as a Council's works depot, and therefore has the potential for on-site contamination, particularly associated with above ground and below ground fuel storage tanks and previous operations on the site involving a hot mix facility. It is understood that a detailed site investigation has been prepared by GHD which resulted in the following conclusions as noted in the applicant's Statement of Environmental Effects.

- One hot spot containing elevated levels of TPH in the soil surrounding a storage tank for hydrocarbons has been identified, which will require remediation;
- One area containing elevated levels of BTEX in the soil has been identified, which will require remediation; and
- PAH levels identified were suitable for use on the site for residential flat buildings, however the levels were elevated in relation to a lower scale residential use of the site. Further delineation sampling would be required to determine whether remediation was [sic] necessary.

The proposal is for the consolidation and subdivision of land only and does not involve a change of use. Accordingly, remediation of contaminated soil will occur as part of a future separate development application to Council which will enable further consideration to occur at that stage.

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

The subject site is zoned Residential 2(d3) under the Ku-ring-gai Planning Scheme Ordinance following the gazettal of Local Environmental Plan No. 194 on 28 May, 2004. The subdivision of land is permissible with the consent of Council pursuant to Clause 23, Clause 25H(2) and Clause 58A of the KPSO.

The subject site is located on land identified in Clause 25A of the KPSO as being in the vicinity of the North Shore Railway/Pacific Highway Corridor and the St Ives Centre, as noted on the Ku-ringgai LEP No. 194 zoning map. Therefore, Part 3A of the KPSO applies to Development Application No. 361/06.

Clause 25C contains the aims and objectives of Part 3A which largely apply to the construction of buildings. Pursuant to Clause 25D(1), Council is also required to have regard to the objectives for residential zones set out in Clause 25D(2) and if development is for the purpose of a residential flat building, the impact on the heritage significance of any heritage items in the vicinity of the site.

The proposed consolidation and subdivision is not inconsistent with the aims and objectives prescribed in Clause 25C and Clause 25D of the Ku-ring-gai Planning Scheme Ordinance. Clause 25H of the KPSO pertains to subdivision in the residential zones. Pursuant to Clause 25H(2), Council's consent is required for the subdivision of land. Further, the objectives for subdivision in the residential zones are contained at Clause 25H(1) as follows:

- (1) The objectives of this clause are as follows:
  - (a) To set minimum lot areas that reflect previous minimum lot sizes
  - (b) To set minimum lot areas and minimum street frontage lot widths that provide for development to occur in a garden setting by substantial setbacks to enable long term sustainability of trees
  - (c) To permit the subdivision of multi-unit housing
  - (d) To provide for substantial common landscaped area to encourage good streetscape quality and areas for trees for each development.

The proposed consolidation of 8 existing allotments and subdivision into 2 allotments is not inconsistent with the objectives for subdivision in the residential zones prescribed by Clause 25H and, furthermore, future residential development and open space is able to be provided in accordance with Council's Site Specific Masterplan.

Clause 25H(4) applies to the subject application and requires the following minimum street frontage width to enable future development of the site for the purpose of a residential flat building.

<b>Development Standard</b>	Proposals Numeric Compliance	Complies
Minimum Street Frontage		
Width – Residential Flat		
Building	Proposed Lot 1: 77.75m (total)	YES
Proposed Lots 1 & 2	Proposed Lot 2: 39.38m	
23 metres (min)		

Proposed Lots 1 and 2 comply with Council's minimum street frontage width development standards contained in the KPSO as noted above and will facilitate future development of each proposed lot in accordance with Council's Depot Site Masterplan adopted on 5 April 2005.

Clause 59 of the KPSO pertains to subdivisions and new roads and requires new road openings to be in reasonable conformity with the road design shown on the scheme map. The proposed consolidation and subdivision will not alter the current access to the site, therefore the provisions of Clause 59 are not applicable to this application.

Clause 61E of the KPSO pertains to development in the vicinity of heritage items and applies to DA No. 361/06 as the subject is located within the vicinity of No's 6-8 Mona Vale Road and No. 21 Mount William Street. The proposal is for the consolidation and subdivision of land only and does not involve a change of use. Accordingly, the proposal is considered to be satisfactory having regard to the low impact on heritage items in the vicinity of the site.

Further to Council's resolution of 19 July 2005, it is noted that Clause 68(2) of the KPSO pertains to the Suspension of Acts, covenants etc. as follows:

- 68(2) In respect of any land which is comprised within any zone, other than within Zone No 2(a), 2(b), 2(c), 2(d), 2(e), 2(f), 2(g) or 2(h) the operation of any covenant agreement or instrument imposing restrictions as to the erection or use of buildings for certain purposes or as to the use of land for certain purposes is hereby suspended to the extent to which any such covenant, agreement or instrument is inconsistent with any provision of this Ordinance or with any consent given thereunder.
- (3) Nothing in subclause (2) of this clause shall affect the rights or interests of any statutory authority under any registered instrument.

A registered public positive covenant may have varying effect depending on the extent of any inconsistencies or the type of development proposed. Council's efforts to vary Cl. 68(3) by amending the reference from Statutory Authority to Public Authority were not supported by the Department of Planning, thereby resulting in difficulty for Council to enforce the ultimate development of the site in accordance with the Masterplan.

It is also noted that the provisions of Clause 7 of SEPP (Seniors Living) 2004 would have the effect of suspending any covenant which imposes restrictions on the development of a seniors living development on the site. Notwithstanding, the Ku-ring-gai Council Depot Masterplan would remain as a matter for consideration under S.79C of the EP&A Act.

### **POLICY PROVISIONS**

## **Subdivision Code**

The provisions of Council's Subdivision Code apply to the subdivision of land in Ku-ring-gai. However, the controls contained within Council's Subdivision Code do not apply in the Residential 2(d3) zone and therefore they do not apply to the subject application.

## **Development Control Plan No. 55**

DCP 55 does not apply to the subject application, despite the location of the site within the Residential 2(d3) zone. Section 1.7 of DCP 55 outlines the type of applications to which the DCP applies. The DCP applies to multi-unit housing, including residential flat developments in the 2(d3) zone and any subsequent 96 applications but does not apply to consolidation or subdivision as proposed under Development Application No. 361/06.

In any event, the general controls contained within DCP 55 predominantly relate to the erection of buildings and it is noted that the site specific Masterplan controls have been adopted for inclusion in DCP 55 following Council's resolution of 10 May 2005. In addition, at its meeting on 19 July 2005, Council resolved to include the Carlotta Avenue Depot Site Masterplan as a public positive covenant on the Certificate of Title for the site which would require future development to be consistent with the Masterplan, even if omitted from Section 1.7 of DCP 55. The proposed

consolidation and subdivision is consistent with the Masterplan controls, particularly as proposed Lot 1 is able to be developed for future residential purposes and proposed Lot 2 will remain in Council's ownership as public open space with the retention of significant vegetation and a direct interrelationship with surrounding land uses, whilst having regard to the natural constraints of the site.

## Ku-ring-gai Council Depot Site Masterplan

The Ku-ring-gai Council Depot Site Masterplan has been included in Section 7.4 of Council's DCP No. 55 following Council's resolution of 10 May 2005. The Masterplan provides indicative development plans for the site including residential development on proposed Lot 1 and public open space on proposed Lot 2.

The Statement of Environmental Effects prepared by Kerry Gordon Planning Services Pty Ltd submitted with the subject application has provided an analysis of the proposed development against the Masterplan controls as follows:

"The Masterplan provides indicative plans for the redevelopment of the site and identifies design guidelines and controls. The majority of the development guidelines and controls relate to the erection of building [sic] on the site, however the following address the proposed public parkland.

The indicative plans, design guidelines and controls seek the following:

- 1. The provision of public parkland in the location of proposed Lot 2, which is to be retained by Council for that purpose;
- 2. The parkland to be defined at the rear by an existing Angophera [sic] costata tree, it being noted that the identified tree is located immediately to the north-west of the office building in the centre of the site .... The portion of this building that adjoins the Angophera [sic] is to be retained within proposed Lot 2 and the boundary of proposed Lot 2 has been located to include the root system of the Angophera [sic] within Lot 2, allowing for its retention within the park; and
- 3. That the public parkland constitute 10% of the site area. The site consists of eight allotments having an area of 16,095m². The site area as defined in relation to the Part 3A provisions of the KPSO, excludes the access handle from the area and as such the site area is 15,647m² (it being noted that the area of the access handle as is shown on the subdivision plan is 447.6m²). The area of Lot 2 is 1,585m², which equates 10.13% of the site area."

The proposed consolidation and subdivision is consistent with the relevant controls and guidelines contained within Council's Masterplan that address future residential development on proposed Lot 1 and the future public open space on proposed Lot 2.

#### **Section 94 Plan**

The proposed development will result in a reduction of allotments and therefore the provisions of Section 94 are not applicable to the subject application. However, S.94 contributions will most likely apply to future residential development on proposed Lot 1 (subject to submission of separate DA(s)), particularly if nexus exists between the population increase associated with the proposed development and the increased demand for public amenities and services.

### LIKELY IMPACTS

The proposal does not seek consent for a change in use, tree removal, demolition of existing buildings, construction of any new buildings or remediation of contaminated soil, and is for consolidation and subdivision only, and will therefore result in minimal impact on the natural and built environment. In addition, the proposal is unlikely to create any significant social or economic impact on the Gordon locality.

## SUITABILITY OF THE SITE

The site is suitable for the proposed consolidation of 8 allotments and subdivision into 2 allotments and it is noted that future development applications will be required for any change of use, construction, demolition, tree removal or remediation works on the site.

## **ANY SUBMISSIONS**

No submissions were received following notification of this application.

### **PUBLIC INTEREST**

The approval of the application is considered to be in the public interest, as it will provide for the upgrading and relocation of Council's works depot in conjunction with the sale of proposed Lot 1 and the provision of public open space on proposed Lot 2. In addition, proposed Lot 1 will enable future residential development to occur in accordance with the Ku-ring-gai Council Depot Site Masterplan, which will provide for higher density residential development within close proximity to public transport and existing facilities within the Gordon Town Centre.

## ANY OTHER RELEVANT MATTERS FOR CONSIDERATION

There are no other matters for consideration that have not already been addressed elsewhere in this report.

## **CONCLUSION**

The proposed development is considered to be satisfactory. It is recommended that the application be approved, having regard to Section 79C of the Environmental Planning and Assessment Act 1979.

## **RECOMMENDATION:**

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

THAT the Council, as the consent authority grant development consent to DA 361/06 for consolidation of 8 allotments and subdivision into 2 allotments at No's 1-7 Carlotta Avenue, Gordon for a period of two (2) years from the date of the Notice of Determination subject to the following conditions:

### **GENERAL CONDITIONS**

- 1. The development must be carried out in accordance with plan of subdivision of Lots 11 to 15 (inclusive) DP 712122, Lots 10 & 11 DP 3387 and Lot 2 DP 218590, dated 4 April, 2006 drawn by Degotardi Smith & Partners, received by Council on 20 April, 2006 and endorsed with Council's approval stamp except where amended by the following conditions:-
- 2. The works set forth in the plans and specifications and approved under this consent, once commenced, shall be completed within two (2) years from the date of commencement.

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

- 3. The Applicant must obtain a **Section 73 Compliance Certificate** under the Sydney Water Act 1994. An application must be made through an authorised Water Servicing Coordinator. Please refer to "Your Business" section of Sydney Water's web site at <a href="https://www.sydneywater.com.au">www.sydneywater.com.au</a> then the "e-developer" icon or telephone 13 20 92. Following application a "Notice of Requirements" will detail water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.
- 4. For endorsement of the linen plan / subdivision certificate issue, the Applicant shall submit an original instrument under Section 88B of the Conveyancing Act with the plan of subdivision, plus six (6) copies. This is to create any required easements, rights-of-carriageway, positive covenants, restrictions-on-use or other burdens/benefits as may be required. Ku-ring-gai Council must be named as the authority whose consent is required to release, vary or modify the same.
- 5. For endorsement of the linen plan/issue of the subdivision certificate, the applicant shall submit an original plan of subdivision plus six (6) copies, suitable for endorsement by Council. The following details **must** be submitted with the plan of subdivision and copies:
  - a. The endorsement fee current at the time of lodgment,
  - b. The 88B Instruments plus six (6) copies,
  - c All Surveyor's and/or Consulting Engineer's certification(s) required under this consent,
  - d. The Section 73 (Sydney Water) Compliance Certificate for the subdivision.

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

Note 1: Plans of subdivision and copies must not be folded.

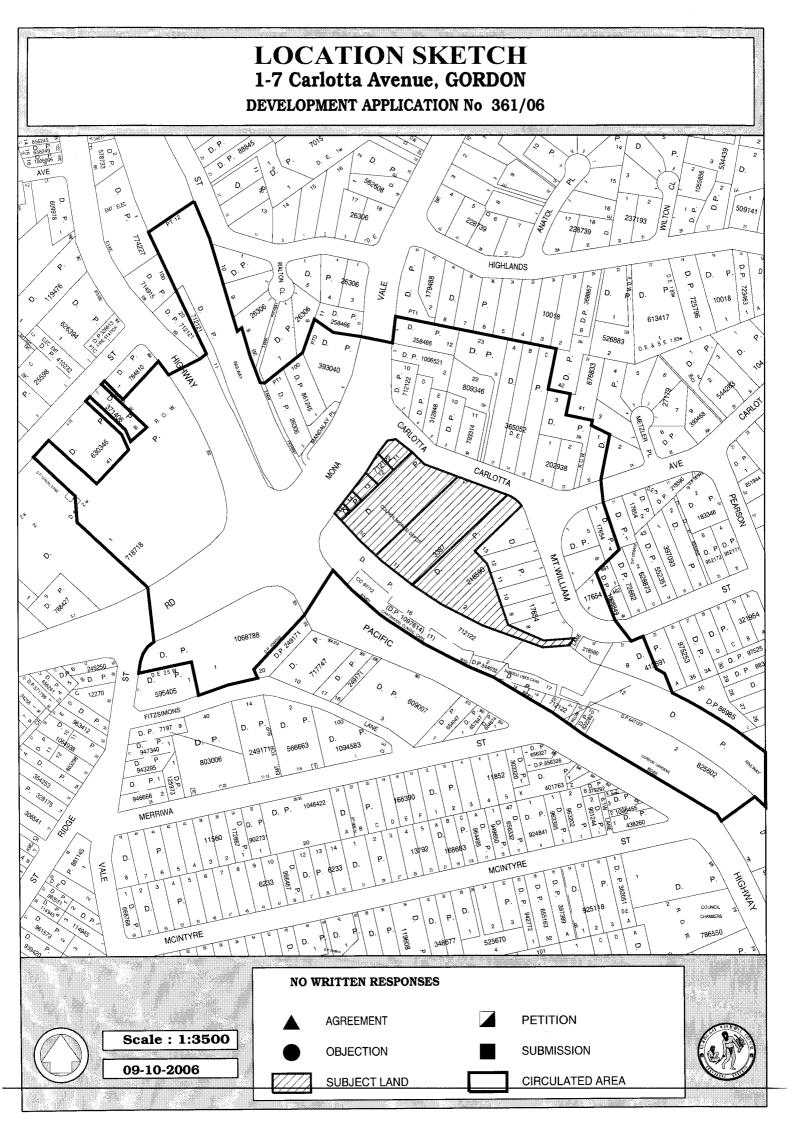
Note 2: Council will not accept bonds in lieu of completing subdivision works.

- 6. The applicant shall create all burdens including but not limited to drainage easements, easements for services and rights-of-carriageway, as required. A registered surveyor is to certify, prior to release of the linen plan/issue of the subdivision certificate, that all existing interallotment drainage lines, services and/or driveways are fully contained within the proposed burdens and/or that future provision of such are fully covered by the proposed burdens. Alternatively, where the surveyor is of the opinion that no interallotment easements or rights-of-carriageway are required, then certification to this effect must be submitted to the Principal Certifying Authority (PCA)."
- 7. A Tree Preservation Order exists within the Ku-ring-gai Council area whereby the removal, lopping or destruction of any tree exceeding 5.0 metres in height or 4.0 metres in canopy spread (except where exempt as defined under Council's Tree Preservation Order) without prior written consent of Council is prohibited.
- 8. Any permanent structures across common boundaries are to be demolished unless the necessary burdens are created. Prior to issue of the subdivision certificate a registered surveyor shall certify that no permanent structures exist across common boundaries unless covered by the necessary burdens on title. This certification must be submitted with the application for the subdivision certificate. Any burdens on the title relating to permanent structures and/or access across common boundaries are to be removed upon demolition of the structures.
- 9. No approval is granted for any change in use, construction works, tree removal, demolition or remediation.
- 10. Future construction, demolition, tree removal, remediation and other change in use/development is to be the subject of a separate development application to Ku-ring-gai Council.

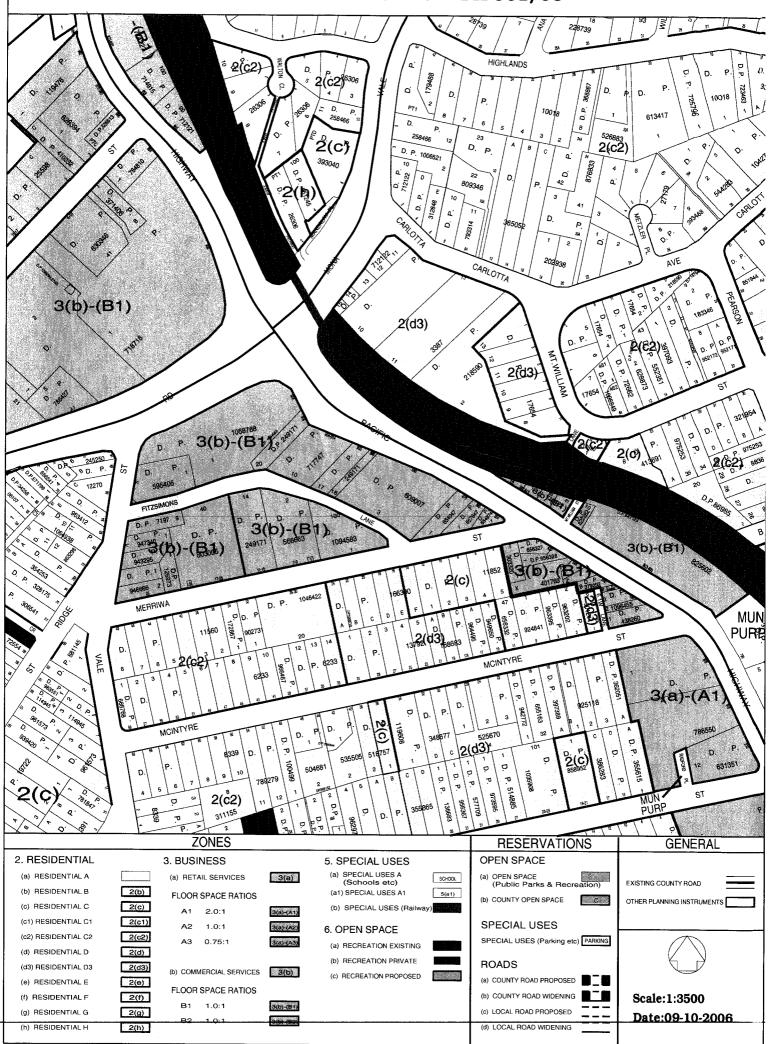
J McFadden
Senior Town Planner
Don Fox Planning Pty Ltd

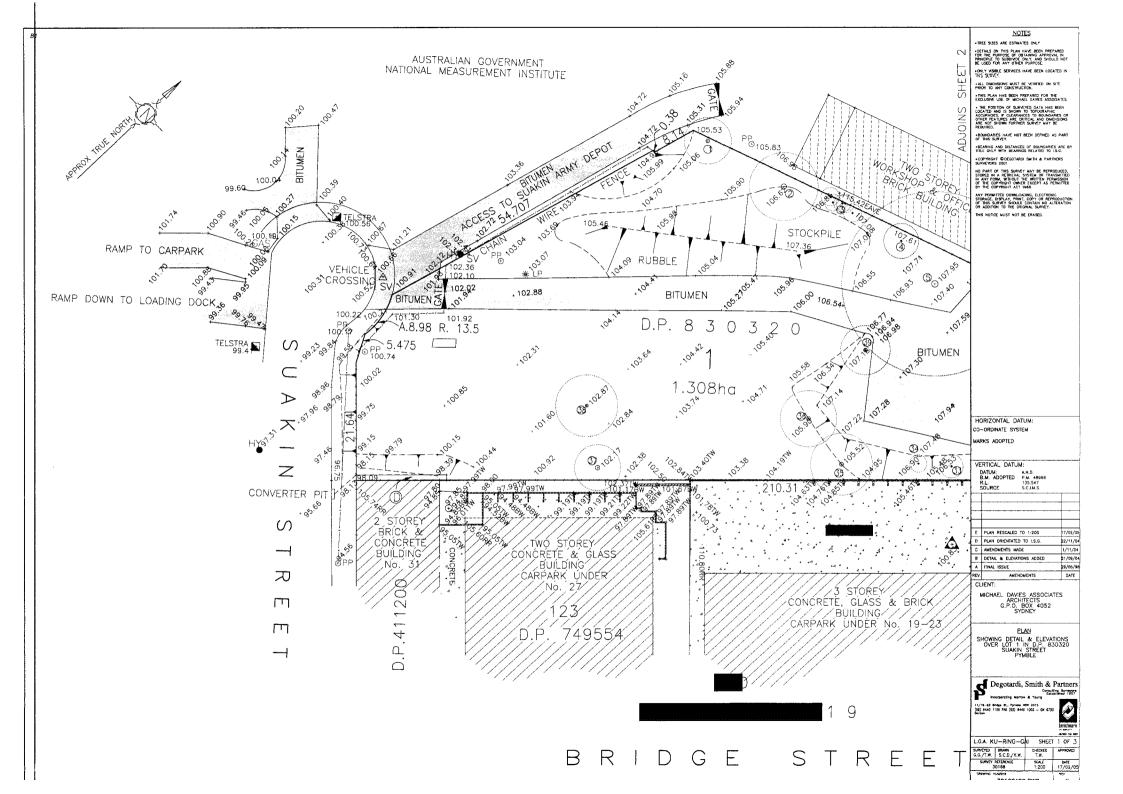
**Attachments:** Locality Plan - 680759

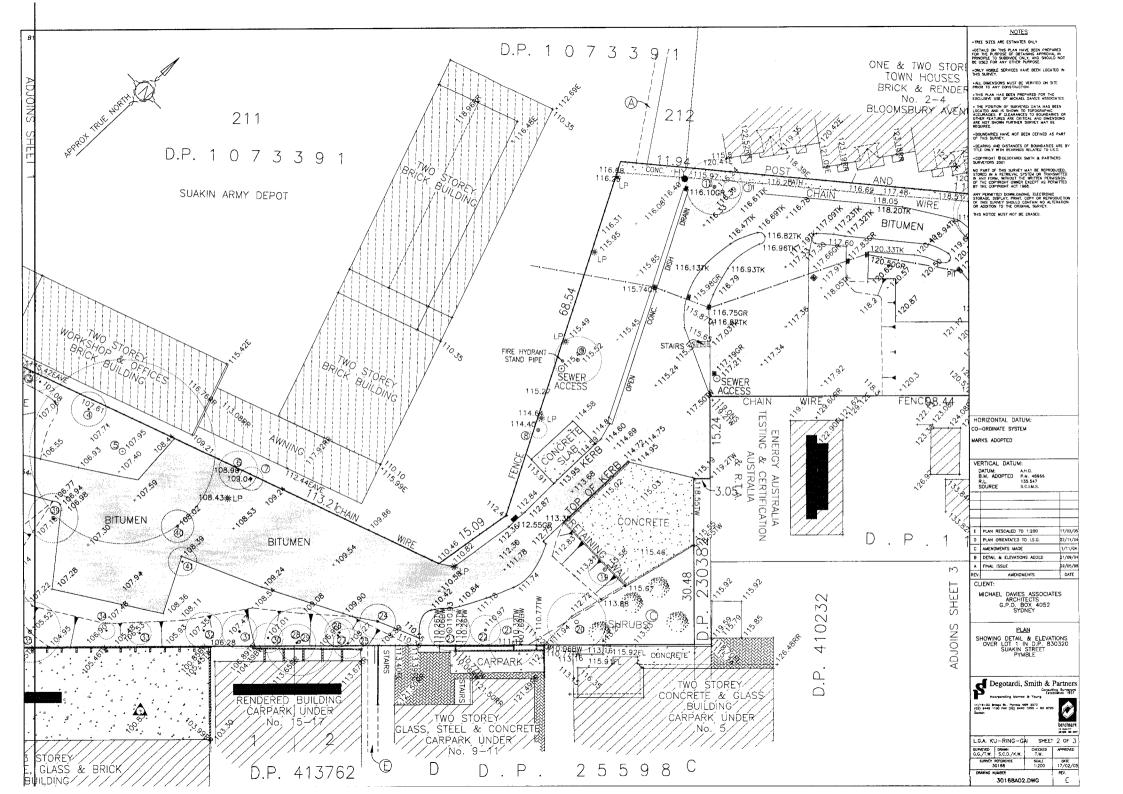
Zoning Extract - 680761 Survey Plans (3) - 680780 Subdivision Plan - 680784 Draft S.88B Instrument

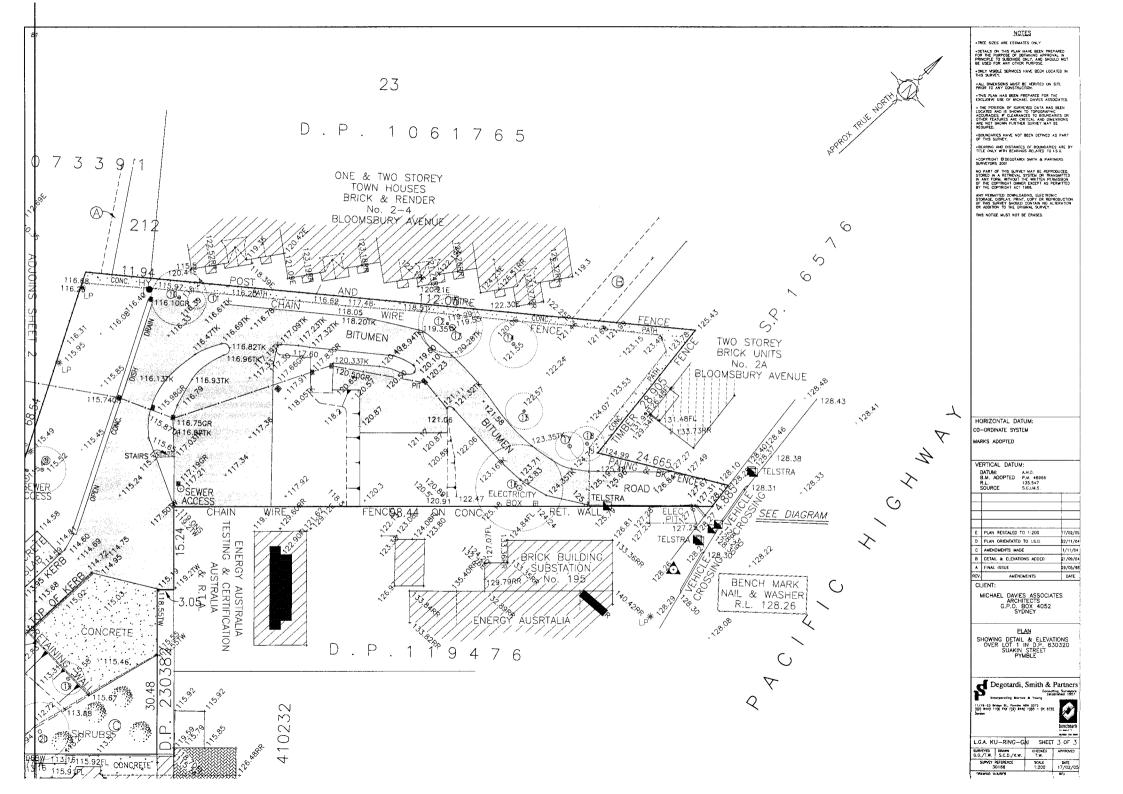


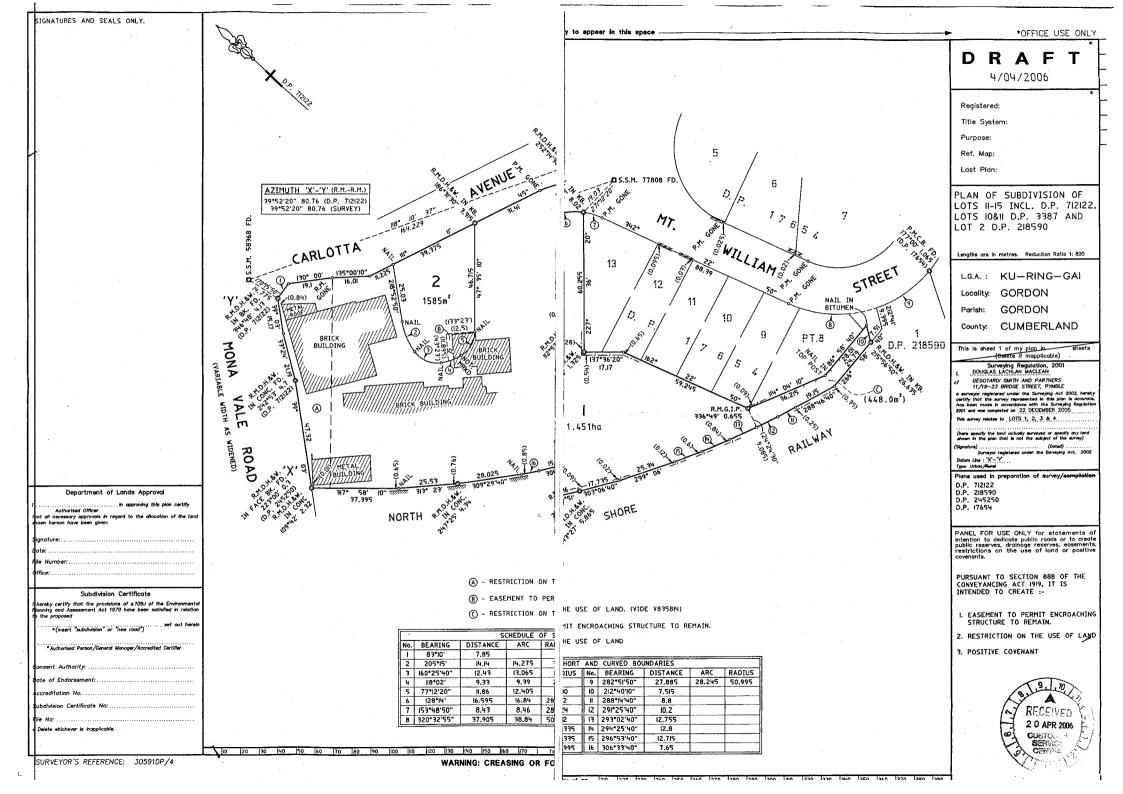
# Zoning Extract 1-7 CARLOTTA AVE GORDON DA 361/06











Instrument setting out Terms of Easements intended to be created or released or Positive Covenants intended to be created pursuant to Section 88B of the Conveyancing Act 1919.

## Sheet 1 of 2 Sheets

Plan: Deposited Plan

Plan of Subdivision of Lots 11-15 incl. in DP 712122, Lots 10 & 11 in D.P. 3387 and Lot 2 in D.P 218590

Covered by Council Clerk's Certificate No.\_\_\_\_\_Of

Full name and address of the owner of the land

Ru-ring-gai Council 818 Pacific Highway GORDON NSW 2072

1. Identity of Easement to be created and numbered firstly on the plan

Easement to Permit Encroaching

Building to Remain

#### Schedule of Lots Affected

Lot Burdened Lot 2 Lot 1

2. Identity of Restriction to be created and numbered secondly on the Plan

Restriction on the Use of Land

## **Schedule of Lots Affected**

Lot BurdenedAuthority BenefitedLot 1Ku-ring-gai Council

3. Identity of Positive Covenant to be created and numbered thirdly on the Plan

**Positive Covenant** 

### **Schedule of Lots Affected**

Lot Burdened Lot 1 Lot 2 Lot 2

#### Part 2

## In this Part "Council" means Ku-ring-gai Council and its successors

## 1 Terms of Easement numbered firstly on the Plan

- 1.2 The Proprietor of the Lot burdened covenants with the Proprietor of the Lot Benefited not to;
  - (a) restrict the use by the proprietor and occupiers of the Lot benefited of that part of the brick building shown on the Plan which encroaches upon the Lot Burdened (The "Encroachment") for any purpose for which such building must be used;
  - (b) remove any support provided by the Lot burdened to the Encroachment;
  - (c) remove any pipes, cables, conduits or other service lines which may service the Encroachment:
  - (d) deny access to or egress from the Encroachment over the Lot burdened where such access or egress is necessary to permit the proprietor or occupier of the Lot Benefited to enjoy the use of the Encroachment.

## 2. Terms of Restriction on the Use of Land numbered secondly on the Plan

The Proprietor of the burdened lot covenants with the Council not to permit any vehicular use of the area marked 'C' on the Lot burdened provided that this restriction shall not prohibit use by wheel chairs (whether powered or not) used by disabled persons.

### 3. Terms of Positive Covenant numbered thirdly on the Plan

The Proprietor for the time being of the Lot burdened at its cost must demolish all parts of the brick building shown in the Plan as standing upon the Lot benefited simultaneously with the demolition of that part of such building standing on the Lot burdened such demolition must include the removal of all rubble and debris arising from the demolition of such building and disposal of such waste in a lawful manner. Such demolition must also include the removal of all underground pipes, conduits and services servicing such building and the removal of any footpaths or other structures used in conjunction with such building.

Name of Authority empowered to release vary or modify the Easement, Restriction and Positive Covenant firstly, secondly and thirdly referred to in the Plan;

## Ku-ring-gai Council

Notwithstanding anything else expressed in this Instrument or implied by Law the Easement firstly referred to and the Positive Covenant thirdly referred to in the Plan shall lapse and cease to be of any effect forthwith upon demolition of the brick building referred to in the said Positive Covenant in accordance with the terms of that Covenant.

THE COMMON SEAL of	the	)	
<b>KU-RING-GAI COUNCIL</b>		<u> </u>	
was hereto affixed this	day	)	Mayor
of	in	)	
		)	
pursuance of a resolution	passed	)	
by Council on the	day	)	
of	2006	)	General Manager

Item 6

S04462 19 September 2006

## AMENDMENTS TO THE CONDUCT COMMITTEE GUIDELINES

## **EXECUTIVE SUMMARY**

PURPOSE OF REPORT:

Amend the Ku-ring-gai Council Conduct

Committee Guidelines.

BACKGROUND: Council recently resolved to establish an interim

Conduct Committee and adopted Guidelines for

the operation of the Committee.

**COMMENTS:** Amendments to the Guidelines can only be

made by resolution of the Council.

**RECOMMENDATION:** That Council adopt the proposed amendments to

the Conduct Committee Guidelines.

Item 6

S04462 19 September 2006

## PURPOSE OF REPORT

That Council amend the Ku-ring-gai Council Conduct Committee Guidelines (the Guidelines).

## **BACKGROUND**

On 13 June 2006, Council resolved to establish an interim Conduct Committee and adopted the Guidelines. Any amendments to the Guidelines may only be made by resolution of the Council.

## **COMMENTS**

When the Department of Local Government issued the Model Code of Conduct requiring all councils to have a Conduct Committee, it also recommended that councils adopt guidelines for the operation of the Committee. The Department did not however, issue model Guidelines.

The Department is currently undertaking a review of the Model Code of Conduct. As part of its review, the Department is interested in obtaining Conduct Committee Guidelines from various councils with the ultimate aim being to create some uniformity as to the content of the Guidelines.

To assist the Department, a copy of Ku-ring-gai Council's Guidelines was recently provided to the Department. The Department has since advised that it considers the Guidelines to be an example of good practice and will be recommending that other councils consider using the Guidelines as a guide when developing their own. The Department has also suggested that Council consider making some minor amendments to the Guidelines, to improve their content. To this end, a copy of the Guidelines incorporating the suggested amendments, was also forwarded to the Department for comment. The amendments have been informally endorsed by the Department and it is now considered appropriate for Council to adopt them formally.

The proposed amendments are outlined below.

Section 4.1 currently states:

## "4.1 Complaint to be in writing

Complaints about the conduct of Councillors are to be addressed in writing to the General Manager.

Complaints about the conduct of the General Manager are to be addressed in writing to the Mayor."

This section has been amended as follows:

## "4.1 Complaint to be in writing

<u>Complaints about the conduct of Councillors are to be addressed in writing to the</u> General Manager. S04462 19 September 2006

Complaints about the conduct of the General Manager are to be addressed in writing to the Mayor, who will report the matter to the Conduct Committee."

Section 4.2 currently states:

## "4.2 Initial review

Upon receipt of an allegation, the General Manager or the Mayor will undertake a review of the circumstances to determine if the matter should be referred to the Conduct Committee......The decision of the General Manager or the Mayor whether to refer the matter to the Conduct Committee or not, is final.

In arriving at that decision, the General Manager or Mayor shall have regard to......

This section has been amended as follows:

## "4.2 Initial review

Upon receipt of an allegation, the General Manager will undertake a review of the circumstances to determine if the matter should be referred to the Conduct Committee......The decision of the General Manager whether to refer the matter to the Conduct Committee or not, is final.

*In arriving at that decision, the General Manager shall have regard to......* 

Section 5 currently states:

### "5 NO REFERRAL TO CONDUCT COMMITTEE

Where the General Manager or the Mayor determine not to report the matter to the Conduct Committee, the General Manager or the Mayor will provide the complainant with reasons in writing within two weeks of receipt of the complaint."

This section has been amended as follows:

## "5 NO REFERRAL TO CONDUCT COMMITTEE

Where the General Manager determines not to report the matter to the Conduct Committee, the General Manager will provide the complainant with reasons in writing within two weeks of receipt of the complaint.

Section 6.1 currently states:

### "6.1 Convene meeting of Conduct Committee

Where the General Manager or the Mayor determine to report the matter to the Conduct Committee, the General Manager shall, in consultation with Mayor, convene an initial meeting of the Committee. Such meeting will be held, where practical, within three weeks of the determination."

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This section has been amended as follows:

## "6.1 Convene meeting of Conduct Committee

Where the General Manager has determined to report the matter to the Conduct Committee, the General Manager shall, in consultation with the Mayor, convene an initial meeting of the Committee. Such meeting will be held, where practical, within three weeks of the determination.

Where the Mayor has received a complaint about the conduct of the General Manager, the Mayor shall, in consultation with the Deputy Mayor or another Councillor designated by Council, convene an initial meeting of the Committee. Such meeting will be held, where practical, within three weeks of receipt of the complaint."

Section 8.2 currently states:

## "8.2 Recommendations

The Conduct Committee may, in its report to Council, make recommendations, that Council take any of the following actions –

- censure the councillor for misbehaviour
- require the councillor to apologise to any person adversely affected by the breach
- counsel the councillor
- make public findings of inappropriate conduct
- refer the matter to the Department of Local Government, the NSW Ombudsman, the Independent Commission Against Corruption or the NSW Police
- prosecute for any breach of the law"

This section has been expanded to include the following:

"Before making any such recommendations, the Committee shall have regard to the following:

- The seriousness of the breach
- Whether the breach can be easily remedied
- Whether the breach is technical or trivial only
- Whether the breach represents repeated conduct

Item 6

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- The extent to which the breach has affected other Councillors or the Council as a whole
- Whether the breach has brought the Council into disrepute
- The outcome for the employee or Councillor, colleagues, the Council and any other parties
- Whether the decision or conduct can be justified in terms of the public interest and would it withstand public scrutiny
- Whether the affected person has been the subject of repeated complaints or displayed similar behaviour
- Whether the affected person remedied or rectified their actions
- Whether an educative approach would be more appropriate than a coercive approach
- The relative costs and benefits of taking formal enforcement action as opposed to taking no action or informal action
- What action or remedy would be in the public interest"

## CONSULTATION

The General Manager and the Department of Local Government.

## FINANCIAL CONSIDERATIONS

Not applicable.

## CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Not applicable.

## SUMMARY

The proposed amendments will ensure greater consistency between the Guidelines and the Model Code of Conduct and will enhance the operation of the Conduct Committee. Further, given the Department's informal endorsement of the proposed amendments, it is considered appropriate that Council now formally adopt the amended Guidelines.

Item 6 \$04462 19 September 2006

## **RECOMMENDATION**

That Council adopt the proposed amendments to the Conduct Committee Guidelines.

Katrina Annis-Brown John McKee

Internal Ombudsman General Manager

Attachments: Ku-ring-gai Council Conduct Committee Guidelines - 599429

## KU-RING-GAI COUNCIL CONDUCT COMMITTEE GUIDELINES

### 1 **DEFINITIONS**

In these Guidelines, except in so far as the context or subject matter otherwise indicates or requires -

'Council' means that the Council of Ku-ring-gai.

'Councillor/s' mean the Councillor/s of Ku-ring-gai Council.

'General Manager' means the General Manager of Ku-ring-gai Council.

'Mayor' means the Mayor of Ku-ring-gai Council.

'Conduct Committee' means the Conduct Committee of Ku-ring-gai Council.

'Code of Conduct' means the Code of Conduct as adopted by Ku-ring-gai Council and includes any amendments adopted from time to time.

## 2 JURISDICTION OF CONDUCT COMMITTEE

The Conduct Committee may only investigate and report on allegations of breaches of Council's Code of Conduct by Councillors or the General Manager.

Allegations regarding pecuniary interest matters should be reported to the Director General of the Department of Local Government and will not be dealt with by the Conduct Committee.

### 3 COMPOSITION OF CONDUCT COMMITTEE

## 3.1 Members of Conduct Committee

The Conduct Committee will comprise the Mayor, the General Manager and at least one independent person with legal qualifications.

In circumstances where the Mayor or the General Manager are the subject of the complaint, the Deputy Mayor or another Councillor designated by Council will deputise for the Mayor or the General Manager on the Committee.

#### 3.2 Selection of additional members

The Committee will also comprise two additional persons of appropriate standing within the community, independent of Council. The selection will occur following the advertisement of an expression of interest in the local press. The General Manager in consultation with the Mayor, will establish a panel of persons considered suitable for appointment and arrange the rotation of such persons.

## 3.3 Quorum

The quorum of the Conduct Committee will be three members comprising the Mayor, the General Manager and the independent person with legal qualifications. Business shall not be conducted at any meeting of the Committee unless a quorum is present.

## 3.4 Duration of membership

The additional independent members, except for the member with legal qualifications, will serve for a period of twelve months and may not serve consecutive periods.

## 4 COMPLAINT HANDLING PROCEDURES

## 4.1 Complaint to be in writing

Complaints about the conduct of Councillors are to be addressed in writing to the General Manager.

Complaints about the conduct of the General Manager are to be addressed in writing to the Mayor.

## 4.2 Initial review

Upon receipt of an allegation, the General Manager or the Mayor will undertake a review of the circumstances to determine if the matter should be referred to the Conduct Committee. Such determination shall be made within two days of receipt of the complaint. The decision of the General Manager or the Mayor whether to refer the matter to the Conduct Committee or not, is final.

In arriving at that decision, the General Manager or Mayor shall have regard to the following -

- i Whether the allegation is covered by the Code of Conduct?
- ii Whether there is prima facie evidence of a breach of the Code of Conduct?
- iii Whether the matter may be considered frivolous, vexatious or not made in good faith?

## 5 NO REFERRAL TO CONDUCT COMMITTEE

Where the General Manager or the Mayor determine not the report the matter to the Conduct Committee, the General Manager or the Mayor will provide the complainant with reasons in writing within two weeks of receipt of the complaint.

## 6 REFERRAL TO CONDUCT COMMITTEE

## 6.1 Convene meeting of Conduct Committee

Where the General Manager or the Mayor determine to report the matter to the Conduct Committee, the General Manager shall, in consultation with Mayor, convene an initial meeting of the Committee. Such meeting will be held, where practical, within three weeks of the determination.

## **6.2** Initial meeting of Conduct Committee

At the initial meeting, the Conduct Committee will determine –

- i Not to make enquiries into the alleged breach. The complainant shall be provided with the reason/s in writing within two weeks of the determination.
- ii Make enquiries into the alleged breach to determine the particular factual matters.
- iii Engage an independent person to make enquiries into the alleged breach to determine the particular factual matters. Such enquiries will normally be undertaken by Council's Internal Ombudsman.

Where the Conduct Committee determines that further enquiries will be made, such enquiries will normally be undertaken within four weeks of the initial meeting.

## **6.3** Further meeting of Conduct Committee

The General Manager will convene a further meeting of the Conduct Committee, where practical, within two weeks of completion of the enquiry. At this meeting, the Committee will consider the results of the enquiry. The person against whom the allegation has been made (the affected person) shall be provided with an opportunity to address the Committee and place before it any information the person considers relevant to the enquiry.

## 7 PROCEDURAL FAIRNESS

In conducting the enquiry, the Conduct Committee or independent person must observe the accepted rules of procedural fairness and must -

- Inform the affected person that an allegation has been received and the details of the allegation.
- Inform the affected person that further enquiries into the allegation are being undertaken.

- Provide the affected person with a reasonable opportunity to respond to the allegation.
- Provide the affected person with an opportunity to place before the Committee or person undertaking the enquiry any information the person considers relevant to the enquiry.
- Provide the affected person with an opportunity to address the Conduct Committee in person.
- Hear all parties and consider all submissions before deciding the substance of any allegation and before making any recommendations.
- Act fairly and without prejudice or bias.

### 8 FINDINGS OF CONDUCT COMMITTEE

## 8.1 Prima facie breach of the Code of Conduct

Where the Conduct Committee determines that an allegation discloses a prima facie breach of the Code of Conduct, the Conduct Committee will report its findings, and the reasons for its findings, in writing to the Council. The Conduct Committee will also inform the affected person and the person making the allegation of its findings, in writing.

### 8.2 Recommendations

The Conduct Committee may, in its report to the Council, make recommendations, that the Council take any of the following actions –

- Censure the councillor for misbehaviour.
- Require the Councillor to apologise to any person adversely affected by the breach.
- Counsel the Councillor.
- Make public findings of inappropriate conduct.
- Refer the matter to the Department of Local Government, the NSW Ombudsman, the Independent Commission Against Corruption or the NSW Police.
- Prosecute for any breach of the law.

## 9 CONFIDENTIALITY

All person associated with the matter, including the complainant, the affected person, members of the Conduct Committee and any independent enquirer, shall ensure that confidentiality is maintained. Any breach confidentiality shall be considered a breach of the Code of Conduct.

#### 10 VOTING

Each member of the Conduct Committee shall be entitled to one vote in respect of any matter. In the event of equality of votes being cast, the Chairperson shall have the casting vote.

The Chairperson of the Committee shall be nominated by Council.

## 11 PROCEDURAL MATTERS

In relation to any procedural matters relating to the operation of the Conduct Committee, the ruling of the Chairperson shall be final.

## 12 AMENDMENT OF GUIDELINES

The Conduct Committee guidelines may be added to, repealed or amended by resolution of the Council.

Item 7

S02167 25 September 2006

## **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 2006.

**COMMENTS:** The Register will be tabled at the meeting.

**RECOMMENDATION:** That the tabling of the Disclosure of Interests

Returns Register be noted.

Item 7

S02167 25 September 2006

## **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 2006 must be tabled at the first Council meeting held after the last day of lodgement (30 September 2006).

## **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

## ANNUAL FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2006

## **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 2006 and to provide a summary of Council's financial performance and financial position at 30 June 2006.

**BACKGROUND:** In accordance with Section 419(1) and 419(2) of the

Local Government Act 1993:

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 Local

Government Act 1993:

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 2005/2006.

**RECOMMENDATION:** That Council receives the audited Financial Statements

and the report of Council's external auditor, Spencer Steer

Chartered Accountants.

Item 8

S04639 6 October 2006

## 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 2006.

To provide a summary of Council's financial performance and financial position at 30 June 2006.

## **BACKGROUND**

In accordance with Sections 419(1) and 419(2) of the Local Government Act 1993:

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 The Local Government Act 1993 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 2006 are hereby presented to Council (**attached**).

Council resolved on 12 September 2006 to receive and certify the Draft Financial Statements for 2005/2006 and to refer them to the external auditor. Council also resolved to fix 17 October 2006 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 Local Government Act 1993, this meeting date was advertised and the Statements were made available for inspection by the public at Council 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 17 October 2006 will be circulated to Councillors on the night. Public submissions may be made up to 24 October 2006.

This is the final stage of the process of adopting the Financial Statements for 2005/2006.

#### Australian Equivalents to International Financial Reporting Standards (AIFRS)

The AIFRS were applied for the first time in 2005/06 and are detailed in Note 1 to the Financial Statements. Reconciliations and explanations of the effects of the transition to

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AIFRS regarding the recognition, measurement and disclosure of assets and liabilities are disclosed in Note 21. In summary, the impact has been:

- A reclassification of assets such as investments and land for sale between the current (ie able to be converted to cash within the next year) and non-current categories.
- A reclassification of some liabilities such as employee leave provisions and deposits and retentions between the current and non-current categories.
- More detailed disclosures relating to some items such as investments, expenditure commitments and materials and contracts costs. Some of these disclosures have necessitated the introduction of new notes to the statements.
- Numerous changes to the format and terminology used in the Financial Statements.

## **Analysis of Results**

Council's overall financial position should be assessed by taking into account the following:

- The Income Statement
- The Balance Sheet
- Financial Ratios
- Working Capital

## **Income Statement**

Council's operating result for the year ended 30 June 2006 after accounting for \$6.7M in depreciation charges was a surplus of \$16.5M.

	F2006 \$M	F2005 \$M	Change \$M	Change %
Total Revenue	82.9	71.7	11.2	15.6%
Total Expense	66.4	65.8	0.6	0.9%
Surplus	16.5	5.9	10.6	179.7%

It should be noted that the primary reason for the increased surplus relates to increased revenue from Section 94 developer contributions and Council's special rates, which are externally restricted. AIFRS has resulted in a revision of the format of the Income Statement which merges revenues of a capital nature with other revenues. When capital revenues are excluded, the surplus for 2005/06 reduces to \$7.4M. Additionally, \$3.4M of Council's rates income is externally restricted special rates and exclusion of these reduces the surplus to \$4.0M.

### Revenue

Total revenue for the year increased by \$11.2M, from \$71.7M to \$82.9M, with the components being:

Category	F2006 \$M	F2005 \$M	Change \$M	Change %
Rates & Annual Charges	48.3	44.4	3.9	8.8%
User Charges & Fees	13.9	13.8	0.1	0.7%
Interest & Investment Income	1.9	1.1	0.8	72.7%
Other Revenues	2.0	2.1	-0.1	-4.8%
Operating Grants& Contributions	7.7	5.2	2.5	48.1%
Capital Grants & Contributions	9.1	5.1	4.0	78.4%
Total	82.9	71.7	11.2	15.6%

## **Major Changes**

- Rates and Annual Charges increased due to the introduction of the Environmental Levy (+\$1.7M), rates pegging and domestic waste charges (+\$615K).
- Interest and Investment Income increased with a major increase in the size of Councils investment portfolio of \$17.9M (+97%), due mainly to higher Section 94 receipts.
- Capital Grants and Contributions (+\$4M) represent increased Section 94 receipts.
- Operating Grants increased by \$2.5M due mainly to an increase of \$1.6M in the transport grants and \$330K in section 94 operating contributions as well as new grants for planning reform (\$200K) and Bicentennial Park (\$87K).

## **Expenses**

Total expenses increased by \$523K from \$65.8M to \$66.4M, with the components being:

Category	F2006	F2006 F2005		Change	
	\$M	\$M	\$M	%	
Employee Costs	26.7	26.9	-0.2	-0.7%	
Borrowing Costs	0.7	0.7	0.0	0.0%	
Materials and Contracts	20.5	19.6	0.9	4.6%	
Depreciation	6.8	6.8	0.0	0.0%	
Other Operating Expenses	11.4	10.3	1.1	10.7%	
Loss From Disposal	0.3	1.5	-1.2	-80.0%	
Total	66.4	65.8	0.6	0.9%	

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## **Major Changes**

- Employee Costs reduced slightly but was offset by temporary staff costs and some contractor and consultancy costs (part of materials and contracts).
- Other Operating expenses increased by \$1.1M. This includes a wide diversity of expense items with the major increases being in street lighting (+\$100K), temporary agency staff (+\$600K), Fire Levy (+\$130K).

### **Balance Sheet**

Council's assets increased by \$18.3M from \$1,640.2M to \$1,658.5M. These changes are summarised in the following table:

Asset Type	F2006 \$M	F2005 \$M	Change \$M	Change %
**	42.4		17.4	69.6%
Cash, Investments & Assets for Sale	42.4	25.0	17.4	09.0%
Land & Improvements	1,394.9	1,394.9	0.0	0.0%
Infrastructure	204.9	202.9	2.1	1.0%
Operating Assets	16.2	17.4	-1.2	-6.6%
Total Assets	1,658.5	1,640.2	18.3	1.1%

Council's liabilities increased by \$1.7M from \$27.2M to \$28.9M. These changes are summarised in the following table:

Liabilities	F2006 \$M	F2005 \$M	Change \$M	Change %
Payables	10.9	9.6	1.3	13.1%
Interest bearing liabilities	11.2	11.3	-0.1	-1.2%
Provisions	6.8	6.2	0.6	9.7%
Total Liabilities	28.9	27.2	1.7	6.4%

## **Statement of Performance Measurement (Note 13)**

These indicators provide a snap shot of financial performance. When compared to previous financial periods, they indicate upturns or downturns in performance for the year.

Ratio	Average for Category 3 Councils (03/04)	Ku-ring-gai				
		F2006	F2005	F2004	F2003	F2002
Current Ratio		2.4	1.8	1.0	1.8	1.7
Unrestricted Current Ratio	2.8	2.0	1.8	1.6	1.8	1.3
Debt Service Ratio	3.6%	3.2%	4.4%	5.6%	6.0%	7.1%
Rate Coverage Ratio	60%	58%	62%	66%	64%	64%
Outstanding Rates	4%	2.9%	3.2%	3.0%	2.9%	2.8%

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#### → Current Ratio

The current ratio assesses the Council's liquidity and its ability to satisfy obligations as they fall due in the short-term, such as payment for goods and services supplied. This indicator has improved to 2.4 in the 2005/2006 financial year.

#### Unrestricted Current Ratio

The unrestricted current ratio assesses the Council's liquidity and its ability to satisfy obligations as they fall due in the short term net of restricted funds. This indicator has increased to 2.0 in the 2005/06 financial year and is in line with Councils of a similar size. Note that this indicator excludes internally restricted assets and so does not correlate with working capital figures.

#### → Debt Service Ratio

This indicator shows the degree to which operating revenues are committed to the repayment of debt. It has continued to fall over 5 years, as significant amounts of debt have been discharged, from a high of 7.1% in 2001/02 to a new low of 3.2% in 2005/06. It is now under the 2003/04 average of 3.6% for category 3 Councils.

#### → Rate Coverage Ratio

This indicator assesses the degree of dependence on rate revenue. It has decreased from 62% in 2004/05 to 58% in 2005/06. It is now under 60%, the 2003/04 average for category 3 Councils. The primary reason for this decrease relates to increases in Section 94 contributions and grants in excess of increases in rates revenue.

#### Rates & Annual Charges Outstanding Ratio

The percentage of rates, charges and fees unpaid at the end of an accounting year is a measure of a Council's effectiveness in managing debt recovery. This indicator improved in 2005/06 from 3.2% to 2.9% and has been under the 2003/04 average of 4% for Category 3 Councils for 5 years.

#### **Working Capital**

Working Capital is determined by taking net current assets less internally and externally restricted reserves and adding those current liabilities to be funded from 2006/07 revenues. This is a primary measure of overall financial performance used in Local Government.

At 30 June 2006 Council's Available Working Capital balance was \$243K. However, carry-overs funded from general revenue totaled \$337K leaving a shortfall of \$94K which means savings will need to be identified in the September review to fund these carry-overs. A full list of carry-overs is included in a separate report being presented to Council on 17 October 2006.

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When the draft budget for Council's capital works program was established, a provision for \$100,000 was included in the drainage and catchment management program for continuation of the catchment analysis studies for Council's catchments. The catchment analysis studies were completed last financial year and the provision of this funding is not required for this financial year. Consequently, it is proposed to reduce this section of the capital works budget to fund the shortfall indicated above. This is proposed to be adjusted in the September review.

#### **A Satisfactory Working Capital Target**

As stated in the Auditor's report, "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". These factors can be analysed as follows:

- The funding of hard core debtors. There will always be some level of debt that is difficult to collect particularly considering such factors as rates payments which are not actively pursued. Based on trends over the last five years, these have averaged \$200K.
- Stores this is a current asset and needs to be maintained at a minimal level. An analysis of stores and other short term assets (see Note 8 to the Statements) suggests a funding level of \$100K.
- Unforeseen and unbudgeted expenditures. These are funded from the "unrestricted cash" balance (see Note 6(c) to the Statements). Unrestricted cash should be at a level which allows funds to be available to meet day to day turnover. Council's annual turnover as shown in the Cash Flow Statement (cash in plus cash out, excluding investment transactions) was \$157M in 2005/06 and the unrestricted cash balance was only \$704K, or 0.3%. A prudent level should be at around 0.5 1%, or \$800K \$1.6M. At the higher end, this is an increase of \$0.9M over the current level.
- A contingency to provide for adverse movements in factors which affect working capital that are difficult to control and are either not included in the budget, or only partially included. These changed unfavourably by a net \$201K in 2005/06, compared to how they were accounted for in the budget:

Net unfavourable change	- \$201K
Change in the mix of current and non-current receivables	+\$77K
Reduction in current loans outstanding	+\$139K
Reduction in GST receivables	-\$69K
Increased deposits and retentions (without an increase in the reserve)	-\$349K

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Other factors, which were not significant in 2005/06, can also impact such as:

- the level of employee leave accruals;
- changes in interest rates used to calculated the present value of leave and other liabilities

It is considered that Council should prudently target a working capital level of \$1M to account for all of the above factors. This can be implemented in stages over the next four year management plan period. Whilst it will require diversion of some income from immediate expenditure, it can also be financed by a review of the levels of other reserves compared to their future expected levels of utilisation during the Management Plan period.

It is important to remember that this is not a cost to the budget in the same fashion as expenditures. It is essentially the prudent investment of funds for future less specific contingencies, similar to the operation of an internally restricted reserve which is targeted for future specific contingencies. In the long term, as cash funds devoted to working capital earn unrestricted interest, it provides income to fund additional budgetary expenditures. This is enhanced if the non-cash elements of working capital (debtors, inventory, etc) are managed well to minimum levels.

A higher level of working capital also protects the value of Council's other reserves due to the fact that if working capital was insufficient to meet a contingency, these reserves would need to be utilised.

Therefore it is recommended as part of a review of Council's 10 Year Financial Model later this year, Council endeavours to budget for an Available Working Capital balance of \$1M rather than budget for a balance of zero. It may be that this takes several financial years to achieve but the rationale for targeting a \$1M balance should be considered in the model.

#### CONSULTATION

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 2006.

#### CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Not applicable.

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#### **SUMMARY**

The following provides a brief summary of the significant indicators contained in Council's Financial Statements.

Surplus from all activities	\$16.5M	↑ \$10.6M
Total Revenue	\$82.9M	▲ \$11.2M
Total Operating Expenditure	\$66.4M	↑ \$0.6M
Cash and Investments	\$41.1M	↑ \$16.1M
Infrastructure Assets (depreciable)	\$204.9M	▲ \$2.1M
Loans	\$11.2M	<b>▼</b> \$0.1M
Internally Restricted Reserves	\$12.5M	<b>↑</b> \$3.1M
Externally Restricted Reserves	\$27.7M	↑ \$12.2M
Current Ratio	2.4	<b>↑</b> 0.6
Unrestricted Current Ratio	2.0	<b>↑</b> 0.2
Debt Service Ratio	3.2%	<b>¥</b> 1.2%
Working Funds Available	\$253K	<b>▼</b> \$374K

#### **RECOMMENDATION**

That Council receives the audited Financial Statements and the report of Council's external auditor, Spencer Steer Chartered Accountants.

John Clark John McKee
Acting Director Finance & Business General Manager

Attachments: Annual Financial Statements for year ended 30 June 2006 (circulated separately) - 680050



## General Purpose Financial Report For the year ended 30 June 2006

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## General Purpose Financial Report For the year ended 30 June 2006

# 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
- 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 the resolution of Council made on

12 SEP 2006

Mayor

John McKee

General Manager

Councillor

John Clark

Responsible Accounting Officer



#### **Income Statement**

## for the year ended 30 June 2006

Original Budget 2006			Actual 2006	Actual 2005
\$'000		Notes	\$'000	\$'000
	Income from continuing operations			
	Revenue:			
48,030	Rates & annual charges	3a	48,253	44,384
13,638	User charges and fees	3b	13,875	13,75
1,005	Interest and investment revenue	3c	1,909	1,08
1,793	Other revenues	3d	1,991	2,11
4,502	Grants & contributions provided for operating purposes	3e,f	7,727	5,22
5,265	Grants & contributions provided for capital purposes	3e,f	9,145	5,15
	Other income:			
-	Net gain from the disposal of assets	5	-	
	Share of interests in joint ventures & associates using the equity			
	method	19	-	
74,233	Total Revenues from continuing operations		82,900	71,71
	Expenses from continuing operations			
27,926	Employee benefits and on-costs	4a	26,721	26,97
698	Borrowing costs	4b	663	67
19,826	Materials and contracts	4c	20,493	19,59
6,786	Depreciation and amortisation	4d	6,747	6,80
12,195	Other expenses	4e	11,383	10,29
-	Net loss from the disposal of assets	5	347	1,49
	Share of interests in joint ventures & associates using the equity			
-	method	19	-	
67,431	Total expenses from continuing operations		66,354	65,83
6,802	Operating result from continuing operations	_	16,546	5,88
	Operating recult from discontinued energtions	-		
	Operating result from discontinued operations	25		
6,802	Net operating result for the year	=	16,546	5,88
	Net operating result for the year before grants and contributions	-		

The above income statement should be read in conjunction with the accompanying notes.



# Balance Sheet for the year ended 30 June 2006

Investments	6,455 8,539 4,984 181 300 - 0,459 - 298
Cash and cash equivalents         6a         4,716           Investments         6b         34,367         1           Receivables         7         4,241           Inventories         8         154           Other         8         214           Non-current assets classified as held for sale         22         1,288           Total current assets         44,980         3           Investments         6b         2,000           Receivables         7         221           Inventories         8         -           Infrastructure, property, plant and equipment         9         1,611,235         1,60           Investments accounted for using equity method         19         -         -           Investment property         14         -         -           Intermediate         26         -         -           Other         8         1,613,456         1,60           Total non-current assets         1,613,456         1,60           Total assets         10         1,54           LIABILITIES         10         1,716           Payables         10         1,716           Provisions         10         6,434 </td <td>3,539 4,984 181 300 - 0,459</td>	3,539 4,984 181 300 - 0,459
Investments	3,539 4,984 181 300 - 0,459
Investments	4,984 181 300 - 0,459
Inventories	181 300 - 0,459
Other         8         214           Non-current assets classified as held for sale         22         1,288           Total current assets         44,980         3           Non-current assets         Investments         6b         2,000           Receivables         7         221           Inventories         8         -           Inventories         9         1,611,235         1,60           Investments accounted for using equity method         19         -           Investment property         14         -           Interest measure         26         -           Other         8         -           Total non-current assets         1,613,456         1,60           Total assets         1,658,436         1,64           LIABILITIES         Current liabilities         10         10,914           Interest bearing liabilities         10         1,716           Provisions         10         6,434           Total current liabilities         19,064         1           Non-current liabilities         10         -           Payables         10         9,440	300 - 0,459 -
Non-current assets         22         1,288           Total current assets         44,980         3           Non-current assets         8         2,000           Receivables         7         221           Inventories         8         -           Infrastructure, property, plant and equipment         9         1,611,235         1,60           Investments accounted for using equity method         19         -         -           Intangible assets         26         -         -           Other         8         -         -         -           Total non-current assets         26         -         -           Total assets         1,613,456         1,60           LIABILITIES         1,658,436         1,64           LIABILITIES         2         1         1,716         -           Payables         10         1,716         -         -           Provisions         10         6,434         -           Total current liabilities         19,064         1           Non-current liabilities         10         -           Payables         10         -         -           Interest bearing liabilities         10 </td <td>- 0,459 -</td>	- 0,459 -
Non-current assets         44,980         3           Investments         6b         2,000           Receivables         7         221           Inventories         8         -           Infrastructure, property, plant and equipment         9         1,611,235         1,60           Investments accounted for using equity method         19         -         -           Investment property         14         -         -         -           Intangible assets         26         - <td>_</td>	_
Non-current assets   Investments   6b   2,000   Receivables   7   221   Inventories   8   -	_
Investments   66	- 298 -
Receivables       7       221         Inventories       8       -         Infrastructure, property, plant and equipment       9       1,611,235       1,60         Investments accounted for using equity method       19       -         Investment property       14       -         Intangible assets       26       -         Other       8       -         Total non-current assets       1,613,456       1,60         Total assets       1,658,436       1,64         LIABILITIES       Current liabilities         Payables       10       10,914         Interest bearing liabilities       10       6,434         Total current liabilities       19,064       1         Non-current liabilities       10       -         Payables       10       -         Interest bearing liabilities       10       9,440	- 298 -
Inventories	298 -
Infrastructure, property, plant and equipment   9   1,611,235   1,60	-
Investments accounted for using equity method   19	
Investment property	9,400
Intangible assets       26       -         Other       8         Total non-current assets       1,613,456       1,60         Total assets       1,658,436       1,64         LIABILITIES         Current liabilities       10       10,914         Payables       10       1,716         Provisions       10       6,434         Total current liabilities       19,064       1         Non-current liabilities       10       -         Payables       10       -         Interest bearing liabilities       10       9,440	-
Other       8         Total non-current assets       1,613,456       1,60         Total assets       1,658,436       1,64         LIABILITIES         Current liabilities         Payables       10       10,914         Interest bearing liabilities       10       1,716         Provisions       10       6,434         Total current liabilities       19,064       1         Non-current liabilities       10       -         Payables       10       -         Interest bearing liabilities       10       9,440	-
Total non-current assets         1,613,456         1,60           Total assets         1,658,436         1,60           LIABILITIES           Current liabilities           Payables         10         10,914           Interest bearing liabilities         10         6,434           Total current liabilities         19,064         1           Non-current liabilities         10         -           Payables         10         -           Interest bearing liabilities         10         9,440	-
Total assets         1,658,436         1,64           LIABILITIES           Current liabilities         10         10,914           Interest bearing liabilities         10         1,716           Provisions         10         6,434           Total current liabilities         19,064         1           Non-current liabilities         10         -           Payables         10         9,440           Interest bearing liabilities         10         9,440	2 000
LIABILITIES         Current liabilities       10       10,914         Interest bearing liabilities       10       1,716         Provisions       10       6,434         Total current liabilities       19,064       1         Non-current liabilities       10       -         Payables       10       -         Interest bearing liabilities       10       9,440	
Current liabilities           Payables         10         10,914           Interest bearing liabilities         10         1,716           Provisions         10         6,434           Total current liabilities         19,064         1           Non-current liabilities         10         -           Payables         10         9,440           Interest bearing liabilities         10         9,440	0,157
Payables         10         10,914           Interest bearing liabilities         10         1,716           Provisions         10         6,434           Total current liabilities         19,064         1           Non-current liabilities         10         -           Payables         10         -           Interest bearing liabilities         10         9,440	
Interest bearing liabilities         10         1,716           Provisions         10         6,434           Total current liabilities         19,064         1           Non-current liabilities         10         -           Payables         10         -           Interest bearing liabilities         10         9,440	
Provisions         10         6,434           Total current liabilities         19,064         1           Non-current liabilities         10         -           Payables         10         -           Interest bearing liabilities         10         9,440	9,649
Non-current liabilities19,0641Non-current liabilities10-Payables10-Interest bearing liabilities109,440	1,540
Non-current liabilities Payables 10 - Interest bearing liabilities 10 9,440	5,796
Payables 10 - Interest bearing liabilities 10 9,440	6,985
Interest bearing liabilities 10 9,440	
	-
Provisions 10 399	9,755
Tatal war a second Pal 196 a	430
	0,185
Total liabilities 28,903 2	7,170
Net Assets1,629,533	2,987
EQUITY	
Reserves 20 -	2,987
<b>TOTAL EQUITY 1,629,533</b> 1,61	2,987 -

The above Balance Sheet should be read in conjunction with the accompanying notes.



## Statement of changes in equity

otatomont of onanges in	oquit
for the year ended 30 June	2006

			Actual 2006 \$'000							Actu 200 \$'00	05		
	Notes Ref.	Retained earnings	Asset revalua tion reserve	Other reserve s	Council equity Interest	Minority interest	Total equity	Retained earnings	Asset revaluati on reserve	Other reserves	Council equity Interest	Minority interest	Total equity
Balance at beginning of the reporting period	20	1,612,987					1,612,987	1,607,099					1,607,099
Adjustment on the adoption of AASB 132 and AASB 139													
Transfers to/from Asset revaluation reserve				i ! !	i 	i 							
Transfers to/from Other reserves (1)													
Other adjustments (1)													
Distributions to minority interests													
Net movements recognised directly in equity													
Net operating result for the year		16,546			: : : : :	1 1 1 1 1	16,546	5,888					5,888
Balance at end of the reporting period		1,629,533					1,629,533	1,612,987					1,612,987
Effect of correction of error in previous years being an increase in retained earnings	20							5,800					

The above Statement of changes in equity should be read in conjunction with the accompanying notes.



# Cash flow statement for the year ended 30 June 2006

Budget 2006			Actual 2006	Actual 2005
\$'000		Notes	\$'000	\$'000
	Cash flows from operating activities			
	Receipts:			
47,915	Rates and annual charges		48,280	44,249
14,804	User charges and fees		13,384	13,244
1,047	Investment revenue and interest		1,498	1,066
4,803	Grants and contributions		16,527	10,049
1,548	Other		2,648	2,048
	Payments:			
(27,024)	Employee benefits and on-costs		(25,888)	(26,603)
(19,984)	Materials and contracts		(19,892)	(15,175)
(717)	Borrowing costs		(669)	(708)
(15,027)	Other	_	(11,319)	(15,087)
7,365	Net cash provided (or used) in operating activities	11(b)	24,569	13,083
	Cash flows from investing activities			
	Receipts:			
-	Sale of investments		29,120	40,287
-	Sale of investment property			-
-	Sales of real estate assets		1,280	150
2,522	Sale of infrastructure, property, plant and equipment		1,562	2,069
-	Sale of interests in joint ventures/associates		-	-
-	Proceeds from Boundary adjustment		-	-
-	Other		-	-
	Payments:			
-	Purchase of Investments		(46,948)	(38,920)
-	Purchase of investment property		-	
(10,762)	Purchase of infrastructure, property, plant and equipment		(11,182)	(12,116)
-	Purchase of real estate		-	-
-	Purchase of interests in joint ventures/associates		-	_
-	Other			
(8,240)	Net cash provided (or used) in investing activities	=	(26,168)	(8,530)
	Cash flows from financing activities			
	Receipts:			
1,600	Borrowings and advances		1,400	1,600
· -	Other		, -	,
	Payments:			
(1,541)	Borrowings and advances		(1,540)	(2,155)
-	Lease liabilities		-	(=,:::)
_	Other		_	_
59	Net Cash provided (or used) in financing activities	=	(140)	(555)
(816)	Net increase/(decrease) in cash and cash equivalents	-	(1,739)	3,998
(3.0)			(-,)	0,000
22,654		11(a)	6.455	2,457
	• -			6,455
22,654 21,838	Cash and cash equivalents at beginning of reporting period  Cash and cash equivalents at end of reporting period	11(a) _ 11(a) _	6,455 4,716	_

The above Cash flow statement should be read in conjunction with the accompanying notes.



# Notes to and Forming Part of the Financial Statements for the Year Ended 30<sup>th</sup> June 2006

#### NOTE 1 – Summary of Significant Accounting Policies

#### 1. 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.

#### 1.1 The Consolidated Fund

As required by Section 409(1) of the Local Government Act 1993, all money and property received by Council is held in the Council's Consolidated Fund unless it is required to be held in a Council's Trust Fund.

#### 2. Basis of Accounting

#### 2.1 Compliance

This general purpose financial report has been prepared in accordance with Australian equivalents to International Financial Reporting Standards (AIFRSs), 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.

#### 2.2 Compliance with IFRSs

Australian Accounting Standards include Australian equivalents to International Financial Reporting Standards. Compliance with AIFRSs ensures that the financial statements and notes of Council comply with International Financial Reporting Standards (IFRSs).

## Application of AASB 1 - First-time Adoption of Australian Equivalents to International Financial Reporting Standards

These financial statements are the first Council financial statements to be prepared in accordance with AIFRS. AASB 1 "First-time Adoption of Australian Equivalents to International Financial Reporting Standards" has been applied in preparing these financial statements.

Council financial statements until 30 June 2005 had been prepared in accordance with previous Australian Generally Accepted Accounting Principles (AGAAP). AGAAP differs in certain respects from AIFRS. When preparing Council 2006 financial statements, management has amended certain accounting, valuation and consolidation methods applied in the AGAAP financial statements to comply with AIFRS. With the exception of financial instruments, the comparative figures in respect of 2005 were restated to reflect these adjustments. Council has taken the exemption available under AASB 1 to only apply AASB 132 and AASB 139 from 1 January 2005.

Reconciliations and descriptions of the effect of transition from previous AGAAP to AIFRSs on the Council's equity and its net income are given in Note 21.



Ku-Ring-Gai 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. The specific 'not for profit' reporting requirements also apply.

#### 2.3 Basis of preparation

The financial statements have been prepared on the basis of historical costs, as modified by the revaluation of available-for-sale financial assets, financial assets and liabilities at fair value through profit or loss and certain classes of property, plant and equipment.

The accounting policies are applied consistently by the Council and, except where there is a change in accounting policy, are consistent with those of the previous reporting period.

#### 2.4 Critical accounting estimates

The preparation of financial statements 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.

#### 3. Rates

The rating period and reporting period for the Council coincide and, accordingly, all rates levied for the year are recognised as revenues. Uncollected rates are recognised as receivables after providing for amounts due from unknown owners and postponed rates in accordance with the requirements of the Local Government Act 1993.

#### 4. Grants, Contributions and Donations

Grants, donations and other contributions are recognised as revenues when the Council obtains control over the assets comprising the contributions. Control over granted assets is normally obtained upon their receipt. Where prior advice of grants has been received and expenditure has been incurred in accordance with the relevant terms and conditions, unreceived grant entitlements are recorded as receivables.

Where grants, contributions and donations recognised as revenues during the reporting period were obtained on the condition that they be expended in a particular manner or used over a particular period, and those conditions were undischarged as at the reporting date, the amounts subject to those undischarged conditions are disclosed in these notes as restricted assets. Also disclosed is the amount of grants, contributions and receivables recognised as revenues in a previous reporting period which were obtained in respect of the Council's operations for the current reporting period.

## 4.1 Contributions under Section 94 of the Environment Planning and Assessment Act 1979

The Council has an obligation to provide facilities from contributions required from developers under the provisions of Section 94 of the Environmental Planning and Assessment Act 1979. Contributions received each year are held as restricted assets until used for the specific purpose designated in the formal contributions plan.



Amounts are spent only for the specific purpose, for which the contributions were required, but the Council may, within each area of benefit, apply contributions according to the priorities established in the relevant contributions plan and accompanying works schedule.

The Council holds contributions obtained prior to the requirement to have contribution plans in place. These monies must be applied only for the purpose for which they were obtained.

Contribution plans adopted by Council are available for public inspection free of cost.

#### 5. Investments

#### From 1st of July 2004 to 30 June 2005

Council has taken the exemption available under AASB 1 to apply AASB 132 and AASB 139 only from 1 July 2005. Council has applied previous AGAAP to the comparative information on financial instruments within the scope of AASB 132 and AASB 139.

#### Adjustments on transition date: 1 July 2005

The nature of the main adjustments to make this information comply with AASB 132 and AASB 139 are that, with the exception of held-to-maturity investments and loans and receivables which are measured at amortised cost fair value is the measurement basis.

#### From 1 July 2005

Council classifies its investments in the following categories: financial assets at fair value through profit or loss, loans and receivables and held-to-maturity investments.

The classification depends on the purpose for which the investments were acquired. Management determines the classification of its investments at initial recognition and reevaluates this designation at each reporting date.

#### (i) Financial assets at fair value through profit or loss

This category has two sub-categories: financial assets held for trading, and those designated at fair value through profit or loss on initial recognition. A financial asset is classified in this category if acquired principally for the purpose of selling in the short term or if so designated by management. The policy of management is to designate a financial asset if there exists the possibility it will be sold in the short term and the asset is subject to frequent changes in fair value.

Assets in this category are classified as current assets if they are either held for trading 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 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 non-current assets. Loans and receivables are included in receivables in the balance sheet.

#### (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.



Council has an approved investment policy complying with Section 625 of the Local Government Act. Investments are placed and managed in accordance with that policy and having particular regard to authorised investments prescribed under the Local Government Investment Order.

#### 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.

#### 6. Receivables

Receivables for rates and annual charges are secured over the subject land, and bear interest at rates determined in accordance with the Local Government Act 1993 (as amended) and the Regulations and Determinations made there under. Other receivables are generally unsecured and do not bear interest.

All receivables are reviewed as at the reporting date and adequate provision made for amounts the receipt of which is considered doubtful.

#### 7. Inventories

Inventories held in respect of business undertakings have been valued at the lower of cost or net realisable value. Inventories held in respect of non-business undertakings have been valued at cost subject to adjustment for loss of service potential. In both cases costs have been assigned to particular inventory items by the method of specific identification.

Revenues arising from the sale of property are recognised in the operating statement when settlement is completed.

#### Land Held for resale or Non-Current assets held for resale

Land held for resale is stated at the lower of cost and net realisable value.

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. Non-Current assets are not depreciated or amortised while they are held as held for resale.

Non-Current assets classified as held for sale are presented separately from the other assets in the balance sheet.

#### 8. Infrastructure, Property, Plant & Equipment

#### 8.1 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.



#### 8.2 Materiality

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.

#### **8.4** Depreciation of Non-Current Assets

With the exception of some assets acquired or constructed prior to 1 January 1993, all assets having a limited useful life are systematically depreciated over their useful lives in a manner which reflects the consumption of the service potential embodied in those assets. Depreciation is recognised on a straight-line basis using rates applicable to the local government industry which are reviewed annually. The major depreciation periods are:

Asset Type	Years
Roads	100.0
Drain structures	33.3
Drain grates, inlets and pipes	100.0
Buildings	40.0
Motor vehicles	10.0
Plant	10.0
Office equipment	10.0

Except for land under roads, infrastructure assets acquired or constructed prior to 1 January 1993 have now been recognised as assets of the Council.

#### 8.5 Impairment of Assets

Where there are indicators of impairment, all assets in scope should be subject to an impairment test under AASB 136. An asset is impaired when its carrying amount exceeds its recoverable amount (the higher of fair value less costs to sell and value in use). The indicators should provide objective evidence of impairment as a result of a past event that occurred subsequent to the initial recognition of the asset.

Council is unaware of any events or circumstances that indicate that assets are impaired.

#### 9. Payables

#### Goods & Services

Payables are amounts due to external parties for the supply of goods and services and are recognised as liabilities when the goods and services are received. Payables are normally paid 30 days after the month of invoice. No interest is payable on these amounts.

#### Payments Received in Advance & Deposits

Amounts received from external parties in advance of service delivery, and security deposits held against possible damage to Council assets, are recognised as liabilities until the service is delivered or damage reinstated, or the amount is refunded as the case may be.

#### 10. Borrowings

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.

#### 11. Employee Benefits

#### (i) Wages and salaries, annual leave and sick leave

Liabilities for wages and salaries, including non-monetary benefits, annual leave and accumulating sick leave expected to be settled within 12 months of the reporting date are recognised in the provision for employee benefits in respect of employees' services up to the reporting date and are measured at the amounts expected to be paid when the liabilities are settled. Annual leave and sick leave payments expected to be paid beyond 12 months 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. Liabilities for non-accumulating sick leave are recognized when the leave is taken and measured at the rates paid or payable.

#### (ii) Long service leave

The liability for long service leave is recognised in the provision for employee benefits and measured as the present value of expected future payments to be made in respect of services provided by employees up to the reporting date 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. Where Council does not have the unconditional right to defer settlement beyond 12 months, the liability is recognised as a current liability.

#### (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 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 accounts for its obligations to defined benefit plans on the same basis as its obligations to defined contribution plans.

The Local Government Superannuation Scheme – Pool B is a defined benefit plan that has been deemed to be a "multi-employer fund" for purposes of AASB 119. Sufficient information is not available to account for the Scheme as a defined benefit plan because the assets to the Scheme are pooled together for all Councils.

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.



#### 12. Joint Ventures

At balance date Council did not have any interest in any joint ventures.

#### 13. Leases

The Council's rights and obligations under finance leases, which are leases that effectively transfer to Council substantially all of the risks and benefits incident to ownership of the leased items, are initially recognised as assets and liabilities equal in amount to 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.

Lease liabilities are allocated between current and non-current components. The principal component of lease payments due on or before the end of the succeeding year is disclosed as a current liability, and the remainder of the lease liability is disclosed as a non-current liability. At the end of the financial year Council had not entered into any finance lease arrangements.

In respect of operating leases, where the lessor substantially retains all of the risks and benefits incident to ownership of the leased items, lease payments are charged to expense over the term of the lease.

#### 15. Classification of Assets and Liabilities

In the determination of whether an asset or liability is 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. 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.

Inventories held for trading are classified as current even if not expected to be realised in the next 12 months.

#### 16. 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.

#### 17. Rounding

In accordance with the Code of Accounting Practice all amounts shown in the Financial Statements have been rounded to the nearest thousand dollars.



## Note 2 (a) Functions

	Income, expenses and assets have been directly attributed to the following Functions/Activities												
	Income	e from continu operations		Expenses from continuing operations				results from o		Grants included in income from continuing operations		Total assets held (current and non-current)	
FUNCTIONS	Original Budget 2006	Actual 2006	Actual 2005	Original Budget 2006	Actual 2006	Actual 2005	Original Budget 2006	Actual 2006	Actual 2005	Actual 2006	Actual 2005	Actual 2006	Actual 2005
	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000
Governance	1	3	2	2,219	2,155	2,188	(2,217)	(2,152)	(2,187)				
Administration	7,449	7,008	4,160	16,102	16,991	18,263	(8,653)	(9,984)	(14,103)	488	1	71,195	60,453
Public Order & Safety	314	316	254	3,053	3,153	3,356	(2,739)	(2,837)	(3,102)	34	37	3,383	3,367
Health	119	72	363	363	386	453	(237)	(314)	(90)		8	3,406	3,390
Community Services & Education	2,196	3,131	2,397	3,114	3,197	3,497	(918)	(66)	(1,100)	1,089	596	5,453	5,427
Housing & Community Amenities	11,352	11,812	10,966	16,697	14,628	13,266	(5,345)	(2,816)	(2,300)	137	144	29,308	29,169
Water Supplies													
Sewerage Services													
Recreation & Culture	9,145	14,234	9,562	13,293	12,742	12,655	(4,149)	1,493	(3,093)	558	483	176,973	176,133
Fuel & Energy													
Mining, Manufacturing & Construction	3,170	2,866	2,749	4,500	4,137	4,372	(1,330)	(1,272)	(1,623)			906	901
Transport & Communication	3,130	4,163	3,671	7,909	8,773	7,616	(4,779)	(4,610)	(3,946)	1,984	1,082	1,367,812	1,361,317
Economic Affairs	95	136	84	188	191	165	(93)	(56)	(81)				
Total Function & Activities	36,970	43,739	34,209	67,431	66,354	65,831	(30,461)	(22,614)	(31,623)	4,289	2,351	1,658,436	1,640,157
Shares Of Gains In Associates & Joint Ventures Using The Equity Method									, ,				
General Purpose Income*	37,263	39,160	37,511				37,263	39,160	37,511	2,928	2,836		
Surplus/(Deficit) from all activities	74,233	82,900	71,720	67,431	66,354	65,831	6,802	16,546	5,888	7,217	5,187		



# Notes to and Forming Part of the Financial Statements for the Year Ended 30<sup>th</sup> June 2006

#### NOTE 2 (b) - Components & Functions

The activities relating to the Council's functions reported on the Note 2(a) are as follows:

#### **GOVERNANCE**

Costs relating to the Council's role as a component of democratic government, including elections, member's 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, immunization, food control, insect/vermin control, noxious plants, health centres, other.

#### **COMMUNITY SERVICES & EDUCATION**

Administration, family day care, child care, youth services, other families 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 storm water 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, MANUFACTURE & CONSTRUCTION

Building control, abattoirs, quarries and pits, other.

#### TRANSPORT & COMMUNICATIONS

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 promotions, sale yards and markets, real estate development, other business undertakings.



## Note 3 - Revenues from continuing operations

	Actual 2006 \$'000	Actual 2005 \$'000
(a) Rates and annual charges	Ψ 000	ΨΟΟΟ
Ordinary rates		
Residential	33,546	32,177
Business	2,311	2,241
Total ordinary rates	35,857	34,418
Special rates		
Infrastructure Levy	1,640	1,579
Environmental Levy	1,753	-
Other		-
Total special rates	3,394	1,579
Annual charges (pursuant to s.496 & s.501)		
Domestic Waste Management Services	9,002	8,387
Total annual charges	9,002	8,387
Total rates and annual charges	48,253	44,384
(b) User charges and fees		
User charges (pursuant to s.502)		
Domestic Waste Management	_	_
Water Supply Services	_	_
Sewerage Services	_	_
Drainage Services	_	_
Waste Management Services (not domestic)	_	_
Other	_	_
Total user charges		-
Fees		
S. 611	56	63
Regulatory/Statutory	451	495
Family Day Care	595	662
Trade Waste Charges	1,501	1,375
Art Centre	439	405
Holiday Activities	127	88
Tennis Courts	336	329
Golf Courses	1,407	1,508
Showground	110	117
Parks	389	426
Halls	273	154
Certificates	468	423
Road/Footpath Restoration	1,614	1,629
Building	1,971	1,967
DA Advertising Fees	82	80
Vehicle Lease	307	295
Tree Preservation Orders	99	98



Note 3 - Revenues from continuing operations (continued)

	Actual	Actual
	2006	2005
	\$'000	\$'000
Library	64	77
Nursery	135	84
Outstanding Notices	104	97
Rent & Hire of Council Properties	2,571	2,724
Driveway Application Fees	422	310
Other	422	326
Total User Charges & Fees	13,957	13,75
(c) Interest and investment revenue		
Interest on Overdue Rates & Charges	93	52
Cash, cash equivalents and investments:	-	
- Externally restricted	1,269	698
- Internally restricted	272	193
- Unrestricted	274	139
Premiums recognised on financial investment transactions:		
- Interest free loan from State Government	-	
Amortisation of discounts and premiums:		
- Interest free loan provided	-	
- Government bonds	-	
Other	-	
Total Interest Revenue	1,909	1,082
(d) Other revenues		
Fair value adjustments - investment properties	-	
Parking fines	560	43′
Other fines	197	178
Insurance contribution	173	
Commissions and Agency fees	21	20
Legal Fees Recovery (Rates)	77	42
Dog Registration Fees	105	53
Disposal Derelict Vehicles	-	;
Filming Fees	32	3
DX Rent	-	10
License Fees	-	10
Recycling	541	488
Advertising Contribution		684
Program Fees	47	59
Computer Bureau income	-	
Miscellaneous sales	_	
Other	156	103
Total other revenue	1,909	2,116



Note 3 - Revenues from continuing operations (continued)

	Operating		Сар	ital
	Actual	Actual	Actual	Actual
	2006	2005	2006	2005
	\$'000	\$'000	\$'000	\$'000
(e) Grants		_		
General purpose (Untied):				
Financial Assistance	2,613	2,500	-	-
Pensioner Rates Subsidies				
- General	315	336	-	-
Special Purpose:				
Pensioner Rates Subsidies				
- DWM	105	104	-	-
Community Centres	491	445	-	-
Transport (3x3, Flood Works, Road to Recovery)	2,210	598	-	140
Echo Point Park	8	76		
Road Safety	49	80		
Library per Capita Subsidy	228	201		
Public Lighting	237	231		
Planning Reform	200	-		
Bicentennial Park	87	-		
Other	675	475		-
Total grants	7,217	5,046		140
Comprising:				
- Commonwealth funding	2,613	2,836	-	_
- State funding	4,604	2,210	_	140
- Other funding	-	-	_	-
	7,217	5,046	-	140
(f) Contributions				
Developer contributions:				
- Section 94	333	-	8,797	5,019
Contribution to works	177	181	348	-
Total Contributions	510	181	9,145	5,019
Total Grants & Contributions	7,727	5,227	9,145	5,159



## Note 3 - Revenues from continuing operations (continued)

	Actual 2006	Actual 2005
(g) Restrictions relating to grants and contributions	\$'000	\$'000
Certain grants and contributions are obtained by Council on the condition they be spent in a specified manner:		
Grants and contributions in the current period which have not been spent Less:	10,978	5,846
Grants and contributions in previous reporting periods which have been spent in the current reporting period	466	370
Net increase/(decrease) in restricted grants and contributions	10,512	5,476



## **Note 4 Expenses from Ordinary Activities**

	Actual 2006	Actual 2005
(a) Employed honofite and an aceta	\$'000	\$'000
(a) Employee benefits and on costs		
Salaries and Wages	20,167	20,373
Employee Leave Entitlements	2,926	3,038
Superannuation	1,900	1,467
Workers Compensation Insurance	1,362	1,728
FBT	139	141
Training Costs (excluding salaries)	271	244
Other	59	40
Less: Capitalised Costs	(104)	(54)
Total Employee Costs Expensed	26,721	26,977
Number of FTE employees	471	463
(b) Borrowing costs		
Interest on Loans	663	671
Total borrowing costs expensed	663	671
(c) Materials and contracts		
Raw materials and consumables	2,955	2,780
Contractor and consultancy costs	15,036	13,432
Audit Fees:		
- Audit services	46	38
Legal Fees:		
- Planning and development	1,259	1,879
- Other	408	524
Operating leases:		
- Computers	561	661
Other	228	279
Total materials and contracts	20,493	19,593
(d) Depreciation		
Plant and Equipment	1,049	1,152
Office Equipment	82	80
Furniture & Fittings	18	17
Land Improvements (depreciable)	79	65
Buildings	1,548	1,538
Other Structures	227	215
Infrastructure		
- roads, bridges & footpaths	3,001	2,955
- stormwater drainage	455	533
Other assets		
- Library books	289	246
- Other	-	
Less: Capitalised costs/impairment reversals	-	
Total Depreciation Costs Expensed	6,747	6,801



## **Note 4 Expenses from Ordinary Activities (continued)**

	Actual	Actual
	2006	2005
	\$'000	\$'000
(e) Other expenses		
Other Expenses for the year include the following:		
Bad and Doubtful Debts	120	19
Mayoral Fee	24	28
Councillors' Fees	132	129
Insurance	815	834
Street Lighting	1,233	1,105
Electricity & Heating	327	302
Telephone	550	629
Contributions & Donations	107	86
Subscriptions	125	123
Valuation Fees	116	126
Temporary Salaries & Wages	971	359
Board of Fire Commissioners Levy	2,017	1,887
Department of Environment Planning Levy	310	303
External Plant Hire	108	65
Sydney Water	169	139
Advertising	343	387
Conferences	61	98
Software/Licenses - Computer	452	548
Rental Rebates	1,226	1,347
Vehicle Registration	122	115
Postage	233	230
Merchant Bank Fees	217	249
Insurance Excess	108	152
Corporate Events	81	87
Family Day Care Child Care Assistance	163	181
Rate Issue Costs	29	34
Election Costs	-	1
Commissions	232	236
Other	991	497
Total other expenses from continuing operations	11,383	10,296



## Note 5 Gain or loss on disposal of assets

	Actual 2006 \$'000	Actual 2005 \$'000
Gain (or loss) on disposal of Property		
Proceeds from Disposal	-	150
Less: (Carrying Amount of Assets Sold)		1,089
Gain (or loss) on disposal		(939)
Gain (or loss) on disposal of Infrastructure, Plant and Equipment		
Proceeds from Disposal	1,562	2,069
Less: (Carrying Amount of Assets Sold)	1,909	1,601
Gain (or loss) on disposal	(347)	468
Gain (or loss) on disposal of Real Estate assets held for sale		
Proceeds from Disposal	-	1,280
Less: (Cost of sales)		2,302
Gain (or loss) on disposal		(1,022)
Gain (or loss) on disposal of Investment Property		
Proceeds from Disposal	-	-
Less: (Carrying Amount of Investment Property)	-	-
Gain (or loss) on disposal		-
Gain (or loss) on disposal of Financial assets		
Proceeds from Disposal	-	-
Less: (Carrying Amount of Financial Assets)		-
Gain (or loss) on disposal	-	-
Net gain (or loss) from disposal of assets	(347)	(1,493)



## Note 6(a) Cash and cash equivalents

	Actual 2006 \$'000	Actual 2005 \$'000
Cash at bank and on hand Deposits at call	4,716 -	6,455 -
·	4,716	6,455

Note 6(b) Investments

Note o(b) investinents				
	A	ctual 2006	Act	ual 2005
	Current	Non-current	Current	Non-current
	\$'000	\$'000	\$'000	\$'000
Financial assets at fair value through Profit				
and Loss	32,019	-	15,699	-
Held to maturity investments	2,348	2,000	2,840	-
Available for sale financial assets		<u>-</u>		-
Total	34,367	2,000	18,539	-
Financial assets at fair value through Profit and Loss				
At beginning of year	15,699	-	-	-
Adjustment on adoption of AASB132 & 139	-	-	-	-
Revaluation to income statement	-	-	-	-
Additions	44,920	-	-	-
Disposals (Sale/Redemption)	(28,600)	-		
At end of year	32,019			
Held for trading:				
- Managed funds	32,019	-	-	-
- CDOs	-	-	-	-
- FRNs	-	-	-	-
Designated:				
- Listed equity securities	-	-	-	-
	32,019	-		-
Held to maturity investments				
At beginning of year	2,840	-	-	-
Adjustment on adoption of AASB132 & 139	-	-	-	-
Revaluation to income statement	-	-	-	-
Additions	28	2,000	-	-
Disposals	(520)	-		-
At end of year	2,348	2,000		
Comprising of:				
- Government Bonds				
- CDOs	-	2,000	-	-
- Term Deposits	2,348	-	-	-
- Bank Bills				
	2,348	2,000	-	-



### Note 6(c) Restricted cash, cash equivalents and investments

	Act	ual 2006	Actual 2005			
	Current	Non-current	Current	Non-current		
	\$'000	\$'000	\$'000	\$'000		
Total cash, cash equivalents and						
investments	39,083	2,000	24,994	<u> </u>		
External restrictions	25,680	2,000	15,447	-		
Internal restrictions	12,464	· -	9,391	-		
Unrestricted	939	-	156	-		
	39,083	2,000	24,994			
	Opening balance \$'000	Transfers to restrictions \$'000	Transfers from restrictions \$'000	Closing balance \$'000		
External Restrictions		*	•	•		
Included in liabilities						
Specific purpose unexpended loans (A)	-	-	-	-		
RTA advances (B)	-	-	-	-		
Self insurance claims (C)	-	-	-	-		
Other		-		-		
		<u>-</u>				
Other						
Developer contributions (D)	11,205	10,173	135	21,243		
RTA contributions (E)	-	-	-	-		
Specific purpose unexpended grants (F)	627	823 852	349	1,102 852		
Environmental Levy  Domestic Waste Management (I)	3,615	869	2	4,482		
Other	3,013	-	_	4,402		
Total external restrictions	15,447	12,718	486	27,680		
Internal restrictions						
Internal restrictions	148	950	814	204		
Plant replacement	_		_	284		
Infrastructure replacement Employee leave entitlements	2,371 870	5,858 155	3,503	4,727 1,025		
Carry-over works	-	100	-	1,023		
Other	6,002	4,084	3,657	6,428		
Total internal restrictions	9,391	11,047	7,974	12,464		
Total restrictions	24,838	23,765	8,460	40,144		
	-			·		

A Loan moneys which must be applied for the purposes for which they were raised.

B Advances by the Roads and traffic Authority for works on the State's 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 contribution plans.

E RTA contribution 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. (see Note 1.)



### **Note 7 Receivables**

	Actua	1 2006	Actual 2005			
Purpose	Current	Non-Current	Current Non-current			
. d. pece	\$'000	\$'000	\$'000	\$'000		
	<del></del>	<del></del>		Ψ σ σ σ σ		
Rates & Annual Charges	1,114	159	1,092	208		
Interest & Extra Charges	113	62	88	82		
User Charges & Fees	1,713	-	1,116	8		
Accrued revenues	262	-	1,465	-		
Deferred Debtors	-	-	-	-		
Government Grants & Subsidies	637	-	640	-		
Loan to Sporting Club	-	-	-	-		
Accrued Interest on Investments	36	-	42	-		
GST	465	-	534	-		
Other	72		64			
Total	4,412	221	5,041	298		
Less: Provision for Doubtful Debts						
- Rates & Annual Charges	-	-	-	-		
- Interest & Extra Charges	-	-	-	-		
- User Charges & Fees	(171)	-	(57)	-		
- Other		-	-	-		
Total Receivables	4,241	221	4,984	298		
Restricted Receivables						
Externally restricted receivables						
Water Supply	-	-	-	-		
Sewerage Services	-	-	-	-		
Domestic Waste Management	236	46	232	61		
Parking	-	-	-	-		
Drainage	-	-	-	-		
Town Improvement	-	-	-	-		
Other		<u> </u>				
Total Externally restricted						
receivables	236	46	232	61		
Unrestricted Receivables	4,005	175	4,752	237		
Total Receivables	4,241	221	4,984	298		



### **Note 8 Inventories and Other Assets**

	Act	tual 2006	Actu	al 2005
	Current \$'000	Non-current \$'000	Current \$'000	Non-current \$'000
Inventories				
Real Estate	-	-	-	-
Stores & Materials	62	-	102	-
Trading Stock	92	-	79	-
Other		<u>-</u>		· <u>-</u>
Total inventories	154	-	181	
Other assets				
Prepayments	214	-	300	-
Other				
Total other assets	214		300	



## Note 8 Inventories and other assets (continued)

### Externally restricted inventories and other assets

	Act	ual 2006	Actual 2005		
	Current \$'000	Non-current \$'000	Current \$'000	Non-current \$'000	
Water					
Stores and Materials	-	-	-	-	
Trading Stock	-	-	-	-	
Prepayments				-	
Total Water		-		<u>-</u>	
Sewerage					
Stores and Materials	-	-	-	-	
Trading Stock	-	-	-	-	
Prepayments		<u> </u>		-	
Total Sewerage		-			
DWM					
Stores and Materials	-	-	-	-	
Trading Stock	-	-	-	-	
Prepayments					
Total DWM		-			
Other					
Stores and Materials	-	-	-	-	
Trading Stock	-	-	-	-	
Prepayments				-	
Total Other					
Total externally restricted inventories and other assets	_	_	_	_	
Other 455615				<u>-</u> _	
Unrestricted inventories and other assets	368		481		
Total inventories and other assets	368		481		



## Note 9(a) Infrastructure, property, plant and equipment

By asset type		At 30th	June 2005			Mover	nents During th	e Year			As at 30	lune 2006	
	Cost/Deemed Cost \$'000	Fair Value \$'000	Accum Depn and impairment \$'000	WDV \$'000	Additions \$'000	WDV of disposal s \$'000	Depn and impairment \$'000	Transfers/ Adjustm \$'000	Reval increm/( decrm) \$'000	Cost/Deemed Cost \$'000	Fair Value \$'000	Accum depn and impairment \$'000	WDV \$'000
Capital WIP	-	-	-	-	-		•	-	•	-	-	-	-
Plant & Equipment	10,649	-	3,470	7,179	2,604	(1,828)	1,049	-	-	11,001	-	4,096	6,906
Office Equipment	850	-	250	600	94	(67)	82		-	797	-	252	545
Furniture & Fittings	180	-	77	103	-	-	18	-	-	180	-	95	85
Leased Plant & Equipment	-	-	-	-	-	-	-	-	-	-	-	-	-
Land:													
- Operational Land	8,821	_	-	8,821	-	-	-	(1,288)	-	7,533	-	-	7,533
- Community Land	183,105	-	-	183,105	1,417	-	-	-	-	184,522	-	-	184,522
- Non deprec land improvements	3,861	-	-	3,861	1	-	-	-	-	3,862	-	-	3,862
- Land under roads	-	-	-	-	-	-	-	-	-	-	-	-	-
Land Improvements - depreciable	677	-	400	278	313	-	79	-	-	990	-	479	512
Buildings	62,238	-	32,551	29,686	871	-	1,548	-	-	63,108	-	34,099	29,009
Other Structures	5,044	-	2,591	2,452	21	(14)	227	-	-	5,024	-	2,791	2,232
Infrastructure:													
- Roads, bridges, footpaths	300,076	_	153,148	146,928	5,893	-	3,001	-	-	305,970	-	156,149	149,821
- Bulk earthworks (non-deprec)	1,202,844	-	-	1,202,844	-	-	-	-	-	1,202,844	-	-	1,202,844
- Stormwater drainage	59,352	-	38,447	20,904	81	-	455	-	-	59,433	-	38,902	20,531
- Water Supply Network	-	-	-	-	-	-	-	-	-	-	-	-	-
- Sewerage Network	-	-	-	-	-	-	-	-	-	-	-	-	-
Other Assets:													
- Heritage Collections	-	-	-	-	-	-	-	-	-	-	-	-	-
- Library Books	7,666	-	5,231	2,435	472	-	289	-	-	8,138	-	5,520	2,618
- Other	4,330	-	4,127	203	12	-	-	-	-	4,341	-	4,127	215
Tip asset	-	-	-	-	-	-	-	-	-	-	-	-	-
Quarry asset		-		-	-	<u>-</u>		-			-	-	-
Totals	1,849,692	-	240,292	1,609,400	11,778	(1,909)	6,747	(1,288)	-	1,857,744	_	246,509	1,611,235



## Note 10(a) Payables, interest bearing liabilities and provisions

	Actual 2006		Actual 2005		
	Current Non-current		Current	Non-current	
	\$'000	\$'000	\$'000	\$'000	
Payables					
Goods & Services	5,668	-	5,044	-	
Payments received in advance	311	-	198	-	
Accrued Expenses	-	-	-	-	
Advances	-	-	-	-	
Deposits and Retentions*	4,578		4,242	-	
Accrued Interest	18	-	23	-	
Other	340		142	-	
Total payables	10,914	<u>-</u>	9,649	-	
Interest bearing liabilities					
Bank Overdraft	-	-	-	-	
Loans:					
- Secured	1,716	9,440	1,540	9,755	
- Unsecured	-	-	-	-	
Total interest bearing liabilities	1,716	9,440	1,540	9,755	
Provisions					
Annual Leave*	2,000	-	1,890	_	
Sick Leave*	200	-	182	-	
Long Service Leave*	3,561	399	3,034	430	
Gratuities*	673	-	689	-	
Self Insurance Claims	-	-	-	-	
Tip remediation (Note 22)	-	-	-	-	
Other				-	
Total provisions	6,434	399	5,796	430	
Liabilities relating to restricted assets					
Domestic waste management	1,267	_	635	-	
Water	-,	_	-	_	
Sewer	_	-	-	-	
Self-insurance	-	-	-	-	
Total	1,267	-	635	_	
. 4.4.	- 1,201		- 333		

<sup>\*</sup> Note: The following payables, although classified as current liabilities, are not expected to be paid in the following 12 months:

Total	8,489	7,960	
Deposits & Retentions Provisions	4,092 4,397	3,893 4,067	
	<u>2006</u>	<u>2005</u>	



## Note 10(b) Description of and movements in provisions

	Opening balance \$'000	Increases in provision \$'000	Payments \$'000	Closing balance \$'000
Class of provision				
Annual Leave	1,890	1,751	1,641	2,000
Sick Leave	182	58	40	200
Long service leave	3,464	1,133	637	3,960
Gratuities	689	(16)	-	673
Self-insurance	-	-	-	-
Tip remediation	-	-	-	-
Other		-	-	
Total	6,225	2,925	2,318	6,833



## Note 11 Reconciliation of cash flow movements

	Notes	Actual 2006 \$'000	Actual 2005 \$'000
(a) Reconciliation of Cash	Hotes	\$ 000	\$ 000
Total cash and cash equivalents	6a	4,716	6,455
Less: Bank Overdraft	10	-,,,,,	0,400
Balances per Cashflow statement	10 _	4,716	6,455
balances per cashilow statement	=	4,710	0,433
(b) Reconciliation of net operating result to cash provided from operating activities			
Net operating result from income statement		16,546	5,888
Add:			
Depreciation and impairment		6,747	6,803
Increase in provision for doubtful debts		114	18
Increase in provision for leave entitlements		607	288
Increase in other provisions		-	-
Decrease in receivables			-
Decrease in inventories		27	8
Decrease in other current assets		86	-
Decrease in equity shares in associates/JV		-	-
Increase in payables		1,017	1,041
Increase in accrued interest payable		· -	-
Increase in other current liabilities		-	-
Decrements from revaluations		-	-
Loss on sale of assets		347	1,493
Loss on boundary adjustment		-	-
Amortisation of discounts and premiums recognised		-	-
Other		-	-
	_	25,491	15,539
Less:			
Decrease in provision for doubtful debts		-	-
Decrease in employee leave entitlements		-	-
Decrease in other provisions		-	-
Increase in receivables		574	1,089
Increase in inventories		-	-
Increase in other current assets		-	1,367
Increase in equity shares in associates/JV		-	-
Decrease in payables		-	-
Decrease in accrued interest payable		-	-
Decrease in other current liabilities		-	-
Reversal of previous revaluation decrements		-	-
Non-cash contributions and dedications		348	-
Gain on sale of assets		-	-
Fair value adjustments to investment property		-	-
Fair value adjustments to financial assets at fair value through profit and loss		-	-
Discounts and premiums recognised on financial investment transactions		-	-
Other	_		
Net Cash provided from (or used in) operating activities from cash flow statement		24,569	13,083
Jack non olalomoni	_	,000	10,000



## Note 11 Reconciliation of cash flow movements (continued)

	Nara	Actual 2006	Actual 2005
(c) Non-cash financing and investing activities	Notes	\$'000	\$'000
Acquisition of plant and equipment by means of finance leases		_	_
PWD construction		-	-
Bushfire grants		-	-
S.94 contributions in kind		-	-
Dedications		-	-
Other		348	-
		348	<u>-</u>
(d) Financing arrangements			
Unrestricted access was available at balance date to the following:			
Bank Overdraft Facility*		2,000	2,000
Corporate credit cards		20	20
		2,020	2,020

<sup>\*</sup> The bank overdraft facility may be drawn at any time and may be terminated by the bank without notice. Interest rates on overdrafts are variable while the rates of loans are set for the period of the loan.



# Note 12 Commitments for expenditure

	Actual 2006	Actual 2005
	\$'000	\$'000
(a) Capital Commitments		
Capital expenditure committed for at the reporting date but not recognised in the financial statements as liabilities:		
- Buildings - Other Structures	- 312	-
	23	
- Plant & Equipment	334	<u> </u>
Total	334	<u> </u>
These expenditures are payable as follows:		
- Not later than one year	334	
- Later than one year and not later than 5 years	-	-
- Later than 5 years		-
Total	334	-
(b) Service Commitments		
Other non-capital expenditure committed for at the reporting date but not recognised in the financial statements as liabilities include:		
- Audit services	85	72
- Insurance	1,134	1,000
- Cleaning Services	132	51
- Waste Services	43,200	48,600
- Fleet management	170	340
- Other	1,798	920
Total	46,519	50,983
These expenditures are payable as follows:		
These expenditures are payable as follows:	7 404	7 747
- Not later than one year	7,401	7,747
- Later than one year and not later than 5 years	24,655	27,036 46,200
- Later than 5 years	14,463	16,200
Total	46,519	50,983



# Note 12 Commitments for expenditure (continued)

	Actual 2006 \$'000	Actual 2005 \$'000
(c) Finance lease commitments		·
Commitments under finance leases at the reporting date are payable as follows:		
- Not later than one year	-	-
- Later than one year and not later than 5 years	-	-
- Later than 5 years		
Total	-	-
Minimum lease payments	-	-
Less: future finance charges		-
Lease Liability	-	-
Representing lease liabilities:		
- Current	-	-
- Non-Current		-
Total	-	-
(d) Operating Lease Commitments		
Commitments under non-cancellable operating leases at the reporting date but not recognised in the financial statements are payable as follows:		
- Not later than one year	264	275
- Later than one year and not later than 5 years	212	692
- Later than 5 years	_	-
Total	476	967
(e) Repairs and maintenance: investment property		
Contractual obligations for future repairs and maintenance		-
Total		
(f) Remuneration commitments		
Commitments for the payment of salaries and other remuneration under long-term employment contracts in existence at the reporting date but not recognised as liabilities, payable:		
- Not later than one year	747	798
- Later than one year and not later than 5 years	2,430	3,177
- Later than 5 years		-
Total	3,177	3,975



Note 13 Statement of performance measurement

		Current			
	Amounts	year indicators	2005	2004	2003
	\$'000				
1. Current Ratio					
Current Assets	44,980	2.36	1.79	1.02	
Current Liabilities	19,064				
2. Unrestricted Current Ratio					
Current Assets less All External Restrictions*	19,065	2.05	1.76	1.63	1.81
Current Liabilities less Specific Purpose					
Liabilities**	9,308				
3. Debt Service Ratio					
Debt Service Cost	2,203	3.19%	4.40%	5.55%	6.03%
Revenue from Ordinary Activities	68,955				
4. Rate Coverage Ratio					
Rates & Annual Charges.	48,253	58.21%	62.00%	66.00%	64.00%
Total Revenue	82,900				
5. Rates & Annual Charges Outstanding Percentage					
Rates & Annual Charges Outstanding	1,447	2.91%	3.20%	3.00%	2.90%
Rates & Annual Charges Collectible	49,731	•	•		•

<sup>\*</sup> Refer to Notes 6-8 inclusive

# **Note 14 Investment properties**

At balance date Council did not have any Investment properties.

<sup>\*\*</sup> Refer to Note 10(b)



# **Note 15 Financial Instruments**

# (a) Interest Rate Risk Exposures

The Council's exposure to interest rate risk, and the effective weighted average interest rate for each class of asset and financial liabilities is set out below. Exposure arises predominately from assets and liabilities bearing variable interest rates, which the council intends to hold as fixed rate assets and liabilities to maturity.

				Fix	ed interes	st maturin	g in			
2006	Not es	Floating Interest Rate	< 1 year	1 - 2 years	2 - 3 years	3 - 4 years	4 - 5 years	> 5 years	Non- Interest Bearin g	Total
Financial Assets		\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000
Cash and cash equivalents	6	4,716	-	-	-	-	-	-		4,716
Investments	6	34,019	2,348	-	-	-	-	-	-	36,367
Receivables	7	-	1,114	159	-	-	-	-	3,190	4,462
Other financial assets	_	-	-	-	-	-	-	-	-	-
Total	=	38,735	3,462	159	-	-	-	-	3,190	45,545
Weighted Average Interest Rate		6.2%	7.0%	9.0%						
Financial Liabilities										
Payables	10	-	-	-	-	-	-	-	10,914	10,914
Interest bearing liabilities	10	-	1,716	1,783	1,724	1,542	1,363	3,027	-	11,155
Other financial liabilities	_	-	-	-	-	-	-	-	-	-
Total	=	-	1,716	1,783	1,724	1,542	1,363	3,027	10,914	22,069
Weighted Average Interest Rate			6.8%	6.8%	6.8%	6.8%	6.8%	6.8%		
Net financial assets/(liabilities)	-	38,735	1,746	(1,624)	(1,724)	(1,542)	(1,363)	(3,028)	(7,724)	23,476

				Fixe	ed interes	t maturin	g in			
2005	Not es	Floating Interest Rate	< 1 year	1 - 2 years	2 - 3 years	3 - 4 years	4 - 5 years	> 5 years	Non- Interest Bearin g	Total
Financial Assets	-	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000
Cash and cash equivalents	6	6,455	-	-	-	-	-	-		6,455
Investments	6	15,699	2,840	-	-	-	-	-	-	18,539
Receivables	7	-	1,091	208	-	-	-	-	3,983	5,282
Other Financial Assets	, <del>-</del>		-	-	-	-	-	-	-	-
Total	=	22,154	3,931	208	-	-	-	-	3,983	30,276
Weighted Average Interest Rate		6.2%	6.4%	9.0%						
Financial Liabilities										
Payables	10	-	-	-	-	-	-	-	9,649	9,649
Interest bearing liabilities	10	-	1,540	1,604	1,673	1,608	1,417	3,453	-	11,296
Other financial liabilities		-	-	-	-	-	-	-	-	-
Total	_	-	1,540	1,604	1,673	1,608	1,417	3,453	9,649	20,945
Weighted Average Interest Rate	· <del>-</del>		6.0%	6.0%	6.0%	6.0%	6.0%	6.0%		
Net financial assets/(liabilities)	-	22,154	2,391	(1,396)	(1,673)	(1,608)	(1,417)	(3,453)	(5,666)	9,331



# **Note 15 Financial instruments (continued)**

# (b) Net fair value

The aggregate net fair values of Council's financial assets and financial liabilities are detailed as follows:

	Actua 2006	I	Actual 2005		
	Carrying amount \$'000	Aggregate net fair value \$'000	Carrying amount \$'000	Aggregate net fair value \$'000	
Financial Assets					
Cash and cash equivalents	4,716	4,716	6,455	6,455	
Investments	36,367	36,367	18,539	18,539	
Receivables	4,462	4,462	5,282	5,282	
Other financial assets		-			
Total	45,545	45,545	30,276	30,276	
Financial Liabilities					
Payables	10,914	10,914	9,649	9,649	
Interest bearing liabilities	11,155	11,155	11,296	11,296	
Other financial liabilities		-			
Total	22,069	22,069	20,945	20,945	

## (c) Credit risk

The credit risk of financial assets, excluding investments, is the carrying amount net of any provision for doubtful debts.

Council has an investment policy which seeks to minimise the risk of capital loss. Investments are placed in accordance with the Local Government Investment Order which restricts investments to securities carrying a credit rating of "A" or better.

Debtors for rates and annual charges are secured by a charge over the land to which it relates.

There are no significant concentrations of credit risk to any single debtor or group of debtors.

#### (d) Policies

Accounting policies in respect to financial assets and financial liabilities are described in Note 1.

#### (e) Terms and Conditions

Terms and conditions associated with financial assets and financial liabilities which may significantly affect the amount, timing and certainty of future cash flows are set out below:



# Note 16 - Material Budget variations

Council's original budget was incorporated as part of the Management Plan adopted by Council on 14th June 2005.

This Note sets out the details of material variations between the original budget and actual results for the Income Statement. Material variances represent amounts of 10% or more of the budgeted amount.

#### Revenues

## 1 Interest Received

Interest on investments exceeded the budget estimate by \$904K (F). This increase is due mainly to additional funds being available for investment as reflected in Note 6 with investment funds increasing over prior period by \$17.8M.

#### 2 Other Revenues

Other revenues reflected an increase over budget by an amount of \$198K (F). The main factors contributing to this result were dog registration fees of \$45K received in excess of budget and sale of recycling products of \$117K more than anticipated.

# 3 Grants & Contributions Received – Operating & Capital

Total variation between budget and actual was \$7.1M (F). Major factors in achieving this result were: Section 94 funds received in the amount of \$4.5M not budgeted in the original Management Plan, \$455K for Contribution to Works not budgeted and additional grants raised throughout the year of \$1.3M.



# Note 17 Statement of developer contributions

# (a) Summary of developer contributions

Purpose	Opening balance	recei	tributions ved during ne year	Interest & investment income earned during year	Expended during the year	Internal borrowings (to)/from	Held as restricted asset	Projected future contributions	Projected cost of works still outstanding	Projected over/ (under) funding
		Cash	Non-Cash							
	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000
Drainage	-	-	-	-	-	-	-	-	-	-
Roads	-	-	-	-	-	-	-	-	-	-
Traffic facilities	8	60	-	2	-	-	70	-	-	-
Parking	910	1	-	59	-	-	970	-	-	-
Open Space	7,151	7,261	-	716	-	-	15,128	-	-	-
Community facilities	1,811	1,474	-	170	35	-	3,420	-	-	-
Other	146	333	-	21	-	-	499	-	-	-
S94 under plans	10,025	9,130	-	968	35	-	20,088	-	-	-
S94 not under plans	1,179	-	-	76	100	-	1,156	-	-	-
S94A levies	-	-	-	-	-	-	-	-	-	-
Planning agreements	-	-	-	-	-	-	-	-	-	-
Section 64	-	-	-	-	-	-	-	-	-	-
Total contributions	11,205	9,130	_	1,044	135	_	21,243	-	-	-



# Contribution Plan No. 1 Pre 1993 Plan

Purpose	Opening balance	receive	butions d during year	Interest & investment income earned during year	Expended during the year	Internal borrowings (to)/from	Held as restricted asset	Projected future contributions	Projected cost of works still outstanding	Projecte d over/ (under) funding
	\$'000	Cash \$'000	Non- Cash \$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000
Drainage	-	-	-	-	-	-	-	-	-	-
Roads	-	-	-	-	-	-	-	-	-	-
Traffic facilities	-	-	-	-	-	-	-	-	-	-
Parking	981	-	-	63	-	-	1,044	1,044	-	-
Open Space	115	-	-	7	100	-	22	22	-	-
Community facilities	82	-	-	6	-	-	88	88	-	-
Other	1	-	-	-	-	-	1	1	-	-
Total contributions	1,179	-	-	76	100	-	1,156	1,156	-	_

# Contribution Plan No. 2 1993 Plan

Purpose	Opening balance	receive	butions d during year	Interest & investment income earned during year	Expended during the year	Internal borrowings (to)/from	Held as restricted asset	Projected future contributions	Projected cost of works still outstanding	Projected over/ (under) funding
	\$'000	Cash \$'000	Non- Cash \$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000
Drainage	-	-	-	-	-	-	-	-	-	-
Roads	-	-	-	-	-	-	-	-	-	-
Traffic facilities	1	-	-	-	-	-	1	-	-	-
Parking	910	1	-	59	-	-	970	-	-	-
Open Space	12	-	-	1	-	-	13	-	-	-
Community facilities	97	69	-	9	-	-	175	-	-	-
Other	28	-	-	2	-	-	30	-	-	-
Total contributions	1,049	70	-	70	-	-	1,189	-	-	-



Contribution Plan No 3 2000 – 20003 Residential plan

Purpose	Opening balance		ntributions ed during the year Non-Cash	Interest & investment income earned during year	Expended during the year	Internal borrowings (to)/from	Held as restricted asset	Projected future contributions	Projected cost of works still outstanding	Projected over/ (under) funding
	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000
Drainage	-	-	-	-	-	-	-	-	-	-
Roads	-	-	-	-	-	-	-	-	-	-
Traffic facilities	-	-	-	-	-	-	-	-	-	-
Parking	-	-	-	-	-	-	-	-	-	-
Open Space	6,249	1,082	-	444	-	-	7,776	-	-	-
Community facilities	1,588	287	-	113	35	-	1,953	-	-	-
Other	92	51	-	8	-	-	150	-	-	-
Total contributions	7,929	1,419	-	566	35	-	9,878	-	-	-

# Contribution Plan No. 4 Ku-Ring-Gai SEPP 5 Plan

Purpose	Opening balance		atributions ed during the year	Interest & investment income earned during year	Expended during the year	Internal borrowings (to)/from	Held as restricted asset	Projected future contributions	Projected cost of works still outstanding	Projected over/ (under) funding
		Cash	Non-Cash							
	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000
Drainage	-	-	-	-	-	-	-	-	-	-
Roads	-	-	-	-	-	-	-	-	-	-
Traffic facilities	-	-	-	-	-	-	-	-	-	-
Parking	-	-	-	-	-	-	-	-	-	-
Open Space	195	145	-	20	-	-	359	-	-	-
Community facilities	-	-	-	-	-	-	-	-	-	-
Other	-	-	-	-	-	-	-	-	-	-
Total contributions	195	145	-	20	-	-	359	-	-	-



# Contribution Plan No. 5 2004/2009 Residential Plan

Purpose	Opening balance		tributions ed during the year	Interest & investment income earned during year	Expended during the year	Internal borrowings (to)/from	Held as restricted asset	Projected future contributions	Projected cost of works still outstanding	Projected over/ (under) funding
		Cash	Non-Cash							
	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000
Drainage	-	-	-	-	-	-	-	-	-	-
Roads	-	-	-	-	-	-	-	-	-	-
Traffic facilities	7	60	-	2	-	-	69	-	-	-
Parking	-	-	-	-	-	-	-	-	-	-
Open Space	695	6,035	-	251	-	-	6,981	-	-	-
Community facilities	125	1,119	-	48	-	-	1,292	-	-	-
Other	26	282	-	11	-	-	319	-	-	-
Total contributions	853	7,496	-	312	-	-	8,661	-	-	-



# **Note 18 Contingencies**

# **Contingent 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.

#### Statewide Mutual

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 dependent on its past performance. Council's share of the net Assets or Liabilities reflects our contributions to the pool and 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 or liability value, as advised by Statewide Mutual taking into account their audited figures for the year ended 30 June 2006.

#### **State Cover**

Council holds a partly paid share in Statecover Mutual Limited, a company providing workers compensation insurance cover for the Council. Council has a contingent liability to contribute further equity in the event of the erosion of the capital base of the company as a result of the company's performance and/or claims experience.

# Note 19 Investments accounted for using the Equity Method

At balance date Council did not have any interest in any joint ventures.



# Note 20 Revaluation reserves and retained earnings

		Actual	Actual
		2006	2005
	Notes	\$'000	\$'000
(a) Payaluation recorves	NOTES	φ 000	Ψ 000
(a) Revaluation reserves			
Infrastructure, property, plant and equipment revaluation reserve		-	-
Available-for-sale investments revaluation reserve			
Total assets		-	-
Movements:			
Property, plant and equipment revaluation reserve			
At beginning of year		-	-
Revalution- gross		_	_
Depreciation transfer - gross		_	_
· · · · · · · · · · · · · · · · · · ·			
At end of year			<u> </u>
Available-for-sale investments revaluation reserve			
At beginning of year		-	-
Adjustment on adoption of AASB 132 and AASB 139		-	-
Revalution- gross		-	-
Depreciation transfer - gross		_	_
At end of year			_
, a ond or your			
(b) Retained earnings			
Movements in retained earnings were as follows:			
At beginning of year		1,612,987	1,607,099
Adjustment on adoption of AASB 132 and AASB 139			
Net operating result for the year		16,546	5,888
At end of year		1,629,533	1,612,987
•		1,020,000	1,012,001
(c) Nature and purpose of reserves (i) Infrastructure, property, plant and equipment revaluation reserve			
The infrastructure, property, plant and equipment revaluation reserve is used to record increments and decrements on the revaluation of non-current assets.			
(ii) Available-for-sale investments revaluation reserve			
Changes in fair value are taken to the available-for-sale investments revaluation reserve, as described in Note 1(k). Amounts are recognised in profit and loss when the associated assets are sold or impaired.			
(d) Correction of error in previous years			
Council had not previously recognised a parcel of community land due to an error in the property records. An adjustment has been made to the opening balances of prior year IPPE and Retained Earnings to correct the error.			5,800
			5,800
			3,000



# Note 21 Explanation of transition to Australian equivalents to IFRSs

(1) Reconciliation of equity reported under previous Australian Generally Accepted Accounting Principles (AGAAP) to equity under Australian equivalents to IFRSs (AIFRS)

(a) At the date of transition to AIFRS: 1 July 2004

Investments Receivables Inventories Infrastructure, property, plant and equipment Investments accounted for using equity method Investment property Intangible assets Other Total non-current assets Total assets  LIABILITIES Current liabilities Payables Interest bearing liabilities Provisions Total current liabilities Payables Interest bearing liabilities Provisions Total current liabilities Provisions Total non-current liabilities Provisions Total non-current liabilities Provisions Total non-current liabilities Provisions Total non-current liabilities Retained earnings		Previous AGAAP	Effect of transition to AIFRS	AIFRS
	Notes	\$'000	\$'000	\$'000
		0.705		0.705
•		3,725	-	3,725
		9,972	-	9,972
		2,670 189	-	2,670 189
	1	407	- (107)	300
	'	407	(107)	300
	-	16,963	(107)	16,856
iotai current assets	-	10,903	(107)	10,030
Non-current assets				
Investments		7,299	-	7,299
Receivables		260	-	260
Inventories		-	-	-
Infrastructure, property, plant and equipment	2	1,603,414	5,800	1,609,214
Investments accounted for using equity method		-	-	-
Investment property		-	-	-
Intangible assets		-	-	-
Other	_	-	-	
Total non-current assets	-	1,610,973	5,800	1,616,773
Total assets	=	1,627,936	5,693	1,633,629
LIADU ITIEO				
	3	5,465	2 274	8,739
	3	2,154	3,274	2,154
_	4	2,134	3,510	5,557
	· -	9,666	6,784	16,450
Total darrent nashinos	_	3,000	0,104	10,400
Non-current liabilities				
Payables		3,274	(3,274)	-
Interest bearing liabilities		9,696	-	9,696
Provisions	5	3,918	(3,534)	384
Total non-current liabilities	<u>-</u>	16,888	(6,808)	10,080
Total liabilities	=	26,554	(24)	26,530
Net Assets	_	1,601,382	5,717	1,607,099
	-			
EQUITY				
Retained earnings	6	1,601,382	5,717	1,607,099
Reserves				
Council equity interest		-	-	-
Minority equity interest	_	-	-	
Total equity	=	1,601,382	5,717	1,607,099

Note: All other Assets and Liabilities remained unchanged



# Note 21 Explanation of transition to Australian equivalents to IFRSs (continued)

## Notes to the reconciliation

#### 1. Capital Levy

Expense of Capital Levy previously capitalised

\$107K

## 2. Infrastructure, property, plant and equipment

Council had not previously recognised a parcel of community land due to an error in the property records. An adjustment has been made to the opening balances of prior year IPPE and Retained Earnings to correct the error.

ie. Dr IPPE \$5,800m

Cr Retained earnings op bal \$5,800m

## 3. Payables - (Current) Deposits & Retentions

Deposits & Retentions increased by \$3,274m being the transfer from non-current to current representing the requirement to show liabilities as current where there is no unconditional right to defer beyond 12 months:

ie. Dr Non-current Payables -Deposits & Retentions \$3,274m

Cr Current Payables - Deposits & Retentions

\$3,274m

#### 4. Provisions (Current) - ELE

Increased by \$3,510m being the transfer of ELE from non-current to current representing the requirement to show liabilities as current where there is no unconditional right to defer beyond 12 months:

ie. Dr Non-current Provisions -ELE \$3,510m
Cr Current Provisions - ELE

\$3,510*m* 

#### 5. Provisions (Non-current) - ELE

Reduced by \$3,534m due to change in definition described in 4 above.

## 6. Retained earnings

Increased by \$24K being the sum of (4) and (5) above.

The net movement of (\$24K) in total provisions is a measurement adjustment due to the discounting of AL.



# Note 21 Explanation of transition to Australian equivalents to IFRSs

# (b) At the end of the last reporting period under previous AGAAP: 30 June 2005

Current assets         6,455           Investments         1         4,696           Receivables         4,984           Inventories         181           Other         2         300           Non-current assets classified as held for sale         -           Total current assets         16,616           Non-current assets         11,616           Investments         3         13,843           Receivables         298           Investments         298           Investment property, plant and equipment         4         1,603,600           Investment property         -           Intrestment property         -         -           Intrestment property         -         -           Intrangible assets         -         -           Other         192         -           Total non-current assets         1,617,933         -           Total sasets         1,634,549           LIABILITIES         -         -           Current liabilities         5         5,756           Interest bearing liabilities         9,482           Non-current liabilities         7         3,893           Interest bearing liabiliti		Effect of transition to AIFRS \$'000	AIFRS \$'000	
ASSETS				
Current assets				
Cash and cash equivalents		6,455	-	6,455
Investments	1	4,696	13,843	18,539
Receivables		4,984	-	4,984
Inventories		181	-	181
Other	2	300	(192)	108
Non-current assets classified as held for sale		-	-	<u>-</u>
Total current assets		16,616	13,651	30,267
Non-current assets				
Investments	3	13,843	(13,843)	-
Receivables		298	-	298
Inventories		-	-	-
Infrastructure, property, plant and equipment	4	1,603,600	5,800	1,609,400
		-	-	-
		-	-	-
_		-	-	-
				192
			(8,043)	1,609,890
Total assets	;	1,634,549	5,608	1,640,157
LIABILITIES				
Current liabilities				
Payables	5	5,756	3,893	9,649
Interest bearing liabilities			-	1,540
Provisions	6		3,610	5,796
Total current liabilities		9,482	7,503	16,985
Non-current liabilities				
Payables	7	3,893	(3,893)	-
Interest bearing liabilities		9,755	-	9,755
Provisions	8	4,067	(3,637)	430
Total non-current liabilities		17,715	(7,530)	10,185
Total liabilities	;	27,197	(27)	27,170
Net Assets	:	1,607,352	5,635	1,612,987
EQUITY				
Retained earnings	9	1,607,352	5,635	1,612,987
Reserves	-	-	-	, ,
Council equity interest		-	-	-
Minority equity interest				
Total equity	•	1,607,352	5,635	1,612,987
	;		•	



# Note 21 Explanation of transition to Australian equivalents to IFRSs (continued)

# Notes to the reconciliation

#### 1. Cash and cash equivalents (Current) - Investments

Investments increased \$13,843m being the transfer from non-current Investments to current representing the requirement to classify investments based on their exchange date (ref LG Code of Accounting Practice & Financial Reporting Update No14):

ie. Dr Current Investments

\$13,843m

Cr Non-Current Investments

\$13,843m

2. Capital Levy

Expense of Capital Levy previously capitalised

\$192K

#### 3. Cash and cash equivalents (Non-current) - Investments

Reduced by \$13,843m due to change in definition described in 1 above

#### 4. Infrastructure, property, plant and equipment

Council had not previously recognised a parcel of community land due to an error in the property records. An adjustment has been made to the opening balances of prior year IPPE and Retained Earnings to correct the error.

ie. Dr IPPE \$5.800m

Cr Retained earnings op bal

\$5,800m

#### 5. Payables - (Current) Deposits & Retentions

Deposits & Retentions increased by \$3,893m being the transfer from non-current to current representing the requirement to show liabilities as current where there is no unconditional right to defer beyond 12 months:

ie. Dr Non-current Payables -Deposits & Retentions

\$3,893m

Cr Current Payables - Deposits & Retentions

\$3.893m

#### 6. Provisions (Current) - ELE

Increased by \$3,610m being the transfer of ELE from non-current to current representing the requirement to show liabilities as current where there is no unconditional right to defer beyond 12 months:

ie. Dr Non-current Provisions -ELE

\$3,610m

Cr Current Provisions - ELE

\$3.610m

#### 7. Payables - (Non- Current) Deposits & Retentions

Reduced by \$3,893m due to change in definition described in 5 above.

## 8. Provisions (Non-current) - ELE

Reduced by \$3,637m due to change in definition described in 6 above.

## 9. Retained earnings

Increased by \$27K being the sum of (6) & (8) above.

The net movement of (\$27K) in total provisions is a measurement adjustment due to the discounting of AL.



# Note 21 Explanation of transition to Australian equivalents to IFRSs

# (2) Reconciliation of operating result under previous AGAAP to operating result under Australian equivalents to IFRSs (AIFRS)

# (a) Reconciliation of operating result for the year ended 30 June 2005

	Notes	Previous AGAAP \$'000	Effect of transition to AIFRS \$'000	AIFRS \$'000
Revenue from continuing operations				
Rates & annual charges		44,384	-	44,384
User charges and fees		13,751	-	13,751
Interest and investment revenue		1,081	-	1,081
Grants & contributions provided for operating purposes		5,227	-	5,227
Grants & contributions provided for capital purposes		5,158	-	5,158
Net gain from the disposal of assets		(1,493)	-	(1,493)
Share of interests in joint ventures & associates using the equity				
method		-	-	-
Other revenues		2,116	-	2,116
Total Revenues from continuing operations		70,224	-	70,224
Expenses from continuing operations				
Employee benefits and on-costs		26,890	85	26,975
Borrowing costs		671	-	671
Materials and contracts		19,593	-	19,593
Depreciation and amortisation		6,801	-	6,801
Net loss from the disposal of assets		-	-	-
Share of interests in joint ventures & associates using the equity method		_	-	-
Other expenses		10,296	-	10,296
Total expenses from continuing operations		64,251	85	64,336
Operating result from continuing operations		5,973	(85)	5,888
Operating result from discontinued operations			-	<u>-</u>
Net operating result for the year		5,973	(85)	5,888
Attributable to:				
- Council		-	-	-
- Minority interests			-	
Net operating result for the year before grants and contributions provided for capital purposes		815	(85)	730



# Note 21 Explanation of transition to Australian equivalents to IFRSs

# (3) Reconciliation of cash flow statement for the year ended 30 June 2005

The adoption of AIFRSs has resulted in cash and cash equivalents for current and previous years being changed to exclude investments.

# Note 22 Non-current assets classified as held for sale

	Actual 2006 \$'000	Actual 2005 \$'000
Land	1,288	-

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.





#### **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 2006, 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 nor the projected future developers contributions and costs disclosed in Note 17 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
  - 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; and
  - (iii) presents fairly the Council's financial position and the results of its operations
- (c) we have been able to obtain all the information relevant to the conduct of our audit; and
- (d) there were no material deficiencies in the accounting records or financial reports.

SPENCER STEER

Chartered Accountants

N. MAH CHUT Partner

Dated at Sydney this 20th day of September 2006

Level 9, 60-70 Elizabeth Street Sydney NSW 2000 Telephone 02 9221 8933 Facsimile 02 9221 9011 Email: info@spencersteen.com.au





20 September 2006

The Mayor Ku-ring-gai Council 818 Pacific Highway GORDON NSW 2072

Mayor,

# Audit Report - Year Ended 30 June 2006

We are pleased to advise completion of the audit of Council's books and records for the year ended 30 June 2006 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.

Australian equivalents to International Financial Reporting Standards (AIFRS) were applied for the first time in the preparation of Council's financial statements. The basis of the preparation is outlined in Note 1.2 of the financial statements. Reconciliations and explanations of the effect of the transition to AIFRS regarding the recognition, measurement and disclosure of assets and liabilities are disclosed in Note 21.

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 \$16.546 million as compared with \$5.888 million in the previous year.

The following table sets out the results for the year and the extent (%) that each category of revenue and expenses contributed to the total.

	2006	% of Total	2005	% of Total	Increase (Decrease)
	\$000		\$000		\$000
Revenues before capital items					
Rates & annual charges	48,253	65%	44,384	67%	3,869
User charges, fees & other revenues	15,866	22%	15,867	24%	(1)
Grants & contributions - operating purposes	7,727	10%	5,227	8%	2,500
Interest & investment revenue	1,909	3%	1,082	2%	827
	73,755	100%	66,560	100%	7,195
Expenses					
Employee benefits & costs	26,721	40%	26,977	41%	(256)
Materials, contracts & other expenses	32,223	49%	31,382	48%	841
Depreciation, amortisation & impairment	6,747	10%	6,801	10%	(54)
Borrowing costs	663	1%	671	1%	(8)
	66,354	100%	65,831	100%	523
Surplus(Deficit) before capital items	\$ 7,401		\$ 729		\$ 6,672
Grants & contributions provided for capital					
purposes	9,145		5,159		3,986
Net Surplus(Deficit) for the year	\$ 16,546		\$ 5,888		\$ 10,658

The table above shows an overall improvement over the previous year of \$10.658 million. Fluctuations of note consisted of;

- o rates levied increased by \$3.254 million to \$39.251 million which included the initial environmental levy amounting to \$1.753 million,
- o domestic waste management charges increased by \$615,000 to \$9.002 million.
- contributions from developers under Section 94 increased by \$3.778 million to \$8.797 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.

The Mayor, Ku-ring-gai Council Audit Report for the year ended 30 June 2006



Funds were provided by:-	<b>2006</b> \$000	<b>2005</b> \$000
Operating Result (as above) Add back non funding items:-	16,546	5,888
Depreciation, amortisation & impairment - Book value of non current assets sold	6,747 1,909	6,801 2,690
	25,202	15,379
Decrease/Redemption in Non Current Investments New Ioan borrowings Net Changes in current/non current assets & liabilities	0 1,400 2,309	7,299 1,600 906
	28,911	25,194
Funds were applied to:-		
Purchase and construction of assets	(11,779)	(9,678)
Increase/Purchase in Non Current Investments	(2,000)	Ó
Principal repaid on loans	(1,540)	(2,155)
Transfers to externally restricted assets (net)	(9,605)	(13,230)
Transfers to internal reserves (net)	(4,361)	0
	(29,285)	(25,063)
Increase(Decrease) in Available Working Capital	(374)	131

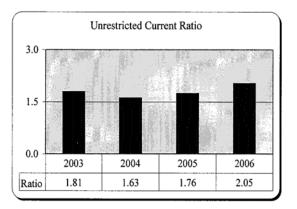
#### 2. FINANCIAL POSITION

#### 2.1 Current Ratios

The *Current Ratio* is a good indicator of the ability of a business to meet its debts and obligations as they fall due. Current assets exceeded current liabilities by \$25.916 million representing a factor of 2.36 to 1.

The *Unrestricted Current Ratio* is a more specific financial indicator used in local government. Current liabilities that are not expected to be paid within the following 12 months & externally restricted assets are excluded from the above measure of liquidity.

The *Unrestricted Current Ratio* at the close of the year was 2.05 to 1 and it in fact represents the general funds of Council.



# 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

The Mayor, Ku-ring-gai Council Audit Report for the year ended 30 June 2006



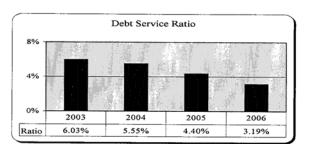
reserves held for future purposes. At the close of the year the Available Working Capital of Council stood at \$243,000 as detailed below;

	2006	2005	Change
	\$000	\$000	\$000
Net Current Assets (Working Capital) as per			
Accounts	25,916	13,474	12,442
Add: Payables & provisions not expected to be			
realised in the next 12 months included above	8,489	7,960	529
Adjusted Net Current Assets	34,405	21,434	12,971
Add: Budgeted & expected to pay in the next 12			
months			
- Borrowings	1,716	1,540	176
- Employees leave entitlements	2,037	1,729	308
- Deposits & retention moneys	486	349	137
Less: Externally restricted assets	(24,649)	(15,044)	(9,605)
Less: Internally restricted assets	(13,752)	(9,391)	(4,361)
Available Working Capital as at 30 June	\$ 243	\$ 617	\$ (374)

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 2006 was, in our opinion satisfactory.

## 2.3 Debt

Operating revenue (excluding special purpose grants and contributions) required to service (loan repayments) debt was 3.19%.



# 2.4 Summary

Council's overall financial position, when taking into account the above financial indicators is, in our opinion, satisfactory.

The Mayor, Ku-ring-gai Council Audit Report for the year ended 30 June 2006

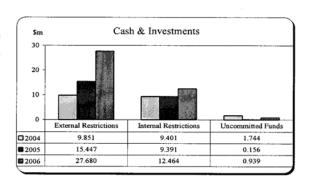


#### 3. CASH ASSETS

#### 3.1 Cash & Investments

Highly liquid cash and investments (\$4.716 million) and investments securities (\$36.367 million) totalled \$41.083 million at the close of the year as compared with \$24.994 million in 2005 and \$20.996 million in 2004.

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 (\$21.243 million), domestic waste management charges (\$4.482 million), environmental levies (\$852,000) and specific purpose grants (\$1.102 million).

Internally restricted cash and 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 \$12.464 million and their purposes are more fully disclosed in Note 6 of the financial statements.

Unrestricted cash and investments amounted to \$939,000.

#### 3.2 Cash Flows

The Statement of Cash Flows illustrates the flow of cash (highly liquid cash and investments) moving in and out of Council during the year and reveals that cash decreased by \$1.739 million to \$4.716 million at the close of the year. In addition to operating activities which contributed net cash of \$24.569 million were the proceeds from the redemption of investments (\$29.120 million), the sale of assets (\$2.842 million) and new loans (\$1.400 million). Cash outflows other than operating activities were used to repay loans (\$1.540 million), purchase investments (\$46.948 million) and to purchase and construct assets (\$11.182 million).

## 4. RECEIVABLES

## 4.1 Rates & Annual Charges

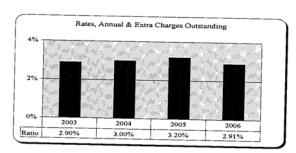
Net rates and annual charges levied during the year totalled \$48.253 million and represented 58.21% of Council's total revenues. Including arrears, the total rates and annual charges collectible was \$49.553 million of which \$48.280 million (97.43%) was collected.



Spencer Steer

# 4.2 Rates, Annual & Extra Charges

Arrears of rates, annual & extra charges stood at \$1.448 million at the end of the year & represented 2.91% of those receivables.



# 4.3 Other Receivables

Receivables (other than rates & annual charges) totalled \$3.185 million and mainly consisted of user charges and fees (\$1.713 million) and amounts due from government departments (\$1.102 million). Those considered to be uncertain of collection have been provided for as doubtful debts and this provision amounted to \$171,000.

# 5. PAYABLES

# 5.1 Employees Leave Entitlements

Council's provision for its liability toward employees leave entitlements and associated on costs amounted to \$6.833 million. A cash reserve of \$1.025 million was held at year end representing 15% of this liability.

# 5.2 Deposits, Retentions & Bonds

Deposits, Retentions and Bonds held at year end amounted to \$4.578 million. A cash reserve of \$200,000 was held at year end representing 4.37% of this liability. Council should, in our opinion, consider increasing the funding of this liability to at least 20%.

# 6. CONCLUSION

We wish to record our appreciation to your General Manager and his staff for their ready cooperation and the courtesies extended to us during the conduct of the audit.

Yours faithfully, SPENCER STEER Chartered Accountants

N. MAH CHUT

Partner

The Mayor, Ku-ring-gai Council Audit Report for the year ended 30 June 2006

# For the year ended 30th June 2006

# STATEMENT BY COUNCILLORS AND MANAGEMENT MADE PURSUANT TO SECTION 413(2)(C) OF THE LOCAL GOVERNMENT ACT 1993 (as amended)

The attached Special Purpose Financial Report has been prepared in accordance with:

- NSW Government Policy Statement "Application of National Competition Policy to Local Government".
- Department of Local Government Guidelines "Pricing & Costing for Council Businesses: A Guide to Competition Neutrality".
- 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 each of Council's declared Business Activities 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 the resolution of Council made on

12 SEP 2006

Mayor

Councillor

John Clark

John McKee

General Manager

Responsible Accounting Officer



# Income statement of Other business activities for the year ended 30 June 2006

	Actual 2006	Actual 2005	Actual 2006	Actual 2005	Actual 2006	Actual 2005
	тсс	55	Art Ce	entre	Trade Waste	
	(Cat )	(Cat)	(Cat)	(Cat)	(Cat )	(Cat)
Income from continuing operations	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000
Access charges	_		_	_	439	429
User charges	586	641	405	405	1,062	1,058
Fees	_	-		-	- 1,002	1,000
Interest	-	-	-	-	-	
Grants and contributions provided for non capital purposes	124	100	-	-	-	
Profit from the sale of assets	-	-	-	-	-	
Other income	-	-	7	7	115	
Total income from continuing operations	709	741	412	412	1,616	1,487
Expenses from continuing operations						
Employee benefits and on-costs	651	586	391	391	40	34
Borrowing costs	-	-	-	-	-	
Materials and contracts	96	102	41	41	1,029	1,007
Depreciation and impairment	26	4	4	4	-	
NCP Imputation Payments	186	95	141	115	176	130
Loss on sale of assets	-	-		-	-	
Calculated taxation equivalents	-	-	-	-	-	
Debt guarantee fee (if applicable)	-	-	-	-	-	-
Other expenses	40	67	97	97	1	1
Total expenses from continuing operations	999	854	674	648	1,245	1,172
Surplus (deficit) from continuing operations before						
capital amounts	(289)	(113)	(262)	(236)	370	315
Grants and contributions provided for capital purposes	-	-	-	-	-	
Surplus (deficit) from continuing operations after capital						
amounts	(289)	(113)	(262)	(236)	370	315
Surplus (deficit) from discontinued operations	-	-	-	-	-	
Surplus (deficit) from all operations before tax	(289)	(113)	(262)	(236)	370	315
Less Corporate Taxation Equivalent (30%) [based on result before capital]						95
Surplus (deficit) after tax	(289)	(113)	(262)	(236)	370	221
Opening retained profits	505	521	1,824	756	(60)	(61
Adjustments for amounts unpaid		-	-	-	-	(0.
Taxation equivalent payments	_	-	-	_	_	
Debt guarantee fees	_	-	-	_	-	
NCP Imputation Payments	186	95	141	115	176	130
Less:						
– TER dividend paid	-	-	-	-	-	
– Retained Earnings Adjustment	(68)	(2)	(104)	(1,189)	619	337
Closing retained profits	470	505	1,807	1,824	(21)	(60)
Return on Capital %	-52.45%	-19.58%	-14.22%		16.87%	14.43%
Subsidy from Council	289	113	262	236		
Calculation of dividend payable:	N/A	N/A	N/A	N/A	N/A	N/A
Surplus (deficit) after tax	-	-	-	-	-	
Less: Capital grants and contributions (excluding developer						
contributions)	-	-	-	-	-	
Surplus for dividend calculation purposes	-	-	-	-	-	
Dividend calculated from surplus	-	-	-	-	-	



Income statement of Other business activiti	es					
for the year ended 30 June 2006	Actual		Actual	Actual	Actual	Actual
	2006	Actual 2005	2006	2005	2006	2005
			Turramurr			
	Gordor	Golf Course	Cours	e	Tennis	Courts
	(Cat )	(Cat)	(Cat )	(Cat)	(Cat )	(Cat)
	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000
Income from continuing operations						
Access charges	-	-	-	-	-	
User charges	636	648	772	860	336	329
Fees	-	-	-	-	-	
Interest	-	-	-	-	-	
Grants and contributions provided for non capital purposes	_	-	-	-	-	
Profit from the sale of assets	-	-	-	-	_	
Other income	192	208	25	24	_	3
Total income from continuing operations	828	856	796	884	336	332
Expanses from continuing operations						
Expenses from continuing operations	455	404	305	004		0.0
Employee benefits and on-costs	155	164	325	281	-	33
Borrowing costs  Materials and contracts	440	404	457	440	4-7	0.0
Depreciation and impairment	142		157 8	116	47 30	30
NCP Imputation Payments	81		115	-	467	404
Loss on sale of assets	01	61	115	80	467	431
Calculated taxation equivalents	-	-	-	-	-	
Debt guarantee fee (if applicable)	_	-	-	-	_	•
Other expenses	192	- 197	211	243	44	126
Total expenses from continuing operations	574		816	720	588	136 631
Total expenses from continuing operations	374	340	010	120	300	031
Surplus (deficit) from continuing operations before						
capital amounts	254	310	(19)	164	(251)	(299)
•			( - /	-	( ' /	( /
Grants and contributions provided for capital purposes	-	-	-	-	-	
Surplus (deficit) from continuing operations after capital						
amounts	254	310	(19)	164	(251)	(299)
Surplus (deficit) from discontinued operations	-	-	-	-	-	
Surplus (deficit) from all operations before tax	254	310	(19)	164	(251)	(299)
Less Corporate Taxation Equivalent (30%) [based on result			` ,		` ′	` '
before capital]	76	93	(6)	49		
Surplus (deficit) after tax	178	217	(13)	115	(251)	(299)
Opening retained profits	2,178	2,510	2,620	2,143	1,026	10,542
Adjustments for amounts unpaid	-	-	-	-	-	
Taxation equivalent payments	-	-	-	-	-	
Debt guarantee fees	-	-	-	-	-	
NCP Imputation Payments	81	61	115	80	467	431
Less:						
– TER dividend paid	-	-	-	-	-	
Retained Earnings Adjustment	444		148	(289)		9,648
Closing retained profits	2,146	-	2,567	2,620		1,026
Return on Capital %	11.58%	14.20%	-0.72%	6.25%		
Subsidy from Council	-	-	13	-	251	299
Calculation of dividend payable:	N/A	N/A	N/A	N/A	N/A	N/A
Surplus (deficit) after tax	-	-	-	-	-	
Less: Capital grants and contributions (excluding developer						
contributions)	-	-	-	-	-	
Surplus for dividend calculation purposes	-	-	-	-	-	
Dividend calculated from surplus	_	-	-	-	-	



# Income statement of Other business activities for the year ended 30 June 2006

	Actual 2006	Actual 2005	Actual 2006	Actual 2005	Actual 2006	Actual 2005
	2000	2003	2000	2003	Commo	
	Swimm	rimming Pool Nursery I			Leas	
	(Cat)	(Cat )	(Cat )	(Cat )	(Cat )	(Cat )
	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000
Income from continuing operations						
Access charges	-	-	-	-	-	
User charges	-	-	207	136	768	490
Fees	-	-	-	-	-	
Interest	-	-	-	-	-	
Grants and contributions provided for non capital purposes	_	-	-	-	-	
Profit from the sale of assets	-	-	-	-	-	
Other income	-	-	-	-	1	
Total income from continuing operations	-	-	207	136	769	490
Expenses from continuing operations						
Employee benefits and on-costs	_	-	150	90	99	118
Borrowing costs	-	-	-	-	-	
Materials and contracts	14	19	24	27	16	6
Depreciation and impairment	49	-	9	-	383	71
NCP Imputation Payments	15	10	144	121	175	142
Loss on sale of assets	-	-	-	-	-	
Calculated taxation equivalents	-	-	-	-	-	
Debt guarantee fee (if applicable)	-	-	-	-	-	
Other expenses	28	73	19	49	570	939
Total expenses from continuing operations	106	102	346	287	1,242	1,276
Surplus (deficit) from continuing operations before						
capital amounts	(106)	(102)	(139)	(151)	(474)	(786)
Grants and contributions provided for capital purposes	_	-	-	-	-	
Surplus (deficit) from continuing operations after capital						
amounts	(106)	(102)	(139)	(151)	(474)	(786)
Surplus (deficit) from discontinued operations	-	-	-	-	-	
Surplus (deficit) from all operations before tax	(106)	(102)	(139)	(151)	(474)	(786)
Less Corporate Taxation Equivalent (30%) [based on result						
before capital]					(142)	
Surplus (deficit) after tax	(106)	(102)	(139)	(151)	(332)	(786)
Opening retained profits	966	664	1,170	1,271	646	2,262
Adjustments for amounts unpaid	-	-	-	-	-	•
Taxation equivalent payments	-	-	-	-	-	
Debt guarantee fees		-		-	-	
NCP Imputation Payments  Less:	15	10	144	121	175	142
– TER dividend paid						
– TER dividend paid – Retained Earnings Adjustment	(335)	(394)	- 1,111	- 71	(287)	972
Closing retained profits			64		635	
Return on Capital %	1,210	966	. 04	1,170	033	646
Subsidy from Council	106	102	139	- 151	332	786
Calculation of dividend payable:	N/A	N/A	N/A	N/A	N/A	N/A
Surplus (deficit) after tax						
Less: Capital grants and contributions (excluding developer		_			-	
contributions)	_	_	_	_	_	
Surplus for dividend calculation purposes	_	-	_	-	-	
Dividend calculated from surplus	ı		Ī			



# Balance sheet of Other business activities for the year ended 30 June 2006

	Actual 2006	Actual 2005								
							Gordo			murra
	TC		Art Ce		Trade W		Cou			ourse
	(Cat )	(Cat)	(Cat )	(Cat )	(Cat )	(Cat)	(Cat )	(Cat)	(Cat )	(Cat)
	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'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	-	-	-	-	-	-	-	-	-	-
Other	-	-	-	-	-	-	-	-	-	-
Infrastructure, property, plant and equipmen	551	577	1,823	1,843	-	-	2,193	2,183	2,617	2,625
Investments accounted for using equity										
method	-	-	-	-	-	-	-	-	-	-
Investment property	-	-	-	-	-	-	-		-	
Total non-current assets	551	577	1,823	1,843	-	-	2,193			
Total assets	551	577	1,823	1,843	-	-	2,193	2,183	2,617	2,625
LIABILITIES										
Current liabilities										
Payables	-	-	-	-	-	-	-	-	-	-
Interest bearing liabilities	-	-	-	-	-	-	-	-	-	-
Provisions	81	72	17	19	21	60	48	5	49	5
Total current liabilities	81	72	17	19	21	60	48	5	49	5
Non-current liabilities										
Payables	-	_	-	_	-	-	-	-	-	
Interest bearing liabilities	-	-	-	-	-	-	-	-	-	
Provisions	-	_	-	_	-	-	-	-	-	
Total non-current liabilities	-	-	-	-	-	-	-	-	-	-
Total liabilities	81	72	17	19	21	60	48	5	49	5
Net assets	470	505	1,806	1,824	(21)	(60)	2,145	2,178	2,568	2,620
FOLIITY										
EQUITY  Potential cornings	470	EOE	1 007	1 004	(24)	(60)	2146	2 470	2 567	2 620
Retained earnings	4/0	505	1,807	1,824	(21)	(60)	2,146	2,178	2,567	2,620
Revaluation reserves	-	-	_	-	-	-	] -	-	-	
Minority equity interest  Total equity	470	505	4.00=	1,824	(21)	(60)	0.445	2,178	0.50-	2,620



# Balance sheet of Other business activities for the year ended 30 June 2006

	Actual 2006	Actual 2005	Actual 2006	Actual 2005	Actual 2006	Actual 2005	Actual 2006	Actual 2005	
								Commercial	
	Tennis	Tennis Courts		Pymble Pool		Nursery		Leasing	
	(Cat )	(Cat)	(Cat)	(Cat)	(Cat )	(Cat)	(Cat )	(Cat)	
	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'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	_	_	_	_	_	_		_	
Other	_	_	_	_	_	_		_	
Infrastructure, property, plant and equipment	1,192	1,048	1,210	966	75	1,184	645	659	
Investments accounted for using equity method	_	_	_	_	_	_	_	_	
Investment property	_	_	_	_	_	_	_	_	
Total non-current assets	1,192	1,048	1,210	966	75	1,184	645	659	
Total assets	1,192	1,048	1,210	966	75	1,184	645	659	
LIABILITIES									
Current liabilities									
Payables	_	_	_	_	_	_	l <u>.</u>	_	
Interest bearing liabilities	_	_	_	_	_	_	l <u>-</u>	_	
Provisions	_	22	_	_	11	14	10	13	
Total current liabilities	-	22	-	-	11	14	10	13	
Non-current liabilities									
Payables	_	_	_	_	_	_	l <u>-</u>	_	
Interest bearing liabilities	_	_	_	_	_	_	l <u>-</u>	_	
Provisions	_	_	_	_	_	_	l <u>-</u>	_	
Total non-current liabilities	_						<del>-</del>		
Total liabilities	-	22	-	-	11	14	10	13	
Net assets	1,192	1,026	1,210	966	64	1,170	635	646	
EQUITY									
Retained earnings	1,192	1,026	1,210	966	64	1,170	635	646	
Revaluation reserves	-	-	-	-	-	-	-	-	
Minority equity interest	-	-	-	-	-	-	-	-	
Total equity	1,192	1,026	1,210	966	64	1,170	635	646	



# Notes to and Forming Part of the Special Purpose Financial Reports for the Year Ended 30<sup>th</sup> June 2006

# **Significant Accounting Policies**

## 1. The Special Purpose Financial Reports

These financial statements are a Special Purpose Financial Report prepared for use by the Council and the Department of Local Government. They have been prepared to report the results of Business Activities determined by Council in accordance with the requirements of National Competition Policy guidelines.

In preparing these reports, each Business Activity has been viewed as a separate unit, and accordingly transactions between different Business Activities, and between Business Activities and other Council operations, have not been eliminated.

# 2. Basis of Accounting

## 2.1 Compliance

The financial reports comply with the Local Government Code of Accounting Practice and Financial Reporting and the Local Government Asset Accounting Manual, and with the principles of the June 1996 NSW Government Policy Statement "Application of National Competition Policy to Local Government" and the Department of Local Government's July 1997 guidelines "Pricing & Costing for Council Businesses: A Guide to Competitive Neutrality".

Except where directed to the contrary by the above documents, the financial report also complies with all applicable Australian Accounting Standards, and is based on information consistent with that forming the basis of Council's Annual Financial Statements for the year.

## 2.2 Basis

The financial report has been prepared on the accrual basis of accounting and, except where specifically indicated in these Notes or in the Notes to the Annual Financial Statements, in accordance with the historical cost convention.

## 3. National Competition Policy

In accordance with the framework set out in the June 1996 NSW Government Policy Statement "Application of National Competition Policy to Local Government" and other guidelines and documentation in relation to this matter, Council has declared that the following are to be considered as Business Activities:

# **Thomas Carlyle Children's Centre**

Comprising the whole of the operations and assets of Thomas Carlyle Children's Centre. As the total annual operating revenues are less than \$2,000,000, it is defined as a "Category 2" Business Unit.

#### **Art Centre**

Comprising the whole of the operations and assets of the Art Centre. As the total annual operating revenues are less than \$2,000,000, it is defined as a "Category 2" Business Activity.

#### **Trade Waste**

Comprising the whole of the operations and assets of Trade Waste. As the total annual operating revenues are less than \$2,000,000, it is defined as a "Category 2" Business Activity.

#### **Gordon Golf Course**

Comprising the whole of the operations and assets of Gordon Golf Course. As the total annual operating revenues are less than \$2,000,000, it is defined as a "Category 2" Business Activity.



#### **Turramurra Golf Course**

Comprising the whole of the operations and assets of Turramurra Golf Course. As the total annual operating revenues are less than \$2,000,000, it is defined as a "Category 2" Business Activity.

#### **Tennis Courts**

Comprising the whole of the operations and assets of Council's Tennis Courts. As the total annual operating revenues are less than \$2,000,000, it is defined as a "Category 2" Business Activity.

## **Swimming Pool**

Comprising the whole of the operations and assets of Council's Swimming Pool. As the total annual operating revenues are less than \$2,000,000, it is defined as a "Category 2" Business Activity.

## **Plant Nursery**

Comprising the whole of the operations and assets of Council's Plant Nursery. As the total annual operating revenues are less than \$2,000,000, it is defined as a "Category 2" Business Activity.

# **Commercial Leasing**

Comprising the whole of the operations and assets of Commercial Leasing. As the total annual operating revenues are less than \$2,000,000, it is defined as a "Category 2" Business Activity.

The Department of Local Government's July 1997 guidelines "Pricing & Costing for Council Businesses: A Guide to Competitive Neutrality" 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, rate of return on investments in Business Activities and dividends paid.

## 3.1 Taxation Equivalent Payments

The activities shown in the Statement of Financial Performance are considered to be Category 2 businesses and as such are not required to reflect any Taxation Equivalent payments.

#### 3.2 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.

## 3.3 Loan & Debt Guarantee Fees

There are no loans applicable to the business activities identified in the operating statement.

## 3.4 Income Tax

In accordance with the Code of Local Government Accounting Practice and Financial Reporting, income taxation has been calculated on the Operating Result before Capital Amounts disclosed in the Statement of Financial Performance of the Special Purpose Financial Reports. No allowance has been made for non-deductible items, timing differences or carried forward losses. Australian Accounting Standard AAS 3 "Accounting for Income Tax (Tax Effect Accounting)" has not been applied.

#### 3.5 Dividends Paid

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.



## 3.6 Return on Investments (Rate of Return)

The Policy statement states that Category 1 businesses "would be expected to generate a rate of return on capital funds employed that is comparable to rates of return for private businesses operating in a similar field." For competitive markets, the rate of return has been set equal to or better than the return on Commonwealth 10-year bonds. This policy has also been applied to Council's Category 2 businesses.

In accordance with the Code of Accounting Practice, the rate of return has been calculated as the Operating Result before Capital Amounts plus Interest Expense expressed as a percentage of the carrying value of Property, Plant & Equipment at the reporting date.

# 3.7 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, or accepts a lower rate of return on its investment in the Business Unit than would be acceptable to a private sector competitor.

In accordance with the Code of Accounting Practice, this amount has been calculated as the dollar difference between the required and actual rates of return.

# 4. Other Accounting Policies and Notes

Other accounting policies relating to the determination of revenues and expenses, and assets and liabilities, not specifically referred to above are reported in Note 1 to the Council's Annual Financial Statements, and should be read in conjunction with this Note.

# 5. Rounding

In accordance with the Code of Accounting Practice all amounts shown in the Financial Statements have been rounded to the nearest thousand dollars.





#### **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 2006, 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 20th day of September 2006



# Special Schedule No. 1

Net cost of services for the year ended 2006

\$'000

	continu	Expenses from continuing operations		come from uing operation	ns	Net cost of services	
•	Expenses	Group Totals	Non- Capital Revenues	Capital Revenues	Group Totals	Net Cost	Group Totals
Governance	2,155		3			(2,152)	
Administration		2,155			3		(2,152)
Administration	45.050		0.000			(0.000)	
Corporate Support	15,659		6,020			(9,639)	
Engineering and Works	1,333		988			(345)	
Other Support Services		40.000			7.000		(0.004
Public Order and Safety		16,992			7,008		(9,984
Public Order and Safety	2.017					(2.017)	
Contributions to Fire Service Levy	2,017		00			(2,017)	
Fire Protection - Other	45		36			(9)	
Animal Control	128		142			14	
Beach Control	005		407			(700)	
Enforcement of Local Govt Regs	925		137			(788)	
Emergency Services	38		1			(37)	
Other							(0.00=
Health		3,153			316		(2,837
	000		70			(04.4)	
Administration and Inspection	386		72			(314)	
Immunisations							
Food Control							
Insect/Vermin Control							
Noxious Plants							
Health Centres							
Other		386			72		(314
Community Services and Education							(011
Administration	359					(359)	
Family Day Care	459		337			(122)	
Child Care	1,463		1,169	676		382	
Youth Services	160		27	21		(112)	
Other Families and Children	181		13			(168)	
Aged and Disabled	320		666	14		360	
Migrant Services							
Aboriginal Services							
Other Community Services	255		207			(48)	
Education							
		3,197			3,130		(67
Housing and Community Amenities							
Housing							
Town Planning	1,397		304			(1,093)	
Domestic Waste Management	8,605		9,924			1,319	
Other Waste Management	1,069		1,501			432	
Street Cleaning	912					(912)	
Other Sanitation and Garbage							
Urban Stormwater Drainage	826					(826)	
Environmental Protection	1,819		83			(1,736)	
Public Cemeteries							
Public Conveniences							
Other Community Amenities							
		14,628			11,812		(2,816



**Net cost of services (continued)** 

	Expenses continu operati	iing		come from uing operatio	ns	Net cost of services	
-	Expenses	Group Totals	Non- Capital Revenues	Capital Revenues	Group Totals	Net Cost	Group Totals
Water Supplies							
Sewerage Services							
Recreation and Culture							
Public Libraries	3,244		361			(2,883)	
Museums							
Art Galleries	527		446	29		(52)	
Community Centres				174		174	
Public Halls	911		564			(347)	
Other Cultural Services	206		74			(132)	
Swimming Pools	93			22		(71)	
Sporting Grounds	1,560		1,289	715		444	
Parks and Gardens (Lakes)	4,281		555	7,982		4,256	
Other Sport and Recreation	1,920		2,023			103	
·	,	12,742			14,234		1,492
Fuel and Energy		, i			, -		, -
Gas Supplies							
Mining, Manufacturing and Constructions							
Building Control	4,137		2,866			(1,271)	
Abattoirs	4,137		2,000			(1,271)	
Quarries and Pits							
Other							
Julei		4,137			2,866		(1,271)
Transport and Communication							
Urban Roads (UR): Local	5,675		2,804			(2,871)	
Urban Roads: Regional							
Sealed Rural Roads (SRR): Local							
Sealed Rural Roads: Regional							
Unsealed Rural Roads (URR): Local							
Unsealed Rural Roads: Regional							
Bridges on UR: Local							
Bridges on UR: Regional							
Bridges on SRR: Local							
Bridges on SRR: Regional							
Bridges on URR: Local							
Bridges on URR: Regional							
Footpaths	735		42	11		(682)	
Aerodromes			1			(55-)	
Parking Areas	563		647	123		207	
Bus Shelters and Services				.23			
Water Transport							
RTA Works (State)							
	1,239		237			(1,002)	
Street Lighting	•			F.4			
Other	561	8,773	248	51	4,163	(263)	(4,610)



# **Net cost of services (continued)**

<u>.</u>	Expense contin operat	uing
	Expense s	Group Totals
Economic Affairs		
Camping Areas		
Caravan Parks		
Tourism and Area Promotion		
Industrial Development Promotion		
Saleyards and Markets		
Real Estate Development		
Commercial Nurseries	191	
Other Business Undertakings		
		191
Totals - Functions		66,354
General Purpose Revenues*		
Share of interests in joint ventures and associates using the equity method		
Surplus from all Activities**		66,354

Income from continuing operations								
Non- Capital Revenues	Capital Capital							
137								
		137						
		43,741						
39,160		39,160						
		82,901						

Net cost of services							
Net Cost	Group Totals						
(54)							
	(54)						
	(20,461)						
39,160							
	16,547						

# Notes:

- \* Includes:
- Rates and annual charges (including exgratia)
- Non-Capital General Purpose Grants
- Interest on Investments.
- \*\* As reported on the Income statement.



# Special Schedule No. 2(a) Statement of long-term debt (all purpose) for the year ended 2006 \$'000

Classification of Debt		oal outstan		New loans raised during the year		Debt redemption during the year Transfers to sinking Interest applicable		Principal	al outstanding at end of year		
	Current	Non- current	Total	dailing the year	From revenue	Sinking funds	funds	for year	Current	Non- current	Total
Loans (by source)											
Commonwealth Government											
Treasury Corporation											
Other State Government											
Public Subscription											
Financial Institutions	1,540	9,755	11,296	1,400	1,540			663	1,716	9,440	11,155
Other											
Total loans	1,540	9,755	11,296	1,400	1,540			663	1,716	9,440	11,155
Other long term debt											
Ratepayers' Advances											
Government Advances			-								-
Finance Leases											
Deferred payment			-								-
Total long term debt											



# Special Schedule No. 7 Condition of public works as at 30 June 2006 \$'000

Asset Class	Asset Category	Depn Expense (%)	Depr'n. Expense	Cost	Valuation	Accum Depreciation and Impairment	WDV	Asset Condition	Estimated Cost to bring to a Satisfactory Standard	Required annual maintenance	Current annual maintenance
		\$'000	\$'000	\$'000	\$'000	\$'000	\$'000		\$'000	\$'000	\$'000
		Per Note 1	Per Note 4		Per	Note 9			Per Sec	tion 428(2d)	
Public Buildings	Council Offices	2.5%	266	10,648		5,178	5,471	Fair	450	400	58
	Council Works Depot	2.5%	52	2,711		1,368	1,343	Poor	2,500	200	30
	Council Halls	2.5%	153	6,132		4,044	2,088	Fair	1,200	160	81
	Council Houses	2.5%	42	1,673		1,180	492	Fair	210	150	137
	Museum	2.5%	538	22,110		13,209	8,900	Fair	1,200	250	338
	Library	2.5%	311	12,442		5,105	7,337	Fair	400	150	25
	Childcare Centre(s)	2.5%	68	2,700		1,253	1,447	Good	150	100	49
	Art Gallery	2.5%	18	705		502	204	Poor	750	200	25
	Amenities/Toilets	2.5%	100	3,986		2,259	1,727	Fair	500	200	169
			1,548	63,107		34,098	29,009		7,360	1,810	
Public Roads	Sealed Roads	1%	3,001	305,970		156,149	149,821	Fair	45,700	1,875	1,253
	Unsealed Roads							NA			
	Sealed Roads Structure							NA			
	Bridges							Good	250	15	
	Footpaths							Fair	1,750	800	769
	Cycle ways							Fair	150	20	20
	Kerb and Gutter							Fair	1,500	180	198
	Road Furniture							Fair	2,300	240	215
		1%	3,001	305,970		156,149	149,821		51,650	3,130	2,455



# Special Schedule No. 7 Condition of public works as at 30 June 2006 \$'000

Asset Class	Asset Category	Depn Expense (%)	Depr'n. Expense	Cost	Valuation	Accum Depreciation and Impairment	WDV	Asset Condition	Estimated Cost to bring to a Satisfactory Standard	Required annual maintenance	Current annual maintenance
		\$'000	\$'000	\$'000	\$'000	\$'000	\$'000		\$'000	\$'000	\$'000
		Per Note 1	Per Note 4		Per l	Note 9			Per Sec	tion 428(2d)	
Water	Treatment Plants										
	Water Connections										
	Bores										
	Reservoirs										
	Dams										
	Hydrants										
	Stop Valves										
	Pipeline										
	Pump Station										
Sewerage	Pump Stations										
	Pipeline										
	Manholes										
	Air Vent Stacks										
	Treatment Works										
	Sewerage Connection										
Drainage Works	Retarding Basins	3%		11,693		11,477	215	Good	100	50	
	Outfalls	1%		1,004		1,004	1	Good	50	25	
	Stormwater Conduits	1%		1,724		1,724		Fair	64	4,500	433
	Inlet and Junction Pits	1%		45,012		24,698	20,314	Fair	2	500	200
	Head Walls										
	Outfall Structures										
	Stormwater Converters										
Total Classes	Total - All Assets		4,548	428,511		229,150	199,360		59,226	10,015	4,000



# Special Schedule No. 8 Financial projections as at 30 June 2006 \$'000

	2006	2007	2008	2009	2010
	\$m	\$m	\$m	\$m	\$m
Recurrent budget					
Income from continuing operations	93,893,500	80,556,900	87,683,388	90,439,962	93,525,437
Expenses from continuing operations	60,650,400	62,349,400	64,754,400	66,799,200	68,279,000
Operating result from continuing operations	33,243,100	18,207,500	22,928,988	23,640,762	25,246,437
Capital budget					
New capital works	11,522,300	25,174,600	15,179,600	15,815,700	16,473,100
Funded by:					
- Loans	1,400,000	1,000,000	1,000,000	1,000,000	1,000,000
<ul><li>Asset sales</li></ul>	-	-	-	-	-
- Reserves	5,196,500	18,428,500	8,374,400	9,314,900	9,616,900
- Grants/Contributions	-	-	-	-	-
<ul> <li>Recurrent revenue</li> </ul>	1,398,800	1,874,100	1,797,700	1,373,116	1,604,658
- Other	3,527,000	3,872,000	4,007,500	4,127,684	4,251,542
	11,522,300	25,174,600	15,179,600	15,815,700	16,473,100

# **CAPITAL WORKS CARRIED FORWARD 2005/2006**

# **EXECUTIVE SUMMARY**

PURPOSE OF REPORT:

To seek endorsement from Council to carry forward

the attached list of 2005/2006 projects into the current

financial year.

BACKGROUND: The attached list of projects was originally included in

the 2005/2006 budget by formal resolution on 14 June 2005. Budgets voted for some works have not been fully spent and accordingly are requested to be carried

forward into the current financial year.

Some projects were committed to be completed but

work concluded after year end.

**COMMENTS:** The total requested carried forward works is

\$3,048,300 of which there is matching revenue in the

amount of \$2,711,500. The net cost to Council is

\$336,800.

**RECOMMENDATION:** That Council approve the attached list of carried

forward projects and that the net balance of \$336,800 be funded from working funds and the shortfall of \$93,600 be funded from the September Review.

S03638 9 October 2006

#### PURPOSE OF REPORT

To seek endorsement from Council to carry forward the attached list of 2005/2006 projects into the current financial year.

#### BACKGROUND

The attached list of projects was originally included in the 2005/2006 budget by formal resolution on 14 June 2005. Budgets voted for some works have not been fully spent and accordingly are requested to be carried forward into the current financial period.

Some projects were committed to be completed but work concluded after year end. Consequently this money needs to be carried forward to fund invoices for works completed.

# **COMMENTS**

The total requested carried forward works is \$3,048,300 of which there is matching revenue totalling \$2,711,500 leaving a net total to be funded from general revenue of \$336,800.

Justification for each carried forward project request is attached. It is noted that some of these projects have been completed and whilst funds were committed in the last financial year, invoices have been raised in the current accounting period and as such funds are required to be carried forward to match expenditure.

A number of these projects were always scheduled to be undertaken over more than one year. At present only a small percentage of grant income for these projects has been received by Council and on this basis it has not been appropriate to commit these funds in advance without the surety that the income will be actually received.

#### CONSULTATION

Not applicable

#### FINANCIAL CONSIDERATIONS

For the year ended 30 June 2006 Council has available working funds of \$243,200. The carried forwards which are funded from general revenue total \$336,800 leaving a shortfall of \$93,600 which is proposed to be funded in the September Review.

S03638 9 October 2006

During the establishment of Council's Draft capital works program 2006/07 an amount of \$102,700 was included for the Catchment Management program for the continuation for the Catchment Analysis studies for Council's catchments. These studies were completed last financial year and the provision of this funding is subsequently not required this financial year. It is therefore proposed to reduce this section of capital works program to fund the shortfall of \$93,600. This proposal is to be adjusted in the September Review.

# CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Most departments have been consulted in developing the list of attached carried forward projects.

# **SUMMARY**

For the year ended 30 June 2006 the total requested carried forward works are \$3,048,300 there is matching revenue in the amount of \$2,711,500 a net total to be funded from general revenue of \$336,800.

This amount is to be funded from Council's available working funds balance of \$243,200. Should Council approve the full list of carried forwards works, the shortfall of \$93,600 is proposed to be funded in the September Review as detailed above.

# RECOMMENDATION

- A. That Council approve the attached list of carried forward works.
- B. That the net balance of \$336,800 be funded from Council's available working funds of \$243,200. The shortfall of \$93,600 to be funded in the September Review by adjusting Council's catchment analysis project.

Michael Lopez John Clark

Management Accountant Acting Director Finance & Business

**Attachments:** Proposed list of Carried Forward Works - 680730

	R	Request to Carry Forward							
Departments	Expenditure	Income	Net						
	\$	\$	\$						
Civic Management	10,000	0	(10,000)						
Community Services	71,700	43,500	(28,200)						
Open Space	1,292,500	1,240,100	(52,400)						
Planning & Environment	160,300	7,900	(152,400)						
Technical Services	1,420,000	1,420,000	0						
Finance & Business	93,800	0	(93,800)						
Total Projects	3,048,300	2,711,500	(336,800)						

	COMMUNITY	SERVICES	8		
Project	Source of Funding	Expense	Income	Net	Comments
		\$	\$	\$	
100055 - Non -User survey of Library 2004/05	Unexpended Grant	11,500	11,500	0	State Library NSW grant funding project was delayed due to timing of the funding, it is expected to be completed in 2006.
100294 - ID Community Profile	General Fund	10,000	0	10,000	This project is part of an NSROC negotiated agreement to develop Council's demographic profile. A discounted rate was negotiated on behalf of participating NSROC Councils to update the information and maintain the web link. Council is a signatory to the agreement.
100400 - RAAF Base Public Art	Unexpended Grant	22,000	22,000	0	CSIRO grant specifically allocated for the construction of RAAF Base memorial. Anticipated completion date is October 2006.
100416 - Youth Anti- Racism Program	Unexpended Grant	1,800	1,800	0	NSW Department of Community Services grant (May 2006) funds an antiracism/community harmony project planned for November 16, 2006. Any unspent funds to be returned the Department as part of the funding acquittal process.
100418 - VRRTS Project	Unexpended Grant	8,200	8,200	0	This is an enhancement grant and was received in April 2006. Any funds not carried forward are required to be returned the NSW Department of Aging Disability & Homecare as part of the funding acquittal process.
400010 - Centenary of Local Government	General Fund	18,200	0	18,200	Funds required to complete Council's Centenary publication Under the Canopy. To be launched in December 2006.
Total Projects		71,700	43,500	28,200	

	FINANCE & BUSINESS								
Project	Source of Funding	Expense	Income	Net	Comments				
	ļ	\$	\$	\$					
100210 - IT Initiatives	General Fund	89,700	0	89,700	Allocation required to fund the upgrade of Council's Booking System. Negotiations with software suppliers slowed the process with work beginning in October on improving the system.				
100401 - Tulkiyan Heritage Strategic Plan	General Fund	4,100	0		Historic Houses Strategic Plan completed in 06/07 funds to be utilised in line with grant.				
Total Projects		93,800	0	93,800					

CIVIC MANAGEMENT							
Project	Source of Funding	Expense Income		Net	Comments		
		\$	\$	\$			
1103.1117 - Consultants General	General Fund	10,000	0	10,000	To fund the last stage of the Climate Survey.		
Total Projects		10,000	0	10,000			

OPEN SPACE							
Project	Source of Funding	Expense Income		Net	Comments		
			\$	\$			
Environmental Levy Projects 2005/06	Environmental Levy	851,700	851,700	0	Expenditure to occur in 2006/2007 in capital works as detailed planning for project is now completed.		
100020 - Catchment Management 2003/04	General Fund	27,400	0	27,400	Expenditure links to water sensitive design works associated with Environmental Levy. Planning now completed, on ground works to commence 2007.		
100025 - Blackbutt Creek	Grant	24,500	24,500	0	Funding is for maintenance of gross pollution control devices, this is an ongoing cost transferred from the State Government grant.		
100152 - Cowan Catchment	Unexpended Grant	15,100	15,100	0	Funding from NSW Department of Agriculture to fund weed identification & control. Funds to be expended by 2007 at Cliff Oval Wahroonga.		
100415 - Environment Trust Glade	Unexpended Grant	63,800	63,800	0	Funding received late in 2005/2006, project to be completed in June 2007, in partnership with Environmental Levy program.		
100390 - Noxious Weeds 2005/06	Unexpended Grant	17,600	17,600	0	Funding from NSW Department of Agriculture as part of an ongoing weed management program. Expenditure to be completed by end of 2006.		
100045 - Integrated Catchment	Unexpended Grant	20,600	20,600	0	Funding source to complement Environmental Levy works. Project around Turramurra Memorial Oval identified. Will be completed by June 2007 in partnership with Infrastructure Levy works.		
100080 - Nth Turramurra Recreation	Section 94	75,000	75,000	0	Required to complete masterplan & staging options for North Turramurra recreation area.		

OPEN SPACE							
Project	Source of Funding	Expense	Income Net		Comments		
		\$	\$	\$			
100129 - Bushland Interface Project	Unexpended Grant	19,100	19,100	0	Project now completed with funds uses to finance project officer.		
100397 - LGAG Weed Control	Unexpended Grant	20,500	20,500	0	Project to restore parts of bushland at Clissold Road adjacent to the old quarry. Project to be completed in June 2007.		
100410 - Noxious Weed Contribution	Unexpended Grant	4,000	4,000	0	Project to fund control of willow species along riparian system. Will be completed summer 2006.		
Parks Program	Loan Reduction Reserve	59,200	59,200	0	Required to pay outstanding amount to contractors.		
Playground Program	Loan Reduction Reserve	17,000	17,000	0	Required to complete outstanding component of 2005/2006 program.		
Swimming Pool Program	Loan Reduction Reserve	34,000	34,000	0	Require funds to pay for works that are complete.		
100027 -Greenwood Quarry 2	General Fund	25,000	0	25,000	Required to pay consultants for study that is now complete.		
Tennis Court Program	Loan Reduction Reserve	9,300	9,300	0	Required for completion payament to contractor.		
100394 - Telecommunications	Telecommunication Reserve	8,700	8,700	0	Required for commitments made as part of Council agreement with Telco operator.		

OPEN SPACE						
Project	Source of Funding	Expense	Income	Net	Comments	
		\$	\$	\$		
Total Projects		1,292,500	1,240,100	52,400		

PLANNING & ENVIRONMENT							
Project	Source of Funding	Expense	Income	Net	Comments		
		\$	\$	\$			
100159- St Ives Conservation 100 - 102 Rosedale Rd	Natural Environment Reserve	ural Environment Reserve 2,500		0	Project ongoing-required to pay for recent valuation.		
100211 - Planning Projects 2005/06	General Fund	139,400	0	139,400	Required for completion of town centre planning projects.		
100295 - Watersmart Challenge	Unexpended Grant	5,400	5,400		Grant from Department of Environment & Conservation Additional funding to assist evaluation of a future community environmental project.		
100409 - KMC Photographic Competition	General Fund	13,000	0		Project exhibition period 10th - 26th September 2006, award presentation 26th September 2006, project completed.		
Total Projects		160,300	7,900	152,400			

TECHNICAL SERVICES							
Project	Source of Funding		se Income Net		Comments		
100200 - Depot Relocation	Facilities Reserve	\$ 566,000	This was allocated to fu		This was allocated to fund the construction certificate & tender document preparation. This will be done in 2006/2007.		
Footpath Program 2005/06	Loan Reduction Reserve & Footpath Reserve & Grant	369,000	369,000	0	To fund works undertaken in late June & early July for Business Centre works, footpath, and cycleway projects.		
Energy Australia	Contribution to Works	1,800	1,800	0	For restoration works undertaken.		
100402 - Kokoda Trail Memorial	Unexpended Grant	3,400	3,400	0	To cover future maintenance.		
100411 - Tryon Lane	Contribution to Works	14,400	14,400	0	Works undertaken in late July.		
100419 - R2R Supplement Program	Program Unexpended Grant		465,400	0	Late advice by Federal Department and works to be undertaken in 2006/2007.		
Total Projects		1,420,000	1,420,000	0			

S02116 27 September 2006

# **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 17 August 2006.

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 17 August 2006 be received and noted.

S02116 27 September 2006

### PURPOSE OF REPORT

To provide Council with the Minutes of the Ku-ring-gai Access Advisory Committee of 17 August 2006.

#### **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.

S02116 27 September 2006

# **RECOMMENDATION**

That the Minutes of the Ku-ring-gai Access Advisory Committee of 17 August 2006 be received and noted.

Martin Butcher Community Development Officer Aged & Disability Services Janice Bevan Director Community Services

Attachments: Minutes of Ku-ring-gai Access Advisory Committee Meeting 17 August

2006 - 680213

# KU-RING-GAI ACCESS ADVISORY COMMITTEE Thursday 17 August 2006 2:30 pm Council Chamber Level 3, 818 Pacific Hwy, Gordon

# **Minutes**

# **Present/Apologies**

Cr Michael Lane Mr Arthur Gillott Miss Kate Boyd Mr Alan Faulkner Mrs Lyn Kerslake

#### In attendance

Mr Martin Butcher Mr Tom Cooper Ms Carol Harper Mr Colin Johnston Mr Antony Fabbro

# Apologies:

Mrs and Mr Ivan & Joyce Cribb Ms Eileen Lyons Mr Greg Piconi Mr William Higman Mr Danny Houseas Ms Janice Bevan Mr Loch Townsend Ms Beverley Schultz

1. Confirmation of Minutes 15 June 2006

#### Amendment

Under item 6 Gordon Town Centre Upgrade. Cr Lane said a second crossing would be a good idea.

The first sentence should have read, "Cr Lane indicated that it would be a useful idea to have a second pedestrian footbridge across the Pacific Highway with lifts for easy access."

Moved that the minutes of the last meeting be accepted with the above amendment. Moved Allan Faulkner/ Arthur Gillett

# **Carried Unanimously**

Business Arising

#### a. Turramurra Station DA

Following the last meeting, Martin Butcher made comment on the Development Application by RailCorp to improve access to Turramurra Station. RailCorp has responded to the issues raised by the Access Committee.

Re: "the continuous path of travel to the bus stop in Rohini Street". RailCorp would be prepared to realign the existing chain wire boundary fence along this segment of the rail corridor. This is subject to additional funding being made available by Ku-ring-gai Council for service relocations, widening of the path, handrails and any additional structure work to support this widening on KMC land. Furthermore, the existing gradient on Rohini Street footpath from the op shop northward is approximately 1:14 or more. It would be very difficult to provide a compliance path to the bus shelter without a series of 1:14 ramps winding its way down to it. Albeit, this is again in the domain of Ku-ring-gai Council.

Greg Piconi, Director Technical Services has indicated support for the proposal to widen Rohini Street to 1.5m to allow for the minimum clearance of 1.2m, provided RailCorp relocate the boundary fence and ownership of the land can be resolved. Council can fund the work as part of the footpath program.

Re: "Car Parking Spaces". Gradient on William Street from the proposed disabled car park (road blister) to the station entry is 1:30 or better. The layback is proposed to be located at the end of this blister and should have been shown. This is the furthest point for a compliance accessible path. The minimum gradient of an accessible footpath is 1:20. Reprofiling of the existing Council car park to achieve 1:33 gradient is not the responsibility of RailCorp.

Re: "steps from the platform to the train", the vertical and horizontal platform gap tolerances necessary for safe train running require such a large differential between the train lobby and the platform at Turramurra. The track design level, different carriage wheel diameter and wear, and track maintenance also affects these clearances.

Re: "temporary pedestrian bridge". Railcorp's Technical Standards and AS 5100 for bridge & civil design require stringent compliance for permanent bridges over running lines. These require impact & fire resistance to name a few. A temporary bridge structure does not fully comply with these standards. A safety risk assessment will be undertaken of the temporary bridge structure, with the final design being approved for a limited period by Railcorp's Engineering Division.

#### b. Rohini Street and Eastern Road

Martin Butcher has inspected the site. There is a clearance between the tree and the boundary of the property to provide for access. The safety fence was installed around the tree and site as a result of an order issued by Council to the owners 22/2/05.

- 3. Technical Services Progress Report
  - a. Access to Entrance of Council Chambers

No progress report tabled

4. Open Space – Progress Report

Carol Harper tabled a Council report outlining the expenditure of Open Space Capital Works Program and Environmental Levy Projects 2006/07. \$3,605,700 with be spent on improvements to golf courses, sporting fields and parks. Improved access for people with a disability will be incorporated into the design of any works.

# 5. Planning and Environment Report

# a. Town Centre Planning

Antony Fabbro made a presentation outlining the consultation process for the town centres and how access is being improved in the 6 Town Centres in Kuring-gai. The aim of the town centre plans are to:

- Provide more housing in and around key commercial centres.
- Help increase retail and commercial development to cater for the needs of the local community.

Draft Local Environment Plan (LEP) and draft Development Control Plans (DCP) in each of the town centres will be on public exhibition. Displays with static and computer models will be held at each of the centres. Staff will be on hand to answer questions.

#### St Ives

21 August until 18 September 2006 St Ives Village Shopping Centre

#### **Turramurra**

4 September until 3 October 2006 Turramurra Plaza Shopping Centre, Kissing Point Road/Pacific Highway

# Meals on Wheels Dining Room

18 September until 30 September, Gilroy Lane, Turramurra

#### Gordon

18 September until 16 October 2006 - preliminary dates (to be confirmed)

#### Pymble

18 September to 16 October 2006 - preliminary dates (to be confirmed)

#### Lindfield

16 October to 13 November 2006 - preliminary dates (to be confirmed)

#### Roseville

16 October to 13 November 2006 - preliminary dates (to be confirmed)

Comprehensive information regarding the town centres planning can be found on Council's website <a href="https://www.kmc.nsw.gov.au">www.kmc.nsw.gov.au</a>

# 6. Development & Regulatory Services

From 1 May 2006, all NSW residents must have at least one working smoke alarm installed on each level of their home. This includes owner occupied, rental properties, relocatable homes or any other residential building where people sleep.

Smoke alarms are already mandatory for all new buildings and in some instances when buildings are being renovated.

A number of agencies provide life saving smoke alarms for people who have hearing impairments or are deaf. They have strobe lights for people who have difficulties hearing. For information contact the Deafness Resource Centre on 9895 2970 or PrintAcall on 9809 2309.

The NSW Fire Brigade have a service where they will install a fire alarm in the homes of elderly people and may do it for people with a disability. People must have already purchased a battery operated alarm. To request this service contact your local station. The phone number for the Gordon Station (at Pymble) is 9449 9834.

# 7. Community Services Report - Martin Butcher

# a. DDA Action plan - Action to Date

The Access Policy and DDA Action Plan was adopted by Council in October 2005. Since that time a number of strategies have been implemented. The table identifies some of the strategies and indicates how they can be implemented.

Strategy	Action undertaken
Incorporate a disability awareness-	CDO/AD has presented at 5 Staff orientation
training component into Orientation	sessions since December 2005
Program and organisational training	
plan.	
Council's web site is maintained to	The Web page administrator has undertaken
OICT Government standards and	training through Vision Australia. Contributors
World Wide Web Consortium (W3C)	to the webpage are instructed on how to present
Standards.	the material so that it can be accessed by people
	with vision impairments and screen readers
Council's newsletter is produced in	Council's Newsletter is available at the libraries
alternat formats.	in large print and plain text formats.
Community information is available	Council continue to promote services through
to people with a disability.	publications including Seniors Aged Care guide
	and expos.
Place signs on each floor of Council	Signs have been places on each level of the
and in the car parks, indicating the	chambers indication location.
level number and directions to	
Customer Service and exits.	
Undertake an audit of walking tracks	Council has developed a grading system for
and grade them according to	walking tracks. AW report went to Council in
accessible ease of use. Identify tracks	November 2005. Tracks that are wheelchair
that are wheelchair.	accessible or easy to walk on are being
	identified.
Implement and monitor effective	Currently there are about 20 people who have
programs for collection and return of	their garbage bins collected from their yard by
bins for people who are unable to	the contractors. The service is promoted in the
manage their own bins due to having	seniors and Aged Care guide and on the web.
a disability or being frail aged.	
In consultation with the Ku-ring-gai	Access walk held at Wahroonga on December
Access Advisory Committee conduct	2005.
workshops/displays/ activity with the	
community to raise the awareness of	
the access needs of people with a	
disability.	

The committee congratulated Council on the action to date. The committee did not raise any issues regarding this document.

# b. International Day for People with a Disability

International Day for People with a Disability will be held on Sunday 3 December 2006. This is the same day as The Wahroonga Village Fair. It was suggested promoting access for people with a disability at the event. Other organisations are to be invited to participate, including the Police and Community Safety Committee, who are promoting health and wellbeing.

8. Correspondence In:
Relevant newsletters and magazines to be tabled

9. Correspondence Out:

Nil

10. General Business.

Nil

11. Date of next meeting Thursday 19 October 2006

# DEVELOPMENT OPTIONS OF THE ABANDONED B2 ROAD CORRIDOR SOUTH TURRAMURRA

# **EXECUTIVE SUMMARY**

PURPOSE OF REPORT:

The purpose of this report is to seek Council's direction to

the future use of the land owned by Council and the NSW Department of Planning within the B2 road corridor, South

Turramurra.

**BACKGROUND:** Council has considered a number of reports on the lands

affected by the abandonment of the B2 road corridor. One of the outstanding issues related to this land is the intended use of Council land at South Turramurra and the relationship between the NSW Department of Planning being joint

owners of a significant portion of land.

**COMMENTS:** The re-development of land zoned 2(a) will provide Council

and the NSW Department of Planning an opportunity to work co-operatively to achieve a consolidated and co-

ordinated development of the site. As part of the

development there will be the option to incorporate water sensitive urban design principles enabling the capture and reuse of stormwater to irrigate the playing fields within Sir David Martin Reserve. The future use however will need to deal with the reclassification of land, rezoning of an unmade road and possibly the development of a new LEP for the site.

**RECOMMENDATION:** That Council reclassify and prepare a LEP for the low

density residential development of the existing land zoned 2(c) in conjunction with the NSW Department of Planning and seek a land transfer of the bushland section zoned 6(a)

from the Department.

S02846 18 September 2006

#### PURPOSE OF REPORT

The purpose of this report is to seek Council's direction to the future use of the land owned by Council and the NSW Department of Planning within the B2 road corridor, South Turramurra.

#### BACKGROUND

The background to this report will discuss the recent history as to the abandonment of the B2 road corridor and rezoning, history of land ownership and current capital works program in the area including the preparation of the district park master plan for Sir David Martin Reserve. It will also access future land development options in the context of the water supply needs for Auluba Ovals and current Council development policies.

#### Rezoning and planning

On 16 December 2003 Council considered a report on the proposed rezoning of the abandoned B2 corridor between The Comenara Parkway, Wahroonga and Kissing Point Road, South Turramurra. At the meeting, Council resolved to prepare a Draft Local Environment Plan (LEP) in relation to the affected land. Following this meeting Council considered a further update on 24 August 2004 that recommended the rezoning of certain lands; precinct 10(b) (Warner Avenue to Chisholm Street) be rezoned Residential 2(c); and that Precinct 11 (Chisholm Street to Kissing Point Road) be rezoned to Open Space 6(a) "Recreation Existing".

On 14 December 2004 Council adopted the Draft Local Environment Plan in relation to the land in question. Zonings remained as Residential 2(c) and Open Space 6(a), with the exception of lots 21 and 22 DP538546 and the affected parts of 34 Chisholm Street and 6 Paroo Close (a strip of land owned both privately and by the RTA and to be deferred from the Plan). Further, Council resolved:

- E. A report be brought back to Council in respect of Lots 21 and 22 DP538546, 34 Chisholm Street and 6 Paroo Close, South Turramurra for Council's consideration as to their appropriate future zoning.
- F. That at the first Planning Meeting of 2005, Councillors be briefed on options for a possible Memorandum of Understanding with the Department of Infrastructure, Planning and Natural Resources in the terms as generally set out in the Department's letter of 15 November 2004 to Council and the General Manager bring a report on options. Options for the Kerela/Muttama/The Broadway should also be discussed at the same meeting.
- G. That Council enter into discussions on a possible Memorandum of Understanding with the Department of Infrastructure, Planning and Natural Resource in the terms as generally set out in the Department's letter of the 15 November 2004 to Council and the General Manager bring a report on options.

In response to part E of this resolution, the NSW Department of Planning determined the zonings for these lands within the Local Environment Plan No. 201 as gazetted on 13 January 2006. This has been reported to Council as attachment 1.

S02846 18 September 2006

Parts F and G of the resolution has been the subject of discussion with Department officers with a view to formulating a draft Memorandum of Understanding for Council's consideration (attachment 3). Further discussion of this is provided in the Comments section of this report.

The area in question has historically been zoned Residential 2(c) with the exception of 2 parcels that related to unmade road, referred to as Hall Street, and a section (Lot 2 DP840228) specifically identified as part of the B2 reservation.

The rezoning of a significant part of the land to 2(c) on gazettal of LEP201 in January 2006 effectively dealt with the majority of the site including the land reserved for Proposed County Road (B2 land of Lot 2 DP840228). The unmade road of Hall Street, remains unzoned, and therefore has no controls and would have to be addressed via a new or modified LEP. This parcel was previously identified as a link between Barwon Avenue to Chisholm Street as part of the original sub-division pattern for the area. Whilst part of this road was rezoned and classified as part of the LEP and road closure process, the section fronting Chisholm Road remains unresolved. Options for managing this parcel are dealt with in the comments section of this report.

#### Land ownership

The lands in question have been subject to sale, purchase and renegotiation over an extended period. Various caveats, conditions and affectations have been entered into, retained and removed from the lands in question over time. As part of a fuller investigation into the future utilisation of the land a detailed property investigation will be undertaken to ascertain the permitted activities and restrictions pertaining to all lands in question. This will be brought to Council as part of a comprehensive report on the future use of the land in concert with the preparation and presentation of a Draft MoU following endorsement of the proposal by Council and further discussions with the NSW Department of Planning (DoP).

#### Capital works

On 23 May 2006 Council adopted the Open Space capital works program and Environmental Levy projects for 2006/07. Within this program was the commencement of the planning and preliminary design for improvements to the Auluba 1 and 2 ovals within Sir David Martin Reserve. Funding for 2006/07 period was \$150,000. This was to complete the design and approval processes in relation to the oval, water harvesting options and to commence the first stage of works as identified. It is envisaged that the substantial upgrade (that is stages 2 and 3) will be undertaken between 2007 to 2009.

In June 2006 a consultant was appointed to prepare the concept design for the water harvesting, oval refurbishment and lighting improvements. Work so far undertaken has identified that if a reliable source of stormwater is to be used to irrigate Auluba 1 and 2 ovals then it would be necessary to expand the current catchment to incorporate Barwon Avenue. This would include the B2 corridor lands and much of Auluba Road.

This initial analysis gives further reasons for Council to determine its intended use and timetable for the future of the B2 corridor and associated lands.

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# District Park Master Planning

At the Ordinary Meeting of Council on 6 December 2005, Council resolved to commence the master planning process for Sir David Martin Reserve and Kissing Point Village Green, incorporating Auluba Ovals 1, 2 and 3. To date research on the site has been completed including: the preparation of an inventory of existing facilities; documentation of natural and cultural history, physical factors, landscape and visual character; review of previous planning proposals; and community demands. This information has been directed by and incorporated within other programs and strategies including the Open Space Strategy (2005), Sport in Ku-ring-gai Strategy (2006), Acquisition Strategy (in progress), capital works program (ongoing) and relevant Plans of Management. This information has been used to prepare a site analysis and display materials in preparation for the consultation phase (as discussed later in the report).

The consultation phase of the master planning commenced in September with a view that a draft plan be presented to Council in December 2006 for this park.

#### Bushland value and management

There are two main areas of native vegetation within the subject site. The first is a smaller patch of bushland linking Chisholm Street to Barwon Avenue, owned by Council, and a second, larger more intact parcel linking Chisholm Street to Kissing Point Road of which a substantial portion is owned by the NSW Department of Planning.

#### Chisholm Street to Barwon Avenue

Native vegetation in this area consists of remnant bushland in various conditions made up of low open forest, woodland and heath. A small section of the bushland in the south-west corner, between Chisholm Street and the unmade road known as Hall Street, contains remnants of Duffys Forest, an ecological community dominated by Stringy-barks which then rapidly grades into Sydney Sandstone Ridge-top flora dominated by Scribbly Gums.

The vegetation north of Hall Street is made up of Sydney Sandstone Ridge-top flora. Generally this is in a degraded state and has a low regeneration potential though does offer some habitat value. There are records of threatened plant and bird species occurring in this section.

Vegetation within and around the 'horse paddock' is highly degraded, weedy or totally absent and has little potential for regeneration.

The vegetation south of Hall Street is in good condition and with some attention would be able to be restored as a bushland site. In terms of conservation, the land contains relatively intact vegetation, remnants of Duffys Forest EEC (near Chisholm Street) and is a useful bio-linkage to the nearby Duffys Forest remnant on the eastern side of Chisholm Street and bushland around Sir David Martin Reserve. Council has carried out ecological burns and bush regeneration works in this section of bushland. The ecological burns have also benefited neighbouring residential properties by reducing fire risk.

All these areas of remnant vegetation provide potential habitat and feeding areas for the endangered Gang Gang Cockatoo and Glossy Black Cockatoo.

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The remnant vegetation on these sites (10a and 10b) would be considered as a relatively high fire risk and in its current state classified as high fire risk on the Bushfire Prone Lands Map. The fire hazard is ameliorated on site due to the roads and tracks forming boundaries and paths through it. The roads, paddocks and cleared areas provide fuel free areas and access for fire management or fire fighting purposes.

#### Chisholm Street to Kissing Point Road

The remnant vegetation across sections of Sir David Martin Reserve and the rezoned B2 corridor contain Duffys Forest Ecological Community, a State listed endangered ecological community. The most significant stand of this vegetation occurs to the South of Auluba 1 and 2 fields and west of Auluba 3 field extending through to Chisholm Street. This is referred in the planning documents as precinct 11 (refer to Map 1 – **attachment 2**). This land in owned by the NSW Department of Planning and is zoned as Open Space 6(a) 'Recreation Existing'. This is in keeping with the bushland nature of this area and will allow the development and implementation of a long term management plan (to be incorporated as part of the District Master Plan).

A description of the vegetation type is included in the report prepared by Don Fox Planning 'Rezoning submission to Ku-ring-gai Council Precincts 7 – 11 of abandoned B2/B3 road corridor Wahroonga – South Turramurra' (July 2003) and the accompanying report prepared by SMEC (Flora and Fauna Assessment Report). Notwithstanding the value of the whole bushland in its context as Duffys Forest, it was noted that there were no specific threatened plant species within site.

Under the Environmental Levy, parts of the bushland within Sir David Martin Reserve are being regenerated under a seven year contract. This continues a long standing parkland and bushland focus on the site that has sought to, among other things formalise walking tracks, manage weeds and utilised hazard reduction burning for both ecological and risk management. An opportunity exists to extend this contract to the area of land owned by the NSW Department of Planning in keeping with need to provide a long term and integrated approach to bushland management on the site. This could be a subject for inclusion for the MoU between Council and the NSW Department of Planning.

#### Open space provision

Council's Open Space Strategy (2005) and Sport in Ku-ring-gai Strategy (2006) have identified that our sportsground assets are under stress from a combination of factors including: extended drought affecting the ability to rely on potable water through restrictions; increase in use and demand from rising participation and population; available resources for management and maintenance of fields and in more recent times the impact of rain affecting the short term viability of playing surfaces. It is for these reasons that there is a need to investigate and invest in the future upgrade construction and acquisition of new and existing assets.

In the context of discussing the future use of the B2 lands, there is an opportunity to utilise part of the area to capture and store runoff to irrigate Auluba 1 and 2 ovals. In this context, a decision as to the future land use options would help inform both the master planning for Sir David Martin Reserve and to improve the condition, and hence use of Auluba ovals.

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#### COMMENTS

The future of the B2 lands owned by Council and the NSW Department of Planning can be divided into 2 areas.

#### 1 - Chisholm Street and Barwon Avenue

The first area is located between Chisholm Street and Barwon Avenue bounded by Warner Avenue to the north and the existing private property to the south.

Table 1 outlines the ownership zoning and areas of the land.

Ownership	Zoning	Area (ha)		
Council	Residential 2(c)	16,373		
Council	Unmade road	1,830		
NSW Department of	Residential 2(c)	13,322		
Planning				
TOTAL		31,525		

Within this land, the area known as the 'horse paddocks' (within precinct 10b) is the only cleared area. This encompasses most of DP746618 and the unformed road of Hall Street, to the south, DP840228 and Council's portion of DP216500 contains bushland.

Notwithstanding the condition and conservation value of the bushland, the development potential of the site would be maximised if the precinct was subdivided as a whole unit. As part of this process there would be the need to contain a range of uses including residential or residential/ recreation and possibly some conservation or biocorridors. This is particularly the case for the DPs 16578, 455669 and 746618.

Under the current land ownership any subdivision and redevelopment of this area would be overly compromised and would be unlikely to achieve satisfactory conservation or residential development objectives for the site.

The potential for Council to develop its lands in isolation is limited by their configuration. The Council land at Lot 3 DP746618 is triangular in shape and does not link to other Council land. Development would be inefficient in isolation, similarly Lot 1 DP746618 is of a triangular nature. Whilst it links with other Council land to the south, development in its northern part would be made more efficient in combination with the NSW Department of Planning land adjoining (Lot 2 DP746618). A comprehensive planning approach to the subdivision of the composite land holdings is considered to allow for the best outcome to be achieved for all parties.

The NSW Department of Planning has indicated that they are likely to sell their land in the coming years following the rezoning of the B2 land in 2004. Recently they have sold a number of blocks in Wahroonga. It is anticipated that the Department would like to sell their land in the near future.

However, given the ownership and configuration of land, as above, a joint agreement is desirable for both Council and the Department to achieve the best outcomes for the site. It would also present N:\061017-OMC-SR-03476-DEVELOPMENT OPTIONS OF TH.doc/kenglish /6

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an opportunity to discuss the future ownership of the bushland parcel to the rear of Auluba 1 and 2 ovals. Such discussion should be formalised within a Memorandum of Understanding so as to clarify all roles and responsibilities and then by way of Memorandum of Agreement or contract on finalisation of land options and costs associated therein.

#### 2 - Chisholm Street to Kissing Point Road

This section is dominated by bushland and extends from the eastern boundary of the Auluba fields through to Chisholm Street. This is referred in the planning documents as precinct 11. This land is currently owned by the NSW Department of Planning, is zoned as Open Space 6(a) 'Recreation Existing' and is categorised as community land. As part of the long term management of this land, there would be advantages in transferring the ownership to Ku-ring-gai Council to manage directly or to transfer it to the Department of Lands who in turn would grant care and control over to Council. In effect this would allow Council to manage this bushland along with the other areas of Duffys Forest as a contiguous area. In the past Council has undertaken ecological burns on the site and periodical bush regeneration. As part of recognition with the NSW Department of Planning on future development options, the transfer of this land should be raised as an area for discussion.

#### Sports ground options

Whilst there are many options for the reuse of the land, this report has addressed the use of the site as a sportsground, given the lack of facilities in the local government area. Locally, a new field would further enhance the district level provision of formal recreation in the South Turramurra area within Sir David Martin Reserve. However, such a proposal would require significant allocation for off street parking to offset the already highly congestion within the local streets on weekends. In terms of additional traffic generation, this matter has been raised a number of times with respect to the netball courts on Canoon Road. Recent changes (reduction of 4 courts, increased parking and local traffic management measures) at the Canoon Road courts have greatly aided. Any further expansion in the local area would create additional pressures at The Comenara Parkway/ Kissing Point Road intersection that is already beyond capacity particularly at times of peak use.

From a district perspective it would be a better strategy to consolidate landholdings immediately adjacent to Sir David Martin Reserve. This is likely to be an outcome from the Draft Acquisition Strategy. Regionally, Council is currently giving consideration to a range of alternative options for additional playing facilities such as the development of the North Turramurra recreation area and the relocation of Killara Croquet Club from Regimental Park.

The cost of purchase of land from the Department and opportunity costs forgone by not selling the land for residential would be significant. The creation of one senior field would require approximately  $10,000\text{m}^2$  in addition to a further  $5,000\text{m}^2$  for parking, amenities, surrounds and other facilities. Further the development costs for a field and infrastructure would amount to around \$2 million. Should the Department of Planning agree to dedicate this land for additional open space/ sportsground use, the financial feasibility of the site as a sportsground may prove to be a more appealing option. Further financial analysis is provided later in this report.

#### Reclassification of Land Council Owned Land

Land which is owned by or under the control of a local Council (with some exceptions, such as roads and crown reserves) must be classified as either Community land or Operational land under the Local Government Act 1993. Generally Community land is land which is open to the public,

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such as a park, bushland reserve or sportsground, while Operational land may be held by Council as an asset or used for other purposes such as works depots or administration buildings. The purpose of the community land classification is to identify Council owned lands which should be set aside for use by the general public. Community land cannot be sold by Council and can only be leased for certain purposes.

Normally, land can only be reclassified from Community land to Operational land by making a new LEP. The procedures for making an LEP must be complied with, including public exhibition of the plan, and consideration of submissions from members of the public. The plan must be made by the Minister for Planning, and in the case where reclassification of the land is carried out by an LEP, it will require a further public hearing under sect 68 Environmental Planning and Assessment Act 1979, and Section 29(1) Local Government Act 1993. The following table details Council lands proposed to be reclassified.

It would be prudent to include all subject land parcels within a new LEP, to reaffirm the Operational or Community classification, as resolved by Council on 7 June 1994. This will protect Council legally, and ensure that no challenge to the classification of the land can be made in the future.

TITLE IDENTIFIER	OWNER	ZONING	CLASSIFICATION	RESTRICTIONS ON TITLE	COMMENTS
Lot 1 DP746618	Council	2(c)	Community	No	
Lot 3 DP746618	Council	2(c)	Community	No	
Lot 1 DP 847214*	Council	2(c)	Operational	Yes	Electricity easement
Lot 74 DP216500	Council	2(c)	Operational	No	
Lot 1 DP840228**	Council	2(c)	Operational	Yes	Declaration of Trust
Lot 2 DP840228	Council	2(c)	Community	No	
Unmade Road***	Council				

<sup>\*\*</sup> A caveat is registered on title which refers to Declaration of Trust 20/4/1960. Essentially, the Trust requires Council hold the land pending the requirement for a county road and that the land will not be used for any purpose other than a public park, public reserve or recreation area.

The Trust requires that any residue of the land is to be used for the same purpose, AND

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that Council will not erect any building without obtaining consent from the Cumberland County Council and will observe any conditions applied.

\*\*\* The area of unformed road is approximately 1,829 sqm. A formal road closure process will be required to be undertaken in accordance with the requirements of the Department of Lands. The most pertinent issue with the unformed road asset is that although Council is deemed owner of the road, whilst it remains road. The road closure would likely see the asset vested in the Crown as no construction has ever taken place. Further requirements under the Roads Acts 1993 for the disposal of a closed road would also need to be investigated.

To facilitate the incorporation of the unmade road into future residential development the unzoned component needs to be rezoned. This should appropriately be to a 2(c) zone to match that of the rest of the composite site. This reclassification process which has also been discussed will also need to be the subject of a draft LEP in combination with the unmade road.

# Memorandum of Understanding

A Memorandum of Understanding (MoU) would seek to define the roles and expectations of Council and NSW Department of Planning in relation to the future use of the land previously part of the B2 road reservation. This follows from the resolution of Council of 14 December 2004 in order to provide a coordinated response to the rezoning and development of the site. This is of particular importance given the existing lot layout and configuration that will impact on how any land release would be affected.

A draft MoU (attachment 3) has been prepared that seeks to set an agenda for the future development of the combined land parcels owned by Council and the Minister administering the Environmental Planning and Assessment Act 1979. Reference is given to the development of the infrastructure necessary to support a subdivision including but not limited to the drainage and ancillary works associated with the upgrade of Sir David Martin Reserve (so as to achieve a more sustainable yield for the irrigation of Auluba Ovals 1 and 2); the upgrade of the adjacent public roads; the provision of cycleways and pedestrian footpaths (that will have reference to the master plan for Sir David Martin Reserve); and the management of the contaminated land (as referenced in the rezoning submission report). Further, the MoU seeks to encourage that the land release and subdivision will incorporate and promote the principles of sustainability.

It should be noted that the draft MoU is a working document for comment and has not been formally considered by either Council or the NSW Department of Planning. Further it has not been reviewed by a solicitor that would be necessary prior to it being formally considered by either party.

#### Matters that will require consideration if proposal proceeds:

 Commence formal discussions with the NSW Department of Planning as to the development of a Memorandum of Understanding to jointly develop the land zoned as residential and transfer the recreation land to Council for inclusion within Sir David Martin Reserve. S02846 18 September 2006

- 2. Report to Council on the outcomes of the Memorandum of Understanding discussions with the intention to formalise the agreement.
- 3. Commence the preparation of an LEP for the site in accordance with the Environmental Planning and Assessment Act 1979 including initial Section 54 notification.
- 4. Undertake a program of community consultation and engagement.
- 5. Detailed financial analysis including opportunity cost evaluation.
- 6. Commence the process for the closure of the road known as Hall Street.
- 7. Undertake a detailed subdivision plan for the site including an economic evaluation of options and report the outcomes to Council.
- 8. Amend DCP47 as it would apply to the residentially zoned area to the site to enable stormwater capture and reuse.
- 9. Report to Council on the draft LEP and land reclassification.

Should Council proceed these matters will be considered in more detail when a draft Memorandum of Understanding is referred to Council for its formal consideration.

#### CONSULTATION

Should Council resolve to prepare a draft LEP it will be necessary to consult with the NSW Department of Planning and Government and statutory authorities, before public exhibition of the Plan can proceed. During the preparation of a draft LEP consultation is required under Section 62 of the Environmental Planning and Assessment Act 1979.

This project should it proceed will require a comprehensive approach to local community consultation and engagement, particularly in relation to any reclassification of Council land.

# FINANCIAL CONSIDERATIONS

The redevelopment of this site will have a financial impact on Council. The extent however is unknown at this stage and will be contingent on the option determined by Council and the timing of its implementation.

Table 2 provides a summary of the land ownership and an approximate valuation of the land for its future development potential as undeveloped land for low density residential use under the current zoning of 2(c). A conservative estimate of \$500 and \$750 per square metre has been used, however further market testing and valuation would be required to get a more accurate picture. Indicative values nevertheless for the land owned by Council is \$9.1 million to \$13.7 million, comprising the residential zoned land and the unmade road component.

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Table 2 Land ownership and indicative value.

Ownership	Zoning	Area (ha)	Indicative value (\$M)
Council	Residential 2(c)	16,373	8.2 to 12.3
Council	Unmade road	1,830	0.9 to 1.4
NSW Department of Planning	Residential 2(c)	13,322	6.7 to 10
TOTAL		31,525	15.8 to 23.7

The infrastructure costs to develop the site for low density residential is likely to be in the vicinity of \$3 million. This would include but not be limited to the integration of the stormwater infrastructure to collect, treat and store runoff for irrigation for Auluba 1 and 2 ovals and provide leading examples of sustainable design as part of the subdivision. The cost to provide the necessary services such as energy and water would also need to be factored into the development costs that would either have to be borne by the land developers and/or subsequent owners.

In terms of residential yield, it would be expected that around 25 lots could be developed across the site with a minimum lot size of 929m<sup>2</sup> as per LEP 201 and accommodate the necessary internal roads and easements.

Should part of the site be used for recreation, for example, to provide an additional playing field, the economic return for the site would need to include:

- redevelopment costs (approximately \$2 million for oval, amenities and car parking);
- infrastructure (approximately \$2 to \$3 million similar to the low density development scenario); and
- purchase of land from the NSW Department of Planning and the opportunity costs from forgoing the sale of Council's land. In total around 1.5 ha would be needed at a land value of \$7.5 million to \$11.25 million (based on unimproved value of \$500 to \$750m<sup>2</sup>).

The cost or opportunity cost of this recreation scenario has not been calculated in detail as the impact would be dependent on a range of variables not least the location of the recreation land with respect to the land ownership, location of infrastructure and services and other ancillary impacts that would need to be referenced within the Masterplaning for Sir David Martin Reserve.

Contributions towards the development costs of the land and other section 94 contributions will also be an issue to resolve as part of the future analysis of the site. As Council has not undertaken a joint venture or larger residential subdivision in recent history and against current planning policies a further report will also be required to be prepared that would outline the extent of contributions and who would pay these as part of any development and joint venture. Notwithstanding the above, there would be a need to undertake a detailed feasibility study based on the preferred option or options as determined by Council.

## CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

This report has been prepared in consultation with the Open Space, Planning and Business and Finance Departments of Council.

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## SUMMARY

The development of the B2 lands for low density residential use would be consistent with the recent rezoning of the site, this is the preferred option that is proposed by the NSW Department of Planning for the land holding. The site configuration, land ownership and land categorisation lends itself to a comprehensive planning approach to maximise the economic, environmental and social benefits. As part of this preferred strategy it would be necessary to commence a land reclassification process, develop a LEP for the site and commence formal discussions with the Department in relation to the site and potential land transfer of the bushland area linking Chisholm Street to Kissing Point Road.

The economic impact of such an approach would need further examination that would entail using part of the site for stormwater capture and reuse, in turn benefiting Auluba Ovals as part of the current capital works project.

## RECOMMENDATION

- Commence formal discussions with the NSW Department of Planning as to the development of a Memorandum of Understanding to jointly develop the land zoned as residential and transfer the recreation land to Council for inclusion within Sir David Martin Reserve.
- В. Report to Council on the outcomes of the Memorandum of Understanding discussions with the intention to formalise the agreement.
- C. Further report to Council on an overall approach for the joint development of the subject land and infrastructure as outlined in the report including statutory processes required to achieve the project.

Peter Davies Steven Head

Manager Sustainability & Natural Environments **Director Open Space & Planning** 

**Attachments:** 

- 1. Update on Draft LEP 201 memo from Manager Urban Planning 525397
- 2. Land Ownership Map Barwon Avenue & Chisholm Street Turramurra -
- 3. Draft Memorandum of Understanding 677255

## **MEMORANDUM**

TO: MAYOR

**COUNCILLORS** 

GENERAL MANAGER

DIRECTORS ROD STARR

FROM: MANAGER URBAN PLANNING

SUBJECT: UPDATE ON DRAFT LOCAL ENVIRONMENTAL PLAN NO

201 (B2 ROAD CORRIDOR)

Councillors will recall that on 14 December 2004 Council resolved to adopt Draft LEP201 for the former B2 Road corridor and seek its gazettal by the Minister. Council's resolution is **attached**. It is advised that Parts A-D of the resolution have been initiated.

In relation to

## Parts F and G of Resolution -

Council's officers have met with DIPNR (Land Management Branch) representatives, as provided for by Part G of Council's resolution. DIPNR indicates a continued preparedness to be legally bound to ensure an outcome acceptable to Council in terms of any residential development / subdivision of the Kerela Avenue / Muttama Street / The Broadway precinct. This is particularly with the issue of appropriate bushfire Asset Protection Zones (APZ) in mind. The Department remains prepared to enter into a Memorandum of Understanding in accordance with its letter of 15 November 2004 (copy **attached**).

At this point in time DIPNR is seeking advice from the Rural Fire Service (RFS) concerning the need for an APZ in the Kerela Avenue / Muttama Street / The Broadway precinct. Until DIPNR considers the advice it is unclear what position it will take in respect of the inclusion of these lands in the LEP. DIPNR has indicated that it is prepared to make the RFS comments available to Council when received.

The terms of Parts F and G of Council's resolution are not therefore reasonably able to be further progressed until it is known whether the LEP is to proceed with or without the inclusion of the subject land precinct.

## Part E of Resolution -

In Part E of its Resolution Council resolved that the segments of the road reservation affecting the private lands at 34 Chisholm Street and 6 Paroo Close, be the subject of a report to Council. These lands were originally exhibited as 6(a) Open Space. Council, however resolved that they be deleted from LEP201. Discussions with DIPNR suggest that these lands may be rezoned to 2(c) in the LEP thus normalizing the zoning with the remainder of each residential allotment. In this eventuality the road reservation will be removed and replaced with a 2(c) zoning. If the reservation is extinguished in this manner there would then be no need for Council to further consider the zoning status of the affected allotments. Council's consideration of this matter prior to the gazettal of LEP201 would be premature.

Antony Fabbro Manager Urban Planning

## LOCATION SKETCH

LAND OWNERSHIP & AREA - BARWON AVE & CHISOLM ST, TURRAMURRA





**SCALE: 1:2500** 

DATE: 10-10-2006



COUNCIL LAND



**DEPARTMENT OF** PLANNING LAND





# Draft Memorandum of Understanding for the implementation of the Land Release & Subdivision Development at B2 Road Reservation, South Turramurra.

Between the Director Land Management of the NSW Department Planning and the General Manager of Ku-ring-gai Council.

## INTRODUCTION

This Memorandum of Understanding (MOU) dated ...... is entered into by the Director-General of the Department of Planning NSW (the 'Department'), and the General Manager of Ku-ring-gai Council, herein called the "parties".

The parties acknowledge that the purpose of this MOU is to form the basis for cooperative relations between the parties in relation to the land release and subdivision development at B2 Road Reservation, South Turramurra, in Ku-ring-gai local government area.

### 1.0 OBJECTIVE

The objective of the MOU is to facilitate the implementation of the land release and associated subdivision of the B2/B3 Road Reservation, South Turramurra as defined by the land as marked in Map 1. This is to ensure all satisfactory arrangements for the provision of infrastructure are in place prior to the issue of any development consent for subdivision for urban development. Infrastructure and associate site works includes, but is not limited to:

- drainage and ancillary works associated with the upgrade of Sir David Martin Reserve:
- public roads within and adjacent to the land;
- ancillary access ways such as cycleways and pedestrian footpaths to encourage use of non-motorised transport or to encourage use of public transport;
- promotion of public transport in the area and of the benefits of non-motorised forms of transport such as walking and cycling;
- management of any contaminated land; and
- payment of any administration fees associated with the development and/or activities.

It is intended that the land release and subdivision will incorporate and promote the principles of sustainability.

#### 2.0 PURPOSE

- 2.1 The purpose of this MOU, in accordance with the rezoning of B2 road reservation, Wahroonga to South Turramurra and Ku-ring-gai Local Environment Plan 201 is to:
  - establish effective processes and co-operative arrangements between the Department of Planning NSW and Ku-ring-gai Council as joint land managers of the site; and
  - realise the land release and subdivision development of B2 Road Reservation, South Turramurra so that it seeks to integrate sustainability within the planning and infrastructure.
  - document the agreement between the parties.

## **3.0 TERM**

- **3.1** Subject to clauses 3.2 and 3.3, this MOU commences on the date of endorsement by the respective parties and will terminate five years after the said date, unless both parties agree in wiring to an extension or reduction of that five year term.
- 3.2 This MOU must be reviewed and amended or replaced as necessary upon any review or amendment to Ku-ring-gai Council LEP 201 or relevant environmental planning instruments as notified by the appropriate party.
- **3.3** Council will retain ownership and management of all public land that will arise from the subdivision process including but not limited to easements and land transfers.

## 4.0 PRINCIPLES

- **4.1** The Urban Release Areas.
- **4.1.1** The parties acknowledge that the land release and subdivision development at South Turramurra has the potential for a new low density urban community consistent with the current zoning and provisions of the Ku-ring-gai Council LEP 201.
- **4.1.2** The development of infrastructure will be linked to the redevelopment of the district Park, Sir David Martin Reserve.

### **4.2** Conservation Areas

**4.2.1** The parties acknowledge that the land zone 6a is a conservation area and contains Duffys Forest, a State listed endangered ecological community. The future ownership management of the land will be negotiated as part of and redevelopment of the B2 lands.

## **4.3** Planning

- **4.3.1** Ku-ring-gai Council, will be the planning authority for B2 Road Reservation, South Turramurra.
- **4.3.2** The parties agree that development within the urban release areas should be consistent with relevant local planning policies and legislation governing the State of NSW.
- **4.3.3** The parties agree to progress in partnership the preparation of any new planning instruments affecting the land.

#### **4.4** Administration

- **4.4.1** The NSW Department Planning and Ku-ring-gai Council shall share joint responsible for the administration and dedication of developer contributions for the land release area. In the first instance these are to be incorporated into the cost of the subdivision works and in the second part shall be allocated for the purpose of achieving the objectives of this MOU and relevant Council plans.
- **4.4.2** The parties agree that subdivision contributions will be calculated in accordance with Council's Section 94 Contribution Plan (dated 30 June 2004).
- **4.4.3** Nothing in this MOU removes or constrains any legal obligation imposed on the parties by common or statute law or any instrument made thereunder.

## 5.0 EXCHANGE OF INFORMATION AND DATA

In recognition of the spirit of co-operation embodied in this MOU and so as to enable the parties to more effectively carry out their statutory functions, each party must share or supply relevant data and information and provide updated information as appropriate.

## 6.0 COSTS

- **6.1** Subject to clause 6.2, 6.3, 6.4 and 6.5 the costs of development are to be agreed to in writing prior to the engagement of any contractor, consultant or third party.
- **6.2** Without such prior agreement costs shall be borne by the party that initiates such third person activity.
- **6.3** Each party agrees to share the costs of the development based on the proportion of the land affected by the land release within the subdivision.
- **6.4** Neither party shall charge for internal service or professional advice in relation to the land release or sub-division.
- **6.5** Each party shall pay their own costs in relation to work that has the exclusive benefit of that party or are otherwise aligned with its core business.

#### 7.0 DISPUTE RESOLUTION

- **7.1** If either party is dissatisfied with an act or omission of the other parts in connection with this agreement, that party must notify the other party in writing of the dispute within 28 days of the act or omission. The notifying party must provide details of the factual and legal basis of the claim. If the parties have not resolved the dispute within 21 days after the date of the notice, the parties may appoint an independent expert to make a decision on the dispute
- 7.2 The parties are to equally share the expert's fees. Each party is other otherwise bear its own costs and share equally any other costs of the process
- **7.3** In making the decision, the independent expert acts as an expert and not as an arbitrator and is:
  - Not liable for act, omissions or negligence
  - To make the decision on the basis of written submissions from the parties and without formalities such as hearings, and
  - Must within 35 days of the appointment give the decision in writing with brief reasons to each party.
- 7.4 The expert's decision is binding unless it requires one party to pay the other an amount exceeding \$100,000 or within 14 days of receiving the decision, either party gives notices in writing to the other that the party is dissatisfied. In this case the decision has no effect and either party may then commence legal proceedings
- 7.5 If the experts decision is binding, and requires one party to pay the other party money or undertake certain works, that party is to pay the money or commence to carry out the works to the standard specified by the expert within 14 days of receiving the decision of the expert. The completion date for the works is to be determined by the expert.

## 8.0 QUALIFICATIONS

- **8.1** Nothing in this MOU is to be considered as fettering the proper exercise of statutory discretion by any relevant authority.
- **8.2** The parties acknowledge and agree that nothing in this MOU is intended to create legally binding contractual relations between them.

# This Memorandum of Understanding is made between the NSW Department of Planning and Ku-ring-gai Council.

day of

SIGNED for and on behalf of the Department of Planning NSW
Peter Lee, Director Land Management
Witness to the above signature
(Print name)
SIGNED for and on behalf of the Ku-ring-gai Council
Nick Ebbeck, Mayor
Witness to the above signature
(Print name)
SIGNED for and on behalf of the Ku-ring-gai Council
John McKee, General Manager
Witness to the above signature
(Print name)

S03447 6 October 2006

# PARKS, SPORT & RECREATION REFERENCE GROUP - MINUTES OF MEETING OF 31 AUGUST 2006

## **EXECUTIVE SUMMARY**

PURPOSE OF REPORT:

To bring to the attention of the Ordinary Meeting of

Council, the Minutes from the Parks, Sport and Recreation Reference Group Meeting held Thursday,

31 August 2006.

**BACKGROUND:** The role of the Parks, Sport and Recreation Reference

Group (PSRRG) is to provide resident, user group and industry expert advice to Council on matters relevant to the types and standards of service and the content of

Council's strategic plans, policies and Plans of

Management, in relation to parks, sport and recreation.

**COMMENTS:** Five (5) items of business were discussed (PSSRG 46

– PSRRG 50). Comments have been provided on items relevant to Council and items not referred, relate

to general business of the Reference Group.

**RECOMMENDATION:** That the Minutes of the Parks, Sport and Recreation

Reference Group meeting held on 31 August 2006, be

received and noted.

S03447 6 October 2006

## PURPOSE OF REPORT

To bring to the attention of the Ordinary Meeting of Council the Minutes from the Parks, Sport and Recreation Reference Group meeting held Thursday 31 August 2006.

## BACKGROUND

The role of the Parks, Sport and Recreation Reference Group (PSRRG) is to provide resident, user group and industry expert advice to Council on matters relevant to the types and standards of service and the content of Council's strategic plans, policies and Plans of Management in relation to parks, sport and recreation.

## COMMENTS

At the meeting held 31 August 2006, several items of business were discussed. Comments have been provided on items relevant to Council. Items not referred, relate to matters requiring further consideration prior to recommendation to Council, or were items directed towards the sharing of information.

Specifically, the Reference Group considered in detail the completed 2005/06 Capital Works program for Open Space, North Turramurra Recreation Area project, the request to trial Acron Oval as a dog off-leash area and the Greenwood Quarry feasibility project.

The main agenda item at the meeting (PSRRG 46) was the presentation by the Director of Open Space and Planning of the completed 2005/06 Open Space Capital Works program. The presentation encompassed all open space areas, however the group discussed in detail the sportsfield projects (particularly Barra Brui Oval) and improvements that have resulted from the regular funding of this program over the past few years.

Members of the group were advised that the North Turramurra Recreation Area consultants were in the process of finalising the concept plan/design that would be reported to Council later this year. It was decided that a final meeting between the sub committee members, Council staff and consultants would be arranged for final comments to be provided. That meeting has since taken place.

The group was advised that Council had received a petition requesting Acron Oval as a dog off-leash area and that further advice was requested from Council. A general discussion of the impact that the dual use of sportsfields and off-leash area has on seasonal hirers followed with a general consensus that there is the need for Council to explore alternative sites for off-leash area. The following motion was subsequently moved by the group:

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"We do not support the dedication of Acron Oval as an off-leash area. We recommend that areas do not incorporate playing are explored as off-leash area. Sporting codes note an increased incidence of dogs running free at sporting facilities and recommend that Council deploy Rangers to police existing Council regulations on sporting grounds." The recommendation of the Reference Group as it applies to the management of existing regulations has been forwarded to Council's Development & Regulation Department for their information and action as appropriate.

In addition to the above items, the Reference Group was briefed on Council's autumn sports forum, regional sports forum, proposed Gordon town centre planning walk, NSW Standing Committee on Public Works – Inquiry into Sportsground Management and proposed changes to 2007 winter sportsfield allocation and field management.

## CONSULTATION

The Reference Group is a consultative forum representing the interest of residents, user groups and industry professionals.

## FINANCIAL CONSIDERATIONS

There are no direct financial considerations related to this report.

## CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Consultation with other departments has not taken place in the preparation of this report.

## SUMMARY

The meeting held on 31 August 2006, gave the group members present the opportunity to review and discuss in details the Open Space Capital Works program completed for 2005/06, North Turramurra Recreation Area project and proposed use of Acron Oval as a dog off-leash area.

Five items of business were discussed at the August meeting, three items (PSRRG 46, 48 and 50) were considered significant, with the remaining two items relation to general matters as detailed in this report and the attached minutes (Attachment 1).

The Reference Group endorsed the motion, not to support the use of Acron Oval as a dog off-leash area and moved that Council explore alternative non-sportsfield areas that could be used for all dog off-leash activities.

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## **RECOMMENDATION**

That the Minutes of the Parks, Sport and Recreation Reference Group meeting held on 31 August 2006, be received and noted.

Carol Harper Steven Head

Sport and Recreation Planner Director Open Space and Planning

Attachments: Minutes of Meeting held Thursday, 31 August 2006 - 680512

## Ku-ring-gai Council

## Parks, Sport and Recreation Reference Group

Minutes from meeting on Thursday 31 August 2006

Level 3, Council Building. 6.30pm - 8.30pm

## **Attendees:**

Members	Councillors	Staff	Guests
Craig Bryant	Mayor Elaine Malicki	Steven Head	David Smith
Frank Freeman	Nick Ebbeck (Deputy Mayor)	Director of Open Space	St Ives Primary
Alan Fredericks		Carol Harper	
Hugh Bennett		Sport & Recreation Planner	
Matthew Horne			
Andrew Falk			
Ann Smith			
Peter Duncan			
Campbell Wratt			
Col Simpson			

## **Apologies:**

Members	Councillors	Staff
Sandra Van De Water		

Meeting Commenced: 7.10pm

10 members were present, thus a quorum was reached.

## **Declaration of Pecuniary Interests**

No pecuniary interests were declared.

The meeting commenced with the Mayor presenting centenary awards to the planning committee members of the Regional Sports Forum, in recognition of their contribution.

It was acknowledged that David Smith (Principal of St Ives Primary) will replace Col Simpson as the PSSA's (Primary Schools' Sports Association) representative from the next meeting onwards. Cr Ebbeck thanked Mr Simpson for his contribution to the committee and welcomed David.

Again the issue of reaching a quorum was discussed and staff will provide an update via email to all members regarding this issue.

## **PSRRG 46** - Capital Works Presentation

DOS & P (Director of Open Space & Planning) provided the Group with an overview of the Department's completed capital works projects for 2005/06. The presentation encompassed sportsfields, parks, playgrounds, West Pymble Pool, amenities upgrade, golf courses, canopy replenishment and dog off-leash areas. Greater detail and discussion was engaged in over the sportsfield projects by members of the group. It was explained that money spent on sportsfield works refers to both construction at one facility, and forward planning for the following financial year.

**Barra Brui Oval** – Improvements to the site included the installation of three (3) underground water storage tanks (250,000 litres), the restoration of the playing field surface, together with a new playground, amenities block and carpark upgrade. It was identified that Council learnt a lot of lessons from completing these projects, particularly in reference to tank construction, serviceability of tanks, how to manage the balance of potable and non-potable water and the need to evaluate when deciding whether or not to reduce spending on particular components of the project (eg drainage, soil top dressing).

A total of approx \$3.6 million was spent completing the various capital works projects.

Other topics briefly discussed included:

**District Parks Master Planning** Process – A project brief was provided to the Group and it was explained that the 'concept' plans are about getting the planning right and creating a true, long term vision for Ku-ring-gai's district parks. The program will be supplemented by grants from a variety of sources.

**St Ives Showground** (SISG) – A heritage assessment has been completed and development of a conservation management plan is to be completed.

**Bicentennial Park** – Upgrade to the regional park was discussed and the site used as an example of where appropriate signage has been implemented. The success of the works has been demonstrated by an increase in formal bookings taken for this site.

**Golf Courses** – An Expression of Interest advertisement has been placed in the newspaper for interested suppliers of sewer mining technology to be provided and developed for the two sites. This will be in partnership with Gordon and Killara golf courses to service irrigation needs at both courses.

Cr Ebbeck sought member feedback on how Council is responding to their various clubs and codes sporting needs. General discussions revealed that operational matters are moving more quickly with, for example, clubhouse maintenance issues being attended to in a more convenient timeframe. Andrew Falk explained that the improvements at Killara Park sportsfield has resulted in five first grade players being signed to play for the coming season. This is the first time that this has been achieved by the club.

It was also discussed that regular funding committed by Council is enabling Council to continue with on-going improvements to facilities. Bannockburn Oval and its use for PSSA sport was specifically referred to as benefiting from the improvements.

DOS&P commented that this winter has seen the impact on sportsfields generated from the recent years of drought and over-use further exacerbated by heavy rainfall. Some sportsfields are not recovering from the heavy falls. In previous years, Council has prided itself on maximising user access, however there is now the need from a safety perspective, to assess the maximum levels of use that the sportsfields can absorb. This will be discussed later in the evening.

## **PSRRG 47** - Aquatic Feasibility Study Update

Sport and Recreation Planner (S&RP) discussed that there had been a significant number of comments received during the public exhibition period that closed on 30 June 2006. The Group were advised Council had resolved to remove 2 sites from the 4 identified in the study and that information regarding these 2 sites was placed on exhibition for community comment. Staff in the process of analysing the comments received, advised a report will go to Council listing the results and recommending a preferred location which will then be the focus of further community consultation.

## **PSRRG 48** - North Turramurra Recreation Area (NTRA)

S&RP advised that the consultants had been provided with the comments received following their presentation at the last PSRRG meeting and had provided an updated draft design for Council review. This design identified room for 3 senior sporting fields, dual community building and an 18 hole golf course. Traffic flow and parking out of Bertrand Road had been improved with the potential to use the existing round-about and link with the car park.

Staff are in the process of finalising the summary of comments on the design with a view to reporting to Council by the end of this year. Allan Fredericks asked for the NTRA subgroup of the PSRRG to have a meeting with the consultants before this stage, with this meeting to be organised in the coming weeks. It was reiterated by DOS&P that no decision was being made on the sportsfield configuration that would be developed.

Members agreed it was heartening that a 'jig saw' approach would occur, whereby a review of Ku-ring-gai's entire sportsground network would take place to ensure the best use of facilities occurs.

DOS&P explained that Council is working hard with the various stakeholders of the project, including North Turramurra Action Group (NTAG) and local schools to identify the issues associated with development of the project and how these can be resolved.

## **PSRRG 49 - Greenwood Quarry Update**

S&RP advised that the consultants had provided Council with a draft report and that a meeting with the working party would be held within the next fortnight with an aim to report to Council shortly after.

### **PSRRG 50 - General Business**

## A. Report from the Autumn Sports Forum

Campbell Wratt provided a brief summary of the Autumn Sports Forum and explained that Staff provided a presentation on sportsfield maintenance, irrigation techniques and storm water harvesting. Mr Wratt also advised that there has been positive dialogue between Council and various sporting bodies resulting in an understanding of the requirements necessary to get sportsfields ready for hirers each season and each week. There was general discussion between the members of the PSRRG on the development of collaborative partnerships between Council and clubs.

## B. Regional Sports Forum

Cr Malicki provided the Group with an update on the forum held at Pymble Golf Course on 23 August 2006. The high level of expertise from the presenters was highlighted and resulted in informative addresses throughout the day. There have already been a number of direct results stemming from the forum including:-

- 1. Metro strategy lack of open space is being ignored during the urban consolidation process.
- 2. Pushed message at the State planning meeting that the Mayor and DOS&P were in attendance at, with the NSW Minister for Sport and Recreation, Sandra Nori.
- 3. The listing of sportsfield management as an issue on the General Manager's agenda for Northern Sydney Regional Organisation of Councils (NSROC)

Allan Fredericks then referred to the site visit that was held in January 2006 and his concern that there has been little progress towards identifying alternative sites for potential sportsfields. DOS&P explained the need to investigate alternative opportunities is listed in this year's Management Plan and that staff are working progressively on the issue. An overview of this work will be brought to the next meeting.

It was also discussed that the **Sport in Ku-ring-gai Strategy** had replaced the 1997 Strategic Plan for Sportsfields. The Sport & Recreation Planner advised a copy of the Strategy will be sent to all members.

## C. Gordon Town Centre Planning Walk

In the absence of Sandra Van Der Water, staff explained that a walk had been organised around the Gordon town centre to discuss how the planning could incorporate open space issues. The walk will be held on 22 September 2006, starting at 2.30pm and will leave from Council Chambers.

## D. NSW Standing Committee on Public Works – Inquiry into Sportsground Management

S&RP advised that all clubs have been advised in writing of the committee's inquiry and again to advise of Council's submission. The growing importance of this issue was discussed with the S&RP informing the group that the Standing Committee had already received over 60 submissions, with 40 from local councils.

## E. **2007 Winter Sportsfield Usage**

DOS&P discussed how the current winter season has impacted on sportsfields throughout Ku-ring-gai and flagged that there is now a need to implement revised training allocations

for 2007. Council will write to all hirers to discuss the changed allocation procedure. DOS&P discussed how the current winter season has impacted on sportsfields throughout Ku-ring-gai and flagged that there is now a need to implement revised training allocations for 2007. Council will write to all hirers to discuss how the changed allocation procedure will work, however raised the concept of afternoon training being booked on all non-floodlit fields between 4pm – 6pm, use of alternative sporting facilities and the possibility of maximising nights that floodlights are on at each location. S&RP advised that this issue will be the major topic at the Spring Sports Forum and urged members to encourage their representatives to attend.

F. Acron Oval – Received request to trial as dog off-leash area S&RP advised the group that Council had received a petition requesting Acron Oval as a dog off-leash area from 6pm – 8am daily and that it had been referred to her for attention and advice back to Council.

A general discussion regarding dog off-leash areas was held between the members with staff advising how the current locations were determined and the relevant Council reports and resolutions that had been made on the issue. It was discussed that, quite often local sportsfields are the most convenient locations for dog off-leash areas, given their surrounding facilities and infrastructure such as fencing, water etc.

There was a general consensus that dog off-leash areas at sporting venues are becoming the norm and that there is now the need for Rangers to patrol and to enforce the need for dogs to be kept on-leash during organised sporting activity.

The following motion was subsequently moved by the group:

"We do not support the dedication of Acron Oval as an off-leash area. We recommend that areas that do not incorporate playing fields are explored as off-leash areas. Sporting codes note an increased incidence of dogs running free at sporting facilities and recommend that Council deploy Rangers to police existing Council regulations on sporting grounds." The motion was seconded and unanimously supported.

Meeting Closed: 9.21pm

**Next Meeting: Thursday 2 November 2006** 

7.00pm - 8.30pm

Level 3 Council Building.

S02017 12 October 2006

## **GENERAL MANAGER DELEGATIONS**

## **EXECUTIVE SUMMARY**

PURPOSE OF REPORT:

For Council to grant a delegation to the General

Manager.

BACKGROUND:

A review of property management practices has

revealed a deficiency in the required

delegations.

**COMMENTS:** Additional powers are required to enforce and

protect Council's contractual rights in respect of

property matters.

**RECOMMENDATION:** That Council grant the required delegation.

S02017 12 October 2006

## PURPOSE OF REPORT

For Council to grant a delegation to the General Manager.

## **BACKGROUND**

A recent review of property management practices has revealed a deficiency in the delegations necessary to enforce and protect Council's contractual interests in respect of properties under its control.

## COMMENTS

In the delegations granted to the General Manager there are no specific powers to allow the General Manager to enforce or protect Council's rights under a contract or other agreement.

Discussions with Council solicitor, John Boland of Matthews Folbigg, have revealed the need to generally clarify the powers available to the General Manager in respect of property matters and the following delegation is recommended:

## COUNCIL OWNED, LEASED, LICENCED and MANAGED LAND

"To take all appropriate actions to protect Council's interests in relation to any land (or interest in land) owned, vested in, leased or licenced by the Council and to exercise on Council's behalf any rights available to the Council under any lease, licence or right of occupancy of land whether the land is owned or managed by the Council as Reserve Trust Manager or the land is leased, licenced or occupied by the Council.

The exercise of such rights shall include the right to lease or licence any such land in accordance with any limitations imposed under the Local Government Act 1993, Roads Act 1993 and the Crown Lands Act 1989, to terminate any such lease or licence, to re-enter and take possession of any such land and to exercise any rights available to the Council in respect of such land whether arising under legislation, the instrument creating such right or by law."

## CONSULTATION

Council Solicitor, John Boland of Matthews Folbigg and the General Manager have been consulted.

## FINANCIAL CONSIDERATIONS

The absence of such a delegation may inhibit Council's ability to minimise any potential loss as a result of a tenant defaulting on its obligations.

S02017 12 October 2006

## CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Not applicable.

## SUMMARY

An additional delegation is required in respect of property management practices.

## RECOMMENDATION

That pursuant to Section 355 of the Local Government Act the following power be delegated to the General Manager effective immediately:

COUNCIL OWNED, LEASED, LICENCED and MANAGED LAND

"To take all appropriate actions to protect Council's interests in relation to any land (or interest in land) owned, vested in, leased or licenced by the Council and to exercise on Council's behalf any rights available to the Council under any lease, licence or right of occupancy of land whether the land is owned or managed by the Council as Reserve Trust Manager or the land is leased, licenced or occupied by the Council.

The exercise of such rights shall include the right to lease or licence any such land in accordance with any limitations imposed under the Local Government Act 1993, Roads Act 1993 and the Crown Lands Act 1989, to terminate any such lease or licence, to re-enter and take possession of any such land and to exercise any rights available to the Council in respect of such land whether arising under legislation, the instrument creating such right or by law."

John Clark Acting Director Finance & Business John McKee General Manager

## **NOTICE OF MOTION**

# FORMER FREEWAY CORRIDOR LAND - SOUTH TURRAMURRA - POTENTIAL FOR NEW PLAYING FIELD

Notice of Motion from Councillor E Malicki dated 27 September 2006.

I move:

"That staff prepare a preliminary report on the potential for delivering a new playing field on former freeway corridor land in Chisholm Street South Turramurra on land known as the horse paddocks.

The report should deal with;

- 1. Size of various sporting fields and the capacity of the site to locate a field and parking
- 2. Land ownership in the area and the capacity for land swaps
- 3. Approximate costs of building a playing field in this area
- 4. Any other relevant matter

The purpose of seeking this report is to allow Council the opportunity to consider the future of land owned by our community in South Turramurra, bearing in mind that the land has now been rezoned and may shortly be put on the market for housing, thus losing the opportunity to build a much needed playing field in this area."

## RECOMMENDATION

That the above Notice of Motion as printed be adopted.

Cr Elaine Malicki Councillor for Comenarra Ward