



**ORDINARY MEETING OF COUNCIL
TO BE HELD ON TUESDAY, 19 JULY 2005 AT 7.00PM
LEVEL 3, COUNCIL CHAMBERS**

A G E N D A

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

APOLOGIES

DECLARATION OF PECUNIARY INTEREST

CONFIRMATION OF REPORTS TO BE CONSIDERED IN CLOSED MEETING

ADDRESS THE COUNCIL

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

DOCUMENTS CIRCULATED TO COUNCILLORS

CONFIRMATION OF MINUTES

Minutes of Ordinary Meeting of Council

File: S02131

Meeting held 28 June 2005

Minutes numbered 236 to 258

MINUTES FROM THE MAYOR

PETITIONS

REPORTS FROM COMMITTEES

Minutes of Ku-ring-gai Traffic Committee

File: S02110

Meeting held 23 June 2005

Minutes numbered KTC.10 to KTC.14

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 52 Pentecost Avenue, Pymble - Construction of Five (5) Seniors Living Villas including Basement Parking and Modification of the Existing Swimming Pool

1

File: DA1317/04

Ward: St Ives

Applicant: Mr A Freeman

Owner: Ms B Kavanagh

To determine development application No. 1317/04, which seeks consent for construction of five (5) Senior Living villas including basement parking and modification of the existing swimming pool at 52 Pentecost Avenue, St Ives.

Recommendation:

Approval

GB.2 23A Werona Avenue, Killara - Construction of a SEPP (Seniors Living) 2004 Development Comprising of the Conversion of the Former Killara Post Office to a Dwelling and the Construction of Four (4) Additional Units with Basement Parking for Eight (8) Vehicles and Landscaping.

65

File: DA0429/04

Ward: Gordon

Applicant: Impact Construction Management Pty Ltd

Owner: Hyatt Properties Pty Ltd

To determine development application No DA 429/04, which seeks consent for the conversion of the former Killara Post Office to a dwelling and the construction of four (4) additional units under the provisions of SEPP (Seniors Living) 2004 development

Recommendation:

Approval

GB.3 4 Glen Road, Roseville - New Double Carport and Front Fence 137

.
File: DA1178/04

Ward: Roseville
Applicant: Mr C A Drummond
Owner: Mr C A and Mrs D Drummond

To consider Development Application No. 1178/04 for a new double carport and front fence.

Recommendation:

Refusal

GB.4 6 to 8 Culworth Avenue, Killara - Demolition of Two (2) Residential Dwelling Houses and Construction of Three (3) x Five (5) Storey Residential Flat Buildings Comprising Fifty-Four (54) Units and Basement Car Parking for One Hundred and One (101) Vehicles. 151

.
File: DA1369/04

Ward: Gordon
Applicant: Staldone Corporation Pty Ltd
Owner: 6 Culworth Avenue - J M Roberts, 8 Culworth Avenue - J Irvine

To determine development application No.1369/04, which seeks consent for the demolition of two (2) residential dwelling houses and construction of three (3) x five (5) storey residential flat buildings comprising fifty-four (54) units and basement car pa

Recommendation:

Approval

GB.5 1580 to 1596 Pacific Highway, Wahroonga 224

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File: DA1081/04

To refer the application back to Council following the Council meeting of the 28 June 2005 and seek Council's determination of the development application.

Recommendation:

Approval.

- GB.6 **11 to 19 Moree Street, Gordon - Construction of Two, Five Storey Residential Flat Buildings with 42 Apartments over Basement Parking Containing 81 Car Spaces and Landscaping** 342

.
File: DA0240/05

Ward: Gordon
Applicant: IPM Pty Ltd
Owner: Moree Street Pty Ltd

To determine development application DA240/05, which seeks consent for the construction of two, five storey residential flat buildings with 42 apartments over basement parking containing 81 car spaces and landscaping.

Recommendation:

Refusal

- GB.7 **35 to 37 Millewa Avenue, Wahroonga - Demolition of Dwellings, Construction of a 4 Storey Residential Flat Building Containing 18 Dwellings, Associated Car Parking and Strata Subdivision.** 387

.
File: DA0135/05

Ward: Wahroonga
Applicant: Advocate Developments Pty Ltd
Owner: John Briggs (No 35), Donald James Mackenzie (No 35) and JO and KJ Plume (No 37)

To determine DA135/05, which seeks consent for the demolition of 2 existing dwellings, the construction of a 4 storey residential flat building containing 18 residential units above basement car parking for 27 vehicles, landscaping and strata subdivision

Recommendation:

Approval.

- GB.8 **175 Kissing Point Road, Turramurra - Request for Return of Land which Formed a part of the Abandoned Road Widening of Kissing Point Road** 465

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File: P48346

For Council to consider a request from the Estate of the late G Warren owner of 175 Kissing Point Road, Turramurra for the return of a strip of land approximately 18.29 x 7.5 metres dedicated for road widening of Kissing Point Road.

Recommendation:

That Council agree to the transfer of the subject land at no cost. All costs associated with the road closure process and the transfer of land to be borne by the applicant.

- GB.9 **Airspace Lease over Wade Lane, Gordon - Option to Renew Lease** **472**
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File: P54342

To advise Council that the lease option of the airspace over Wade Lane Gordon, has been validly exercised, and request Council to authorise the affixing of the Common Seal of Council to the new lease.

Recommendation:

1. That Council approve the renewed lease for a further period of ten (10) years commencing 1 July 2004.
2. That Council authorise the Mayor and the General Manager to execute all necessary documentation associated with the lease.
3. That Council approve the affixing of the Common Seal of Council to all necessary documentation.

- GB.10 **Order to Place Carlotta Avenue Depot Site Masterplan on Title as a Public Positive Covenant** **477**
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File: S02054

To advise Council on the legal procedure to place the Carlotta Avenue Depot Site Masterplan as a public positive covenant on the Certificate of Title and to seek approval for the consolidation of all lots forming 1-7 Carlotta Avenue Gordon into a single parcel.

Recommendation:

That Council order that a public positive covenant be imposed on Council's land as described in the Order. That Council authorise the Mayor and the General Manager to execute all documentation associated with the 88D instrument and the Plan of Consolidation. That Council approve the affixing of the Common Seal of Council to all necessary documentation.

GB.11 Draft (Heritage Conservation) Local Environmental Plans No 31, 134 to 138 Eastern Road, Wahroonga and 32, "The Oaks", 517 Pacific Highway, Killara **485**

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File: S04156 S04074

For Council to consider the abandonment of Draft (Heritage Conservation) Local Environmental Plans No 31 (DHLEP31), 134-138 Eastern Road, Wahroonga and consider DHLEP32 "The Oaks", 517 Pacific Highway, Killara (DHLEP32) following exhibition.

Recommendation:

That Council abandon Draft LEP31 (134-138 Eastern Road, Wahroonga). That Council adopt Draft (Heritage Conservation) Local Environmental Plan No 32 "The Oaks" and submit the Draft Plan to the Minister with a report under Section 69 of the Environmental Planning and Assessment Act 1979 with a request that the Plan be made.

GB.12 Ku-ring-gai Retail Centres Study **531**

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File: S02921 S04151

To present the findings of the Ku-ring-gai Retail Centres Study and seek endorsement from Council for a future retail hierarchy for Ku-ring-gai to be established through Stage 2 of the Residential Strategy.

Recommendation:

That Council endorse the retail strategy Option C as recommended in the Ku-ring-gai Retail Centres Study and the extent of the expansion of Gordon as a sub-regional centre be identified as part of the town centre planning process for Gordon.

GB.13 St Ives Town Centre Planning **586**

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File: S04019

To present to Council a summary of work undertaken to date for the planning of St Ives Town Centre area and to seek a Council resolution to prepare a Local Environmental Plan to rezone certain lands in and around the town centre and to prepare a Development Control Plan to set more detailed development controls for this land.

Recommendation:

That Council prepare a Local Environmental Plan and a Development Control Plan for St Ives Town Centre in line with the recommendations included in this report.

GB.14 Five Year Footpath Program 2005 to 2010 702

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File: S02627

To seek Council's approval of a Five Year Rolling New Footpath Program for the years 2005 to 2010.

Recommendation:

That Council adopts the 2005-2006 New Footpath Program and the 2006-2010 program as a draft rolling program.

GB.15 Five Year Road Program 711

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File: S02362

To seek Council's approval of the five year rolling works program for 2005/2006.

Recommendation:

That Council adopts the proposed 2005/2006 Road Program and draft 2006/10 Rolling Roadworks Program as attached in Appendix A.

GB.16 Road Naming Squadron Court and Brevet Avenue Lindfield 729

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File: S03211

To report on the proposal to name two roads in the new Lindfield subdivision running off Bradfield Road as 'Squadron Court' and 'Brevet Avenue.'

Recommendation:

That Council names the new roads off Bradfield Road into the Lindfield subdivision as 'Squadron Court' and 'Brevet Avenue' and that notices be published in a local newspaper and the NSW Government Gazette.

GB.17 26 to 30 Marian Street - Extinguishment of Stormwater Drainage Easement 733

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File: DA1243/04

To consider a request by the applicants of 26 -30 Marian Street, Killara to relocate the Council stormwater pipeline and extinguish the Council drainage easement over the subject property.

Recommendation:

That council grant approval for the extinguishment of the easement subject to conditions under recommendations A – C of this report.

GB.18 Proposed Additional Sites for Advertising and Non-Advertising Bus Shelter Locations 740

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File: S03552

To report on requested and identified additional sites for advertising and non-advertising bus shelters and to seek approval for public consultation.

Recommendation:

That community consultation be undertaken for the additional sites and the outcome of the consultation be reported back to Council.

GB.19 Implementation of Banning of Smoking at Sporting Venues 746

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File: S03433

In accordance with Council's resolution of 19 October 2004, "that staff prepare a report on the implementation of the banning of smoking at sporting venues and public places" this report outlines Council's actions to date and actions proposed.

Recommendation:

That Council supports the implementation initiatives to ban smoking as recommended at the end of this report.

GB.20 Open Space Capital Works Program and Environmental Levy Projects 2005/2006 754

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File: S04387

To recommend to Council the Open Space Capital Works Program following adoption of Council's 2005-2009 Management Plan, including projects funded by the Environment Levy.

Recommendation:

That funds for the 2005/06 Open Space Capital Works Program & Environmental Levy Projects 2005/06 be authorised.

EXTRA REPORTS CIRCULATED AT MEETING

MOTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN

NM.1 **27 Richmond Avenue & 400 Mona Vale Road, St Ives**

780

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File: S03747

Notice of Motion from Councillor L Bennett dated 11 July 2005.

I move:

- "A. That with respect to 27 Richmond Avenue St Ives, Council adopts Draft (Heritage Conservation) Local Environmental Plan No 29 and submit the draft Plan to the Minister with a report under Section 69 of the Environmental Planning and Assessment Act with a request that the Plan be made..
- B. That with respect to 400 Mona Vale Road St Ives, Council adopts Draft (Heritage Conservation) Local Environmental Plan No 29 and submit the draft Plan to the Minister with a report under Section 69 of the Environmental Planning and Assessment Act with a request that the Plan be made.
- C. That Council notifies the NSW Heritage Council informing them of Council's decision.
- D. That Council notifies all affected residents and all people who made a submission of its decision."

NM.2 **Treated Pine at Childcare Centres**

781

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File: S04278

Notice of Motion from Councillor L Bennett dated 11 July 2005.

I move:

- "A. That a report be brought to Council on the extent of treated pine equipment at Childcare Centres including consideration of the health implications and costs of replacement.
- B. That the report cover all Childcare Centres which operate on Council-owned land."

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

QUESTIONS WITHOUT NOTICE

INSPECTIONS COMMITTEE - SETTING OF TIME, DATE AND RENDEZVOUS

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

*The Item listed hereunder is recommended for consideration in Closed Meeting, Press & Public
excluded for the reason stated below:*

- C.1 **Purchase of Environmentally Sensitive Land**
 (Section 10A(2)(c) - Information that would confer a commercial advantage)

1

File: S02006 & P57395

Report by Director Finance & Business dated 1 July 2005.

Brian Bell
GENERAL MANAGER

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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.*

MAYORAL MINUTE

LETA WEBB

I would like to formally acknowledge the very valuable contribution made to Council by Ms Leta Webb, who has resigned as Director of Planning and Environment.

In the two years she has held this position, Ms Webb has played a pivotal role in helping shape the major physical changes Ku-ring-gai is undergoing.

She has been instrumental in developing stage one of Ku-ring-gai's residential strategy and undertaking planning for stage two.

Ms Webb has overseen development of a strategy that allows for a greater variety of housing choices and accommodates our share of Sydney's growing population.

Most recently, Ms Webb has led extensive community consultation for stage two of our residential strategy which has seen surveys sent to more than 27,000 Ku-ring-gai households. This input is being used to develop integrated plans for our six major town centres.

Ms Webb's talent, knowledge and skill in the planning field have been a great asset to Council – and we are sorry to see her leave.

Ms Webb, I speak on behalf of all councillors, the General Manager and Directors in saying that it has been a pleasure working with you.

Finally, best wishes and good luck with your new role at Leichhardt Council.

RECOMMENDATION

That the Mayoral Minute be received and noted.

Cr Adrienne Ryan
Mayor

PETITION

27 RICHMOND AVENUE & 400 MONA VALE ROAD, ST IVES - PETITION IN SUPPORT OF HERITAGE LISTING OF PETTIT & SEVITT HOMES - (ONE HUNDRED & NINETY-TWO [192] SIGNATURES)

Petition presented to Council by Councillor L Bennett:

"The group of homes in St Ives, including 400 Mona Vale Road, 17, 19, 21, 23, 25, 27 and 29 Richmond Avenue, are all members of the original Pettit & Sevitt Display Village built in the early 1960's. This group has been acclaimed by such authorities as the National Trust of Australia, the Royal Australian Institute of Architects, Docomomo International as of significance in the evolution of residential architecture and domestic landscaping in Australia.

We, the undersigned residents of Ku-ring-gai value this group as an important part of Ku-ring-gai's heritage and accordingly we urge the Ku-ring-gai Council to take the necessary steps to include all the properties in the group, as heritage items in Schedule 7 of the Ku-ring-gai Planning Scheme Ordinance.

RECOMMENDATION

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

DEVELOPMENT APPLICATION

SUMMARY SHEET

REPORT TITLE:	52 PENTECOST AVENUE, PYMBLE - CONSTRUCTION OF FIVE (5) SENIORS LIVING VILLAS INCLUDING BASEMENT PARKING AND MODIFICATION OF THE EXISTING SWIMMING POOL
WARD:	St Ives
DEVELOPMENT APPLICATION N^o:	1317/04
SUBJECT LAND:	52 Pentecost Avenue, Pymble DA1317/04DA1317/04DA1317/04
APPLICANT:	Mr A Freeman
OWNER:	Ms B Kavanagh
DESIGNER:	Molnar Freeman Architects
PRESENT USE:	Single dwelling - residential
ZONING:	Residential 2(c)
HERITAGE:	No
PERMISSIBLE UNDER: COUNCIL'S POLICIES APPLICABLE:	Ku-ring-gai Planning Scheme Ordinance KPSO DCP 31 - Access DCP 40 - Waste Management DCP 47 - Water Management
COMPLIANCE WITH CODES/POLICIES: GOVERNMENT POLICIES APPLICABLE:	Yes SEPP (Seniors Living) 2004 SEPP 55 - Remediation of Land
COMPLIANCE WITH GOVERNMENT POLICIES:	Yes
DATE LODGED:	8 December 2004
40 DAY PERIOD EXPIRED:	17 January 2005
PROPOSAL:	Demolition of the existing structures and Construction of five (5) Seniors Living villas including basement parking and modification of the existing swimming pool and landscaping.
RECOMMENDATION:	Approval

Item 1

DEVELOPMENT APPLICATION N^o 1317/04
PREMISES: 52 PENTECOST AVENUE, PYMBLE
PROPOSAL: CONSTRUCTION OF FIVE (5) SENIORS
LIVING VILLAS INCLUDING BASEMENT
PARKING AND MODIFICATION OF THE
EXISTING SWIMMING POOL AND
LANDSCAPING.
APPLICANT: MR A FREEMAN
OWNER: MS B KAVANAGH
DESIGNER: MOLNAR FREEMAN ARCHITECTS

PURPOSE FOR REPORT

To determine development application No. 1317/04, which seeks consent for construction of five (5) Senior Living villas including basement parking and modification of the existing swimming pool at 52 Pentecost Avenue, St Ives.

EXECUTIVE SUMMARY

Issues: Resident issues (overshadowing, privacy and traffic impacts).

Submissions: One (1) submission received.

Land and Environment Court Appeal: NA

Recommendation: Approval

HISTORY

Site history:

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

Development application history:

8 December 2004	Application lodged.
20 December 2004	Council requests the applicant to provide further information, as follows: <ul style="list-style-type: none">Revised drainage details which demonstrate that all rainwater tank volume cancelling out the required OSD volume is used for toilet flushing, laundry as a minimum.

Item 1

DA notified to property owners for a period of 28 days in accordance with Council's Notification Policy.

5 January 2005

Submission of letter from applicant advising the development complies with the intentions of DCP 47.

16 March 2005

Council request the applicant to address issues raised by Council's Landscape Officer.

5 April 2005

Site meeting with Council Officer and applicant to discuss the following issues:

- Retention of swimming pool, certificate required prior to determination from structural engineer that the existing swimming pool can be retained with the amendments.
- Landscaping issues raised by Council's Landscape Officer.
- Setback of covered entrances from Pentecost Avenue and Fairway Avenue.
- Setback and bulk of corner of development facing Pentecost Avenue and Fairway Avenue.

15 April 2005

Submission of shadow diagrams.

20 May 2005

Submission of amended landscape plans.

26 May 2005

Request to the applicant to submit information as requested at the site meeting.

1 June 2005

Submission of letter from the applicant's engineer confirming the retention of the swimming pool.

2 June 2005

Submission of details in relation to compliance with clauses 25 (1) and (2(b)) and 71 of SEPP Seniors Living 2004.

Land and Environment Court history:

N/A

THE SITE AND SURROUNDING AREA

The site

Zoning:	Residential 2(c)
Visual Character Study Category:	1920-1945
Lot Number:	1
DP Number:	737475
Area:	1709m ²

Item 1

Side of Street:	Southern
Cross Fall:	To Fairway Avenue to the west
Stormwater Drainage:	Drains to the street
Heritage Affected:	No
Integrated Development:	No
Bush Fire Prone Land:	No
Endangered Species:	No
Urban Bushland:	No
Contaminated Land:	No

The site is located on the southern side of Pentecost Avenue, Pymble, on the north-eastern corner of Fairway Avenue. The street frontage to Pentecost Avenue is 34.54m and the frontage to Fairway Avenue is 50.1m. The site has a length of 53.525m along the eastern side boundary.

The site has a gentle slope to the west towards Fairway Avenue. An existing single storey dwelling is situated approximately 15m and 19.5m from Pentecost Avenue boundary and 5.7m and 12.2m from the Fairway Avenue boundary. An inground swimming pool is located within the front setback facing Pentecost Avenue. A 1.8 metres high brick fence along both the Pentecost Avenue and Fairway Avenue boundaries.

The existing landscaping consists of over twenty trees on the site.

There are several large remnant endemic trees which overhang the rear of the site, these being two Blackbutts and a Sydney Blue Gum.

Surrounding area:

Surrounding development comprises a number of recently constructed SEPP 5 developments to the eastern (upper) end of Pentecost Avenue. To the west developments are predominately one and two storey detached dwellings constructed between the 1920s and 1960s. There are also a large number of more recent dwellings and other developments along Pentecost Avenue, including a number of SEPP 5 developments to the western (lower) end of Pentecost Avenue.

St Ives Shopping Centre is located within walking distance of the site. The shopping centre is approximately 460 metres from the subject site when travelling directly up Pentecost Avenue and north along Mona Vale Road. The shops support a large variety of businesses including two supermarkets, a variety of banks, restaurants, cafes, medical practices, hair and beauty salons, as well as a number of other services.

The 195 and 196 Forest Line Coaches bus service runs along Mona Vale Road in both directions. The north-bound bus stop is located directly outside 142 Mona Vale Road on its western side and the south-bound bus stop is located directly outside 147 Mona Vale Road on its eastern side. The 195 bus service connects through to the St Ives Village Shops and also runs through to the St Ives Chase Shops on the corner of Warrimoo Avenue and Dalton Road and down to Gordon Station. The 196 bus service runs through to Gordon Station to the south and up to Mona Vale Shopping Centre to the north.

Item 1

THE PROPOSAL

The proposal is for the demolition of the existing dwelling and associated structures and the construction of a two storey development comprising of five (5) seniors living villas each containing three (3) bedrooms. All five of the proposed villas are wheelchair accessible.

Villa 3, located at the rear of the development, is single storey, while the remaining villas are two storey.

The villas are generally orientated to face towards Pentecost Avenue to allow for sufficient solar access. Villa 3 is orientated towards the southern (rear) of the property, however, an additional, north-facing courtyard has also been included in the villa design to ensure appropriate solar access.

Basement car parking is provided for eleven (11) vehicles. Two (2) car spaces in a lock up garage are provided in the basement for each villa and an additional one (1) visitor space. Secure storage areas ranging in size, are also accommodated within the secure lock-up garages. Lift access is provided to the basement level.

Vehicular access is provided from a single entry/exit point along Fairway Avenue.

Access throughout the development is provided by accessible pathways off Pentecost Avenue and a lift. With the inclusion of the lifts, the units and common areas are all wheelchair accessible.

The development has a setback to Pentecost Avenue of 12 metres to the front wall of the development. The existing swimming pool has a setback to Pentecost Avenue of 4 metres. The setback to Fairway Avenue varies between 3.8 metres for the balconies of Units 1 and 4 and up to 10 metres to the facade of the villas. The eastern (side) boundary adjoining 50 Pentecost Avenue has a setback between 2.8 metres to 6.8 metres. Unit 3, located at the rear of the site, has a setback to the rear boundary which varies between 5.2 metres to 6.9 metres.

Pedestrian access is provided via the main entrance off Pentecost Avenue, a secondary side access off Fairway Avenue is also provided. A new pedestrian pathway is proposed from the Pentecost Avenue entrance to join the existing pathway along Pentecost Avenue. This work is located upon Council land and will be subject to Council's regulations and design requirements.

The existing brick fencing along Pentecost and Fairways Avenues is proposed to remain.

The existing swimming pool is to be modified to a lap pool design surrounded by timber decking, landscaping and appropriate fencing. Access to the swimming pool is to be available to all residents of the development.

CONSULTATION - COMMUNITY

In accordance with Council's Notification Policy, adjoining owners were given notice of the application. In response, a submission from the following was received:

1. P & L Ting - 54 Pentecost Avenue, Pymble.

The submission made the following comments:

Overshadowing to property at 54 Pentecost Avenue.

The property of 54 Pentecost Avenue is located across Fairway Avenue to the west of the subject site. Any overshadowing cast by the proposed development at 9am will fall onto the road reserve and Fairway Avenue, not 54 Pentecost Avenue. By 12 noon on the winter solstice, any shadow cast by the development is cast to the rear of the property.

Loss of privacy to property at 54 Pentecost Avenue.

The proposed development is located directly across Fairway Avenue to the east of the residents at 54 Pentecost. A distance of approximately 24m – 28m will separate the existing dwelling at 54 Pentecost Avenue from the proposed development. Villas 1 and 4 are located along Fairway Avenue. The main private open space for each of these villas are situated directly off the living rooms and face west, with views also to the north and south. The remaining windows facing towards the west include two (2) dining room windows and six (6) sliding doors off the bedrooms which open onto small balconies.

Given that the two properties are separated by a road and have substantial setbacks, the level of privacy provided is reasonable and, with the inclusion of extensive landscaping along the Fairway Avenue frontage, the privacy between the two properties is satisfactory (**refer Condition No. 48**).

Traffic impact on the surrounding streets.

Council's Development Engineer has reviewed the traffic impacts associated with the proposed development. No concerns are raised in relation to this issue with the inclusion of conditions (**refer Conditions Nos. 65, 67, 85, 93 and 121**).

CONSULTATION - WITHIN COUNCIL

Landscaping

Council's Landscape Officer, Tempe Bevan, commented on the proposal as follows:

"An inspection of the property was conducted on 24/1/05.

The proposal is supported with conditions.

The site is located just off Mona Vale Road at the top of Pentecost Avenue. There are several large remnant trees which overhang the rear of the site.

Impact on Existing Trees

A tree report prepared by Footprint Green, dated 23/11/04 has been submitted with the application. Tree numbers refer to this report.

There are 20 trees covered by Council's TPO on the site, of which 2 are proposed to be retained:

- *Cupressus macrocarpa (Monterey Cypress) north-west corner, 11H, 6S, 500DBH – over mature, visually prominent.*
- *Angophora floribunda (Rough Barked Apple) western boundary, 13H, 6S, 2x300DBH – limbs pruned to past to clear roof and wires, poor specimen, described by arborist of being of moderate health with fair vigour with a SULE of 3 – proposed to be removed. Removal supported.*

Tree 17 displays good form and vigour and, and with corrective pruning, is a good specimen in terms of size and form. The significance however, of this tree is reduced by its location to the rear south-east corner of the site.

Pyrus ussuriensis (Manchurian Pear) Tree 17/southern boundary – proposed to be removed. Removal is supported.

There are several large remnant endemic trees located on the southern boundary, adjoining properties. The impacts on these trees of the proposal are as follows:

- *Trees 19-21, canopy spread much large than shown – Villa 3 encroaches within the canopy spread of these trees.*
- *Trees 22-23, design has been amended to preserve existing levels to extent of canopy area.*
- *Tree 19, Eucalyptus saligna (Sydney Blue Gum), south-western corner, adjoining property, 25H, 800DBH.*
- *Tree 20, Eucalyptus pilularis (Blackbutt), south-western corner, adjoining property, 22H, 3x400DBH.*
- *Tree 21, Eucalyptus pilularis (Blackbutt), south-western corner, adjoining property, 25H, 900DBH.*

Impact on Trees on Nature Strip

- *Tree 1, Eucalyptus saligna (Sydney Blue Gum), north-eastern corner of site, nature strip, 22H, 10S, 800DBH – proposed to be removed. Removal of this tree has been referred to Council's Tree Management Officer. Removal is not supported, tree to be retained.*
- *Tree 10, Eucalyptus saligna (Sydney Blue Gum), western boundary, nature strip, 10H, 5S, 300DBH - proposed to be removed. Removal of this tree has been referred to Council's Tree Management Officer and removal is supported.*
- *Tree 11, Eucalyptus saligna (Sydney Blue Gum), western boundary, nature strip, 18H, 12S, 600DBH, good health and condition - proposed to be retained, driveway 2.3m from tree and conditions provided to minimise impact.*

Item 1

The Landscape Plan shows an additional tree on the nature strip Tree 2, Liquidambar styraciflua (Liquidambar to be removed. This tree is described by the arborist as having moderate health and of moderated landscape significance. Tree 2 is to be retained.

An amended Landscape Plan has been submitted including the following,

- *Trees 19-23 located correctly on plan. Existing levels to canopy spread of existing trees to be retained.*
- *Paved area on fill to Villa 3 deleted and replaced with larger area of timber deck. Pier and beam construction with drop edge beams to be conditioned.*
- *Planting bed along eastern boundary widened to provide sufficient area for screen planting to dwellings to eastern boundary that can attain 6m in height.*

Other comments

The proposed minimum rear setback reduces the ability to provide deep soil zone at the rear of the property that can sustain a mid block corridor of trees. Two thirds of deep soil area located at the rear of the property is preferred. This minimum area of deep soil zone is further compromised by proposed large eaves. Refer Site/Roof Plan, Dwg DA002A, Molnar Freeman Architects."

Refer Condition Nos 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 79, 80, 81, 82, 83, 84, 95, 96, 97 and 98.

Engineering

Council's Development Engineer, Kathy Hawken, commented on the proposal as follows:

"It is proposed to demolish the existing dwelling and construct a Seniors Living development comprising 5 dwellings, with basement carpark and an access driveway off Fairway Avenue.

The following documents were used for the engineering assessment:

*Statement of Environmental Effects prepared by Molnar Freeman Architects Pty Ltd;
Access Report prepared by Molnar Freeman Architects Pty Ltd;
Architectural Plans prepared by Molnar Freeman Architects Pty Ltd;
Survey by N. L. Hayes Pty Ltd;
Stormwater – AFCE Environment + Building Drawings 352394C1 to C4 Rev. A.*

There is no subdivision associated with this application.

Traffic

The dimensions and layout of the basement car park comply with the recommendations of AS2890.1-2004, with the exception of the entry drive, which should have a maximum slope of 20% for the first 6 metres inside the property.

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The slope of the driveway over the nature strip appears to be approximately 11%, which would result in a change in grade of 18% at the boundary. This would not allow satisfactory vehicular access, and a condition has been included that the driveway grades be amended on the Construction Certificate plans. The garage dimensions comply with the SEPP Seniors Living in terms of width, length and headroom.

Internal garbage collection is not required since the number of units is less than six.

A construction and traffic management plan will be required prior to commencement of works, including excavation, as well as a dilapidation report on the road and Council infrastructure outside the site.

Stormwater drainage

The site has gravity drainage to the street drainage system. A concept stormwater and environmental management plan was submitted, AFCE Environment + Building Drawing 352394 C1 to C5. The plan demonstrates that compliance with DCP 47 can be achieved. Water quality measures will be required as described in Chapter 8 of DCP 47. These specific requirements are included in the recommended conditions.

Access

The access report confirms that the site is within 400 metres of a bus stop, and levels shown on the survey and architectural plans indicate that grades are generally less than 7%. At present, a concrete footpath exists outside 46-48 Pentecost Avenue. An application for a SEPP 5 development at 50 Pentecost Avenue has been approved in the Land and Environment Court, however if that development does not go ahead first, then a footpath to meet the existing will have to be constructed in conjunction with the subject development. The conditions include this requirement.

Geotechnical report

Douglas Partners Report No. 37548, dated November 2004, is based on the results of a hand auger investigation. It is likely that the site is underlain by shale, and recommendations are included for further investigation, excavation and support and dilapidation survey of nearby structures. The need for vibration monitoring during excavation has not been confirmed, so the consultant's recommendation for further investigation works has been included in the conditions below. A dilapidation survey is required for the dwelling at 50 Pentecost, but it is possible that this structure may be demolished under DA 165/03, so a further report will not be required if this has occurred during the construction period."

Refer Conditions Nos 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 78, 85, 86, 87, 88, 89, 90, 91, 92, 93, 118, 119, 120, 121, 122, 123, 124, 125, 126 and 127.

PROVISIONS OF RELEVANT LEGISLATION**State Environmental Planning Policy (Seniors Living) 2004**

Clause 18 of SEPP (Seniors Living) 2004 states that development may be carried out only with development consent unless another planning instrument allows the development without consent. The proposed development requires the consent of Council pursuant to the provisions of Ku-ring-gai Planning Scheme Ordinance.

Clause 25 of SEPP (Seniors Living) 2004 requires that Council must not consent to a development application made pursuant to this chapter unless satisfied by written evidence of certain site related requirements have been met. Compliance with the requirements are indicated in the table below.

Clause	Requirement	Compliance
Clause 25(1)(2)	<ul style="list-style-type: none"> Access to shops, banks, other retail and commercial services, community services and the practice of a general medical practitioner 	YES
	<ul style="list-style-type: none"> Located at a distance of not more than 400m from the site of the proposed development or is within 400m of public transport which will take the residents to the above mentioned services 	YES (located approximately 170m from bus stops on Mona Vale Road.)
	<ul style="list-style-type: none"> Is available both to and from the development at least once 	YES

Clause 27(1) of SEPP (Seniors Living) 2004 states that Council must not consent to a development application unless satisfied by written evidence that the housing will be connected to a reticulated water system and have adequate facilities for the removal or disposal of sewerage.

The site is currently connected to the sewer system and reticulated water is also provided.

Clause 28 of SEPP (Seniors Living) 2004 requires a site analysis be carried out and submitted to the consent authority. A site analysis was submitted to Council, prepared by Molnar Freeman Architects. This analysis, together with other documentation of the development application, provides all the necessary information for assessment purposes under this clause.

Clause 30 of SEPP (Seniors Living) 2004 requires that consent must not be granted unless Council is satisfied that adequate regard has been given to the following principles:

Clause 31 - Neighbourhood amenity and streetscape

The proposed development has been designed to be in keeping with the established front and side setbacks of the existing locality. All significant trees within the subject site and adjoining properties

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will be retained where possible and additional canopy planting provided. The setbacks to both Pentecost Avenue and Fairway Avenue are not identical but sympathetic to the existing residential setbacks along each street frontage. The development provides a high level of articulation to both street frontages and uses materials and finishes in keeping with the surrounding area. The site will also retain the significant vegetation at the southern end of the site and will be in keeping with the existing development and any future redevelopment of the surrounding properties.

Clause 32 - Visual and acoustic privacy

The proposed development has been designed with sufficient setbacks and landscape screening along the front and side boundaries. The balconies to Villas 1, 3 and 4 have been orientated away from adjoining properties and windows along the eastern (side) boundary have been minimised where possible. Villas 2 and 5 have private open space in the form of elevated balconies located on the north-eastern corner of the development with a setback of 3.5 metres to the adjoining eastern boundary. The location of these balconies will not compromise the amenity and privacy of the adjoining dwelling at 50 Pentecost Avenue due to the level of landscaping and the natural fall of the land away from the adjoining property.

The adjoining dwelling at 50 Pentecost Avenue also has a SEPP 5 development approved for six units (DA0165/03). The approved plans have a minimum setback of 2.54m to the subject site. This setback, with the addition of appropriate landscaping along the eastern boundary of the site, will ensure appropriate visual and acoustic privacy is provided for both the residents of the proposed development and those of the adjoining residents (**refer Condition No 48**).

Clause 33- Solar access and design for climate

Additional solar access plans prepared by Molnar Freeman Architects demonstrate that four out of five units will achieve a minimum of 3 hours solar access to at least 50% of their courtyards during the winter solstice. The future residents of the proposed development will receive adequate daylight to the principle living and private open space areas during the winter period.

Clause 34 - Stormwater

Council's Development Engineer has reviewed the proposed drainage plans prepared by AFCE Environment + Building Drawing 352394 C1 to C5 and advised that the plans as a concept are satisfactory and that compliance with DCP 47 can be achieved. These specific requirements are included in the recommended conditions (**refer Conditions Nos 60, 61, 62, 70, 87, 88, 89 and 92**).

Clause 35 - Crime prevention

The units should be designed so that approaching persons can be viewed from within the unit. An assessment of the proposed unit layouts indicates that some amendments are required to the front entrance of each of the units to allow appropriate level of surveillance (**refer Conditions Nos 99 and 112**).

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Clause 36 - Accessibility

An access assessment report, prepared by Molnar Freeman Architects, has been submitted. The report indicates that the proposed development satisfies all policy objectives of SEPP Seniors Living 2004 and the technical requirements of AS1428 and AS4299 for adaptable housing.

Clause 37 - Waste management

Waste management will be required to comply with Council's Development Control Plan 40. As the development proposes 5 units, one collection point is required. The garbage bin storage area is located along the Fairway Avenue and will be located directly behind a 1.8m brick fence. This fencing will be in keeping with the existing fencing of the site. The setback is considered reasonable as it is located along the vehicular entrance to the site and is capable of being sufficiently screened with the extension of the brick fence over the existing driveway area.

Part 4 Development standards

Clause 38(i) provides that a consent authority must not consent to a development application made pursuant to this chapter unless the proposed development complies with the standards specified in this clause.

Clause	Standard	Proposal	Compliance
38(2) - Site size	Minimum 1000m ²	1709m ²	YES
38(3) - Site Frontage	20 metres	34.5 metres to Pentecost Avenue 50.1 metres to Fairway Avenue	YES
38(4) - Height in zones where residential flat buildings are not permitted	8 metres or less	6.0-7.8 metres at its highest point	YES
38(4)(b) - Height in zones where residential flat buildings are not permitted	Not more than 2 storeys in height adjacent to a boundary of the site.	2 storeys	YES
38(4)(c) - Height in zones where residential flat building are not permitted	A building located in the rear 25% area of the site must not exceed 1 storey in height.	Unit 3 is single storey in height	YES

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Clause 51 provides that a consent authority must not consent to a development application made pursuant to this chapter unless the proposed development complies with the following standards:

Clause	Standard	Proposal	Compliance
52(1) -Wheelchair access	If the site has a gradient of less than 1:10, 100% of dwellings to have wheelchair access to public road or internal road.	The site has a gradient of more than 1:10	N/A
52(2) –Wheelchair access	If the whole site does not have a gradient of less than 1:10, 50% of the dwellings must have wheelchair access by a continuous path of travel (within the meaning of AS1428) to an adjoining public road.	All dwellings have wheelchair access by a continuous path of travel to Pentecost Avenue.	YES
52(3) – Road access	At least 10% of dwellings which meet requirements of subclause (1) must have wheelchair access by a continuous path of travel (within the means of AS1428) to an adjoining public road.	All dwellings have access to an adjoining public road.	YES
52(4) -Common areas	Wheelchair access to be available to all common areas and facilities.	Wheelchair access available to all common areas and facilities.	YES
53 -Identification	If the site includes more than one street, street signage incorporating house numbers must be provided at each intersection.	The signage addressing unit numbers will be provided at the entrance to the development at the Pentecost Avenue entrance (refer Condition No. 113).	YES
54 -Security	Pathway lighting must be designed and located to avoid glare.	No details provided. Capable of compliance by condition (refer Condition No. 99 and 112).	YES
55 -Letterboxes	Must be lockable and situated on a hard standing area and be wheelchair accessible.	Letterboxes have been located at the Pentecost Avenue frontage on the direct pedestrian access path to the dwellings.	YES
56 -Private car accommodation	Car parking spaces must have: be not less than 6m x 3.2m or being capable of adapted. internal clearance of 2.5 metres height at entry 2.3 metres any garage must have a power-operated roller door, or a power point to allow the above at a later date	Car parking spaces have: area 6m x 3.2m internal clearance of 2.5 metres Height at entry 2.5 metres basement level has its own power-operated entry roller door (refer Condition No. 100).	YES YES YES YES
57 -Accessible entry	Every entry must: not have a slope that exceeds 1:40	Proposal will be constructed so as to comply with requirements (refer Condition No. 102).	YES

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Clause	Standard	Proposal	Compliance
	comply with clauses 4.3.1 & 4.3.2 of AS 4299 have entry hardware which complies with AS 1428		
58 - Exterior doors	All external doors to a dwelling must be keyed alike.	All external doors to each unit will be keyed alike and may be conditioned as part of the consent (refer Condition No. 101).	YES
59 - Interior general	internal doors must have a clearance of 800mm internal corridors must have a width of at least 1000mm the width at internal door approaches must be at least 1200mm	All internal doors to each of the individual units will be keyed alike as required. A condition of consent will be imposed as part of the consent (refer Condition No. 102).	YES
60 - Living room & dining room	A living room in a self contained dwelling must have: a circulation space of at least 2250mm in diameter and as set out in clause 4.7 of AS 4299 a telephone adjacent to a general power outlet a potential illumination level of 300 lux	Meets the circulation requirements and details regarding the telephone outlets can be conditioned as part of the consent (refer Condition No. 103).	YES
61 - Kitchen	A kitchen in a self contained dwelling must have: a width of at least 2.7 metres and a clear space between benches of 1450mm a width at door approaches of 1200mm benches that include one work surface that is at least 800mm in length and the height of which can be adjusted from 750mm to 850mm a tap set that is located within 300mm of the front of the sink and comprises of a lever type mixing tap a thermostatic mixing valve for the hot water outlet a cook top with either front or side controls which have a raised cross bar. The stove is also to be provided with an isolating switch a work surface adjacent to the cook top which is at the same	Internal benches and fittings detailed in the plans comply with the requirements. A condition of consent is recommended to ensure specifications meet the minimum standards required (refer Condition No. 104).	YES

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Clause	Standard	Proposal	Compliance
	<p>height and at least 800mm in length</p> <p>an oven that is located adjacent to a work surface the height of which can be adjusted</p> <p>"D" pull cupboard handles</p> <p>General power outlets at least one is a double outlet within 300mm of the front of a work surface and one which is for a refrigerator which can be readily accessed once installed</p>		
62 - Main bedroom	<p>At least one bedroom within the dwelling must have:</p> <p>an area sufficient to accommodate a wardrobe and a queen sized bed, with an area at least 1200mm wide at the foot of the bed</p> <p>2 double general power outlets adjacent to the head of the bed</p> <p>1 general power outlet on the wall opposite the bed</p> <p>a telephone outlet and power outlet next to the bed on the side closest to the door</p> <p>a potential illumination of 300 lux</p>	<p>The plans indicate the main bedrooms are capable of complying with these requirements. A condition of consent is recommended to ensure specification meet the minimum standards (refer Condition No. 105).</p>	YES
63 - Bathroom	<p>A bathroom must have:</p> <p>an area that complies with AS 1428</p> <p>a slip resistant floor</p> <p>a shower recess at least 1160mm x 1100mm or that complies with AS 1428 or clause 4.4.4 and figures 4.6 and 4.7 of AS4299. the recess shall incorporate the following:</p> <ul style="list-style-type: none"> o no hob o waterproofing o floor waste o the ability to provide a grab rail o suitable taps o can accommodate a hand held shower on a slider rail o can accommodate a folding seat o thermostatic mixing valves to 	<p>The bathrooms in each of the units are capable of complying with the requirements of this clause. A condition of consent is recommended to ensure specifications meet the minimum standards required (refer Condition No. 106).</p>	YES

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Clause	Standard	Proposal	Compliance
	all hot water outlets a washbasin which complies with AS4299 an illuminated wall cabinet a mirror a double power outlet beside the mirror		
64 - Toilet	A dwelling must have a toilet: that is a visitable toilet in accordance with AS4299 that is installed in accordance with AS1428 has a slip resistant floor surface the WC pan is located from fixed walls in accordance with AS1428 that can accommodate a grab rail in accordance with AS4299 & AS1428	The toilets have been included within the bathroom plan for each of the dwellings. A condition of consent is recommended to ensure specifications meet the minimum standards required (refer Condition No. 116).	YES
65 -Access to kitchen, main bedroom, bathroom & toilet	A kitchen, main bedroom, bathroom and toilet must be provided on the ground floor of a multi level dwelling.	All units are of single level design.	YES
66 -Lifts in multi storey buildings	Lift access provided to all dwellings above the ground level of the building.	Lift access is provided to all levels from the basement car park.	YES
67 - Laundry	A self contained dwelling must have a laundry which: has provision for a washing machine has the provision for the installation of a clothes dryer has a clear space in front of appliances of 1300mm has a slip resistant floor surface has an accessible path of travel to any external clothes line.	The floor plans for units 1, 3 and 4 indicate that they will only have a clearance of 1200mm, not the required 1300mm. To ensure compliance with this clause, a condition of consent is recommended to ensure specifications meet the minimum standards required (refer Condition No. 107).	YES
68 -Storage	A self-contained dwelling must be provided with a linen cupboard: that is at least 600mm wide has adjustable shelving	A complying linen cupboard is provided in each of the units.	YES
69 - Doors	Door hardware provided for opening doors must be: able to be operated with one hand located between 900mm and	The floor plans for each of the proposed units indicated that the development is capable of meeting the requirement of this Clause. A condition of consent is	YES

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Clause	Standard	Proposal	Compliance
	1100mm above floor level	recommended to ensure specifications meet the minimum standards (refer Condition No. 109).	
70 - Surface finishes	Balconies and external paved areas must have slip-resistant surfaces.	A condition of consent is recommended to ensure specifications meet the minimum standards required (refer Condition No. 110).	YES
71 - Ancillary items	switches must be located between 900mm and 1100mm above floor level general purpose outlets must be located at least 600mm above floor level	Compliance with this clause is required by a condition of consent to ensure minimum standards are met (refer Condition No. 111).	YES
72 - Garbage	An outside garbage storage area must be provided in an accessible location.	The proposed garbage area is accessible from all units. A condition of consent has been recommended to ensure compliance with this Clause (refer Condition No. 115).	YES

Part 7 Development standards that cannot be used as grounds to refuse consent

Clause 81 of SEPP (Seniors Living) 2004 stipulates standards which cannot be used to refuse development for self-contained dwellings. These standards are as follows:

Clause	Standard	Proposed	Compliance
Clause 81(a) – Building height	Height to be less than 8.0 metres	7.8 metres at its highest point	YES
Clause 81(b) - Density & scale	0.50:1 (854.5m ²)	0.42:1 (726.6m ²)	YES
Clause 81(c) - Landscaped area	Minimum 30% of the site to be landscape area = 512.7m ²	37.5% landscaped area = 642m ²	YES
Clause (d) - Deep soil zones	Minimum 15% site area (256.3m ²) to be deep soil zone. 2/3 (169.1m ²) being located at the rear of the site with a minimum dimension of 3m.	36.8% (629m ²) deep soil area	YES
		175m ² located at the rear of the site	YES
Clause (e) - Solar access	Min 70% or 3.5 dwellings receive minimum 3 hours direct sunlight between 9am-3pm in mid-winter.	80% or 4 units receive a minimum of 3 hours due to the northern orientation of the units.	YES
Clause (f) - Private open space for in-fill housing	Single level or ground floor dwellings = 15m ² (incl. Area 3m x 3m accessible from living area)	Unit 1 = 18m ² (min dimension 4m x 4m) Unit 2 = 18m ² (min 4m x 4m) Unit 3 = 50m ² + (min 5m x 10m)	YES YES YES
	All other dwellings = balcony	Unit 4 = 15m ² (min 4m x 3m)	

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Clause	Standard	Proposed	Compliance
	min. 10m ² (not less than 2m in length and accessible from a living area)	Unit 5 = 14m ² (3m x 4m)	YES YES
Clause (g) - Visitor parking	1 visitor space for development comprising 6 or less dwellings, with maximum parking period of 4 hours	Proposal includes 1 visitor parking space.	YES
Clause (h) - Parking	5 resident spaces required	10 resident spaces provided.	YES

State Environmental Planning Policy No 55 - Remediation of Land

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

The site is currently occupied by a single dwelling and has had a long history of residential use. There is no evidence that indicates the site is contaminated nor would this be likely given the long established residential use. As such, it is unlikely to contain any contamination and further investigation is not warranted in this case.

Ku-ring-gai Planning Scheme Ordinance

The site is zoned Residential 2(c) under the provisions of Ku-ring-gai Planning Scheme Ordinance (KPSO) and the erection of a residential flat building is prohibited within the zone. However, the provisions of SEPP (Seniors Living) 2004 override the controls of KPSO and the proposed Seniors Living development is permissible pursuant to clause 4 of SEPP (Seniors Living) 2004.

SEPP (Seniors Living) 2004 also provides controls in relation to streetscape character, amenity, solar access, tree replacement etc. These matters are also referred to in SEPP (Seniors Living) 2004 and the assessment of the proposed development against such controls has resulted in the consideration that the proposed development meets these aims and objectives.

POLICY PROVISIONS**Development Control Plan 40 - Waste Management**

The site makes adequate provision of a waste and recycling storage area and provides for adequate access to this storage area by Council's garbage collection vehicles.

Development Control Plan 43 - Car Parking

The provisions of SEPP (Seniors Living) 2004 in relation to parking, override any other parking requirements where in conflict. An assessment of the proposal's parking provision in relation to SEPP (Seniors Living) 2004 is provided previously within this report and the application complies with the relevant controls.

Development Control Plan No 47 - Water Management

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

Section 94 Plan

The development attracts a section 94 contribution of \$44,630.64 which is required to be paid by **Condition No. 77.**

This is calculated utilising Ku-ring-gai Section 94 Contributions Plan 2004-2009 Residential Development adopted 30 June 2004.

LIKELY IMPACTS

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

SUITABILITY OF THE SITE

The site is suitable for the proposed development.

ANY SUBMISSIONS

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

PUBLIC INTEREST

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

ANY OTHER RELEVANT MATTERS CONSIDERATIONS NOT ALREADY ADDRESSED

There are no other matters for assessment.

CONCLUSION

Having regard to the provisions of section 79C of the Environmental Planning and Assessment Act 1979, the proposed development is considered 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 DA1317/04 for the demolition of the existing dwelling and associated structures and construction of five (5) seniors living villas, including basement parking for eleven (11) vehicles, modification of the existing

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swimming pool and landscaping on land at 52 Pentecost Avenue, Pymble, for a period of two (2) years from the date of the Notice of Determination, subject to the following conditions:

GENERAL

1. The development to be in accordance with Development Application No 1317/04 and Development Application plans prepared by Molnar Freeman Architects *Error! No document variable supplied.*, reference number Job Number 226, drawing numbers DA001, DA002, DA003, DA101, DA102, DA103, DA201, DA202, DA301, DA302 (Rev A), dated December 2004 and lodged with Council on 8 December 2004
2. All building works shall comply with the Building Code of Australia.
3. The submission of the approved plans to Sydney Water, before any work is commenced to ensure that the proposed structure meets that Authority's By-Laws. Failure to submit these plans before commencing work will render the owner liable to a penalty and may result in the demolition of work.
4. The approved building shall not be occupied unless the development has been completed in accordance with all conditions of consent and the approved plans and a Occupation Certificate has been issued.
5. The opening of any footway, roadway, road shoulder or any part of the road reserve shall not be carried out without a Road Opening Permit being obtained from the Council (upon payment of the required fee) beforehand.
6. For the purpose of health and amenity, the disposal of backwash and/or the emptying of a swimming pool into a reserve, watercourse, easement or stormwater drainage system is prohibited. These waters are to discharge via a permanent drainage line into the Sydney Water's sewer. Permission is to be obtained from the Sydney Water prior to the emptying of any pool to the sewer.
7. To ensure compliance with the relevant standards, an effective and approved safety fence with self closing gate complying with the minimum requirements of Australian Standard 1926-1986 "Fences and Gates for Private Swimming Pools" shall be provided to the Principal Certifying Authority's satisfaction in the location indicated on the approved plans prior to any water being placed in the pool.
8. For stormwater control, provision shall be made for the collection and disposal of all run-off surface waters from paved areas, recontoured areas, pool overflow and higher levels. All collected waters are to be dispersed without causing nuisance to the adjoining properties.
9. For safety purposes, depth markers shall be provided at both ends of the pool.
10. For safety purposes, prior to the pool being filled a weather resistant poster detailing expired air resuscitation (mouth to mouth) methods shall be affixed within plain sight of the pool. A sign/notice with the words "YOUNG CHILDREN SHOULD BE SUPERVISED WHEN

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USING THIS SWIMMING POOL" shall be erected in clear view and in close proximity to the pool.

11. All filtration equipment shall be located in the position as shown on plan, unless as varied by this consent. Where the filtration and electrical equipment is located near a boundary, such equipment shall be positioned not closer than 150mm from the boundary fencing, if any, and electrical conduits and fittings or circulation pipes shall not be attached to any part of the fencing. Filtration or other equipment shall not be installed in the area of the side boundary setback of the dwelling or outbuilding unless that side boundary setback is greater than 1500mm. For the purpose of residential amenity, the filtration motor pump unit shall be housed in a sound attenuating enclosure and located where indicated on the approved plans or as varied by this consent.
12. The swimming pool is to be made safe during construction by the erection of temporary safety fence to the satisfaction of the Principal Certifying Authority.
13. 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.
14. 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.
15. **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.
16. 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.
17. A sign shall be erected in a prominent position on the site which states the name and contact details of the Principal Certifying Authority.

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18. All excavations shall be properly guarded and protected with hoardings or fencing to prevent them from being dangerous to life and property.
19. The applicant is advised that the Construction Certificate plans and specifications must comply with the provisions of the Building Code of Australia.
20. All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.

All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.

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

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

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

22. Toilet facilities are to be provided, within the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.
23. 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.

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24. 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.
25. The fence and footings shall be constructed entirely within the boundaries of the property.
26. The demolition is to be carried out in accordance with the guidelines contained in Australian Standard 2601-1991: The Demolition of Structures.
27. Access to demolition sites shall be protected as directed by the Principal Certifying Authority by the use of suitable fences or hoardings.
28. 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.
29. 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.
30. 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.

31. Erosion control measures shall be provided on demolition sites to prevent the siltation of watercourses and drainage systems.
32. 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;

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- 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.
- 33. 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.
- 34. The burning of undergrowth, foliage, building refuse and like matter on the site is prohibited.
- 35. 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.
- 36. 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.
- 37. For the protection of the health and safety of occupants, workers and the environment, any person renovating or demolishing any building built before the 1970's should be aware that surfaces may be coated with lead-based paint. Lead dust is a hazardous substance. Persons are required to follow the attached recommended guidelines to prevent personal and environmental contamination.
- 38. For the purpose of health and amenity, effective measures are to be taken at all times to prevent any nuisance being caused by noise, vibrations smells, fumes, dust, smoke, waste water products and the like.
- 39. To prevent pollution, all vehicles making a delivery to or from the site are to be covered to prevent loose materials, dust etc falling from the vehicles.
- 40. The applicant's attention is directed to any obligations or responsibilities under the Dividing Fences Act in respect of adjoining property owner/s which may arise from this application and it is advised that enquiries in this regard may be made at the nearest Local Court.
- 41. The creation of a Restriction as to use of land under Section 88E of the Conveyancing Act 1919, restricting the occupation of the premises to:

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- a. People 55 or over or people who have a disability;
 - b. People who live with people 55 or over or people who have a disability;
 - c. Staff employed to assist in the administration of and provision of services to housing provided in this development.
42. The development is to remain as Housing for Aged or Disabled Persons within the meaning of State Environmental Planning Policy Seniors Living 2004, at all times.
43. All advertising, signage, marketing or promotion of the sale of the dwellings in this development shall make clear reference to the fact that this is a SEPP Seniors Living 2004 development and that at least one occupier shall be aged 55 years or over or have a disability.
44. 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.
- Release of the Construction Certificate gives automatic approval to the removal ONLY of those trees located on the subject property within the footprint of a proposed new building/structure or within 3.0 metres of a proposed new dwelling. Where this application is for a building/structure other than a dwelling then ONLY trees within the area to be occupied by this building/structure may be removed. Other trees SHALL NOT be REMOVED or DAMAGED without an application being made under Council's Tree Preservation Order.
45. The landscape works shall be completed prior to issue of final Certificate of Compliance and maintained in a satisfactory condition at all times.
46. The screen planting shall be completed prior to the issue of the final Certificate of Compliance and be maintained in a satisfactory condition at all times.
47. 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
Eucalyptus saligna (Sydney Blue Gum) Tree 1/north-east corner of site, nature strip
Eucalyptus saligna (Sydney Blue Gum) Tree 11/western boundary, nature strip
Eucalyptus saligna (Sydney Blue Gum) Tree 19, south-west corner, adj property
Eucalyptus pilularis (Blackbutt) Tree 20, south west corner, adj property
Eucalyptus pilularis (Blackbutt) Tree 21, south-west corner, adj property
Eucalyptus saligna (Sydney Blue Gum) Tree 22, south-east corner, adj property
Liquidambar styraciflua (Liquidambar) Tree 23, south-east corner, adj property
48. Landscape works shall be carried out in accordance with Landscape Drawing No L01/A prepared by Joanne Green Landscape Design and dated 26/04/05 submitted with the Development Application, except as amended by the following:

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- *Angophora floribunda* and *Arbutus unedo* to be correctly notated.
- All proposed canopy trees to be setback minimum 5 metres from building footprint
- Proposed planting of *Westringia fruticosa* along southern boundary to be replaced with screen planting that can attain a height of 3 metres.
- Landscape Specification to be provided.
- Covered entrance structures on Pentecost Avenue and Fairway Avenue to be deleted. To preserve health and condition of following tree, no filling or new wall construction is permitted within the specified radius. All paving to be laid on grade.

Tree/Location	Radius From Trunk
<i>Eucalyptus saligna</i> (Sydney Blue Gum) Tree11/western bdy, nature strip	4m

The following tree is to be shown as being retained:

Eucalyptus saligna (Sydney Blue Gum) Tree1/north-east corner of site, nature strip

49. Removal of Trees no. 4, 5, 6, 7, 7.1, 7.2, 7.3, 8, 8.1, 8.2, 8.3, 9, 9.1, 10, 12, 13, 14, 15, 16, 17 and 18 is permitted.
50. Tree roots between 10mm and 50mm diameter, severed during excavation, shall be cut cleanly by hand and the tree subsequently treated with a root growth hormone and wetting agent, by an experienced Arborist/Horticulturist with a minimum qualification of the Horticulture Certificate or Tree Surgery Certificate.
51. No tree roots of 50mm or greater in diameter located within the specified radius of the trunk/s of the following, tree/s shall be severed or injured in the process of any site works during the construction period.

Tree/Location	Radius From Trunk
<i>Eucalyptus saligna</i> (Sydney Blue Gum) Tree 1/ north-east corner of site, nature strip	5m
<i>Eucalyptus saligna</i> (Sydney Blue Gum) Tree11/ western boundary, nature strip	6m
<i>Eucalyptus saligna</i> (Sydney Blue Gum) Tree 19, south-west corner, adj property	9m
<i>Eucalyptus pilularis</i> (Blackbutt) Tree 20, south-west corner, adj property	10m
<i>Eucalyptus pilularis</i> (Blackbutt) Tree 21, south-west corner, adj property	8m
<i>Eucalyptus saligna</i> (Sydney Blue Gum) Tree 22, south-east corner, adj property	8m
<i>Liquidambar styraciflua</i> (Liquidambar) Tree 23, South-east corner, adj property	7m
<i>Jacaranda mimosifolia</i> (Jacaranda) Tree 24, eastern bdy, adj property	4m

52. The trees to be retained shall be inspected, monitored and treated during construction of driveway to ensure compliance with conditions of consent, by a qualified Arborist before,

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during and after completion of development works to ensure their long term survival.
Documentary evidence of compliance with this condition shall be submitted to Principal Certifying Authority with copy to Council prior to release of the Certificate of Occupation.

53. Paving works within the specified radius of the trunk/s of the following tree/s shall be constructed to ensure that existing water infiltration and gaseous exchange to the tree/s root system is maintained. Details for the paving shall be submitted to the Principal Certifying Authority for approval by a suitably qualified professional prior to the commencement of paving construction:

Tree/Location	Radius From Trunk
<i>Eucalyptus saligna</i> (Sydney Blue Gum) Tree 1/ north-east corner of site, nature strip	5m
<i>Eucalyptus saligna</i> (Sydney Blue Gum) Tree 11/ western boundary, nature strip	6m
<i>Eucalyptus saligna</i> (Sydney Blue Gum) Tree 22, south-east corner, adj property	8m

54. No mechanical excavation of the proposed structure shall be undertaken within the specified radius of the trunk/s of the following tree/s until root pruning by hand along the perimeter line of such works is completed:

Tree/Location	Radius From Trunk
<i>Eucalyptus saligna</i> (Sydney Blue Gum) Tree 11/ western boundary, nature strip	6m
<i>Jacaranda mimosifolia</i> (Jacaranda) Tree 24, eastern bdy, adj property	4m

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

Tree/Location	Radius From Trunk
<i>Eucalyptus saligna</i> (Sydney Blue Gum) Tree 1/ north-east corner of site, nature strip	5m
<i>Eucalyptus saligna</i> (Sydney Blue Gum) Tree 11/ western boundary, nature strip	6m
<i>Eucalyptus saligna</i> (Sydney Blue Gum) Tree 19, south-west corner, adj property	9m
<i>Eucalyptus pilularis</i> (Blackbutt) Tree 20, south-west corner, adj property	10m
<i>Eucalyptus pilularis</i> (Blackbutt) Tree 21, south-west corner, adj property	8m
<i>Eucalyptus saligna</i> (Sydney Blue Gum) Tree 22, south-east corner, adj property	8m
<i>Liquidambar styraciflua</i> (Liquidambar) Tree 23, south-east corner, adj property	7m
<i>Jacaranda mimosifolia</i> (Jacaranda) Tree 24, eastern bdy, adj property	4m

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56. 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 surface at the tree/s to minimise damage to tree/s root system. Documentary evidence of compliance with this condition shall be submitted to Council with the final Certificate of Compliance.

Tree/Location	Radius From Trunk
<i>Eucalyptus saligna</i> (Sydney Blue Gum) Tree 1/ North-east corner of site, nature strip	5m
<i>Eucalyptus saligna</i> (Sydney Blue Gum) Tree 11/ western boundary, nature strip	6m
<i>Eucalyptus saligna</i> (Sydney Blue Gum) Tree 19, south-west corner, adj property	9m
<i>Eucalyptus pilularis</i> (Blackbutt) Tree 20, south-west corner, adj property	10m
<i>Eucalyptus pilularis</i> (Blackbutt) Tree 21, south-west corner, adj property	8m
<i>Eucalyptus saligna</i> (Sydney Blue Gum) Tree 22, South-east corner, adj property	8m
<i>Liquidambar styraciflua</i> (Liquidambar) Tree 23, South-east corner, adj property	7m
<i>Jacaranda mimosifolia</i> (Jacaranda) Tree 24, eastern bdy, adj property	4m

57. The applicant shall ensure that at all times during the construction period no activities, storage or disposal of materials shall take place beneath the canopy of any tree protected under Council's Tree Preservation Order.
58. On completion of the landscape works/tree planting or screen planting, a Landscape Architect or qualified Landscape Designer shall submit a report certifying correct installation, faithful to the landscape plan to the Principal Certifying Authority with a copy to Council, prior to issue of final Certificate of Compliance.
59. 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.
60. Stormwater runoff from new hard surfaces generating runoff or landscaped areas that are not at natural ground level shall be piped to the street drainage system. New drainage line connections to the street system shall conform and comply with the requirements described in sections 5.3 and 5.4 of Councils Water Management Development Control Plan 47, available in hard copy at Council and on the Council website.
61. 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.

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62. For stormwater control a 200mm wide grated channel/trench drain with a heavy-duty removable galvanised grate is to be provided in front of the garage door and connected to the main stormwater drainage system. The channel drain shall have outlet of minimum diameter 150mm to prevent blockage by debris.
63. 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.
64. 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.
65. 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.**
66. 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.
67. Driveways and access ramps must be designed not to scrape the underside of cars. In all respects, the proposed vehicle access and accommodation arrangements must be designed and constructed to comply with Australian Standard 2890.1 – 2004 "Off-Street car parking".
68. For the purpose of any inspections by Council engineers, the corresponding fees set out in Councils adopted Schedule of Fees and Charges are payable to Council. A re-inspection fee per visit may be charged where work is unprepared at the requested time of inspection, or

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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.

69. 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 www.sydneywater.com.au then the “e-developer” icon or telephone 13 20 92. Following application a “Notice of Requirements” will detail water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.
70. Stormwater quality control measures as described in chapter 8 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.
71. The geotechnical and hydrogeological works implementation, inspection, testing and monitoring program for the excavation and construction works must be in accordance with the report 37548 by Douglas Partners, and subsequent reports prepared following further investigation. Over the course of the works a qualified geotechnical 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.

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

72. 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.

73. 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

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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).

74. 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.
75. 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.
76. 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.
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 FOUR (4) ADDITIONAL DWELLINGS IS CURRENTLY \$44,630.64. The amount of the payment shall be in accordance with the Section 94 charges as at the date of payment. The charges may vary at the time of payment in accordance with Council's Section 94 Contributions Plan to reflect changes in land values, construction costs and the consumer price index.

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

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

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

OCCUPANCY RATES FOR DIFFERENT DWELLING SIZES

Small dwelling (under 75sqm)	1.27 persons
Medium dwelling (75 - under 110sqm)	1.78 persons
Large dwelling (110 - under 150sqm)	2.56 persons
Very Large dwelling (150sqm or more)	3.48 persons
New Lot	3.48 persons
SEPP (Seniors Living) Dwelling	1.3persons

78. The Construction Certificate shall not be released until a Site Management Plan is submitted to the Principal Certifying Authority and approved by a suitably qualified professional.

The plan shall indicate the planned phases of the construction work, erosion and drainage management, tree protection measures, areas nominated for storing materials, site access and where vehicle parking is proposed, during construction.

79. An amended landscape plan and specification of the proposed landscape works for the site shall be prepared in accordance with Council's Development Control Plan No 38, by a Landscape Designer to enhance the amenity of the built environment and protect the Ku-ring-gai landscape character. The plan must be submitted to is submitted to the Principal Certifying Authority and approved prior to release of Construction Certificate
80. The property shall support a minimum number of 10 trees that will attain 13.0 metres in height on the site, to preserve the tree canopy of Ku-ring-gai, in accordance with Council's policy of Tree Retention/Replenishment on Residential Allotments adopted 26 April 1988. The existing tree/s, and additional tree/s to be planted, shall be shown on the Landscape Plan/Site Plan. The plan shall be submitted to the Principal Certifying Authority and approved prior to release of Construction Certificate.
81. The 7 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.

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

Fifty percent (50%) of the bond will be refunded upon issue of the final Certificate of Compliance, where landscape works as approved have been satisfactorily installed. The balance of the bond will be refunded 3 years after issue of the building certificate, where landscape works has 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.

83. A CASH BOND/BANK GUARANTEE of \$2 000.00 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 final Certificate of Compliance, 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	Radius From Trunk
<i>Eucalyptus saligna</i> (Sydney Blue Gum) Tree 11/ western boundary, nature strip	6m

84. To preserve the following tree/s, footings of the proposed Villa 3 shall be isolated pier or pier and beam construction within the specified radius of the trunk/s. The piers shall be located such that no roots of a diameter greater than 50mm shall be severed or injured in the process of any site works during the construction period. The beam shall be located on or above existing soil levels.

The location and details of the footings shall be submitted to Council's Landscape Development Officer and be approved prior to release of the Construction Certificate.

Tree/Location	Radius in Metres
<i>Eucalyptus saligna</i> (Sydney Blue Gum) Tree 19, south-west corner, adj property	9m
<i>Eucalyptus pilularis</i> (Blackbutt) Tree 20, south-west corner, adj property	10m

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85. 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 (PCA). 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 parking slab. The driveway profiles must demonstrate the following:
- a. That vehicular access can be obtained using grades of 25% (1 in 4) maximum and
 - b. That all changes in grade (transitions) comply with Australian Standard 2890.1 –“Off-street car parking” (refer clause 2.5.3) to prevent the scraping of the underside of vehicles.
 - c. That the transition between the vehicular crossing and the entry driveway (maximum slope 5% for the first 6 metres inside the property boundary) will not result in the scraping of the underside of vehicles.

The longitudinal sections must incorporate the driveway crossing levels as issued by Council upon prior application.

86. Prior to issue of the Construction Certificate, submission of details and certification by a qualified civil/traffic engineer, for approval by the Principal Certifying Authority (PCA), that the parking provisions provided in common areas and within private parking areas comply with the following standards:
- a. The State Environmental Planning Policy for Seniors Living (particularly relating to height clearances and space dimensions) and
 - b. Australian Standard 2890.1 – 2004 “Off-street car parking”.
87. Prior to issue of the Construction Certificate the applicant shall submit, for approval by the Principal Certifying Authority (PCA), a Soil and Erosion Control Plan prepared in accordance with the Landcom document “Managing Urban Stormwater – Soils and Construction, Volume 1” (2004). A suitably qualified and experienced civil/environmental engineer or surveyor shall prepare this plan in accordance with the above guidelines and section 8.2.1 of Councils Water Management DCP 47 (available on the Council website). The design may be based on the concept plans 352394 C4 and C5 by AFCE Environment + Building, advanced for construction purposes.
88. Prior to issue of the Construction Certificate the applicant shall submit, for approval by the Principal Certifying Authority (PCA), details for the proposed method of achieving Council requirements for the mandatory re-use of water on the property including garden irrigation, laundry and toilet flushing. The necessary pumping, housing, filtration and delivery plumbing equipment for re-use shall be shown on this design. The plans, with all supporting documentation, are to be prepared by a qualified and experienced civil/hydraulic engineer. These details may be incorporated on the overall stormwater management plan and design for the retention/detention system.
89. Prior to issue of the Construction Certificate the applicant shall submit, for approval by the Principal Certifying Authority (PCA), construction design drawings and calculations for the property drainage system components, including stormwater quality control measures. The

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property drainage system (including but not limited to gutters, downpipes, pits, joints, flushing facilities and all ancillary plumbing) shall be designed for a 235mm/hour rainfall intensity for a duration of five (5) minutes (1:50 year storm recurrence) and shall be compatible with the necessary retention and/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.

90. The Applicant must carry out the following infrastructure works in the Public Road:

Construct footpaths to Council's specification between the subject site and the nearest footpath, whether outside 50 Pentecost Avenue or 46-48 Pentecost Avenue.

Development Consent under the EP&A Act does NOT give approval to these works on Council property. **THE APPLICANT MUST OBTAIN A SEPARATE APPROVAL UNDER SECTION 138 AND 139 OF THE ROADS ACT 1993** for the works in the Public Road, required by this condition. The Construction Certificate must not be issued, and these works must not proceed, until Council has issued a formal written consent under the *Roads Act 1993*.

To obtain consent under the *Roads Act 1993* for the infrastructure works on Council property, full engineering drawings (plans, sections and elevations) and specifications for the infrastructure works are to be prepared by a suitably qualified and experienced consulting civil engineer. These must be submitted and approved by Council prior to issue of the Construction Certificate. Construction of the works must proceed in accordance with any conditions attached to the Council *Roads Act 1993* approval.

All works are to be designed in accordance with Council's "Specification for Road and Drainage Works". In addition, the drawings must detail existing services and **trees affected by the works**, erosion control requirements and traffic management requirements during the course of works. Traffic management is to be certified on the drawings as being in accordance with the documents SAA HB81.1 - 1996 - Field Guide for Traffic Control at Works on Roads - Part 1 and RTA Traffic Control at Work Sites (1998).

NOTE 1: A minimum of three (3) weeks will be required for assessment of Roads Act submissions. Early submission is highly recommended to avoid delays in obtaining a Construction Certificate.

NOTE 2: An engineering assessment fee (set out in Council's adopted fees and charges) is payable and Council will withhold any consent and approved plans until full payment of the correct fees.

NOTE 3: Plans and specifications must be marked to the attention of Council's Development Engineers. In addition, a copy of this condition must be provided, together with a covering letter stating the full address of the property and the accompanying DA number.

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91. **Prior** to the issue of a Construction Certificate the applicant shall lodge a \$10,000 bond with Council. This bond is to cover the restoration by Council of any damage to public infrastructure, caused as a result of construction works, in close proximity to the subject development. The bond will also cover the finishing of any incomplete works required in the road reserve under this consent and/or as part of the approved development. The bond shall be refundable following completion of **all** works relating to the proposed development or at the end of any maintenance period stipulated by consent conditions upon approval by Council's Engineers. Further, Council shall have full authority to make use of the bond for such restoration works as deemed necessary by Council in the following circumstances:
 - a. Where the damage constitutes a hazard in which case Council may make use of the bond immediately, and
 - b. The applicant has not repaired nor commenced repairing the damage within 48 hours of the issue by Council in writing of instructions to undertake such repairs or works.
92. Prior to issue of the Construction Certificate the applicant shall submit, for approval by the Principal Certifying Authority (PCA), full construction drawings for the proposed method of achieving Council storage volume requirements for an on-site stormwater detention/retention system. The design may be generally based on the concept plan 352394 C1 to C3 by AFCE Environment + Building, advanced for construction purposes. The storage volumes and design shall comply with Councils Water Management DCP 47 (available on the Council website and at Council customer services), the manufacturers' specifications and the relevant plumbing codes. Rainwater tank(s) shall be designed to capture and retain runoff from a minimum 100m² roof area for each 5000 litres of storage. Overflow shall revert to the main drainage system. **Water quality measures are to be included as required by DCP47.** 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.
93. Prior to issue of the Construction Certificate footpath and driveway levels for the new vehicular crossing between the property boundary and road alignment must be obtained from Council. The footpath crossing is to be constructed according to Council's specifications "Construction of Gutter Crossings and Footpath Crossings". These are issued with alignment levels after completing the necessary application form at Customer Services and payment of the adopted fee.

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

Note 1: The construction of footpaths and driveways outside the property, in materials other than those approved by Council, is not permitted and Council may require immediate removal of unauthorised installations.

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Note 2: When completing the request for driveway levels application from Council, the applicant must attach a copy of the relevant Development Application drawing which indicates the position and proposed level of the proposed driveway at the boundary alignment. Failure to submit this information may delay processing.

CONDITIONS TO BE COMPLIED WITH PRIOR TO WORK COMMENCING

94. 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.

95. 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 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
<i>Eucalyptus saligna</i> (Sydney Blue Gum) Tree 19, south-west corner, adj property	4m
<i>Eucalyptus pilularis</i> (Blackbutt) Tree 20, south-west corner, adj property	6m
<i>Eucalyptus pilularis</i> (Blackbutt) Tree 21, south-west corner, adj property	7m
<i>Eucalyptus saligna</i> (Sydney Blue Gum) Tree 22, south-east corner, adj property	6m
<i>Jacaranda mimosifolia</i> (Jacaranda) Tree 24, eastern bdy, adj property	2m

96. To preserve the following tree, no work shall commence until the area beneath the canopy of the following tree excluding the driveway is fenced off for the specified radius from the trunk to prevent any activities, storage or the disposal of any materials within the fenced area. The location of the fence is to allow for a minimum 1.2m pedestrian access at all times. The fence shall be maintained intact until the completion of all demolition/building work on site.

Tree/Location	Radius in metres
<i>Eucalyptus saligna</i> (Sydney Blue Gum) Tree 11/ western boundary, nature strip	6m

97. 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.
98. Upon completion of the installation of the required tree protection measures you are required to contact Council on telephone 9424 0888 or facsimile 9418 1117 to arrange an inspection of the site, in this regard a minimum of 24 hours notice is required. 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.

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CONDITIONS TO BE COMPLIED WITH PRIOR TO THE ISSUE OF THE FINAL COMPLIANCE CERTIFICATE

99. Low level lighting shall be provided along the entrance pathway and the driveway to the front entries of each unit in accordance with the requirements of SEPP Seniors Living 2004. The lighting must provide at least 50 lux at ground level. Documentary evidence of such is to be submitted to the Principal Certifying Authority prior to the issue of the Occupation Certificate.
100. To ensure compliance with the requirements of SEPP Seniors Living 2004 and the documentation submitted with the development application the garages shall be provided with a power operated roller door. Additionally the visitor car parking spaces shall have a minimum dimension of 6 x 3.2 metres 98.
101. To ensure compliance with the requirements of SEPP Seniors Living 2004, every entry must have an entry door handle and other hardware that complies with AS 1428. Additionally all exterior doors for each dwelling shall be keyed alike. The entrance must comply with clauses 4.3.1 and 4.3.2 of AS 4299. Documentary evidence shall be submitted prior to the release of an Occupation Certificate.
102. To ensure compliance with the requirements of SEPP Seniors Living 2004, each interior door must have a clearance of at least 820 millimetres, internal corridors must have a width of at least 1000mm and the width at internal door approaches must be at least 1200mm. Documentary evidence shall be submitted prior to the release of an Occupation Certificate.
103. To ensure compliance with SEPP Seniors Living 2004, the living room must have a circulation space of at least 2250mm in diameter as set out in clause 4.7 of AS4299 and a telephone adjacent to a general power point. Additionally the living and dining room must have a potential illumination of at least 300 lux.
104. To ensure compliance with the requirements of Clause 61 of SEPP Seniors Living 2004 the kitchen shall meet the following requirements:
 - a. a width of at least 2.7 metres and a clear space between benches of at least 1 450 millimetres, and
 - b. a width at door approaches of at least 1 200 millimetres, and
 - c. benches that include at least one work surface:
 - i. that is at least 800 millimetres in length, and
 - ii. the height of which can be adjusted from 750 millimetres to 850 millimetres, and
 - d. a tap set:
 - i. that is located within 300 millimetres of the front of the sink, and
 - ii. that is a capstan tap set or that comprises lever handles or a lever mixer, and
 - e. a thermostatic mixing valve for the hot water outlet, and
 - f. cook tops:
 - i. with either front or side controls, and
 - ii. with controls that have raised cross bars for ease of grip, and

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- iii. that include an isolating switch, and
- g. a worksurface adjacent to the cook top and at the same height and that is at least 800 millimetres in length, and h. an oven that is located adjacent to a worksurface the height of which can be adjusted, and
- h. ``D'' pull cupboard handles that are located towards the top of below-bench cupboards and towards the bottom of overhead cupboards, and
- j. general power outlets: at least one of which is a double general power outlet within 300 millimetres of the front of a work surface, and one of which is provided for a refrigerator in such a position as to be easily accessible after the refrigerator is installed.

Documentary evidence shall be submitted prior to the release of an Occupation Certificate.

105. To ensure compliance with SEPP Seniors Living 2004, the main bedroom shall be provided with
- a. 2 double general power outlets on the wall where the head of the bed is likely to be;
 - b. at least one general power outlet on the wall opposite the wall where the head of the bed is likely to be;
 - c. a telephone outlet next to the bed on the side closest to the door and a general power outlet beside the telephone outlet and a potential illumination level of at least 300 lux.
 - d. The bedroom must have an area sufficient to accommodate a wardrobe and a queen-size bed with a clear area at least 1200mm wide at the foot of the bed.

Documentary evidence shall be submitted prior to the release of an Occupation Certificate.

106. To ensure compliance with the requirements of clause 63 the bathrooms must comply with the following:
- a. an area that complies with AS 1428, and
 - b. a slip-resistant floor surface, and
 - c. a shower:
 - i. the recess of which is at least 1 160 millimetres × 1 100 millimetres, or that complies with AS 1428, or that complies with clause 4.4.4 and Figures 4.6 and 4.7 of AS 4299, and
 - ii. the recess of which does not have a hob, and
 - iii. that is waterproofed in accordance with AS 3740, and
 - iv. the floor of which falls to a floor waste, and
 - v. that can accommodate a grab rail that complies with Figure 4.6 of AS 4299 and AS 1428, and
 - vi. that has a tap set that is a capstan tap set or that comprises lever handles and that has a single outlet, and
 - vii. that has the tap set positioned so as to be easily reached from the entry to the shower, and
 - viii. that can accommodate an adjustable, detachable hand-held shower rose mounted on a slider grab rail or a fixed hook, and
 - ix. that can accommodate a folding seat that complies with Figure 4.6 of AS 4299, and

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- d. thermostatic mixing valves for all hot water outlets, and
 - e. a washbasin with clearances that comply with Figure 4.4 of AS 4299, and
 - f. a wall cabinet that is sufficiently illuminated to be able to read the labels of items stored in it, and
 - g. a mirror, and
 - h. a double general power outlet beside the mirror.
107. To ensure compliance with SEPP Seniors Living 2004, the laundry within each dwelling shall have a thermostatic mixing valve for all hot water outlets and a slip-resistant floor surface. There must also be a clear space in front of appliances of at least 1300 mm.
108. To ensure compliance with clause 68 a self-contained dwelling must be provided with a lined cupboard that is:
- a) able to be operated with one hand, and
 - b) located between 900mm and 1100mm above floor level.
109. To ensure compliance with SEPP Seniors Living 2004, door handles for opening doors must be able to be operated with one hand and located between 900mm and 1100mm above floor level.
110. To ensure compliance with SEPP Seniors Living 2004, all balconies and external paved areas must have slip resistant surfaces and switches must be located between 900mm and 1100mm above floor level. General purpose outlets must be located at least 600mm above floor level.
111. To ensure compliance with SEPP Seniors Living 2004, switches must be located between 900mm and 1100mm above floor level. General purpose outlets must be located at least 600mm above floor level.
112. "Peep holes" shall be provided to the entrance doors of units 2, 3 and 5 for personal security.
113. To ensure compliance with SEPP Seniors Living 2004, street signage incorporating house numbers must be provided at each intersection.
114. To ensure compliance with SEPP Seniors Living 2004, every entry (whether a front entry or not) to a self-contained dwelling, not being an entry for employees:
- a) Must not have a slope that exceeds 1:40; and
 - b) Must comply with clause 4.3.1 and 4.3.2 of AS 4299, and
 - c) Must have an entry door handle and other hardware that complies with AS 1428.
115. To ensure compliance with SEPP Seniors Living 2004, an outside garbage storage area must be provided in an accessible location.
116. To ensure compliance with SEPP Seniors Living 2004, each self-contained dwelling must have a toilet on the ground floor:

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- a) That is a visitable toilet within the meaning of clause 1.4.12 of AS 4299, and
- b) That is installed in compliance with AS 1428, and
- c) That has a slip-resistant floor surface, and
- d) The WC pan of which is located from fixed walls in accordance with AS 1428, and
- e) That can accommodate a grab rail that complies with Figure 4.5 of AS 4299 and AS 1428.

CONDITIONS TO BE COMPLIED WITH PRIOR TO OCCUPATION

117. Prior to the release of any occupation certificate, a compliance certificate must be obtained from an accredited certifier, certifying that the building works for the building to be occupied comply with the plans and specifications approved by this development consent; and any construction certificate associated with this consent for the buildings to be occupied. If the PCA is not the Council, then this compliance certificate must be submitted to the Council at the same time as the occupation certificate is submitted to the Council in accordance with Clause 151(2) of the E P & A Act regulations.
118. Prior to issue of an Occupation 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 areas 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 integration of levels and materials.
 - c. Any sections of damaged grass verge are to be fully 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. This shall be at no cost to Council.

119. Prior to issue of an Occupation Certificate, 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 on-site stormwater detention/retention and re-use facilities on the property. The terms of the instruments are to be generally in accordance with the Council's "draft terms of Section 88B instrument for protection of on-site detention facilities" (available from Council on request) and to the satisfaction of Council. Registered title documents showing the covenants and restrictions must be submitted and approved by the Principal Certifying Authority (PCA) prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate.

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/ retention facility, in relation

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to the building footprint, must be shown on a scale sketch, attached as an annexure to the request forms.

120. Prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate, the following must be provided to Council (attention Development Engineer):
- a. A copy of the approved Construction Certificate stormwater detention/retention design for the site, and
 - b. A copy of the works-as-executed drawing of the as-built on-site detention/retention system, and
 - c. The Engineer's certification of the as-built system.

This condition is required so Council may maintain its database of as-constructed on-site stormwater detention/ retention systems, and also applies if the Principal Certifying Authority (PCA) is not the Council.

121. Prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate, the approved road, footpath and/or drainage works must be completed in the road reserve, in accordance with the Council approved *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 in full to the satisfaction of Council's Engineers. The supervising consulting engineer is to provide certification upon completion that the works were constructed in accordance with the Council approved drawings. The works are also to be subject to inspection by Council at the hold points noted on the approved drawings. Any conditions attached to the approved drawings for these works must be met in full.
122. Prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate, the Section 73 Sydney Water compliance certificate must be obtained and submitted to the Principal Certifying Authority (PCA).
123. Prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate (and at the completion of works), the applicant shall submit to the Principal Certifying Authority (PCA) certification from a suitably qualified and experienced traffic/civil engineer, that:
- a. The dimensions of all as-constructed private car parking spaces meet the dimension requirements of the Seniors Living SEPP (as last amended), and
 - b. The as-constructed car park complies with the approved Construction Certificate plans, and
 - c. The vehicular headroom requirements of:
 - the Seniors Living SEPP (as last amended) for accessible parking spaces, and
 - Australian Standard 2890.1 - "Off-street car parking", andare met from the public street into and within the applicable areas of the basement car park, and

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- d. The gradients of the constructed access driveway from the public street to the basement car park are in accordance with AS2890.1 and will not result in the scraping of the underside of cars.

124. Prior to issue of an Occupation Certificate, Certification and a Works-as-Executed (WAE) plan, in relation to the as-built on-site detention/ retention and re-use are to be submitted to the Principal Certifying Authority (PCA) for approval. Certification is to be provided by a suitably qualified consulting civil/hydraulic engineer and the WAE plan is to be prepared by a registered surveyor.

The certificate is to specifically acknowledge compliance of the on-site detention system with the approved Construction Certificate plans and also compliance with the design requirements of appendix 5 in Councils Water Management DCP 47 - "Design of on-site detention systems". The Works-as-Executed details shall be marked in red on the approved Construction Certificate design for the on-site detention system, and shall specifically include:

- As constructed levels in comparison to design levels
- As built location of all detention devices on the property (plan view) and distances to nearest adjacent boundaries, buildings and easements
- As built locations of all 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 detention storage and derivative calculation.
- The maximum depth of storage over the outlet control.
- Top water levels of storage areas and RL's at overflow point(s)

125. Prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate (and at the completion of works), the applicant shall submit certification from a consulting civil/hydraulic engineer to the Principal Certifying Authority (PCA), that:
- a. Construction of the stormwater drainage system (including but not limited to gutters, downpipes, pits, joints, flushing facilities and all ancillary plumbing) has been carried out by a licensed plumbing contractor, and
 - b. The works have been completed in accordance with the approved Construction Certificate drainage plans and the Plumbing and Drainage Code AS3500, 3.2, and
 - c. 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.

A Works-as-Executed (WAE) drawing of the property stormwater drainage system is to be prepared by a registered surveyor and submitted to the Principal Certifying Authority (PCA) prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate. The WAE plan shall show the following as built details, marked in red on the approved construction certificate stormwater drawings:

- a. As built reduced surface and invert levels for all drainage pits and connection points.

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- b. As built reduced level(s) at the approved point of discharge to the public drainage system.
 - c. Gradients of drainage lines, materials and dimensions.
126. Prior to issue of the occupation certificate, the creation of a Restriction-on-Use under the Conveyancing Act, restricting the occupation of the premises to:
- a. People aged 55 years or over, or people with a disability as defined by the provisions of the State Environmental Planning Policy for Seniors Living.
 - b. People who live with such people as defined in (a) above.
 - c. Staff employed to assist in the administration of and provision of services to housing provided in this development.
127. Prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate (and at the completion of the works) the Applicant shall submit to the Principal Certifying Authority (PCA) a follow up dilapidation report on the visible and structural condition of the existing structures originally assessed at 50 Pentecost Avenue:

The Report must be completed by a practicing consulting structural engineer and be submitted for Council records prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate.

If the structure(s) have been demolished under a separate development consent, then no follow-up report is required.

BUILDING CONDITIONS

128. The building works are to be inspected during construction by the Council, an accredited certifier or other suitably qualified person/s (as applicable) and documentary evidence of compliance with the relevant terms of the approval/standards of construction detail in the Building Code of Australia is to be obtained prior to proceeding to the subsequent stages of construction, encompassing not less than the following stages:
- a. Reinforcement AND circulation lines in position prior to any concrete being poured, placed or sprayed.
 - b. Drainage lines and circulation lines outside the pool area prior to any backfilling.
 - c. Safety fences, gates and latches erected and installed - pools are not to be filled unless a satisfactory inspection of the pool fencing has been made.
 - d. Final Inspection - on completion when all conditions of approval have been met including soundproof enclosures, resuscitation posters, depth markers installed and all landscaping completed.

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

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

129. The following are required details and must be submitted to the Principal Certifying Authority *prior to issue of the Construction Certificate*. Any matter listed below must have a Certificate attached from a suitably qualified person to the effect that the design or matter complies with the relevant design Standard or Code which the Certificate must identify.
- a. Details prepared by a practicing structural engineer for all or any reinforced concrete, structural steel or timber framing.
 - b. Wind bracing details complying with AS 1684-1992 National Timber Framing Code, AS 1170.2-1989 Wind Load Code or AS 4055-1992 Wind Loads for Housing Code.
 - c. Upper floor joist details, engineered or complying with AS 1684-1992 National Timber Framing Code.
 - d. Retaining walls and associated drainage.
 - e. Wet area waterproofing details complying with the Building Code of Australia.
 - f. Mechanical ventilation details complying with Australian Standard 1668-1993 Mechanical Ventilation & Airconditioning.
 - g. Glazing details complying with AS 1288-1989 Glass in Buildings and Installation Code.
 - h. Stormwater disposal details complying with Council's Stormwater Management Manual and/or other conditions of this consent.
130. Any mechanical ventilation installed in a dwelling shall comply with the requirements of Part 3.8.5.0 of the Building Code of Australia Housing Provisions. Documentary evidence of compliance is to be obtained from a suitably qualified person and submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate.
131. To ensure compliance with this determination the building shall be set out by a Registered Surveyor and the Survey Report shall be lodged with the Principal Certifying Authority prior to the external wall construction proceeding above floor level.
132. To ensure compliance with this determination a Registered Surveyor's Report confirming reduced levels as shown on the approved plans with particular regard to the future finished level of the ground floor shall be submitted to the Principal Certifying Authority on completion of that floor.
133. All structural timber members subject to weather exposure shall have a durability class rating of 2 or better in accordance with Australian Standard 1684.2-1999 (National Timber Framing Code), or be preservative treated in accordance with Australian Standard 1604-1980 (Preservative Treatment for Sawn Timbers, Veneers and Plywood).
134. For the purpose of safety and convenience a balustrade of 1.0 metre minimum height shall be provided to any landing, verandah, balcony or stairway of a height exceeding 1.0 metre above finished ground level. The design may consist of vertical or horizontal bars but shall not have any opening exceeding 125mm. For floors more than 4.0 metres above the ground, any horizontal elements within the balustrade or other barrier between 150mm and 760mm above the floor must not facilitate climbing.

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135. For the purpose of safe ingress and egress the stairs are to be constructed within the following dimensions:

Risers:	Maximum 190mm	Minimum 115mm
Going (Treads):	Maximum 355mm	Minimum 240mm

Note: Dimensions must also comply with limitations of two (2) Risers and one (1) going equalling a maximum 700mm or minimum 550mm. The Risers and Goings shall be uniform throughout the length of the stairway.

136. For fire safety an automatic fire detection and alarm system shall be installed throughout the dwelling in accordance with the following requirements:

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

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

137. The following are required details and must be submitted to the Council on completion of the works. Any matter listed below must have a Certificate attached from a suitably qualified person to the effect that the design or matter complies with the relevant design Standard or Code which the Certificate must identify.
- a. Wet area waterproofing details complying with the Building Code of Australia.
 - b. Mechanical ventilation details complying with Australian Standard 1684 Mechanical Ventilation & Airconditioning.
 - c. Glazing details complying with AS 1288-1989 Glass in Buildings and Installation Code.
 - d. Stormwater disposal details complying with Council's Stormwater Management Manual and/or other conditions of this consent.
 - e. Waterproofing of walls/floors below ground level to prevent the entry of water into the building.

C Otto
Executive Assessment Officer

S Segall
Acting Team Leader
Development Assessment - Central

M Prendergast
Manager
Development Assessment Services

M Miocic
Director
Development & Regulation

Attachments: **Locality plan**
 Architectural plans
 Stormwater plan
 Landscape plan
 Survey plan

DEVELOPMENT APPLICATION

SUMMARY SHEET

REPORT TITLE:	23A WERONA AVENUE, KILLARA - CONSTRUCTION OF A SEPP (SENIORS LIVING) 2004 DEVELOPMENT COMPRISING OF THE CONVERSAION OF THE FORMER KILLARA POST OFFICE TO A DWELLING AND THE CONSTRUCTION OF FOUR (4) ADDITIONAL UNITS WITH BASEMENT PARKING FOR EIGHT (8) VEHICLES AND LANDSCAPING.
WARD:	Gordon
DEVELOPMENT APPLICATION N^o:	429/04
SUBJECT LAND:	23A Werona Avenue, Killara
APPLICANT:	Impact Construction Management Pty Ltd
OWNER:	Hyatt Properties Pty Ltd, Tabuada Pty Ltd, R & Y Eichorn and V Volikas.
DESIGNER:	Architecture Unlimited Pty Ltd
PRESENT USE:	Vacant Killara Post Office
ZONING:	Special Uses 5(A) Post Office
HERITAGE:	Draft heritage listing - LEP 19
PERMISSIBLE UNDER:	Ku-ring-gai Planning Scheme Ordinance
COUNCIL'S POLICIES APPLICABLE:	Ku-ring-gai Planning Scheme Ordinance, DCP 31 – Access, DCP 40 – Waste Management, DCP 43 – Car Parking
COMPLIANCE WITH CODES/POLICIES:	No
GOVERNMENT POLICIES APPLICABLE:	SEPP 1 Development Standards SEPP (Seniors Living) 2004 SEPP 55 - Remediation of Land
COMPLIANCE WITH GOVERNMENT POLICIES:	No
DATE LODGED:	29 April 2004
40 DAY PERIOD EXPIRED:	8 June 2004
PROPOSAL:	Construction of a SEPP (Seniors Living) 2004 development comprising of the conversion of the former Killara Post Office to a dwelling and the construction of four (4) additional units with basement parking for eight (8) vehicles and landscaping.
RECOMMENDATION:	Approval

DEVELOPMENT APPLICATION N^o 429/04
PREMISES: 23A WERONA AVENUE, KILLARA
PROPOSAL: CONSTRUCTION OF A SEPP (SENIORS LIVING) 2004 DEVELOPMENT CONSISTING OF THE CONVERSION OF THE FORMER KILLARA POST OFFICE TO A DWELLING AND THE CONSTRUCTION OF FOUR (4) ADDITIONAL UNITS WITH BASMENT PARKING FOR EIGHT (8) VEHICLES AND LANDSCAPING.

APPLICANT: IMPACT CONSTRUCTION MANAGEMENT PTY LTD
OWNER: HYATT PROPERTIES PTY LTD
DESIGNER ARCHITECTURE UNLIMITED PTY LTD

PURPOSE FOR REPORT

To determine development application No DA 429/04, which seeks consent for the conversion of the former Killara Post Office to a dwelling and the construction of four (4) additional units under the provisions of SEPP (Seniors Living) 2004 development

EXECUTIVE SUMMARY

Issues: Resident issues and compliance with SEPP (Seniors Living) 2004.

Submissions: Two (2) submissions received

Land and Environment Court Appeal: N/A

Recommendation: Approval

HISTORY

Property history:

The site was previously used as Killara Post Office and now remains unoccupied. There is no history of the site relevant to the subject development application.

Development application history:

29 April 2004 Development application lodged.

19 May 2004-18 June 2004 Notification period.

Item 2

5 November 2004	Request for additional information in relation to impact on heritage significance and compliance with Clauses 25, 33, 52, 56, 57 and 81 of SEPP (Seniors Living) 2004.
15 December 2004	Submission of additional report from access consultant in relation to additional information request.
31 December 2004	Final request for remaining outstanding information.
31 January 2005	Meeting with applicants to discuss outstanding issues and resolve heritage concerns.
8 March 2005	Additional information and amended plans received.
22 March 2005	Further information received.

THE SITE AND SURROUNDING AREA

The site

Zoning:	Special Uses 5(A) Post Office
Visual Character Study Category:	1920-45
Lot Number:	9
DP Number:	1012535
Area:	1081m ²
Side of Street:	Eastern side of Werona Avenue
Cross Fall:	To the south-east
Stormwater Drainage:	to the street
Heritage Affected:	Yes (Draft LEP 19)
Bush Fire Prone Land:	No
Endangered Species:	No
Urban Bushland:	No
Contaminated Land:	No

The site comprises a single allotment identified as Lot 9 in DP 1012535, known as 23A Werona Avenue, Killara. The property is a corner allotment with street frontage to Locksley Street to the north and Werona Avenue to the west. No easements or covenants burden the site.

The site is presently occupied by the former Killara Post Office buildings consisting of the elevated shop front, brick and tile single storey building on the north-western corner of the site and behind that to the east and set down at a lower level, a weatherboard building. To the south of the Post Office is an open parking area. Vehicular access to the site is presently provided from Werona Avenue to the south of the main post office building.

The site has remnant species from the Blue Gum High Forest vegetation community at the southern end of the site. The proposed development will remove eighteen (18) of the twenty-six (26) trees.

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Surrounding development

The surrounding development consists of a mix of single dwellings and residential flat buildings identified in Council's Visual Character Study as built between 1920 and 1945.

To the immediate west, is the Killara Railway Station, with direct pedestrian access across a walkway over to the rail line.

To the immediate south and east of the subject site, are single dwellings with substantial screen planting between along the adjoining boundary of the subject site.

The surrounding land was rezoned with the gazettal of LEP 194, to permit higher density living along the Pacific Highway and rail corridor. The surrounding properties are now zoned as follows:

Address	Zoning
25 Werona Avenue (also known as 2-4 Locksley Avenue - 'Maple House')	Heritage Listed (Residential 2(b) zone
6 Locksley Street	Residential 2(c2)
1 Locksley Street	Residential 2 (c2)
23 Werona Avenue	Residential 2(d3)

THE PROPOSAL

The proposal is to construct a SEPP (Seniors Living) 2004 development consisting of the conversion of the former Killara Post Office to a single dwelling and construction four (4) additional units with basement parking for eight (8) vehicles, vehicular access off Werona Avenue and landscaping.

Details of the proposed development are as follows:

Unit 1 is south-facing, ground floor unit, containing two (2) bedrooms, one with private ensuite, bathroom, laundry, kitchen, family, dining and living area and deck that opens to the south-east. The unit is accessed via the basement car park and also by a private pedestrian pathway directly off Werona Avenue. Unit 1 is a fully accessible unit.

Unit 2 is north-facing, ground floor unit facing directly to Locksley Street with private pedestrian access from Locksley Street. The unit has two (2) bedrooms one with private ensuite, dining room, living room, kitchen, bathroom, laundry and two outdoor areas.

A raised timber terrace is accessed directly off the living area and wraps around to the east near the proposed kitchen servery. To the south of the dining area, is a small courtyard that faces towards Werona Avenue and also provides direct (non accessible) pedestrian access to the unit.

Unit 3 is south-facing and located directly above Unit 1 on the first floor. The unit has two (2) bedrooms, one with private ensuite, bathroom, laundry, kitchen, dining room, family and living areas and small deck to the south of the living/family room. This unit is accessible either directly off Werona Avenue through the lobby or via the proposed lift from the basement car park.

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Unit 4 is north-facing and located directly above Unit 2, facing Locksley Street on the first floor. The unit has two (2) bedrooms, one with private ensuite, bathroom, dining room, living/family room, kitchen and laundry. A small balcony is located to the immediate north of the family/living room overlooking Locksley Street.

Unit 5 is the converted existing Killara Post Office on the most north-western corner of the site. It is a one (1) bedroom unit with bathroom/laundry, family room, dining/living area and kitchen. Access off the eastern side of the living/dining room is a terrace located above ground level and facing directly towards Locksley Street. A secondary outdoor area is provided to the west of the proposed family room in the present location of the entrance to the post office building. Glass screening is proposed along this courtyard to provide privacy and security from the street.

Access to all the units (apart from Unit 5) is via the lift or stairwell from the basement.

Basement car parking is also proposed on the site with access directly off Werona Avenue just to the south of the existing Killara Post Office. Two-way access is proposed, with parking for eight (8) vehicles, including visitor parking. The basement car parking is also proposed to be constructed directly beneath the existing brick post office building. A report on structural feasibility prepared by Low & Hooke Partners, dated March 2004 has been submitted with the development application advising on the proposed construction method to retain the post office with construction of a basement car park beneath.

The most southern-most corner of the site is proposed to be landscaped to retain and enhance the existing native planting. No communal outdoor entertaining areas are proposed.

CONSULTATION - COMMUNITY

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

In response, two (2) submissions from the following were received:

Original scheme dated 2 April 2004

1. *D Schamschula, 21 Werona Avenue, Killara*
2. *B Booth, 4 Arnold Street, Killara*

The submissions raised the following issues:

The bedrooms for the proposed development are small and would not provide appropriate wheelchair access.

The access report prepared by Disability Access Consultants Pty Ltd, dated 19 April 2004, indicates that the proposed bedroom sizes would comply with the appropriate Australian standard. It is also noted that Unit 1 has been designed to be the accessible unit.

Difficulty in maintaining pedestrian access during construction.

A Traffic Control Plan is required to be submitted prior to the issue of the Construction Certificate (refer Condition No 101).

The existing bus stop on Locksley Street does not allow cars to manoeuvre around in a safe manner.

The existing bus stop to the immediate north of the site on Locksley Street does not allow vehicles to easily pass it, when standing at the bus stop without the cars having to cross the centre line in order to pass the bus.

Pedestrian access should not be blocked along the footpath during construction.

While no details have been provided in relation to the management of the site during construction, given the proximity of the site to the Killara train station the maintenance of appropriate and safe pedestrian access would be a requirement if consent were to be granted (refer Condition No 101).

What provision has been made for boundary fencing between the subject site and the adjoining site to the immediate south.

No change to the existing fencing is proposed.

Concern over the removal of many significant trees that provide good screening along the west and southern boundaries.

Council's Landscape Officer has reviewed the proposed Landscape Plan prepared by Jocelyn Ramsay & Associates, and the accompanying Tree Report prepared by Leaf and Limb Horticultural Consultancy. Council's Landscape Officer has no objection to the proposed removal of trees and replacement planting with some amendments to the landscape plan and construction details of the proposed units (refer Conditions Nos 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 75, 76, 77, 78, 79, 80, 95, 96, 97 and 98).

Does the inclusion of so many stairs truly indicate the use is for elderly people?

The proposed development has been submitted under the provisions of SEPP (Seniors Living) 2004. The aim of this SEPP is to

- a) increase the supply and diversity of residences that meet the needs of seniors or people with a disability, and
- b) make efficient use of existing infrastructure and services, and
- c) be of good design.

Under these provisions, housing does not have to be only for the elderly. The proposed development has also included lift access to each of the units from both the lobby and basement car park and therefore meets the requirements of the SEPP.

Parking would not appear to cater for the realistic numbers of vehicles that may be owned by the occupants.

Clause 81 of the SEPP stipulates standards that cannot be used to refuse development consent for self-contained dwellings. Part (g) and (h) of this clause state:

g) **visitor parking:** if:

- (i) in the case of development that comprises 6 or less dwellings and is not situated on a clearway—1 space for visitor parking is provided within the development with a maximum parking period of 4 hours, or
- (ii) in the case of development that comprises 7 or 8 dwellings and is not situated on a clearway—2 spaces for visitor parking are provided within the development with a maximum parking period of 4 hours for each space,

(h) **parking:** if at least the following is provided:

- (i) 0.5 car spaces for each bedroom where the development application is made by a person other than the Department of Housing or a local government or community housing provider, or
- (ii) 1 car space for each 5 dwellings where the development application is made by, or is made by a person jointly with, the Department of Housing or a local government or community housing provider.

The proposed development meets these requirements and Council is therefore unable to refuse the application on these grounds.

Concern over pedestrian safety and conflict with vehicles across Werona Avenue. The location of the driveway to the site is too close to the traffic lights at the corner of Werona Avenue and Locksley Street and may cause traffic congestion.

The proposed driveway access point to the basement parking on the site is in the same location as the existing vehicular crossing for the post office. The access point of the driveway with the road reserve would have a 500mm high wall which will allow a reasonable viewing distance for pedestrians using the existing pathway along the eastern side of Werona Avenue. The low vehicle volume to and from the site would also further limit the potential for pedestrian/vehicle conflict.

CONSULTATION - WITHIN COUNCIL

Heritage Advisor

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

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“This site is on a prominent corner which is visually elevated from views along Werona Avenue. The Killara train station is directly opposite. Surrounding houses are a mix of one and two storey houses in established gardens with established street trees.

Summary of proposal

Adaptation of former Post Office building to one dwelling and construction of 4 new dwellings under the Senior Living SEPP.

Comments

The application includes demolition of the timber framed building behind the brick structure. Apart from a photograph, there is no information available on this structure in the report and no comment on its removal is provided in the statement of heritage impacts. The heritage report has limited its discussion to the “Post Office building” only. Assessment of the timber framed building is required.

Discussions were held with representatives from the Post Office (property department) and with the new owner of the site to the effect that the future heritage listing would permit other uses in the former Post Office building and it was Council’s view that a commercial use would be appropriate after gazettal of the LEP. Under Clause 61(H) of the KPSO, new uses in the building are permitted without rezoning the site. In my opinion, this building would suit another use such as a café or restaurant, small art gallery or local shop. Such facilities are lacking in the area.

The works propose excavating the basement beneath the existing Post Office building, demolishing the internal walls, entrance wall and floors and inserting a new concrete floor with basement parking under. Initially, I doubted that the work is technically possible. However, the engineer advised that this method is common practice where a wall is to be retained while new openings or structures are built underneath. The engineer noted that he did not have experience using the method to retain all perimeter walls of a building. I retain some doubts on whether the method would work for a whole building and whether damage occurring during the operation would necessitate demolition of the whole structure. However I accept that it is technically possible.

The application proposes removing the existing post boxes from the front porch. In my opinion, the spaces should be retained and reused. The proposed etched glass screen would alter the entry and reduce the architectural strength of the composition. I do not support it. The porch should be retained as an open porch. I have no objection to bricking up the two rear windows and making two windows into doors to provide access to the terrace.

It is proposed to construct 4 new dwellings on the remainder of the site under the Senior Living SEPP. Due to the prominent location of the former Post Office on the site, the new units should appear to be visually recessive and colours schemes should be approved. The new units are no higher than the Post Office and have sufficient articulation and variety in their façades. They are also set down with the site contours.

Conclusion

I have some doubts that the existing building could be retained as proposed while the basement level is excavated without causing damage to the building. The proposed use of the Post Office building as a dwelling is disappointing. I would support discussions with the applicant about other uses in the former Post Office building. I do not support enclosure of the porch in the suggested way. The porch is an important aspect of this building and it should remain open. The small telephone enclosures should be retained for a new use. The new buildings are set back and well articulated along the fall of the site. I have no objections to the proposed new dwellings.

If Council were to approve the development several conditions should be attached including:

- *A heritage assessment of the timber framed building;*
- *The entrance wall should be reconstructed to the exact details should use materials salvaged from the demolition works. New materials should match exactly;*
- *A colour scheme is to be submitted to Council for approval;*
- *The site should be recorded in accordance with the Heritage Office guidelines before any work commences;*
- *A bond or guarantee is to be provided to Council to ensure the Post Office building is retained; and*
- *The glass screens to the entrance of the post office building are to be deleted.”*

Comment: Further discussions have since been held between Council’s Heritage Advisor and the applicant’s heritage consultant. The discussions addressed the issues raised in the above points in Council’s Heritage Advisors comments. A heritage assessment of the timber framed building will no longer be required, however a condition of consent has been imposed requiring a photographic record of the structures in accordance with the guidelines prepared by the NSW Heritage Office (**refer Condition No 92**).

A condition has also been included in the recommendation requiring the colours and finishes to match existing as closely as possible (**refer Condition No 91**). It is not considered necessary that a bond be provided for the retention of the Post Office building as the development does not allow for the demolition of the structure and Council’s Development Engineer has included a condition requiring the submission of a geotechnical report addressing the excavation/shoring of structures above the excavation area (**refer Condition No 100**).

The submission of amended plans has addressed the issues raised by Council’s Heritage Advisor and the application is supported with appropriate conditions (**Refer Conditions Nos 91 and 92**).

Landscaping

Council’s Landscape Officer has commented on the proposal as follows:

“An inspection of the property was conducted on 22 July 2004. The subject site, of 1081m², is located at the southern corner of the Werona Avenue and Locksley Street intersection, and directly across the road from Killara Railway Station. The site exhibits a south-easterly aspect and falls approximately 5 metres between its north-western and south-eastern corners.

Site description

The former Killara Post Office site is occupied by the original single storey brick and tile Post Office, a weatherboard building and concrete parking space. All the prominent trees growing within the site are remnant species from the Blue Gum High Forest vegetation community. A row of conifers extends adjacent to the southern half of the site's eastern boundary. Some noxious plant and weed species have established around the boundary areas.

The proposal

It is proposed to convert the brick Post Office building into a 1 bedroom unit – Unit 5. The weatherboard building is to be demolished and a proposed 2 storey building, along the site's easterly boundary, is to contain Units 1 to 4 and the common lobby area of common lift and stairs.

Construction of the proposed Units 1-4 will result in the removal 18 of the 26 trees located within the site. The trees are identified by numbers according to the Tree Report prepared by Leaf & Limb Horticultural Consultancy and dated 5 April 2004 and the Landscape Plan prepared by Jocelyn Ramsay & Associates dated March 2004:

4 – Xylosma senticosa (Xylosma), of 6 metres height and healthy condition, is located within the site of a proposed raised boundary planter for the deck off Unit 2. While this tree currently provides visual screening of the subject site from No. 1 Locksley Street, it is not visually prominent and its removal for the proposed development is supported.

A smaller Xylosma, located close to the site's northern corner, is proposed to be retained within the new development although a drainage line is to pass through its root zone to a pick-up pit.

5 – Alnus jorullensis (Evergreen Alder), of 7 metres height and fair condition, is located adjacent to the proposed Unit 2. As this tree is an exempt species, its removal is supported.

8, 9 and 10-3 Angophora floribunda (Rough Barked Apple), of 15 meters height and poor condition and several galls are growing on their limbs. These trees are located within the sites of proposed Units 1 and 3, and the access ramp.

17 – Eucalyptus saligna (Sydney Blue Gum), of 20 meters height and fair condition, exhibits an easterly lean of 10°. It is located adjacent to the southern end of the site's eastern boundary and in excess of 3 meters from the south-eastern corner of proposed Unit 1.

This tree appears to have been pruned some years ago (approximately 12 metres above ground) and has resulted in some very atypical canopy development. Extensive longicorn beetle damage encompasses the lower 6 metres of its trunk. Separate approval will be required prior to the removal of this tree.

18 – Angophora floribunda (Rough Barked Apple), of 16 metres height and fair condition, consists of 2 trunks arising from a short bole. This tree is located within the site of the proposed deck off Unit 1.

19 – Eucalyptus paniculate (Grey Ironbark), of 18 metres height and healthy condition, has a trunk that exhibits a 20° lean to the north. In addition, the tree's canopy is supported by two large limbs that extend to the north and west. This tree is located at the proposed south-eastern corner of proposed Unit 1.

6, 7, 20, 23, 24, 27, 28 and 29- 8 Cupressus torulosa (Bhutan Cypress), and 25 and 26 – 2 Cupressocyparis x leyandii (Leyland Cypress), form a row of 10 conifers of 10 -12 metres in height and fair to good condition. These trees are located adjacent to the site's eastern boundary, and adjacent to the eastern perimeter of proposed Unit 1. This row of trees currently screens most of the rear yard (tennis court) of No. 1 Locksley Street from the site.

Tree 2 – Eucalyptus paniculate (Grey Ironbark) is proposed to be retained 3.7m (to the centre of its trunk) from the northern wall of the former Post Office building. The possibility of this tree's stability being threatened by proposed excavation for a carpark beneath the existing Post Office building is negligible, as the existing deep footings (confirmed by Wayne Gollidge for the applicant) would have deflected the tree's roots that would have taken opportunity to develop elsewhere for nourishing and stabilizing the tree.

The entire tree's trunk appears heavily damaged by longicorn beetle due to the extent of kino, frass and loose bark present. The applicant's tree report does not mention any trunk damage. This tree's canopy, the foliage of which appears healthy, has been reduced all round to clear power lines and the post office. The applicant should further investigate this tree's trunk to determine the extent of its damage, and the tree's viability for retention.

Tree 22 - Cupressus torulosa (Bhutan Cypress) is proposed for retention, however it is located less than 2 metres from the south-eastern corner of proposed Unit 1 and therefore would become exempt. In addition, upon the removal of Tree 23 the northern side of this tree will mostly be dead and will not regenerate readily.

Tree 1 – Angophora floribunda (Rough barked Apple), of 18 metres height and poor condition due to numerous fasciations and its receding canopy, is located in the Werona Avenue footpath at the toe of the Post Office pedestrian ramp. It exhibits a 10° lean towards Werona Avenue. There are no indications of termite activity in this tree as indicated in the arborists report although its estimated lifespan is short-term.

Under the site's former use, the remnant locally occurring native trees enjoyed favourable status – innocuously standing out of the way, however, with the passage of time, and progress, the trees have declined and/or their stability has become suspect. Currently, most of the remnant locally occurring native trees are a liability to the subject and adjoining properties, therefore their removal for the proposed development is supported. Both Angophora floribunda (Rough Barked Apple) and Eucalyptus paniculate (Grey Ironbark) are proposed on the landscape plan for replenishment planting.

Stormwater plan

All proposed stormwater lines are shown to hug the building's footprint in proximity to trees that are shown to be preserved, except for the discharge line to Werona Avenue kerb and gutter that passes directly beneath the trunk of Tree 12 – Ficus microcarpa 'Hillii' (Hills Weeping Fig). Boring will need to be made to install the discharge line beneath the tree's trunk to the kerb line.

This tree is pruned to clear overhead powerlines and very recently a side limb has been broken off, apparently by a large vehicle as two adjoining Ficus macrocarpa 'Hillii' (Hills Weeping Fig) on the Werona Avenue also show scrape marks on the road side of their outer limbs.

A small Xylosma senticosa (Xylosma), located close to the site's northern corner, is proposed to be retained within the proposed development although a drainage line is to pass through its roots zone to a pick-up pit. Boring will need to be made to install the drainage line beneath the tree's root zone.

Landscape plan

An amended landscape plan that includes at least 25% shrub plantings, in addition to the included trees, from the Blue Gum High Forest species list is required. Landscape Architect – Jocelyn Ramsay advised that a low brick wall on a massed concrete footing is proposed along the Werona Avenue boundary. Pier and beam footing construction will be required in proximity to Trees 11 and 13.

Proposed screen planting with dense, dark foliated shrubbery between Units 1 and 2 and the eastern side boundary will prevent natural illumination to the respective rooms. Lighter coloured and more open foliated plants would be preferable to reflect light into the subject rooms. Alternately the ground floor level could be moved back further from the boundary or rooms rearranged to take more advantage of natural light."

Refer Conditions Nos 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 75, 76, 77, 78, 79, 80, 95, 96, 97 and 98).

Engineering

Council's Engineering Assessment Officer has commented on the proposal as follows:

"I note that strata subdivision is not sought under this proposal. Accordingly, there will be no engineering conditions relating to subdivision of the units.

No objections, subject to acceptance of engineering comments and conditions below:

Vehicle Access and Accommodation comments

The dimensions of parking spaces as shown (refer plan 2103-01 C) do not all comply with Australian Standard 2890.1 1993 – "Off Street Car Parking" and the requirements of Seniors

Living State Environment Planning Policy in that minimum car space dimensions do not all meet or exceed 6m x 3.2m. It is noted that spaces 4 & 5 should be widened to a minimum of 3.2 metres (the Seniors Living State Environment Planning Policy is silent on the required dimensions of visitor parking, so it is assumed that all spaces should be 3.2 metres in light of clause 56). This can be conditioned effectively as the overall increase in the basement footprint is relatively minor, or alternatively, one of the excess visitor spaces can be deleted (3 are currently provided, only one is required)

Aisle widths comply with Australian Standard 2890.1 1993 – “Off street Car Parking”. Driveway widths, as shown, comply with Australian Standard 2890.1 1993 – “Off street Car Parking”. At the vehicular entry point to the site, there is a double width driveway (5.5 metres width) which would allow two vehicles to pass each other in this location. The placement of a convex mirror on the curved driveway will inform ingressing drivers of the need to wait at the top of the ramp in the two-way area while a vehicle egresses up the curved driveway.

Driveway grades, as shown, comply with Australian Standard 2890.1 1993 – “Off street Car Parking”.

Headroom complies with Australian Standard 2890.1 1993 – “Off street Car Parking” and the requirements of Seniors Living State Environment Planning Policy in that a minimum headroom of 2.5m has been provided. This shall be reinforced through a suitable condition of consent.

Referral of this development to the RTA is not required as an integrated development or as a Traffic Generating development under State Environment Planning Policy 11.

For an egressing vehicle, there is adequate sight distance from the driveway exit point to vehicles travelling along Werona Avenue.

An internal waste collection area is not needed under Council’s DCP 40 for Waste Management. The number of private parking spaces at 5 meets the requirements of the Seniors Living State Environment Planning Policy, based on 0.5 spaces per bedroom (for the 9 bedrooms). 3 visitor spaces are proposed. This is an additional two spaces in excess of what is required.

Net traffic generation for this development is minor and is not considered to have an adverse impact on the local network. The use of the site for the (old) post-office would likely have generated more short term traffic movements than the proposed use.

Overall, parking arrangements are considered satisfactory subject to conditions.

Impacts on Council Infrastructure and associated works – comments

The applicant shall reinstate the existing driveways and laybacks to be made redundant under the proposal. Restored infrastructure shall match the existing adjacent infrastructure.

Under State Environmental Planning Policy Seniors Living 2004, a continuous and accessible path of travel is to be provided from the pedestrian entry points of the site to the nearest services/transport facilities.

The existing asphalt footpath fronting the site in Werona Ave is longitudinally uneven and has excessive crossfall in some locations, enough to make negotiation by elderly or a wheelchair bound person extremely difficult. Accordingly, the following infrastructure works will be required:

- *Construction of a new concrete footpath (with an asphalt overlay) over the site frontage in Werona Ave. Maximum crossfall to be 2.5% towards the gutter.*
- *New concrete driveway crossing from Werona Ave with asphalt overlay.*
- *Removal of all redundant driveway laybacks and re-instatement to upright kerb and gutter.*
- *Replacement of asphalt verge area to turfed verge between new footpath and existing kerb alignment.*
- *New pram ramp at the north-western corner of Werona Ave and Locksley St to accommodate wheelchair movements.*

As this site is located opposite Killara train station, there is a high demand for on-street parking in this location. "No Stopping" restrictions exist over the site frontage in Werona Avenue. This will make on-street parking difficult for any construction related vehicles. It is recommended (subject to approval by the Local Traffic Committee) that a Work Zone be installed in the existing 1/4 parking zone to the south of the site. Accordingly, a condition will be applied that the applicant obtain a resolution from the Traffic Committee and proceed in accordance with any recommendation from the resolution.

As with all development of this scale, there is the direct risk of damage to Council infrastructure during the course of the works. A \$15,000 bond to cover restoration of such damage (or completion of incomplete works by Council) is to be applied.

Site drainage comments

The submitted stormwater services plans S040180-H-000, 100, 101, 102, 103 by Steve Paul and Partners, dated March 2004, have been designed in accordance with the old Council Stormwater Management Manual. The DA was lodged in late April. Council's Water Management Development Control Plan 47 was adopted at the commencement of April 2004 - after the drainage plans were prepared, but before the DA was lodged. Accordingly the DA must be assessed under the controls specified in Water Management Development Control Plan 47.

The plans as a concept are satisfactory, however the Water Management DCP 47 calls for stormwater retention and re-use on the site for toilet flushing, cold laundry and irrigation. It would be relatively straight forward to convert a portion of the proposed on-site detention volume (as shown), to a retention component. It is felt that the plans can be revised to suit the Water Management DCP 47 and then submitted for approval prior to issue of the Construction Certificate. Accordingly, the following issues are to be addressed via condition:

- *A stormwater retention requirement of 3000 litres per unit – this water is to be used for toilet flushing and irrigation (as a minimum).*

- *On-site detention volume reduced to suit requirements of Water Management DCP 47.*

Flooding and overland comments

The site is located towards the top of the local catchment and as such the site will not be affected by trunk flows of sufficient volume to cause concern. The driveway level at the property boundary shall be set a minimum of 150mm above the top of the frontage kerb to prevent inundation of the basement level by flows overtopping in the gutter system.

Geotechnical / structural comments

The basement footprint is generally located well within the site, having a sufficient offset from the adjacent property and infrastructure to accommodate the likely excavation procedure. For the required depth of basement excavation on this site, it is recommended engineering practice to carry out a geotechnical investigation and report before the excavation process commences, so that any anomalies in the underlying profile may be ascertained. This will allow for appropriate means of excavation and professional input into the most appropriate temporary/permanent support measures.

Accordingly, a condition of consent will be applied which requires the applicant to carry out a geotechnical investigation and report.

Recommendation

Based on the formal assessment, Council's Development Engineer has determined that the proposal is satisfactory for development approval, subject to conditions."

Refer Conditions Nos 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 74, 81, 82, 83, 84, 85, 86, 87, 88, 8993, 94, 99, 100, 101, 102, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116 and 117.

PROVISIONS OF RELEVANT LEGISLATION

State Environmental Planning Policy No. 1 Development Standards

Clause 38(4)(c) of SEPP (Seniors Living) 2004

1. What the development standard is and is it a development standard?

Clause 38(4)(c) of SEPP (Seniors Living) 2004 states;

"If the development is proposed in a residential zone where residential flat buildings are not permitted that a building located in the rear 25% of the site must not exceed 1 storey in height."

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This control is a numerical development standard and therefore is capable of being varied under the provision of State Environmental Planning Policy No. 1 – Development Standards.

2. What is the underlying objective or purpose of the standard?

The purpose of the standard in accordance with clause 2 (Aims of Policy) is to ensure that setting out design principles that should be followed to achieve built form that responds to the characteristics of its site and form.

3. Is compliance with the standard consistent with the aims of the policy and does compliance with the standard hinder the objective of the Act under s5a(i) and (ii)?

The aims and objectives of State Environmental Planning Policy No.1 – Development Standards are:

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

The objects set down in Section 5(a)(i) and (ii) are:

“(a) to encourage:

(i) the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment; and

“(ii) the promotion and co-ordination of the orderly and economic use and development of land.”

The first floor protrusion of the development into the rear 25% single storey setback encroaches by a total of 300mm. The applicant argues that the 300mm variation will have negligible impact on amenity afforded to the property to the south-east (rear) boundary and north-east (side) boundary and will not be discernable from the street while still allowing for a dominance of landscaping in the rear of the site. In this regard it is considered that the proposed departure is consistent with the aim of SEPP No.1 in that the argument advanced by the applicant supports the case to allow flexibility in the application of the standard under clause 38(4)c of SEPP (Seniors Living) 2004 Policy.

Further, compliance with the standard would restrict circulation space within the upper rear unit (Unit 3). The minor variation of 300mm will not add to the bulk and scale of the development when viewed from Werona Avenue and will be consistent with the surrounding context and streetscape. Due to the constrained redevelopment options for the site with the retention of the brick post office and in circumstances where the proposal provides for the

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proper management of land and orderly economic use, the objects of the Act would not be attained should the SEPP 1 objection not be allowed.

The architectural form of the development, its general height and landscaped setting creates a satisfactory relationship with the streetscape and adjoining residential properties resulting in visual amenity benefits to the public domain. The proposal presents a viable and appropriate use of the site.

4. Is compliance with the standard unreasonable or unnecessary in the circumstances of the case and whether a development which complies with standard is unreasonable or unnecessary?

The variation for the first floor is minor and faces directly onto an existing landscape area and the rear of adjoining properties. There will be no adverse residential amenity impacts as a specific result of the non-compliance. The minor variation still allows for the retention and planting of canopy trees within the rear setback of the development.

It is considered that the proposal would not have any unreasonable impact upon the amenity of the adjacent properties. In addition, assessment of the bulk and scale has found the proposal to be appropriately designed in relation to that of the existing built forms on the adjoining properties, and is therefore consistent with the objectives in this regard. The proposal would therefore meet the objectives in relation to amenity, as well as the underlying objectives of the development standard.

5. Is the objection well founded?

The objection is well-founded. The development is consistent with the underlying objectives of the standard and the aims of SEPP 1 – Development Standards. Strict compliance with the development standard is unreasonable and unnecessary in the circumstances of this case.

Clause 25(2)(b) of SEPP (Seniors Living) 2004

1. What the development standard is and is it a development standard?

Clause 25(2)(b) of SEPP (Seniors Living) 2004 states;

“(b) in the case of a proposed development on land zoned primarily for urban purposes in a local government area within the Sydney Statistical Division—there is a public transport service available to the residents who will occupy the proposed development:

(i) that is located at a distance of not more than 400 metres from the site of the proposed development, and

(ii) that will take those residents to a place that is located at a distance of not more than 400 metres from the relevant facilities or services, and

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(iii) that is available both to and from the proposed development at least once between 8am and 12pm per day and at least once between 12pm and 6pm each day from Monday to Friday (both days inclusive)."

2. What is the underlying objective or purpose of the standard?

The purpose of the standard in accordance with clause 2 (Aims of Policy) is to ensure:

- an increase in the supply and diversity of residences that meet the needs of seniors or people with a disability; and
- setting aside local planning controls which would prevent the development of housing for seniors or people with a disability that meets the development criteria and standards specified in this Policy.

3. Is compliance with the standard consistent with the aims of the policy and does compliance with the standard hinder the objective of the Act under s5a(i) and (ii)?

The aims and objectives of State Environmental Planning Policy No.1 – Development Standards are:

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

The objects set down in Section 5(a)(i) and (ii) are:

"(a) to encourage:

(i) the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment; and

"(ii) the promotion and co-ordination of the orderly and economic use and development of land."

The proposed development fails to comply with Clause 25 (2)(b)(iii) in that the timetable provided by Shorelink (Service 556) does not have any bus services during the hours of 8am and 12pm. The last morning service which leaves the bus stop on Locksley Avenue, adjacent to the site, departs at 7:51am. The applicant seeks a variation of 9 minutes to the standard. The 9 minute variation is considered minor in terms of provision of public transport to the site given the proximity of the site to Killara Train Station.

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The applicant has provided justification for the variation with regard to the sites location directly opposite the entrance to Killara Train Station and as such would be well serviced with regard to public transport.

Killara Train Station is not presently wheelchair accessible from Werona Avenue. However the *Accessible Transport Action Plan*, prepared by the Ministry of Transport, currently under review as of April 2005, will ensure the upgrading of public transport for the provision of equitable access. This includes the upgrading of facilities and access at train stations.

The applicant has also provided additional supporting information relating to the alternative provision of access from the site. The HACC (Home and Community Care) Program run by the Commonwealth Department of Health and Ageing, is also available to provide transport for residents to and from the site.

4. Is compliance with the standard unreasonable or unnecessary in the circumstances of the case and whether a development which complies with standard is unreasonable or unnecessary?

The variation of 9 minutes for the provision of a public transport service to the site is minor and given the sites proximity to the Killara Train Station, the provision of a bus service adjacent to the site and the availability of HACC funded transport the site is provided with public transport services which are consistent with the aims of the provisions of clause 2 of the Seniors Living SEPP. The variation to clause 25(2)(b) will therefore allow for appropriate access for any future residents of the development and is supported in this regard.

5. Is the objection well founded?

The objection is well-founded. The development is consistent with the underlying objectives of the standard and the aims of SEPP 1 – Development Standards. Strict compliance with the development standard is unreasonable and unnecessary in the circumstances of this case.

Clause 81(b) of SEPP (Seniors Living) 2004

1. What the development standard is and is it a development standard?

Clause 81(b) of SEPP (Seniors Living) 2004 states;

“A consent authority must not refuse consent to a development application made pursuant to this Chapter for the carrying out of development for the purpose of a self-contained dwelling on any of the following grounds:

(b) density and scale: if the density and scale of the buildings when expressed as a floor space ratio is 0.5:1 or less.”

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2. What is the underlying objective or purpose of the standard?

The purpose of the standard in accordance with clause 2 (Aims of Policy) is to ensure:

- the housing will be of a good design; and
- setting out design principles that should be followed to achieve built form that responds to the characteristics of its site and form.

3. Is compliance with the standard consistent with the aims of the policy and does compliance with the standard hinder the objective of the Act under s5a(i) and (ii)?

The aims and objectives of State Environmental Planning Policy No.1 – Development Standards are:

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

The objects set down in Section 5(a)(i) and (ii) are:

“(a) to encourage:

(i) the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment; and

“(ii) the promotion and co-ordination of the orderly and economic use and development of land.”

The proposed development has a floor space ratio of 0.57:1. This is a variation of 75.6m² from the 0.5:1 FSR under which Council cannot refuse the application. The existing brick post office building which is to be retained takes up a floor space of 97.8m². The conversion of this building allows for a 1 bedroom unit. The increase in the floor space is not discernible from either Locksley Avenue and Werona Avenue and allows for a development which retains the significant feature of the post office.

4. Is compliance with the standard unreasonable or unnecessary in the circumstances of the case and whether a development which complies with standard is unreasonable or unnecessary?

The variation of 75.6m² takes up part of the floor area of the existing post office, which has a total floor area of 97.86m². The proposal has allowed for the retention of the post office in a form which does not detract for the heritage value and allows for the functional reuse of this building. There will be no adverse residential amenity impacts as a specific result of the non-compliance. The minor variation of floor space still allows for the retention and planting of

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landscaping along the street frontages and will be in keeping with the adjoining properties which have been rezoned under LEP 194 for 5 storey development.

It is considered that the proposal would not have any unreasonable impact upon the character of the streetscape and allows for the retention of the post office. In addition, assessment of the bulk and scale has found the proposal to be appropriately designed in relation to that of the existing built forms on the adjoining properties, and is therefore consistent with the objectives in this regard. The proposal would therefore meet the objectives in relation to streetscape, good design and the provision of an increase in housing choices for seniors or people with a disability, as well as the underlying objectives of the development standard.

5. Is the objection well founded?

The objection is well-founded. The development is consistent with the underlying objectives of the standard and the aims of SEPP 1 – Development Standards. Strict compliance with the development standard is unreasonable and unnecessary in the circumstances of this case.

State Environmental Planning Policy (Seniors Living) 2004

Clause 18 of SEPP (Seniors Living) 2004 states that development consent may be carried out only with development consent unless another planning instrument allows the development without consent. The proposed development requires the consent of Council pursuant to the provisions of Ku-ring-gai Planning Scheme Ordinance.

Clause 25 of SEPP (Seniors Living) 2004 requires that Council must not consent to a development application made pursuant to this chapter unless satisfied by written evidence of certain site related requirements have been met. Compliance with the requirements is indicated in the table below.

Clause	Requirement	Compliance
Clause 25(1)(2)	Access to shops, banks, other retail and commercial services, community services and the practice of a general medical practitioner	YES
	Located at a distance of not more than 400m from the site of the proposed development or is within 400m of public transport which will take the residents to the above mentioned services	YES
	Is available both to and from the development at least once between the hours of 8am-12pm and 12pm – 6pm each day from Monday to Friday.	NO A SEPP 1 objection has been submitted in support of this departure and is discussed in detail under the SEPP 1 heading of this report.

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Clause 25(2)(b) of SEPP (Seniors Living) 2004

A SEPP 1 objection has been submitted in support of this departure and is discussed in detail under the SEPP 1 heading of this report.

Clause 27(1) of SEPP (Seniors Living) 2004 states that Council must not consent to a development application unless satisfied by written evidence that the housing will be connected to a reticulated water system and have adequate facilities for the removal or disposal of sewerage.

The site is currently connected to the sewer system and reticulated water is also provided.

Clause 28 of SEPP (Seniors Living) 2004 requires a site analysis be carried out and submitted to the consent authority. A site analysis was submitted to Council, prepared by Impact Construction Management Pty Ltd. This analysis, together with other documentation in the development application, provides all the necessary information for assessment purposes under this clause.

Clause 30 of SEPP (Seniors Living) 2004 requires that consent must not be granted unless Council is satisfied that adequate regard has been given to the following principles.

Neighbourhood amenity and streetscape

The proposed development has been designed around the retention of the Killara Post Office on the north-west corner of the site. The setbacks to both Locksley Street and Werona Avenue are sympathetic to the existing residential setbacks along each street frontage. The development provides a high level of articulation to both street frontages and uses materials and finishes in keeping with the surrounding area. The site will also retain the significant vegetation at the southern end of the site and will be in keeping with the future redevelopment of the surrounding properties under the provisions of LEP 194.

Visual and acoustic privacy

The proposed development has been designed with sufficient setbacks and landscape screening along the side boundaries. The balconies for Units 2, 4 and 5 have been orientated away from adjoining properties and windows along the eastern boundary have been minimised where possible. Unit 1 has its private open space located along its eastern and southern corner, with a setback of 1.0 metre to the eastern boundary. This deck is located a maximum height of 800mm above the natural ground level. The location of this deck will not compromise the amenity and privacy of the adjoining dwelling at No 1 Locksley Street due to the minimised height of the outdoor deck with regard to the natural ground level and the inclusion of appropriate landscaping along this boundary (**refer Conditions Nos 75 and 76**).

Solar access and design for climate

Additional solar access plans prepared by Architecture Unlimited demonstrate that four out of five units will achieve a minimum of 3 hours solar access to 50% of their courtyards in the winter solstice. The future residents of the proposed development will receive adequate daylight to the principle living and private open space areas during the winter period.

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Stormwater

Council's Development Engineer has reviewed the proposed drainage plans prepared by Steve Paul and Partners and advised that the plans as a concept are satisfactory, however the Water Management DCP 47 calls for stormwater retention and re-use on the site for toilet flushing, cold laundry and irrigation. The inclusion of appropriate conditions to ensure compliance with DCP 47 (refer Conditions Nos 54, 55, 56, 57, 65, 66, 82, 83, 84, 85, 88, 107, 110, 111, 112, 113, 114 and 115).

Crime prevention

The units should be designed so that approaching persons can be viewed from within each unit. An assessment of the proposed unit layouts indicates that some minor amendments are required to the front entrance of Units 2, 3 and 5 to allow appropriate level of surveillance (refer Condition Nos 117).

Accessibility

An access assessment report prepared by Disability Access Consultants Pty Ltd has been submitted with the application. The report indicates that the proposed development satisfies all policy objectives of SEPP Seniors Living Policy and the technical requirements of AS1428 and AS4299 for adaptable housing.

Waste management

Waste Management will be required to comply with Development Control Plan 40. As the development proposed 5 units, one collection point is required. The garbage bin storage area is located along the Werona Avenue street frontage. Garbage collection shall be from the kerbside of Werona Avenue.

Part 4 Development Standards

Clause 38(1) provides that a consent authority must not consent to a development application made pursuant to this chapter unless the proposed development complies with the standards specified in this clause.

Clause	Standard	Proposal	Compliance
38(2) - Site size	Minimum 1000m ²	1081m ²	YES
38(3) - Site Frontage	20 m	25.4m to Locksley Street 51.87m to Werona Avenue	YES YES
38(4) - Height in zones where residential flat buildings are not permitted	8m or less	7m at its highest point	YES
38(4)(b) -	Not more than 2 storeys	2 storeys	YES

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Clause	Standard	Proposal	Compliance
Height in zones where residential flat buildings are not permitted	in height adjacent to a boundary of the site.		
38(4)(c) - Height in zones where residential flat building are not permitted	A building located in the rear 25% area of the site must not exceed 1 storey in height (13.7m)	13.4m to rear wall of Unit 3	NO A SEPP 1 objection has been submitted in support of this departure and is discussed in detail under the SEPP 1 heading of this report.

Clause 38(4)(c) requests a minor variation to the height of the building within the rear 25% of the site. This issue is discussed in detail under the section State Environmental Planning Policy No. 1 – Development Standards in this report.

Clause 51 provides that a consent authority must not consent to a development application made pursuant to this chapter unless the proposed development complies with the following standards:

Clause	Standard	Proposal	Compliance
52(1) - Wheelchair access	100% of dwellings to have wheelchair access to public road or internal road if site gradient is less than 1:10.	All dwellings have access to an adjoining public road.	YES
52(4) - Common areas	Wheelchair access to be available to all common areas and facilities.	Wheelchair access available to all common areas and facilities.	YES
53 - Identification	If the site includes more than one street, street signage incorporating house numbers must be provided at each intersection.	The signage addressing unit numbers will be provided at the entrance to the development at the Werona Street entrance (refer Condition No. 117).	YES
54 - Security	Pathway lighting must be designed and located to avoid glare.	No details provided. Capable of compliance by condition (refer Condition No 103)	YES
55 - Letterboxes	Must be lockable and situated on a hard standing area and be wheelchair accessible.	Letterboxes have been located at the Werona Avenue street frontage on the direct pedestrian access path to the dwellings.	YES
56 - Private car accommodation	Car parking spaces must have: be not less than 6m x 3.2m or being capable of adapted. internal clearance of 2.5m height at entry 2.3	Car parking spaces have: area 6m x 3.2m internal clearance of 2.5m Height at entry 2.5m	YES YES YES

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Clause	Standard	Proposal	Compliance
	metres any garage must have a power-operated roller door, or a power point to allow the above at a later date	basement level has its own power-operated entry roller door (refer Condition No 104)	YES
57 - Accessible entry	Every entry must: not have a slope that exceeds 1:40 comply with clauses 4.3.1 & 4.3.2 of AS 4299 have entry hardware which complies with AS 1428	Proposal will be constructed so as to comply with requirements as stated in the Statement of Environmental Effects (refer Condition No 118)	YES
58 - Exterior doors	All external doors to a dwelling must be keyed alike.	All external doors to each unit will be keyed alike and may be conditioned as part of the consent (refer Condition No 105)	YES
59 - Interior general	internal doors must have a clearance of 800mm internal corridors must have a width of at least 1000mm the width at internal door approaches must be at least 1200mm	All internal doors to each of the individual units will be keyed alike as required. A condition of consent will be imposed as part of the consent (refer Condition No 106).	YES
60 - Living room & dining room	A living room in a self contained dwelling must have: a circulation space of at least 2250mm in diameter and as set out in clause 4.7 of AS 4299 a telephone adjacent to a general power outlet a potential illumination level of 300 lux	Meets the circulation requirements and details regarding the telephone outlets can be conditioned as part of the consent (refer Condition No 107).	YES
61 - Kitchen	A kitchen in a self contained dwelling must have: a width of at least 2.7m and a clear space between benches of 1450mm a width at door approaches of 1200mm benches that include one work surface that is at least 800mm in	Internal benches and fittings detailed in the plans comply with the requirements. A condition of consent is recommended to ensure specifications meet the minimum standards required (refer Condition No 108).	YES

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Clause	Standard	Proposal	Compliance
	<p>length and the height of which can be adjusted from 750mm to 850mm</p> <p>a tap set that is located within 300mm of the front of the sink and comprises of a lever type mixing tap</p> <p>a thermostatic mixing valve for the hot water outlet</p> <p>a cook top with either front or side controls which have a raised cross bar. The stove is also to be provided with an isolating switch</p> <p>a work surface adjacent to the cook top which is at the same height and at least 800mm in length</p> <p>an oven that is located adjacent to a work surface the height of which can be adjusted</p> <p>"D" pull cupboard handles</p> <p>General power outlets at least one is a double outlet within 300mm of the front of a work surface and one which is for a refrigerator which can be readily accessed once installed</p>		
62 - Main bedroom	<p>At least one bedroom within the dwelling must have:</p> <p>an area sufficient to accommodate a wardrobe and a queen sized bed, with an area at least 1200mm wide at the foot of the bed</p> <p>2 double general power outlets adjacent to the head of the bed</p> <p>1 general power outlet on the wall opposite the bed</p>	<p>The plans indicate the main bedrooms are capable of complying with these requirements. A condition of consent is recommended to ensure specification meet the minimum standards (refer Condition No 109).</p>	YES

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Clause	Standard	Proposal	Compliance
	a telephone outlet and power outlet next to the bed on the side closest to the door a potential illumination of 300 lux		
63 - Bathroom	<p>A bathroom must have:</p> <ul style="list-style-type: none"> an area that complies with AS 1428 a slip resistant floor a shower recess at least 1160mm x 1100mm or that complies with AS 1428 or clause 4.4.4 and figures 4.6 and 4.7 of AS4299. the recess shall incorporate the following: <ul style="list-style-type: none"> o no hob o waterproofing o floor waste o the ability to provide a grab rail o suitable taps o can accommodate a hand held shower on a slider rail o can accommodate a folding seat thermostatic mixing valves to all hot water outlets a washbasin which complies with AS4299 an illuminated wall cabinet a mirror a double power outlet beside the mirror 	The bathrooms in each of the units are capable of complying with the requirements of this Clause. A condition of consent is recommended to ensure specifications meet the minimum standards required (refer Condition No 110) .	YES
64 - Toilet	<p>A dwelling must have a toilet:</p> <ul style="list-style-type: none"> that is a visitable toilet in accordance with AS4299 that is installed in accordance with AS1428 has a slip resistant floor surface the WC pan is located from fixed walls in 	The toilets have been included within the bathroom plan for each of the dwellings. A condition of consent is recommended to ensure specifications meet the minimum standards required (refer Condition No 120) .	YES

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Clause	Standard	Proposal	Compliance
	accordance with AS1428 that can accommodate a grab rail in accordance with AS4299 & AS1428		
65 - Access to kitchen, main bedroom, bathroom & toilet	A kitchen, main bedroom, bathroom and toilet must be provided on the ground floor of a multi level dwelling.	All units are of single level design.	YES
66 - Lifts in multi storey buildings	Lift access provided to all dwellings above the ground level of the building.	Lift access is provided to all levels.	YES
67 - Laundry	A self contained dwelling must have a laundry which: has provision for a washing machine has the provision for the installation of a clothes dryer has a clear space in front of appliances of 1300mm has a slip resistant floor surface has an accessible path of travel to any external clothes line.	The floor plans indicate that the laundry in each of the units will be accessible. To ensure compliance with this Clause, a condition of consent is recommended to ensure specifications meet the minimum standards required (refer Condition No 111).	YES
68 - Storage	A self-contained dwelling must be provided with a linen cupboard: that is at least 600mm wide has adjustable shelving	A complying linen cupboard is provided in each of the units (refer Condition No 112).	YES
69 - Doors	Door hardware provided for opening doors must be: able to be operated with one hand located between 900mm and 1100mm above floor level	The floor plans for each of the proposed units indicated that the development is capable of meeting the requirement of this Clause. A condition of consent is recommended to ensure specifications meet the minimum standards (refer Condition No 113).	YES
70 - Surface finishes	Balconies and external paved areas must have slip-resistant surfaces.	A condition of consent is recommended to ensure specifications meet the minimum standards required (refer Condition No 114).	YES
71 -	switches must be	Compliance with this Clause	YES

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Clause	Standard	Proposal	Compliance
Ancillary items	located between 900mm and 1100mm above floor level general purpose outlets must be located at least 600mm above floor level	is required by a condition of consent to ensure minimum standards are met (refer Condition No 115).	
72 - Garbage	An outside garbage storage area must be provided in an accessible location.	The proposed garbage area is accessible from all units. A condition of consent has been recommended to ensure compliance with this Clause (refer Condition No 119).	YES

Part 7 Development standards that cannot be used as grounds to refuse consent

Clause 81 of SEPP (Seniors Living) 2004 stipulates standards which cannot be used to refuse development for self-contained dwellings. These standards are as follows:

Clause 81(a) – Building height	Height to be less than 8.0 metres	7.0 metres at its highest point	YES
Clause 81(b) - Density & scale	0.50:1	0.57:1 (includes 97.86m ² floor space from existing post office)	NO (A SEPP 1 objection has been submitted in support of this departure and is discussed in detail under the SEPP 1 heading of this report.)
Clause 81(c) - Landscaped area	Minimum 30% of the site to be landscape area	32% landscaped area	YES
Clause (d) - Deep soil zones	15% site area (162.15m ²) with 2/3 (97.29m ²) being located at the rear of the site with a minimum dimension of 3m.	343m ² deep soil area, 168m ² located at the rear of the site Min dimension of 6.4m x 13m	YES YES YES
Clause (e) - Solar access	Min 70% or 3.5 dwellings receive minimum 3 hours direct sunlight between 9am-	4 units receive a minimum of 3 hours due to the north-south orientation of the units.	YES

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	3pm in mid-winter.		
Clause (f) - Private open space for in-fill housing	<ul style="list-style-type: none"> Single level or ground floor dwellings = 15m² (incl. Area 3m x 3m accessible from living area) All other dwellings = balcony min. 10m² (not less than 2m in length and accessible from a living area) 	Unit 1 = 25m ² (min dimension 3m x 3m) Unit 2 = 25m ² (min 3m x 3m) Unit 5 = 15m ² and 13.5m ² (min 3m x 3m) Unit 3 = 18.62 m ² Unit 4 = 10 m ²	YES YES YES YES YES
Clause (g) - Visitor parking	1 visitor space for development comprising 6 or less dwellings, with maximum parking period of 4 hours	3 visitor parking spaces.	YES
Clause (h) - Parking	5 resident spaces required	5 resident spaces.	YES

State Environmental Planning Policy No 55 - Remediation of Land

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

The site is currently occupied by the vacant Killara Post Office buildings and has had a long history of use as Killara Post Office until recently. There is no evidence that indicates the site is contaminated nor would this be likely, given the long established use as the Killara Post Office. As such, it is unlikely to contain any contamination and further investigation is not warranted in this case.

Ku-ring-gai Planning Scheme Ordinance

The site is zoned Special Uses 5(A) – Post Office under the provisions of Ku-ring-gai Planning Scheme Ordinance (KPSO) and the erection of a residential flat building is prohibited within the zone. However, the provisions of SEPP (Seniors Living) 2004 override the controls of KPSO and the proposed Seniors Living development is permissible pursuant to clause 4 of SEPP (Seniors Living) 2004.

SEPP (Seniors Living) 2004 also provides controls in relation to streetscape character, amenity, solar access, tree replacement etc. These matters are also referred to in SEPP (Seniors Living) 2004 and the assessment of the proposed development against such controls has resulted in the consideration that the proposed development meets these aims and objectives.

POLICY PROVISIONS

Development Control Plan 40 - Waste Management

The site makes adequate provision of a waste and recycling storage area and provides for adequate access to this storage area by Council's garbage collection vehicles.

Development Control Plan 43 - Car Parking

The provisions of SEPP (Seniors Living) 2004 in relation to parking override any other parking requirements where in conflict. An assessment of the proposal's parking provision in relation to SEPP (Seniors Living) 2004 is provided previously within this report and the application complies with the relevant controls.

Development Control Plan No 47 - Water Management

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

Section 94 Plan

The development attracts a section 94 contribution of \$54,556.35 which is required to be paid by *Condition No 73*.

The figure is calculated utilising Ku-ring-gai Section 94 Contributions Plan 2004-2009 Residential Development adopted 30 June 2004

LIKELY IMPACTS

The likely impacts of the development have been assessed elsewhere in this report.

SUITABILITY OF THE SITE

The site is suitable for the proposed development.

ANY SUBMISSIONS

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

PUBLIC INTEREST

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

ANY OTHER RELEVANT MATTERS CONSIDERATIONS NOT ALREADY ADDRESSED

There are no other matters for discussion.

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CONCLUSION

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

RECOMMENDATION

Pursuant to Section 80(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 clauses 25(2)(b), 38(4)(c) and 81(b) of SEPP (Seniors Living) 2004 is well founded. The Council is also of the opinion that strict compliance with the development standards is unreasonable and unnecessary in the circumstances of this case.

THAT the Council, as the consent authority, grant development consent to DA429/04 for the construction of a SEPP (Seniors Living) 2004 development comprising of the conversion of the former Killara Post Office to a dwelling and the construction of four (4) additional units with basement parking for eight (8) vehicles and landscaping on land at 23A Werona Avenue, Killara, for a period of two (2) years from the date of the Notice of Determination, subject to the following conditions:

GENERAL

1. The development to be in accordance with Development Application No 429/04 and Development Application plans prepared by Architecture Unlimited, reference number 2103-01(C1), 2103-02(C2), 2103-03(C1), 2103-04(B1), 2103-05(B2), 2103-06(C1), 2103-07(C1), 2103-08(B1), dated 11 February 2005 and lodged with Council on 8 March 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 approved building shall not be occupied unless the development has been completed in accordance with all conditions of consent and the approved plans and a Occupation Certificate has been issued.
5. The opening of any footway, roadway, road shoulder or any part of the road reserve shall not be carried out without a Road Opening Permit being obtained from the Council (upon payment of the required fee) beforehand.
6. For the purpose of ensuring the compliance with the terms of the approval, an approved copy of the plan and this Consent and Construction Certificate shall be kept on site at all times.

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7. For the purpose of safety and amenity of the area, no building materials, plant or the like are to be stored on the road or footpath without the written approval being obtained from the Council beforehand. The pathway shall be kept in a clean, tidy and safe condition during building operations. Council reserves the right, without notice, to rectify any such breach and to charge the cost against the applicant/owner/builder, as the case may be.
8. **HOURS OF WORK:** For the purpose of residential amenity, noise generating work carried out in connection with building and construction operation, including deliveries of building materials and equipment, is restricted to the following hours: Mondays to Fridays inclusive: 7.00am to 5.30pm. Saturdays: 8.00am to 12.00 noon. Sundays and Public Holidays: Not Permitted. The use of the following items of plant on the site is also restricted to the abovementioned hours: compressors, bulldozers, power operated woodworking machines, excavators and loaders, jackhammers, Ramset guns, concrete mixers and concrete delivery wagons, hoists, winches, welding and riveting plant.

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

9. For the purpose of public safety, a sign shall be erected on the site prior to any work commencing which is clearly visible from a public place stating that unauthorised entry to the site is not permitted and showing the name of the builder or another person responsible for the site and a telephone number for contact outside working hours. The sign may only be removed on satisfactory completion of the works.
10. A sign shall be erected in a prominent position on the site which states the name and contact details of the Principal Certifying Authority.
11. All excavations shall be properly guarded and protected with hoardings or fencing to prevent them from being dangerous to life and property.
12. To maintain existing ground levels all excavated material shall be removed from the site.
13. 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.
14. The applicant is advised that the Construction Certificate plans and specifications must comply with the provisions of the Building Code of Australia.
15. All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.

All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.

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16. 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:
- must preserve and protect the building from damage, and
 - if necessary, must underpin and support the building in an approved manner, and
 - 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.

17. 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.
18. To maintain residential amenity, all electrical services to the site are to be provided underground and must not disturb the root system of any trees. Please contact the energy supply authority's local customer service office to obtain documentary evidence that the authority has been consulted and that their requirements have been met. This information is to be submitted to Council prior to the release of the Occupation Certificate.
19. If the work involved in the erection or demolition of a building:
- is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
 - building involves the enclosure of a public place, a hoarding or fence must be erected between the work site and the public place.

If necessary, 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.

20. The fence and footings shall be constructed entirely within the boundaries of the property.
21. The demolition is to be carried out in accordance with the guidelines contained in Australian Standard 2601-1991: The Demolition of Structures.

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22. Access to demolition sites shall be protected as directed by the Principal Certifying Authority by the use of suitable fences or hoardings.
23. 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.
24. 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.
25. 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.

26. Erosion control measures shall be provided on demolition sites to prevent the siltation of watercourses and drainage systems.
27. 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.
28. The creation of a Restriction as to use of land under Section 88E of the Conveyancing Act 1919, restricting the occupation of the premises to:

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- a. People 55 or over or people who have a disability;
 - b. People who live with people 55 or over or people who have a disability;
 - c. Staff employed to assist in the administration of and provision of services to housing provided in this development.
29. The development is to remain as Housing for Aged or Disabled Persons within the meaning of State Environmental Planning Policy Seniors Living 2004, at all times.
 30. All advertising, signage, marketing or promotion of the sale of the dwellings in this development shall make clear reference to the fact that this is a SEPP Seniors Living 2004 development and that at least one occupier shall be aged 55 years or over or have a disability.
 31. The burning of undergrowth, foliage, building refuse and like matter on the site is prohibited.
 32. Under no circumstances shall building materials, demolition waste, fill, soil or any other material from any source be placed or stored within any public reserve.
 33. 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.
 34. Sites shall not be re-shaped, re-contoured, excavated nor the levels on any part of the site altered without the Consent of the Council being obtained beforehand.
 35. To preserve and enhance the natural environment, sediment removed from erosion and sediment control structures shall be disposed of to an approved sediment dump.
 36. For the protection of the health and safety of occupants, workers and the environment, any person renovating or demolishing any building built before the 1970's should be aware that surfaces may be coated with lead-based paint. Lead dust is a hazardous substance. Persons are required to follow the attached recommended guidelines to prevent personal and environmental contamination.
 37. For the purpose of health and amenity, effective measures are to be taken at all times to prevent any nuisance being caused by noise, vibrations smells, fumes, dust, smoke, waste water products and the like.
 38. To prevent pollution, all vehicles making a delivery to or from the site are to be covered to prevent loose materials, dust etc falling from the vehicles.
 39. The applicant's attention is directed to any obligations or responsibilities under the Dividing Fences Act in respect of adjoining property owner/s which may arise from this application and it is advised that enquiries in this regard may be made at the nearest Local Court.

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40. The buildings are not to be used or occupied until an Occupation Certificate has been issued.
41. External paved access for vehicles and pedestrians being of contrasting materials to the satisfaction of the Principal Certifying Authority.
42. All areas of common property, including visitor car parking spaces and on-site stormwater detention shall be included on the final plans of subdivision.
43. 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.
44. Separate written approval under Council's Tree Preservation Order is required prior to the REMOVAL of the following trees within the subject property:

No/Tree/Location

17 / *Eucalyptus saligna* (Sydney Blue Gum) / Adjacent to and towards the southeastern end of the site's eastern boundary.

45. The landscape works shall be completed prior to issue of final Certificate of Compliance and maintained in a satisfactory condition at all times.
46. The screen planting shall be completed prior to the issue of the final Certificate of Compliance and be maintained in a satisfactory condition at all times.
47. Tree planting to satisfy tree retention/replenishment requirements shall be completed prior to the issue of the final Certificate of Compliance
48. Any imported fill material shall be restricted to material from the local soil landscape on which the site is located or be derived from sandstone geology sites.
49. All excavation carried out within the specified radius of the trunk/s of the following tree/s for installation of the pick-up pit shall be hand dug:

Tree/Location

Radius From Trunk

Xylosma senticosa (Xylosma)

3m

Close to the site's northern corner.

50. Excavation for the installation of STORMWATER 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 surface at the tree/s to minimise damage to tree/s root system. Documentary evidence of compliance with this condition shall be submitted to Council with the final Certificate of Compliance.

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No./Tree/Location	Radius From Trunk
11 / <i>Angophora floribunda</i> (Rough barked Apple) Adjacent to the site's Werona Avenue boundary and near its southern corner.	5m
12 / <i>Ficus microcarpa 'Hillii'</i> (Hills Weeping Fig) Werona Avenue nature strip close to the site's southern corner	5m
<i>Xylosma senticosa</i> (Xylosma) Close to the site's northern corner.	3m

51. On completion of the landscape works including tree planting and screen planting, a Landscape Architect or qualified Landscape Designer shall submit a report certifying correct installation, faithful to the landscape plan to the Principal Certifying Authority with a copy to Council, prior to issue of final Certificate of Compliance.
52. The following noxious and/or undesirable plant species shall be removed from the property prior to completion of the proposed building works. Documentary evidence of compliance with this condition shall be submitted to the Principal Certifying Authority prior to the release of the final Compliance Certificate:

Plant Species

Asparagus densiflorus (Asparagus Fern)
Hedera helix (English Ivy)
Jasminum polyanthum (Jasminum)
Ligustrum lucidum (Large-leaved Privet)
Ligustrum sinense (Small-leaved Privet)
Ochna serrulata (Ochna)
Olea europaea subsp. africana (African Olive)
Sida rhombifolia (Paddy's Lucern)

53. 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.
54. Stormwater runoff from new hard surfaces generating runoff or landscaped areas that are not at natural ground level shall be piped to the street drainage system. New drainage line connections to the street system shall conform and comply with the requirements described in sections 5.3 and 5.4 of Councils Water Management Development Control Plan 47, available in hard copy at Council and on the Council website.
55. 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 (adopted March 2004), shall be provided for the development. DCP47 is available in hard copy at Council and on the Council website.

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56. For stormwater control a 200mm wide grated channel/trench drain with a heavy-duty removable galvanised grate is to be provided at the base of the ramped driveways and connected to the main stormwater drainage system. The channel drain shall have an outlet of minimum diameter 150mm to prevent blockage by debris.
57. For stormwater control all paved areas are to be drained to the main drainage system. This may require the installation of suitable cut-off structures, inlets and/or barriers that direct runoff to the formal drainage system.
58. A maintenance period of six (6) months shall apply to the work in the public road reserve carried out by the applicant after works have been completed to Council's satisfaction. In that period, the applicant shall be liable for any section of the work which fails to perform in the manner outlined in Council's specifications, or as would reasonably be expected under the operating conditions.
59. 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.
60. 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.**
61. 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.
62. Driveways and access ramps must be designed not to scrape the underside of cars. In all respects, the proposed vehicle access and accommodation arrangements must be designed and constructed to comply with Australian Standard 2890.1 – 2004 "Off-Street car parking".
63. For the purpose of any inspections by Council engineers, the corresponding fees set out in Councils adopted Schedule of Fees and Charges are payable to Council. A re-inspection fee per visit may be charged where work is unprepared at the requested time of inspection, or

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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.

64. 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 www.sydneywater.com.au then the “e-developer” icon or telephone 13 20 92. Following application a “Notice of Requirements” will detail water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.
65. During construction, stormwater runoff must be disposed in a controlled manner that is compatible with the erosion and sediment controls on the site. Immediately upon completion of any impervious areas on the site (including roofs, driveways, paving) and where the final drainage system is incomplete, the necessary temporary drainage systems shall be installed to control runoff as far as the approved point of stormwater discharge. Such measures shall be to the satisfaction of the Principal Certifying Authority (PCA).
66. To prevent surface stormwater from entering the building, the finished habitable ground floor level(s) of the building shall be a minimum of 150mm above adjacent finished ground level(s). The entire outside perimeter of the building must have overland flow escape routes which will protect all finished floor levels from flooding during times of complete subsurface drainage blockage.
67. A contractor with specialist excavation experience must undertake the excavations for the basement level and a suitably qualified and consulting geotechnical engineer must oversee the excavation procedure.

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

68. 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.

69. 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

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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).

70. 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.
71. 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.
72. 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.
73. A contribution is to be paid for the provision, extension or augmentation of community facilities, recreation facilities, open space and administration that will, or are likely to be, required as a consequence of development in the area.

TOTAL CONTRIBUTION FOR THIS DEVELOPMENT OF FIVE ADDITIONAL DWELLINGS IS CURRENTLY \$54,556.35. The amount of the payment shall be in accordance with the Section 94 charges as at the date of payment. The charges may vary at the time of payment in accordance with Council's Section 94 Contributions Plan to reflect changes in land values, construction costs and the consumer price index.

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

1. Community Facilities	\$1,117.76
2. Park Acquisition and Embellishment Works - Killara	\$6,384.75
3. Sportsgrounds Works	\$1,318.32
4. Aquatic / Leisure Centres	\$27.82
5. Traffic and Transport	\$150.28
6. Section 94 Plan Administration	\$100.04

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

OCCUPANCY RATES FOR DIFFERENT DWELLING SIZES

Small dwelling (under 75sqm)	1.27 persons
Medium dwelling (75 - under 110sqm)	1.78 persons
Large dwelling (110 - under 150sqm)	2.56 persons
Very Large dwelling (150sqm or more)	3.48 persons
New Lot	3.48 persons
SEPP (Seniors Living) Dwelling	1.3persons

74. The Construction Certificate shall not be released until a Site Management Plan is submitted to the Principal Certifying Authority and approved by a suitably qualified professional.

The plan shall indicate the planned phases of the construction work, erosion and drainage management, tree protection measures, areas nominated for storing materials, site access and where vehicle parking is proposed, during construction.

75. An amended plan and specification of the proposed landscape works for the site shall be prepared in accordance with Council's Development Control Plan No 38, by a Landscape Designer to enhance the amenity of the built environment and protect the Ku-ring-gai landscape character.

The amended plan shall include the following details:

- To protect and enhance native vegetation for the conservation and promotion of biodiversity, at least 25% of the trees and shrubs for planting at the site shall be selected from the Blue Gum High Forest assemblage of vascular plants (included) as the site is located more than 300 metres from bushland.
- Shrub screening between Units 1 and 3 and the site's eastern boundary shall be have light coloured and more open foliage to maximize natural illumination of adjacent rooms.

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The plan must be submitted to Council prior to the release of the Construction Certificate and be approved by Council's Landscape Development Officer prior to the commencement of works.

76. A plan detailing screen planting between the site's northeastern boundary and Units 1 and 2 shall be submitted to Council prior to the release of the Construction Certificate and approved by Council's Landscape Development Officer, prior to completion of building works. The plan shall incorporate species capable of attaining a height of 2.5 and 3 metres respectively.
77. The property shall support a minimum number of 7 trees that will attain 13.0 metres in height on the site, to preserve the tree canopy of Ku-ring-gai, in accordance with Council's policy of Tree Retention/Replenishment on Residential Allotments adopted 26 April 1988. The existing tree/s, and additional tree/s to be planted, shall be shown on the Landscape Plan/Site Plan. The plan shall be submitted to Council prior to release of Construction Certificate and approved by Council's Landscape Development Officer, prior to commence of work.
78. The 4 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.
79. A CASH BOND/BANK GUARANTEE of \$10,000 shall be lodged with Council as a Landscape Establishment Bond prior to the release of the Construction Certificate to ensure that the landscape works are installed and maintained in accordance with the approved landscape plan or other landscape conditions.

Fifty percent (50%) of this bond will be refunded upon issue of the final Certificate of Compliance, where landscape works as approved have been satisfactorily installed. The balance of the bond will be refunded 3 years after issue of the building certificate, where landscape works has 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.

80. To preserve the following tree/s, footings of the proposed LOW BRICK WALL ALONG THE WERONA AVENUE BOUNDARY shall be isolated pier or pier and beam construction within the specified radius of the trunk/s. The piers shall be located such that no roots of a diameter greater than 50mm shall be severed or injured in the process of any site works during the construction period. The beam shall be located on or above existing soil levels.

The location and details of the footings shall be submitted to Council's Landscape Development Officer and be approved prior to release of the Construction Certificate.

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No./Tree/Location	Radius in Metres
11 / <i>Angophora floribunda</i> (Rough barked Apple) Adjacent to the site's Werona Avenue boundary and near its southern corner.	4m
13 / <i>Angophora floribunda</i> (Rough barked Apple) Close to the site's southern corner.	5m

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

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

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

82. Prior to issue of the Construction Certificate the applicant shall submit and have approved by the Principal Certifying Authority (PCA), full construction drawings for the proposed method of achieving Council requirements for the on-site stormwater retention and detention system(s) specified in chapter 6 of Councils Water Management DCP 47 (adopted by Council March 2004). Where utilised, the hydraulic service plans S040180-H-000, 100, 101, 102, 103 by Steve Paul and Partners dated March 2004, must be revised to comply with DCP47 and shall include details of the following (to a detail suitable for construction purposes):
- A total stormwater *retention* requirement of **3000 litres per unit** to be installed with retained water to be plumbed for toilet flushing in each unit and garden irrigation, as a minimum.
 - A reduction in the on-site detention volume is permissible in accordance with the guidelines specified in chapter 6.7 of Water Management Development Control Plan 47.

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The design shall comply with any manufacturers' specifications and the relevant plumbing codes for proprietary products. Rainwater tank(s) shall be designed to capture and retain runoff from a minimum 100m² roof area for every 5000 litres of storage (pro rata). 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. DCP47 is available on the Council website and at Council customer services.

83. Prior to issue of the Construction Certificate the applicant shall submit, for approval by the Principal Certifying Authority (PCA), details for the proposed method of achieving Council requirements for the mandatory re-use of water on the property including garden irrigation, toilet flushing and cold laundry. The necessary pumping, housing, filtration and delivery plumbing equipment for re-use shall be shown on this design. The plans, with all supporting documentation, are to be prepared by a qualified and experienced civil/hydraulic engineer. These details may be incorporated on the overall stormwater management plan and design for the retention/detention system layout.
84. Prior to issue of the Construction Certificate the applicant shall submit, for approval by the Principal Certifying Authority (PCA), construction design drawings and calculations for the property drainage system components. The property drainage system (including but not limited to gutters, downpipes, pits, joints, flushing facilities and all ancillary plumbing) shall be designed for a 235mm/hour rainfall intensity for a duration of five (5) minutes (1:50 year storm recurrence) and shall be compatible with the necessary retention/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.
85. Prior to issue of the Construction Certificate the applicant shall submit, for approval by the Principal Certifying Authority (PCA), construction design plans and calculations for provision of a basement stormwater pump-out system for the driveway ramp runoff and subsoil drainage. The system shall comprise of both duty and back-up pumps, shall be designed for the 100 year runoff and have an emergency alarm system. The system is to include a holding well which has a storage capacity equivalent to the runoff volume from a 2 hour 100 year ARI storm event so that the basement is safeguarded from flooding during power failure for such a storm over such a period. Plans and details, including but not limited to, holding well volume calculations, inflow and outflow calculations, pump specification and duty curves are to be prepared by a qualified civil/hydraulic engineer.
86. Prior to the issue of a Construction Certificate the Applicant shall submit and have approved by the Principal Certifying Authority, revised plans which show the basement layout plan (2103-01 C by Architecture Unlimited dated 02.04.04) amended to include the following details:
 - The width of spaces 4 & 5 increased to 3.2 metres (minimum). The increase in width is required to ensure compliance with clause 56 of the Seniors Living State Environment Planning Policy for all vehicle spaces.

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- A convex mirror to be installed at a suitable location on the curved access driveway to allow incoming and exiting vehicles to be aware of each other and allow for passing at the designated driveway area.

In addition, a qualified civil/traffic engineer shall provide a written certification on the revised basement level plan, stating that the proposed basement parking plan satisfies the following requirements with respect to car parking and access:

- a. Clause 56 of the State Environmental Planning Policy for Senior Living,
- b. Australian Standard 2890.1 - 2004 "Off-street car parking",
- c. The 2.5 metres headroom requirement under the Seniors Living State Environment Planning Policy.

87. Prior to issue of the Construction Certificate the Applicant must have full engineering plans approved by Council (only) which detail the following infrastructure works to be carried out in the Public Road:

- a. Construction of a fully new concrete strip footpath (with asphalt overlay) having a constant longitudinal grade over the full Werona Ave site frontage. Maximum crossfall in the new footpath to be 2.5% (towards street) to facilitate acceptable pedestrian and wheelchair access to the intersection and bus stop.
- b. Removal of redundant asphalt areas and reinstatement of turf cover strip over the Werona Ave site frontage between the outer edge of the new concrete footpath and the kerb alignment.
- c. Removal of all redundant driveway crossing and layback section and reinstatement to upright kerb and gutter.
- d. Construction of a fully new accessible kerb ramp at the corner intersection fronting the site to facilitate access across Werona Ave.
- e. Construction of a new double width concrete driveway crossing (with asphalt overlay) and layback for vehicular access from Werona Avenue.

This development consent under the EP&A Act does **NOT** give approval to these works on Council property which must be completed. **THE APPLICANT MUST OBTAIN A SEPARATE APPROVAL FROM COUNCIL UNDER SECTION 138 AND 139 OF THE ROADS ACT 1993** for these works in the Public Road. The Construction Certificate must not be issued, and these works must not proceed, until Council has issued a formal written approval and stamped the plans under the *Roads Act 1993*.

To obtain an approval under the *Roads Act 1993* for the infrastructure works in the road reserve, full engineering drawings (plans, sections and elevations) and specifications for the required works must be prepared by a suitably qualified and experienced consulting civil engineer. These must be submitted and approved by Council prior to issue of the Construction Certificate. Construction of the works must proceed in accordance with any conditions attached to the Council *Roads Act 1993* approval.

All works in the road reserve are to be designed in accordance with Council's "Specification for Road and Drainage Works" and related Standards. In addition, the drawings must detail all

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existing services and trees affected by the works, erosion control requirements and traffic management requirements during the course of works. Traffic management is to be certified on the drawings as being in accordance with the documents SAA HB81.1 – 1996 – Field Guide for Traffic Control at Works on Roads – Part 1 and RTA Traffic Control at Work Sites (1998).

Advising 1: A minimum of three (3) weeks will be required for assessment of Roads Act submissions. Early submission to Council is highly recommended to avoid delays in obtaining a Construction Certificate.

Advising 2: An engineering assessment fee (set out in Council's adopted fees and charges) is payable and Council will withhold any consent and approved plans until full payment of the correct fees.

Advising 3: Plans and specifications must be marked to the attention of Council's Development Engineers. In addition, a copy of this condition must be provided, together with a covering letter stating the full address of the property and the accompanying DA number.

88. 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).
89. Prior to the issue of a Construction Certificate the applicant shall lodge a \$15,000 (fifteen thousand dollar) bond with Council. This bond is to cover the restoration by Council of any damage to public infrastructure, caused as a result of construction works, in close proximity to the subject development. The bond will also cover the finishing of any incomplete works required in the road reserve required as part of the approved development. The bond shall be refundable following completion of **all** works relating to the proposed development or at the end of any maintenance period stipulated by consent conditions upon approval by Council's Engineers. Further, Council shall have full authority to make use of the bond for such restoration works as deemed necessary by Council in the following circumstances:
- Where the damage constitutes a hazard in which case Council may make use of the bond immediately, and
 - The applicant has not repaired nor commenced repairing the damage within 48 hours of the issue by Council in writing of instructions to undertake such repairs or works.

CONDITIONS TO BE COMPLIED WITH PRIOR TO WORK COMMENCING

90. 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.

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91. Details of the colour, finish and substance of all external materials are to be submitted to Council for approval prior to commencement of work. New materials shall match existing as closely as possible but shall be discernible from original work. Samples of all external materials, finishes and colours to be submitted for approval by the Principal Certifying Authority prior to the commencement of work.

92. A simple photographic record of the affected parts of the heritage item are to be submitted to Council prior to the commencement of work. Recording shall be undertaken in accordance with the *Guidelines for Photographic Recording of Heritage Sites, Building and Structures* prepared by the New South Wales Heritage Office.

Information shall be bound in an A4 report format. It shall include copies of black and white photographs, referenced to plans of the affected property. Two (2) copies (one (1) copy to include negatives of photographs) shall be submitted to Council's Department of Environmental and Regulatory Services, to be held in the Local Studies Collection of Kuring-gai Library.

93. 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.

94. 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.

95. 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 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
14 / <i>Angophora floribunda</i> (Rough barked Apple) Adjacent to the site's central southeastern boundary	3m
16 / <i>Cupressus torulosa</i> (Bhutan Cypress) Close to the site's eastern corner.	2m

96. 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 SENIORS LIVING UNITS and AUXILLIARY STRUCTURES 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:

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No./Tree/Location	Radius From Trunk
2 / <i>Eucalyptus paniculata</i> (Grey Ironbark) Close to the northern end of Unit 5.	5m
11 / <i>Angophora floribunda</i> (Rough barked Apple) Adjacent to the site's Werona Avenue boundary and near its southern corner.	5m
13 / <i>Angophora floribunda</i> (Rough barked Apple) Close to the site's southern corner.	3m
15 / <i>Eucalyptus pilularis</i> (Blackbutt) Near the site's central southeastern boundary.	5m
<i>Xylosma senticosa</i> (Xylosma) Close to the site's northern corner.	3m

97. 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.
98. Upon completion of the installation of the required tree protection measures you are required to contact Council on telephone 9424 0888 or facsimile 9418 1117 to arrange an inspection of the site, in this regard a minimum of 24 hours notice is required. 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.
99. Council property adjoining the construction site must be fully supported at all times during all excavation, demolition and building construction works. Details of shoring, propping and anchoring of works adjoining Council property, prepared by a qualified Structural Engineer or Geotechnical Engineer, must be submitted for the approval of the Principal Certifying Authority (PCA), before the commencement of the works, and prior to issue of the Construction Certificate. Backfilling of excavations adjoining Council property or any void remaining at completion of construction between the building and Council property must be fully compacted prior to the completion of works.
100. Prior to the commencement of any works on site the applicant shall submit, for approval by the Principal Certifying Authority (PCA), a Geotechnical/Civil Engineering report which addresses (but is not limited to) the following:
 - a. The type and extent of substrata formations by the provision of a minimum of four (4) representative bore hole logs which are to provide a full description of all material from ground surface to 1.0m below the finished basement floor level and include the location and description of any anomalies encountered in the profile. The surface and depth of the bore-hole logs shall be related to Australian Height Datum.

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- b. The appropriate means of excavation/shoring in light of point (a) above and proximity to adjacent property and structures. Potential vibration caused by method of excavation and potential settlements affecting nearby footings/foundations shall be discussed and ameliorated.
- c. The proposed method to temporarily and permanently support the excavation for the basement adjacent to adjoining property, structures and road reserve if nearby (full support to be provided within the subject site).
- d. The existing groundwater levels in relation to the basement structure, where influenced.
- e. The drawdown effects on adjacent properties (including road reserve), if any, the basement excavation will have on groundwater together with the appropriate construction methods to be utilised in controlling groundwater. Where it is considered there is the potential for the development to create a “dam” for natural groundwater flows, a groundwater drainage system must be designed to transfer groundwater through or under the proposed development without a change in the range of the natural groundwater level fluctuations. Where an impediment to the natural flowpath is constructed, artificial drains such as perimeter drains and through drainage may be utilised.
- f. Recommendations to allow the satisfactory implementation of the works. An implementation program is to be prepared along with a suitable monitoring program (as required) including control levels for vibration, shoring support, ground level and any groundwater level movements during construction. The implementation program is to nominate suitable hold points at the various stages of the works for verification of the design intent before sign-off and before proceeding with subsequent stages.

The geotechnical report must be prepared by a consulting geotechnical/hydrogeological engineer with previous experience in such investigations and reporting. It is the responsibility of the engaged geotechnical specialist to undertake the appropriate investigations, reporting and specialist recommendations to ensure a reasonable level of protection to adjacent property and structures both during and after construction. The report shall contain site specific geotechnical recommendations and shall specify the necessary hold/inspection points by relevant professionals as appropriate. The design principles for the geotechnical report are as follows:

- No ground settlement or movement is to be induced which is sufficient enough to cause an adverse impact to adjoining property and/or infrastructure.
- No changes to the ground water level are to occur as a result or during construction of the development that are sufficient enough to cause an adverse impact to the surrounding property and infrastructure.
- Vibration is to be minimised or eliminated to ensure no adverse impact on the surrounding property and infrastructure occurs, as a result of the construction of the development.
- Appropriate support and retention systems are to be recommended and suitable designs prepared to allow the proposed development to comply with these Design Principles.
- An adverse impact can be assumed to be crack damage which would be classified as Category 2 or greater damage according to the classification given in Table C1 of AS 2870 – 1996.

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101. Prior to the commencement of any works on site and prior to issue of the Construction Certificate the applicant must submit, for review by Council Engineers, a Traffic Control Plan for the construction period. The plan must be prepared by a qualified civil/traffic engineer 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)". The following matters must be addressed:

Heavy vehicle routes

- a. Safe points of vehicular access to the construction site and details of the proposed route of heavy vehicles servicing the site. Light traffic roads and those subject to a load limit are to be avoided.

Safe ingress and egress

- a. How the site will be safely accessed by all vehicles servicing the site including provision for forward ingress and egress and details of traffic control for the site, including provision of a flagperson to control vehicle movements to and from the site.
- b. How safe egress for vehicles will be controlled on those occasions where forward egress is not possible.
- c. How pedestrians will be safely managed across the frontage of the site.

Parking control

- a. The provision of on-site parking for employee, tradesperson and construction vehicles.
- b. The maintenance of existing parking restrictions around the site at all times

Stages

- a. The Traffic Control Plan must recognise the different stages of the work, including site establishment, bulk excavation, concrete pours and tradesperson and landscaper access, and specify the traffic management requirements of each stage.

The Traffic Control Plan shall be submitted to and reviewed by Council, attention Development Engineer. A written acknowledgment from Council shall be obtained prior to the issue of the Construction Certificate. The Plan shall be prepared by a suitably qualified and experienced traffic consultant and be certified by this person as being in accordance with the requirements of the abovementioned documents and the requirements of this condition. Evidence of RTA concurrence, as required above, is to be lodged concurrently with Council. The traffic management measures contained in the approved plan shall be implemented in accordance with the plan prior to the commencement of any works on-site including excavation.

102. Prior to the commencement of any works on site, the Applicant must make a written application to the Ku-ring-gai Local Traffic Committee to install a 'Work Zone' in Werona Ave as close as possible to the site. Further, 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

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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 and the adopted fee paid prior to commencement of any works on the site. Where such a 'Work Zone' is not considered to be feasible by Council Traffic Engineers, the zone will not be required. This condition is to facilitate a dedicated on-street parking area for construction related vehicles during work hours. A need for a 'Work Zone' arises given the existing on-street parking restrictions around the site and the existing high demand for on-street parking generated by the rail station opposite.

CONDITIONS TO BE COMPLIED WITH PRIOR TO THE ISSUE OF THE FINAL COMPLIANCE CERTIFICATE

103. Low level lighting shall be provided along the entrance pathway and the driveway to the front entries of each unit in accordance with the requirements of SEPP Seniors Living 2004. The lighting must provide at least 50 lux at ground level. Documentary evidence of such is to be submitted to the Principal Certifying Authority prior to the issue of the Occupation Certificate.
104. To ensure compliance with the requirements of SEPP Seniors Living 2004 and the documentation submitted with the development application the garages shall be provided with a power operated roller door. Additionally the visitor car parking spaces shall have a minimum dimension of 6 x 3.2 metres 98.
105. To ensure compliance with the requirements of SEPP Seniors Living 2004, every entry must have an entry door handle and other hardware that complies with AS 1428. Additionally all exterior doors for each dwelling shall be keyed alike. The entrance must comply with clauses 4.3.1 and 4.3.2 of AS 4299. Documentary evidence shall be submitted prior to the release of an Occupation Certificate.
106. To ensure compliance with the requirements of SEPP Seniors Living 2004, each interior door must have a clearance of at least 820 millimetres, internal corridors must have a width of at least 1000mm and the width at internal door approaches must be at least 1200mm. Documentary evidence shall be submitted prior to the release of an Occupation Certificate.
107. To ensure compliance with SEPP Seniors Living 2004, the living room must have a circulation space of at least 2250mm in diameter as set out in clause 4.7 of AS4299 and a telephone adjacent to a general power point. Additionally the living and dining room must have a potential illumination of at least 300 lux.
108. To ensure compliance with the requirements of Clause 61 of SEPP Seniors Living 2004 the kitchen shall meet the following requirements:
 - a. a width of at least 2.7 metres and a clear space between benches of at least 1 450 millimetres, and
 - b. a width at door approaches of at least 1 200 millimetres, and
 - c. benches that include at least one work surface:
 - i. that is at least 800 millimetres in length, and

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- ii. the height of which can be adjusted from 750 millimetres to 850 millimetres, and
- d. a tap set:
 - i. that is located within 300 millimetres of the front of the sink, and
 - ii. that is a capstan tap set or that comprises lever handles or a lever mixer, and
- e. a thermostatic mixing valve for the hot water outlet, and
- f. cook tops:
 - i. with either front or side controls, and
 - ii. with controls that have raised cross bars for ease of grip, and
 - iii. that include an isolating switch, and
- g. a worksurface adjacent to the cook top and at the same height and that is at least 800 millimetres in length, and h. an oven that is located adjacent to a worksurface the height of which can be adjusted, and
- h. ``D'' pull cupboard handles that are located towards the top of below-bench cupboards and towards the bottom of overhead cupboards, and
- j. general power outlets: at least one of which is a double general power outlet within 300 millimetres of the front of a work surface, and one of which is provided for a refrigerator in such a position as to be easily accessible after the refrigerator is installed.

Documentary evidence shall be submitted prior to the release of an Occupation Certificate.

109. To ensure compliance with SEPP Seniors Living 2004, the main bedroom shall be provided with 2 double general power outlets on the wall where the head of the bed is likely to be; at least one general power outlet on the wall opposite the wall where the head of the bed is likely to be; a telephone outlet next to the bed on the side closest to the door and a general power outlet beside the telephone outlet and a potential illumination level of at least 300 lux. The bedroom must have an area sufficient to accommodate a wardrobe and a queen-size bed with a clear area at least 1200mm wide at the foot of the bed. Documentary evidence shall be submitted prior to the release of an Occupation Certificate.
110. To ensure compliance with the requirements of Clause 63 the bathrooms must comply with the following:
- a. an area that complies with AS 1428, and
 - b. a slip-resistant floor surface, and
 - c. a shower:
 - i. the recess of which is at least 1 160 millimetres × 1 100 millimetres, or that complies with AS 1428, or that complies with clause 4.4.4 and Figures 4.6 and 4.7 of AS 4299, and
 - ii. the recess of which does not have a hob, and
 - iii. that is waterproofed in accordance with AS 3740, and
 - iv. the floor of which falls to a floor waste, and
 - v. that can accommodate a grab rail that complies with Figure 4.6 of AS 4299 and AS 1428, and
 - vi. that has a tap set that is a capstan tap set or that comprises lever handles and that has a single outlet, and
 - vii. that has the tap set positioned so as to be easily reached from the entry to the shower, and

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- viii. that can accommodate an adjustable, detachable hand-held shower rose mounted on a slider grab rail or a fixed hook, and
 - ix. that can accommodate a folding seat that complies with Figure 4.6 of AS 4299, and
 - d. thermostatic mixing valves for all hot water outlets, and
 - e. a washbasin with clearances that comply with Figure 4.4 of AS 4299, and
 - f. a wall cabinet that is sufficiently illuminated to be able to read the labels of items stored in it, and
 - g. a mirror, and
 - h. a double general power outlet beside the mirror.
- 111. To ensure compliance with SEPP Seniors Living 2004, the laundry within each dwelling shall have a thermostatic mixing valve for all hot water outlets and a slip-resistant floor surface. There must also be a clear space in front of appliances of at least 1300 mm.
- 112. To ensure compliance with Clause 68 a self-contained dwelling must be provided with a lined cupboard that is:
 - a) able to be operated with one hand, and
 - b) located between 900mm and 1100mm above floor level.
- 113. To ensure compliance with SEPP Seniors Living 2004, door handles for opening doors must be able to be operated with one hand and located between 900mm and 1100mm above floor level.
- 114. To ensure compliance with SEPP Seniors Living 2004, all balconies and external paved areas must have slip resistant surfaces and switches must be located between 900mm and 1100mm above floor level. General purpose outlets must be located at least 600mm above floor level.
- 115. To ensure compliance with SEPP Seniors Living 2004, switches must be located between 900mm and 1100mm above floor level. General purpose outlets must be located at least 600mm above floor level.
- 116. "Peep holes" shall be provided to the entrance doors of units 2, 3 and 5 for personal security.
- 117. To ensure compliance with SEPP Seniors Living 2004, street signage incorporating house numbers must be provided at each intersection.
- 118. To ensure compliance with SEPP Seniors Living 2004, every entry (whether a front entry or not) to a self-contained dwelling, not being an entry for employees:
 - a) Must not have a slope that exceeds 1:40; and
 - b) Must comply with clause 4.3.1 and 4.3.2 of AS 4299, and
 - c) Must have an entry door handle and other hardware that complies with AS 1428.
- 119. To ensure compliance with SEPP Seniors Living 2004, an outside garbage storage area must be provided in an accessible location.

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120. To ensure compliance with SEPP Seniors Living 2004, each self-contained dwelling must have a toilet on the ground floor:
- a) That is a visitable toilet within the meaning of clause 1.4.12 of AS 4299, and
 - b) That is installed in compliance with AS 1428, and
 - c) That has a slip-resistant floor surface, and
 - d) The WC pan of which is located from fixed walls in accordance with AS 1428, and
 - e) That can accommodate a grab rail that complies with Figure 4.5 of AS 4299 and AS 1428.

CONDITIONS TO BE COMPLIED WITH PRIOR TO OCCUPATION

103. Prior to the release of any occupation certificate, a compliance certificate must be obtained from an accredited certifier, certifying that the building works for the building to be occupied comply with the plans and specifications approved by this development consent; and any construction certificate associated with this consent for the buildings to be occupied. If the PCA is not the Council, then this compliance certificate must be submitted to the Council at the same time as the occupation certificate is submitted to the Council in accordance with Clause 151(2) of the E P & A Act regulations.
104. Prior to occupation or issue of an Occupation Certificate the following works must be completed:
- a. Construction of the new driveway crossings and layback in accordance with the levels and specifications issued by Council,
 - b. Completion of footpath and associated works approved by Council under the *Roads Act 1993*,
 - c. Removal of all redundant laybacks and driveway crossings. Full reinstatement of these areas to upright kerb to the satisfaction of Council. Reinstatement works shall match surrounding adjacent infrastructure with respect to integration of levels and materials.

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

105. Prior to occupation or issue of an Occupation Certificate the approved road, footpath and/or drainage works must be completed in the road reserve, in accordance with the Council approved *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 in full to the satisfaction of Council's Engineers. The supervising consulting engineer is to provide certification upon completion that the works were constructed in accordance with the Council approved drawings. The works are also to be subject to inspection by Council at the hold points noted on the approved drawings. Any conditions attached to the approved drawings for these works must be met in full.

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106. Prior to occupation or issue of an Occupation Certificate the following must be provided to Council (attention Development Engineer):

- a. A copy of the approved Construction Certificate stormwater detention/retention design for the site, and
- b. A copy of the works-as-executed drawing of the as-built on-site detention/retention system, and
- c. The Engineer's certification of the as-built system.

This condition is required so Council may maintain its database of as-constructed on-site stormwater detention and retention systems, and also applies if the Principal Certifying Authority (PCA) is not the Council.

107. Prior to occupation or issue of an Occupation Certificate the Section 73 Sydney Water compliance certificate for the building must be obtained and submitted to the Principal Certifying Authority (PCA).

108. Prior to occupation or issue of an Occupation Certificate (and at the completion of works), the applicant shall submit to the Principal Certifying Authority (PCA) certification from a suitably qualified and experienced traffic/civil engineer, that:

- a. *The as-constructed car park complies with the approved Construction Certificate plans, and*
- b. *The dimensions of all as-constructed private car parking spaces meet the dimension requirements of the Seniors Living SEPP (as last amended), and*
- c. *The vehicular headroom requirements of:*
 - *the Seniors Living SEPP (as last amended) for accessible parking spaces, and*
 - *Australian Standard 2890.1 - "Off-street car parking", and*
 - *2.5m height clearances are met from the public street into and within the applicable areas of the basement car park, and*
- d. *The gradients of the constructed access driveway from the public street to the basement car park are in accordance with AS2890.1 and will not result in the scraping of the underside of cars, and*
- f. *A convex mirror has been installed at a suitable location on the access driveway to allow incoming and exiting vehicles to be aware of each other and allow for passing at the designated area.*

109. Prior to occupation or issue of an Occupation Certificate (and at the completion of works), the applicant shall submit certification from a consulting civil/hydraulic engineer to the Principal Certifying Authority (PCA), that:

- a. Construction of the stormwater drainage system (including but not limited to gutters, downpipes, pits, joints, flushing facilities and all ancillary plumbing) has been carried out by a licensed plumbing contractor, and
- b. The works have been completed in accordance with the approved Construction Certificate drainage plans and the Plumbing and Drainage Code AS3500,.3.2, and

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- c. 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.

In addition, a Works-as-Executed (WAE) drawing of the property stormwater drainage system is to be prepared by a registered surveyor and submitted to the Principal Certifying Authority (PCA) prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate. The WAE plan shall show the following as built details, marked in red on the approved construction certificate stormwater drawings:

- a. As built reduced surface and invert levels for all drainage pits and connection points.
 - b. As built reduced level(s) at the approved point of discharge to the public drainage system.
 - c. Gradients of drainage lines, materials and dimensions.
110. Prior to occupation or issue of an Occupation Certificate, Certification and a Works-as-Executed (WAE) plan in relation to the installed rainwater retention devices are to be submitted to the Principal Certifying Authority (PCA). Certification is to be provided by a suitably qualified consulting civil/hydraulic engineer and the WAE plan is to be prepared by a registered surveyor. The Certificate is to certify:
- Compatibility of the retention system(s) with the approved Construction Certificate plans.
 - The provision of water mains back-up system to each collection tank for periods of low rainfall.
 - Compliance with AS 3500.2 & AS3500.3:1998.
 - Overflow from the installed retention devices directed to an approved disposal point.
 - The capacity of the retention storage as approved.
 - Provision of leaf gutter guards to all roof gutters.
 - Measures to prevent mosquito breeding nuisance.
 - Provision of a readily maintainable “first flush” system to collect sediment/debris before entering the tank(s).
 - Installation of proprietary tank products in accordance with manufacturers’ specifications.
 - The structural adequacy of tank and supporting structures/slabs.
 - That all toilet flushing and garden tap water usage for the approved development is sourced from the stormwater retention tank(s).
 - All pumping equipment is readily accessible for maintenance and cleaning purposes and the adequacy of the pumping mechanism to achieve delivery rates as required.
 - An air gap being provided at the top of the tank(s).
 - Mains backflow prevention devices being installed at all relevant locations for reticulated systems
 - Sediment sump of 150mm minimum being provided at the base of the tank(s)
 - All recycled stormwater outlet points having permanently affixed plaques in readily observable locations which read “Recycled Stormwater – Not For Drinking” or equivalent.

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- Evidence of Sydney Water recognition of the proposed system.
- The provision of filtration devices on each system to ensure no blockage of delivery plumbing systems.
- Compliance with relevant sections of the latest “Plumbing and Drainage Code of Practise” issued by the Committee on Uniformity of Plumbing and Drainage Regulations in NSW.

The Works-as-Executed drawing(s) is to be marked up in red on the approved Construction Certificate design, and shall include:

- As constructed levels in comparison to design levels
 - As built location of all tanks/retention devices on the property and distances to adjacent boundaries, buildings.
 - Dimensions of all retention tanks/devices
 - Top water levels of storage areas and RL’s at overflow point(s)
 - Storage volume(s) provided and supporting calculations/documentation.
111. Prior to occupation or issue of an Occupation Certificate, Certification and a Works-as-Executed (WAE) plan, in relation to the as-built on-site detention are to be submitted to the Principal Certifying Authority (PCA) for approval. Certification is to be provided by a suitably qualified consulting civil/hydraulic engineer and the WAE plan is to be prepared by a registered surveyor.

The certificate is to specifically acknowledge compliance of the on-site detention system with the approved Construction Certificate plans and also compliance with the design requirements of appendix 5 in Councils Water Management DCP 47 - “Design of on-site detention systems”. The Works-as-Executed details shall be marked in red on the approved Construction Certificate design for the on-site detention system, and shall specifically include:

- As constructed levels in comparison to design levels
- As built location of all detention devices on the property (plan view) and distances to nearest adjacent boundaries, buildings and easements
- As built locations of all 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 detention storage and derivative calculation.
- The maximum depth of storage over the outlet control.
- Top water levels of storage areas and RL’s at overflow point(s)

This condition shall not apply where the size of the installed retention system negates the need for on-site detention in accordance with Water Management DCP 47.

112. Prior to occupation or issue of an Occupation Certificate or issue of the Final Compliance Certificate, 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 on-site stormwater detention facilities on the property. The terms

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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. Registered title documents showing the covenants and restrictions must be submitted and approved by the Principal Certifying Authority (PCA) prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate. *This condition shall not apply where the size of the proposed retention system negates the need for on-site detention in accordance with Water Management DCP 47.* For existing Titles, the Positive Covenant and the Restriction on the use of Land is to be created through an application to the Land Titles Office in the form of a request using forms 13PC and 13RPA. The relative location of the On-Site Detention facility, in relation to the building footprint, must be shown on a scale sketch, attached as an annexure to the request forms.

113. Prior to occupation or issue of an Occupation Certificate the applicant shall create a Positive Covenant and Restriction on the Use of Land under Section 88B of the Conveyancing Act 1919, burdening the property with the requirement to maintain the site stormwater retention and re-use facilities on the property. The terms of the instruments are to be generally in accordance with the Council's "draft terms of Section 88B instruments for protection of retention and re-use facilities" (available from Council on request) and to the satisfaction of Council. Registered title documents showing the covenants and restrictions must be submitted and approved by the Principal Certifying Authority (PCA) prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate.

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(s), in relation to the building footprint, must be shown on a scale sketch, attached as an annexure to the request forms.

114. Prior to occupation or issue of an 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. Prior to occupation or issue of an Occupation Certificate (and at the completion of the works) a suitably qualified and consulting geotechnical engineer is to provide certification to the Principal Certifying Authority (PCA) that excavation and construction of the basement level, including temporary and permanent shoring and retention measures, have been carried out :
 - a. According the relevant Australian Standards and guidelines and
 - b. According to any approved Geotechnical report undertaken for the development and
 - c. In a manner that ensures that the structural amenity of adjoining structures and property is fully maintained.
116. Prior to occupation or issue of an Occupation Certificate the creation of a Restriction-on-Use on the existing title under the Conveyancing Act, restricting the occupation of the premises to:

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- a. People aged 55 years or over, or people with a disability as defined by the provisions of the State Environmental Planning Policy for Seniors Living.
- b. People who live with such people as defined in (a) above.
- c. Staff employed to assist in the administration of and provision of services to housing provided in this development.

BUILDING CONDITIONS

117. The following are required details and must be submitted to the Principal Certifying Authority *prior to issue of the Construction Certificate*. Any matter listed below must have a Certificate attached from a suitably qualified person to the effect that the design or matter complies with the relevant design Standard or Code which the Certificate must identify.
 - a. Details prepared by a practicing structural engineer for all or any reinforced concrete, structural steel or timber framing.
 - b. Wind bracing details complying with AS 1684-1992 National Timber Framing Code, AS 1170.2-1989 Wind Load Code or AS 4055-1992 Wind Loads for Housing Code.
 - c. Upper floor joist details, engineered or complying with AS 1684-1992 National Timber Framing Code.
 - d. Retaining walls and associated drainage.
 - e. Wet area waterproofing details complying with the Building Code of Australia.
 - f. Mechanical ventilation details complying with Australian Standard 1668-1993 Mechanical Ventilation & Airconditioning.
 - g. Glazing details complying with AS 1288-1989 Glass in Buildings and Installation Code.
 - h. Stormwater disposal details complying with Council's Stormwater Management Manual and/or other conditions of this consent.
118. Any mechanical ventilation installed in a dwelling shall comply with the requirements of Part 3.8.5.0 of the Building Code of Australia Housing Provisions. Documentary evidence of compliance is to be obtained from a suitably qualified person and submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate.
119. To ensure compliance with this determination the building shall be set out by a Registered Surveyor and the Survey Report shall be lodged with the Principal Certifying Authority prior to the external wall construction proceeding above floor level.
120. All structural timber members subject to weather exposure shall have a durability class rating of 2 or better in accordance with Australian Standard 1684.2-1999 (National Timber Framing Code), or be preservative treated in accordance with Australian Standard 1604-1980 (Preservative Treatment for Sawn Timbers, Veneers and Plywood).
121. A fully detailed first floor joist layout (in duplicate) complying with the National Timber Framing Code or accompanied by a structural engineer's Certificate of Adequacy shall be submitted to and approved by the Principal Certifying Authority.
122. For the purpose of safety and convenience a balustrade of 1.0 metre minimum height shall be provided to any landing, verandah, balcony or stairway of a height exceeding 1.0 metre above

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finished ground level. The design may consist of vertical or horizontal bars but shall not have any opening exceeding 125mm. For floors more than 4.0 metres above the ground, any horizontal elements within the balustrade or other barrier between 150mm and 760mm above the floor must not facilitate climbing.

123. For the purpose of safe ingress and egress the stairs are to be constructed within the following dimensions:

Risers:	Maximum 190mm	Minimum 115mm
Going (Treads):	Maximum 355mm	Minimum 240mm

Note: Dimensions must also comply with limitations of two (2) Risers and one (1) going equalling a maximum 700mm or minimum 550mm. The Risers and Goings shall be uniform throughout the length of the stairway.

124. For fire safety an automatic fire detection and alarm system shall be installed throughout the dwelling in accordance with the following requirements:

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

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

125. Termite protection which will provide whole of building protection in accordance with Australian Standard 3660 - *"Protection of Buildings from Subterranean Termites"* is to be provided.

Council has a non chemical policy for termite control but will consider proposals involving physical barriers in combination with approved chemical systems. Handspraying is prohibited.

Where a monolithic slab is used as part of a termite barrier system, the slab shall be constructed in accordance with Australian Standard 2870.1 or as designed by a structural engineer but in either case shall be vibrated to achieve maximum compaction.

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

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126. The following are required details and must be submitted to the Council on completion of the works. Any matter listed below must have a Certificate attached from a suitably qualified person to the effect that the design or matter complies with the relevant design Standard or Code which the Certificate must identify.
- a. Wet area waterproofing details complying with the Building Code of Australia.
 - b. Mechanical ventilation details complying with Australian Standard 1684 Mechanical Ventilation & Airconditioning.
 - c. Glazing details complying with AS 1288-1989 Glass in Buildings and Installation Code.
 - d. Stormwater disposal details complying with Council's Stormwater Management Manual and/or other conditions of this consent.
 - f. Waterproofing of walls/floors below ground level to prevent the entry of water into the building.

C Otto
Executive Assessment Officer

S Segall
Acting Team Leader
Development Assessment - Central

Prendergast
Manager
Development Assessment Services

M Miocic
Director
Development & Regulation

Attachments: **Locality plan**
 Site plan
 Architectural drawings
 Landscape plan

DEVELOPMENT APPLICATION

SUMMARY SHEET

REPORT TITLE:	4 GLEN ROAD, ROSEVILLE - NEW DOUBLE CARPORT AND FRONT FENCE
WARD:	Roseville
DEVELOPMENT APPLICATION N^o:	1178/04
SUBJECT LAND:	4 Glen Road, Roseville
APPLICANT:	Mr C A Drummond
OWNER:	Mr C A and Mrs D Drummond
DESIGNER:	T H West
PRESENT USE:	Residential
ZONING:	Residential 2(a)
HERITAGE:	No
PERMISSIBLE UNDER:	Ku-ring-gai Planning Scheme Ordinance
COUNCIL'S POLICIES APPLICABLE:	Ku-ring-gai Planning Scheme Ordinance, Development Control Plan Nos. 38, 40, 43 and 47
COMPLIANCE WITH CODES/POLICIES:	No
GOVERNMENT POLICIES APPLICABLE:	SEPP 55
COMPLIANCE WITH GOVERNMENT POLICIES:	Yes
DATE LODGED:	10 November 2004
40 DAY PERIOD EXPIRED:	20 December 2004
PROPOSAL:	New double carport and front fence
RECOMMENDATION:	Refusal

DEVELOPMENT APPLICATION N^o	1178/04
PREMISES:	4 GLEN ROAD, ROSEVILLE
PROPOSAL:	NEW DOUBLE CARPORT AND FRONT FENCE
APPLICANT:	MR C A DRUMMOND
OWNER:	MR C A AND MRS D DRUMMOND
DESIGNER	T H WEST

PURPOSE FOR REPORT

To consider Development Application No. 1178/04 for a new double carport and front fence.

This matter has been called to Council by Councillors Innes and Shelley.

EXECUTIVE SUMMARY

Issues:	Streetscape.
Submissions:	No submissions were received.
Recommendation:	Refusal.

HISTORY

Site History

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

Application History

10 November 2004	Development Application lodged
29 November 2004	Application notified to adjoining properties. No objections received.
29 December 2003	<p>Council advised the applicant in writing that the application was unlikely to be supported for the following reasons:</p> <ol style="list-style-type: none">1. The proposed carport is of an inappropriate design, having regard for prevailing setbacks in the street and the front and side setback, landscape and visual and streetscape provisions of DCP No. 38.2. The applicant was also advised that as a consequence of these issues, the proposal is inconsistent with the aims and objectives for development in the residential zones.

The applicant was advised that the application was unlikely to be supported and should be withdrawn. It was requested that the applicant advise Council within 14 days of their intentions regarding the application.

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- 2 February 2005 The applicant's designer requested an additional 2 weeks to consider whether to withdraw the application.
- 23 March 2005 Applicant advised that they did not wish to withdraw the application and requested Council determine the application in its current form.

THE SITE

Zoning:	Residential 2(a)
Visual Character Study Category:	Individual residences on single lots between 1945 to 1968
Lot Number:	Lot Nos. 3 & 4
DP Number:	325554
Area:	817.6m ²
Side of Street:	Northern
Cross Fall:	North-west to south-east
Stormwater Drainage:	To street
Heritage Affected:	No
Required Setback:	Minimum 12 metres and 14 metres average
Integrated Development:	No
Bush Fire Prone Land:	Yes
Endangered Species:	No
Urban Bushland:	No
Contaminated Land:	No

SITE DESCRIPTION

The site

The site is a single residential lot and is legally described as Lots 2 & 3 in DP 325554. The site is of rectangular configuration, having a frontage of 16.8 metres to Glen Road and depth of 48.8 metres. The site has a total area of 817.6 sqm and contains a single storey detached dwelling set back from its boundaries, as follows:

Front setback	8.5 metres
Rear setback	23.2 metres
Side set back (north-eastern boundary)	2.4 metres
Side setback (south-western boundary)	1.1 metres (dwelling), nil (existing garage - attached)

There is an existing attached single car garage located along the south-east elevation of the dwelling, with a nil setback to the side boundary. The garage has a width of 3.2 metres and a depth of 6.4 metres.

The front garden is dominated by an open grassed area with a number of small trees located on the front boundary and a stone paved driveway located adjacent to the south-eastern side boundary. The site has fall of approximately 1.5m across the site. The site drains to the street.

Surrounding development

The surrounding area is described in the Ku-ring-gai Visual Character Study as being characterised by single dwellings on single lots, with the majority of construction being within the period 1945 to 1968. A mix of architectural styles and periods are evident within the wider streetscape. The predominant housing style in the street is a mix of one and two storey dwellings where garages/carports are either set back behind the building line or incorporated within the lower level of the building flush with the front building line. Whilst there are 2 (two) exceptions in this part of Glen Road, they are long established and pre-date the current DCP:

Address	Setback to Glen Road
18 Glen Road	Nil
23 Glen Road	5.0 metres

Despite the above examples, the prevailing setback along the north-eastern side (high side) of Glen Road is greater than 8-9 metres from the street boundary. The existing dwelling on No. 4 is situated closer to the street than either adjoining property (No. 2 & 8) and is forward of the building line in the street.

THE PROPOSAL

Consent is sought to construct a detached double carport, new driveway, new front fence and new pathway and landscaping within the front yard. The proposed carport will measure 6.1m in width x 5.6m in depth and be set back 3.1m from the front boundary and 200mm from the south-eastern side boundary. The proposed carport incorporates a pitched gable roof with a maximum height of 3.9m to the ridge. Some excavation is proposed to provide a suitable grade for the carport and associated driveway. Excavation at the front boundary will have a maximum depth of approximately 300mm and will require the removal of one tree.

It is further proposed to construct a front boundary fence where none currently exists. The fence will comprise 1.2m high masonry piers with 800mm high timber infill. The vehicle and pedestrian gate will match the infill panels. Due to the slope of the front boundary the fence will range in height from 1.1m to 1.4m.

CONSULTATION - COMMUNITY

In accordance with Council's notifications policy, adjoining owners were given notice of the application. No submissions were received in response to the proposed development.

CONSULTATION - WITHIN COUNCIL

Landscaping

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

“The proposal is not supported in the current form for the following reasons,

- 1. To preserve health and condition of the following tree/s, the proposed retaining wall and steps, directly east of the Jacaranda are to be deleted and existing levels are to be retained within specified radius.*

<i>Tree/Location</i>	<i>Radius in metres</i>
<i>Jacaranda mimosifolia (Jacaranda)/front boundary</i>	<i>4m”</i>

- 2. To provide sufficient screen planting to carport along southern boundary, minimum 600mm setback for planting area, should be provided.”*

Council’s Landscape Assessment officer has raised concerns in relation to the likely impact to an existing Jacaranda tree situated on the front boundary. The impact on this tree is as result of the proposed excavation to accommodate the new driveway and pathway in the front garden. The proposed excavation is required to enable the proposed driveway to achieve the required width to access the proposed carport. In this respect, it widens from 3.5m at the boundary to 5.6m beneath the proposed carport. A new retaining wall is proposed within 800mm of the base of the existing Jacaranda with some cut required beneath the canopy of the tree. It is likely that the proposed retaining wall will adversely impact on the root system of the tree.

It has been recommended that existing ground levels be retained around the base of the tree, however, this would not be possible given the driveway width required to access the proposed carport. If Council is of a mind to approve the application, a condition should be imposed to allow removal of the tree and require a replacement tree.

Council’s Landscape Assessment Officer has recommended the proposed carport be setback at least 600mm from the side boundary to accommodate adequate screen planting. It is not agreed that the proposed carport is appropriate in front of the existing dwelling. Furthermore, an increase to the setback from the side boundary would result in the carport further concealing the front façade of the house. This impact is considered to negatively impact on the appearance of the house, and its setting.

Engineering

Council’s Engineering Assessment Officer did not raised any concern for the proposed development and has provided standard conditions of consent.

CONSULTATION – EXTERNAL REFERRAL BODIES

Rural Fire Service

The site is identified as being bush fire prone land and, as such, any development application for the site requires consultation with the Rural Fire Service. The Rural Fire Service have been consulted and in this case have provided conditions to be imposed should the application be approved.

STATUTORY PROVISIONS**State Environmental Planning Policy Number 55 - Remediation**

The site has a history of residential use. There are no concerns related to potential contamination.

Ku-ring-gai Planning Scheme Ordinance (KPSO)

COMPLIANCE TABLE		
Development Standard	Proposals Numeric Compliance	Complies
Site Area: 817.6m ²		
Building height 8m (max)	6.0m (existing)	YES
Built-upon areas 60%(490.6m ²)(max)	46.6% (381.5m ²)	YES

Aims and objectives for residential zones

The proposed development is contrary to the aims and objectives stated in Clause 1(a), 1(b), and 2(e) of Schedule 9 of KPSO.

In particular:

- The siting and design of the proposed carport fails to maintain the existing streetscape and visual character of the locality by being located 3.1m metres from the front boundary, 200mm from the south-eastern side boundary and forward of the existing building line on site. Insufficient provision has been made to accommodate screen planting along the eastern boundary.
- The proposal will result in the undue imposition of built form and car parking on the street. With the exception of 18 and 23 Glen Road, car parking within the context of the existing streetscape is predominantly in-line with or set behind the building line.
- The building bulk, height, location and footprint of the proposed carport and associated paved areas will dominate the natural landscape setting and result in insufficient soft landscape area for planting.
- An excessive proportion of hard surface paved area is proposed to the front setback of the site and fails to ensure the landscape quality of the locality.

POLICY PROVISIONS**DCP 38 - Ku-ring-gai Residential Design Manual**

COMPLIANCE TABLE		
Development Control	Proposals Numeric Compliance	Complies
Site Area: 817.6m ²		
5.1 Streetscape:		
Building Setbacks (s.5.1.3)		
<ul style="list-style-type: none"> • Front Setback: 14m (avg) – 75% front elevation 12m (min) -25% front elevation 	8.4m (dwelling – existing) 3.1m (carport)	NO NO

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COMPLIANCE TABLE		
Development Control	Proposals Numeric Compliance	Complies
<ul style="list-style-type: none"> Side Setback: Ground Floor: 1.5m(min) 	200mm (carport)	NO
Front Fences (s.5.1.5) <ul style="list-style-type: none"> Height: 1.2m(max)- (Fencing present in street) 	1.1m to 1.4m	NO
5.2 Building Form:		
FSR (s.5.2.1) 0.37:1 (max)	No change to existing	N/A
Height of Building (s.5.2.2) <ul style="list-style-type: none"> 2 storey (max) and 7m (site <20° slope) 	1 storey & 6.0m (no increase to existing)	N/A
Building Height Plane (s.5.2.3) 45° from horizontal at any point 3m above boundary	Complies on all elevations.	YES
Roof Line (s.5.2.6) <ul style="list-style-type: none"> Roof Height (5m – single storey) 	1.5m	YES
<ul style="list-style-type: none"> Roof Pitch 35° (max) 	<35°	YES
Built-Up Area (s.5.2.7) 58% (474m ²) (max)	46.6% (381.5m ²)	YES
Cut & Fill (s.5.2.15) <ul style="list-style-type: none"> max cut 900mm max cut & fill across building area of 1800mm and 900mm 	300mm 600mm	YES YES
5.3 Open Space & Landscaping:		
Soft Landscaping Area (s.5.3.3) 42% (476m ²) (min)	53.4% (436.1m ²)	YES
Useable Open Space (s.5.3.8) Min depth 5m and min area 50m ²	Depth >5m Area >100m ²	YES
5.5 Access & Parking:		
No. of Car Parking Spaces (s.5.5.1) 2 spaces behind building line	2 spaces forward of building line	NO
Size of Car Parking Space (s.5.5.2) 5.4m x 5.4m	6.1m x 5.6m	YES
Driveway Width (s.5.5.6) 3.5m (max)	3.5m (at boundary) 5.4m (adj carport)	YES NO
5.7 Ancillary Facilities:		
Outbuildings (s.5.7.3) <ul style="list-style-type: none"> Setback from boundary: 2m 	200mm (south-east boundary)	NO

Front building setback and car parking forward of the building line

The proposed carport will be set back 3.0m from the front boundary and 200mm off the south-eastern (side) boundary. The breach of the 12 metres setback and, more importantly, the provision

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of a car parking structure forward of the façade of the house, results in an unsatisfactory streetscape impact. The main concerns being, that the introduction of a utilitarian structure forward of the house will not only compete with the house as dominant element within the streetscape but will also reduce the dwelling's landscaped garden setting, typical to streets within Ku-ring-gai.

Fencing

The subject site is located within an area characterised by dwellings constructed between the period 1945 to 1968. In this instance, the subject site is currently unfenced along the front boundary although a low landscaping border is provided along with existing trees and low height plantings. The adjoining property (No. 2) has an existing timber paling front fence which is not greater than 1.5m in height and which steps along the contours of the site. In this respect, the proposed front fence will present a similar front boundary treatment as the adjoining property and is unlikely to result in an adverse impact to the streetscape. In this case, despite the proposed front fence failing to fully comply with the front fence requirements of the DCP with respect to height, the proposed fence will have a minimum impact to the street. In this respect the location and design of the proposed front fence is appropriate.

THE LIKELY IMPACTS OF THE PROPOSAL

The likely impacts of the proposed carport have been considered elsewhere in this report. Particular reference should be made to the issues address above referring to setbacks from the street and visual impacts of the proposed double carport.

THE SUITABILITY OF THE SITE

The site is currently used as a dwelling house and would be suitable for the proposed development. No objection is raised on the basis of the suitability of the site.

CONCLUSION

The proposed development application for a detached double carport would fail to achieve the key aims and objectives referred to in the KPSO and Development Control Plan No. 38. The proposed carport is a dominant structure constructed forward of the existing dwelling. This carport is of an excessive scale and bulk and is unsympathetic to the natural and built environment in this location.

The proposal fails to have regard to the location of the site and its relationship to adjoining properties and for Council's desire to maintain and enhance high quality residential development within a landscaped setting.

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

RECOMMENDATION

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

THAT Council, as the consent authority, refuse development consent to Development Application No. 1178/04 for a detached double carport and front fence on land at 4 Glen Road, Roseville, as

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shown on plans referenced Drawing No. A/01/B, dated 8 November 2004, drawn by T H West for the following reasons:

Streetscape

1. The double carport and associated driveway and paving forward of the building façade of the house results in an adverse streetscape impact.

Particulars

- i) The proposed carport is a dominant structure of excessive scale and bulk. The carport will be unsympathetic to the natural and built environment in this location. The carport and driveway/paving do not allow for sufficient soft landscaping area which is inconsistent with the objectives set out in Schedule 9 (Clauses 1(a), 1(b), 2(e), 2(f) of the Ku-ring-gai Planning Scheme Ordinance.

It is proposed to cover more than 50% of the front setback area with hard surface area which will undermine the streetscape setting of the locality due to an inadequate landscaped area in the front setback compared to the adjoining properties and the street in general.

- ii) The proposed carport, being located 3.0m from the street, is forward of the established building line and fails to comply with the minimum front setback requirement of 12m as prescribed by cl.5.1.3 of Development Control Plan 38.
 - iii) The proposed carport, being located 200 mm from the south-eastern boundary, fails to comply with the setback requirement of 1.5 metres and would not encourage appropriate landscaping to be established between the proposed carport and adjoining properties as prescribed by cl.5.1.3 and cl.5.3.4 of Development Control Plan No.38.
2. The proposed driveway, paving, retaining wall and steps are likely to have a detrimental impact on the following significant tree:

Tree/Location	Radius in metres
Jacaranda mimosifolia (Jacaranda)/front boundary	4m"

The proposed works are likely to have a detrimental impact on the health of the above tree as a result of excess cut and fill within the primary and critical root zone of the tree. Insufficient evidence has been provided to demonstrate that the proposed works will not have a detrimental impact on the tree.

D Hoy
Assessment Officer

S Segall
Acting Team Leader
Development Assessment – Team Central

M Prendergast
Manager
Development Assessment Services

M Miocic
Director
Development and Regulation

DEVELOPMENT APPLICATION RESIDENTIAL FLAT BUILDING – LEP 194

SUMMARY SHEET

REPORT TITLE:	6 TO 8 CULWORTH AVENUE, KILLARA - DEMOLITION OF TWO (2) RESIDENTIAL DWELLING HOUSES & CONSTRUCTION OF THREE (3) X FIVE (5) STOREY RESIDENTIAL FLAT BUILDINGS COMPRISING FIFTY-FOUR (54) UNITS AND BASEMENT CAR PARKING FOR ONE HUNDRED AND ONE (101) VEHICLES.
WARD:	Gordon
DEVELOPMENT APPLICATION N^o:	1369/04
SUBJECT LAND:	6 to 8 Culworth Avenue, Killara
APPLICANT:	Staldone Corporation Pty Ltd
OWNER:	6 Culworth Avenue - J M Roberts, 8 Culworth Avenue - J Irvine
DESIGNER:	Winter Group Pty Ltd
PRESENT USE:	Residential Dwelling Houses
ZONING:	Residential 2(d3)
HERITAGE:	No
PERMISSIBLE UNDER:	KPSO – LEP 194
COUNCIL'S POLICIES APPLICABLE:	KPSO - LEP 194, DCP 31 - Access, DCP 40 - Waste Management, DCP 43 - Car Parking, DCP 47 - Water Management
COMPLIANCE WITH CODES/POLICIES:	Yes
GOVERNMENT POLICIES APPLICABLE:	SEPP 1, SEPP 65, SEPP 55
COMPLIANCE WITH GOVERNMENT POLICIES:	Yes
DATE LODGED:	21 December 2004 Amended Plans 13 May 2005
40 DAY PERIOD EXPIRED:	30 January 2005
PROPOSAL:	6-8 Culworth Avenue, Killara - Demolition of two (2) residential dwelling houses and construction of three (3) x five (5) storey residential flat buildings comprising fifty-four (54) units and basement car parking for one hundred and one (101) vehicles.
RECOMMENDATION:	Approval

DEVELOPMENT APPLICATION N^o 1369/04
PREMISES: 6-8 CULWORTH AVENUE, KILLARA
PROPOSAL: 6-8 CULWORTH AVENUE, KILLARA -
DEMOLITION OF TWO (2) RESIDENTIAL
DWELLING HOUSES AND
CONSTRUCTION OF THREE (3) X FIVE (5)
STOREY RESIDENTIAL FLAT BUILDINGS
COMPRISING FIFTY-FOUR (54) UNITS AND
BASEMENT CAR PARKING FOR ONE
HUNDRED AND ONE (101) VEHICLES.
APPLICANT: STALDONE CORPORATION PTY LTD
OWNER: 6 CULWORTH AVENUE - J M ROBERTS, 8
CULWORTH AVENUE - J IRVINE
DESIGNER WINTER GROUP PTY LTD

PURPOSE FOR REPORT

To determine development application No.1369/04, which seeks consent for the demolition of two (2) residential dwelling houses and construction of three (3) x five (5) storey residential flat buildings comprising fifty-four (54) units and basement car parking for one hundred and one (101) vehicles.

EXECUTIVE SUMMARY

Issues:	Zone interface setback
Submissions:	Fifteen (15) submissions received
Pre-DA:	18 November 2004
Land & Environment Court Appeal:	Not applicable
Recommendation:	Approval

HISTORY

Site history:

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

Development application history:

DA 1369/04

18 November 2004 Pre-DA meeting. Issues raised:

- Building separation
- Building setbacks
- Modulation of facades

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- Vehicle access and parking

The above matters have been addressed and resolved in the submitted development application plans

21 December 2004	Application lodged
31 March 2005	Meeting with applicant to discuss progress of application and issues identified.
1 April 2005	Letter sent to applicant detailing urban design issues.
13 May 2005	Amended plans received including amended architectural drawings, a landscape plan, shadow diagrams, statement of environmental effects, natHERS report, access report and design verification report.

THE SITE AND SURROUNDING AREA

The site

Zoning:	Residential 2(d3)
Visual Character Study Category:	Pre 1920-1945
Lot Number:	6 Culworth Avenue - Lot N 8 Culworth Avenue - Lot M
DP Number:	6 Culworth Avenue - 419812 8 Culworth Avenue - 419812
Heritage Affected:	No
Bush Fire Prone Land:	No
Endangered Species:	No
Urban Bushland:	No
Contaminated Land:	No

The subject site is configured as an “L” shaped parcel of land, located on the eastern side of Culworth Avenue, between Stanhope Road and Marian Street.

The site has a 34m frontage to Culworth Avenue, a maximum depth of 89.9m and a total area of 4995.4m². A number of trees occupy the subject site, located mainly within the allotment that is currently identified as No.6 Culworth Avenue. The remainder of trees are generally located along the existing boundaries of No.6 and No.8 Culworth Avenue.

No.6 Culworth Avenue is occupied by a detached, 1920’s bungalow, dwelling house, a detached garage to the rear and swimming pool. No.8 Culworth Avenue is a battle axe allotment that contains a more recent dwelling house dating from the 1960s. A tennis court is located on the western side of the dwelling and a swimming pool adjacent to the northern boundary. A detached double garage lies adjacent to the southern boundary.

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Surrounding development:

The surrounding area is generally residential, however, there is some commercial use located nearby in Marian Street. To the immediate north, the subject site is adjoined by the Marian Street Theatre and car park (zoned Special Uses - Municipal Purposes). Further north (across Marian Street), Nos. 5 to 15 Marian Street are zoned Business 3(a) (A3) and used as shops.

A community park, known as Selkirk Park, is located on the corner of Culworth Avenue and Marian Street (No.2A Marian Street). The Park also adjoins the northern boundary of the subject site. Killara Station is located to the north-east (within 400m) across Culworth Avenue.

Nos 10 & 12 Culworth Avenue lie adjacent to the east and contain two storey dwelling houses which have both been rezoned Residential 2(c2) under LEP194.

No.2 Culworth Avenue has a tennis court which abuts the southern boundary of the subject site to the rear of the house on No.4 which abuts the driveway. Numbers 2 and 4 Culworth Avenue are also zoned Residential 2(d3) pursuant to LEP194.

No 14A and 16A Stanhope Road adjoin the site to the south and south west corner and both are battle-axe allotments. No16A has a swimming pool adjacent to the boundary. There is an evident change in level along this boundary such that, these dwellings are located at a higher level than the subject site. Both these sites are zoned Residential 2(c2).

The site immediately adjacent to the west of the subject site (10A Marian Street) is also zoned Residential 2(d3) and subject to redevelopment for multi-unit housing.

Two (2) applications for development of residential flat buildings have recently been granted consent in the vicinity of the site (refer Locality Plan):

- a. Nos 26 - 30 Marian Street (DA 1243/04) was approved by Council on 24 May 2005. This development proposed 27 units and is located approximately 400 metres west of the subject site.
- b. No 10-16 Marian Street (DA 1388/04) was approved by Council on 14 June 2005. This development proposed 55 units contained in five separate, five storey buildings. The interface of this development to the subject site (ie.6-8 Culworth Avenue) is limited to approximately 34 metres along its north-western boundary. Setbacks of the basement to the common boundary vary between 5 metres and 8 metres while the building façade varies between 6 metres (ground to 9 metres. Buildings on the subject site will be separated more than 15 metres at ground level (floors 1 to 4) and more than 20 metres at fifth floor level from the development at 10-16 Marian Street.

A further application, for development of a residential flat building is currently under consideration in the vicinity of the site.

- c. No 32 Marian Street located on the corner Pacific Highway. (DA 1415/04) This development proposes 16 units and is located approximately 600 metres from the site to the west.

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THE PROPOSAL

The proposal is for the demolition of two existing residential dwellings and construction of three (3) x five (5) storey residential flat buildings, comprising fifty-four (54) units with basement car parking for one hundred and one (101) vehicles.

Details of the proposed development are as follows:

	2-bedroom	3-bedroom	Total
Building A	8	10	18
Building B	5	13	18
Building C	8	10	18
Total	21 units	33 units	54 units

Buildings A, B & C will each accommodate eighteen (18) units in total, comprising a mixture of two (2) and three (3) bedroom apartments, ranging from 86m² to 146m² in size.

Each building will accommodate four (4) apartments per floor from ground floor to level 3. Level 4 of each building will accommodate two (2) (penthouse) apartments ranging from 118m²-137m² in size.

Private open space to the apartments is provided by way of private courtyard areas for ground floor units and balconies or terrace areas to the upper floors. Private open space ranges in size from 11m²-126m². Some units in Building A fronting Culworth Avenue will have two balconies. All units will be dual aspect, with the exception of the end units which have three aspects. The majority of common open space area is provided to the north-east of the site, adjoining Selkirk Park. Gate access from the development site into the park for residents will be provided.

Vehicle access to the site is provided directly from Culworth Avenue and into a two level basement parking area that links the three buildings. The basement parking area will provide 101 car parking spaces in total, comprising 87 resident car parking spaces and 14 visitor spaces. Nine (9) of the parking spaces will be disabled spaces. A car wash bay is also provided within the basement car parking area.

A total of five lifts are provided within the development (2 lifts within both Buildings A and C, and 1 in Building B). The lifts provide access to all levels, including the basement car park.

Due to the 'L' shaped configuration of the site, Building A will be the only building with a street frontage. Building B will be set behind Building A and separated 6.5m at ground to third floor level. Building C will be located 12m north of Building B.

Amended plans dated 13 May 2005

Amendments to the development are as follows:

- An amended floor plan for Building B to increase separation between buildings;

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- An increase to the setback of Building B from the north-eastern corner boundary of 16A Stanhope Road to 9m;
- Unit B1 altered from a 3-bedroom unit to a 2-bedroom unit;
- Separation between Building A and B altered to 6.5m in lieu of the originally proposed 8.795m, as suggested by Russell Olssen;
- Southern elevation of Building B provided with additional stepping and changes in finish and fenestration pattern;
- Altered footprint to penthouses and amendments to terrace positions, sizes and allocation of planter boxes;
- Southern facade of Block A provided with a change in finish and fenestration;
- Southern facade of Block C amended to provide vertical rendered element above the building entry;
- Two additional trees provided in the landscaped setback between Building B and boundary with No.16A Stanhope Road. This change increases the total to four (4) trees within this setback;
- A common open space linkage provided from the central pathway and Selkirk Park. Common open space increased from 22% to 31.17%.
- Courtyard areas of Units C1 and C2 in Building C decreased in area from 167.76m² and 414.28m² to 15.6m² and 19.3m² respectively;
- Pathway system redesigned to address increased building separation and a central orientation point provided at the junction of pathways to each building with a signage wall;
- Flight of curved steps provided between Buildings B and C;
- Courtyard to unit B4 reduced in size to enable tree retention adjacent to the western boundary to be contained in common open space and retained;
- Arrangement of clothes drying area altered;
- Tree retention and transplantation proposed within northern setback area of Building A; and
- Revised shadow diagrams.

CONSULTATION - COMMUNITY

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

Original scheme dated 21 December 2004

1. Ingham Planning – prepared on behalf of A & T Armstrong 16A Stanhope Road, Killara.
2. Barry O'Farrell – State Member for Ku-ring-gai
3. Mr A Singh & Mrs K Kaur-Hunjan – 4 Culworth Avenue, Killara
4. M Middleton – 1 Caithness Street, Killara
5. A & T Armstrong – 16A Stanhope Road, Killara
6. A Carroll – 36 Karranga Avenue, Killara
7. K A Mallesh – 21 Marian Street, Killara
8. M Bachmayer – 2 Culworth Avenue, Killara
9. BH & SES Watson – 37 Marian Street, Killara
10. P Greeley – 12 Culworth Avenue, Killara
11. Mirvac Group – 40 Miller Street, North Sydney

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12. R & J Cohen – 14 Stanhope Road, Killara
13. M & J Coleman – 2 Stanhope Road, Killara
14. M & J Bracka – 26 Killara Avenue, Killara
15. J Campbell – 6 Stanhope Road, Killara

The submissions raised the following issues:

Non- compliance with setbacks

Buildings A and B are fully compliant with the setback controls contained within DCP 55. Building C is also largely compliant with the setback controls, with the exception of the 9m third and fourth storey setback to the northern boundary where the site adjoins a Council owned car park. This setback has been found to be acceptable on merit and is discussed in detail later in this report. (See consideration of SEPP1 objection).

Building A is the only building with a street frontage and is set back between 10m and 12m from the Culworth Avenue frontage. DCP55 permits a reduced front setback of no less than 6m, where road reserve width is less than 12m. In this case, given that Culworth Avenue is less than 12m in width, Building A is well in excess of the minimum setback requirement.

Building B has a consistent setback of 9m (from ground level) to the southern boundary where it interfaces with No 16A Stanhope Road, zoned Residential 2(c2). LEP194 requires a 9m setback to the third and fourth storey in a zone interface situation, the lower levels of the building are only required to be setback 6m from the relevant boundary. In this case, Building B has been setback 9m at all levels and is therefore well in excess of setback requirements to the southern boundary.

Based on the above and the merits of the SEPP1 objection, the proposed setbacks of the development are deemed acceptable.

Lack of screen planting, deep soil areas and common landscaped areas

The development complies with the prescribed 50% deep soil landscaping requirement of LEP194, providing adequate areas for large canopy trees and established screen planting. The development will retain significant trees and an additional sixteen (16) canopy trees will be planted throughout the site, including perimeter areas for screen planting purposes. In particular, where greater sensitivities lie such as adjoining properties that are not zoned Residential 2(d3), canopy trees have been incorporated within these setbacks to achieve as much screening as possible to adjoining development.

Common landscaped areas have been revised since the initial proposal and increased from 22% to 31.7% or a total of 1578.4m². This complies with the 30% common open space requirement of DCP55.

Council's landscape officer has reviewed the proposal and supports the development, subject to conditions. **(Refer condition No's 45-55, 78-80, 95-104).** The deep soil areas, screen planting and common open space areas proposed are therefore acceptable.

Transition in scale to adjoining development

The proposal is located within an area recently rezoned to Residential 2(D3) (for multi unit housing) and will initiate the transition from existing development that comprises one to two storey development to the future context of the area characterised by five storey development.

With the exception of the minor variation to the Marian Street Theatre car park, the development provides complying setbacks to the site boundaries and in some areas exceeds the necessary setback requirements of LEP194 and DCP 55. In particular, despite provision within the DCP for Building A to be set back a minimum of 6m from the Culworth Avenue frontage, the building is setback up to 12m to the Culworth Avenue frontage thereby reducing perceived scale or dominance of built form to the street.

LEP 194 requires that the third and fourth storey of any building on land zoned Residential 2(d3) shall be setback 9m from any boundary shared with land not within Zone 2(d3). In this case, Building B adjoins No.16A Stanhope Road, (zoned Residential 2(c2)) and is set back at the third and fourth storeys 9m, accordingly. In addition to this, the remaining lower levels of the building have also been setback to 9m, 3m in excess of the 6m requirement. Given that the intention of the zone interface control is to provide a transition in scale of buildings between certain zones, the development responds to the control appropriately and provides acceptable levels of transition to adjoining development.

The development also complies with the prescribed building envelope requirements of LEP194 and DCP55, including maximum height, site coverage, floor space ratio, upper floor control and deep soil landscaping. To this end, the scale and bulk of the proposed development is anticipated for the area and compliance with relevant controls indicates appropriate transition in scale to adjoining development.

Lack of articulation and visually obtrusive building finishes and colour scheme

The southern elevations of Building A and B have been subject to redesign and/or additional façade articulation including steps in the wall, amendments to the window arrangement and variations to the finishes all of which serve to improve and soften the presentation.

The façade to Culworth Avenue incorporates balconies, steps, voids, and punctuations as well as changes in materials and finishes that serve to provide sufficient and adequate articulation to the façade.

The proposal, including amendments, has been reviewed by Urban Design Consultant, Mr Russell Olssen, in relation to SEPP65 matters and he raises no issues in relation to the articulation, or finishes of the proposed buildings.

A condition of consent will require submission of a colour scheme to the satisfaction of Council. (**Refer Condition No. 94**). Such a colour scheme will need to be as neutral as possible given the building materials.

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Loss of privacy to No.16A Stanhope Road, Killara

The development adjoins No16A Stanhope Road along its southern (side) boundary. Building B will be located adjacent to the portion of the boundary that adjoins the rear yard of No16A. The dwelling at No16A Stanhope Road is orientated to the north, with all living and family rooms located along the full length of its northern elevation. A swimming pool is also located within the rear yard of this property.

Building B will be set back 9m from the common boundary and complies with the zone interface setbacks accordingly. Although the lower levels of the development can be reduced to 6m setback, the 9m has been maintained in an attempt to protect a level of amenity to the occupants of No16A.

The subject development will not present the full 5 storey height of Building B to No.16A Stanhope Road due to the significant change in levels apparent along the boundary line. Given the levels and east elevation of Building B, the entire ground floor is below the backyard level of No.16A Stanhope Road and will not be visible to the south.

There is a 21.5m separation between the family room windows in No.16A Stanhope Road and the southern elevation of Building B. This separation distance increases to the terrace and sunroom. Building B has been orientated to the north, with outlook directed away from 16A Stanhope Road and incorporates only bedroom windows in the southern elevation. Planter boxes have been provided around the perimeter of the top floor of Building B to prevent overlooking of No16A. Additional landscape planting, including canopy trees, has also been incorporated within the setback of Building B where it adjoins No16A Stanhope, to create a sense of privacy to the occupants of No16A Stanhope Road.

It is acknowledged that there will be some impact on privacy to No.16A Stanhope Road, however, the combination of the change in levels, complying setbacks, landscape planting and screening devices will be sufficient to ensure an appropriate interrelationship with No.16a Stanhope Road, in a manner envisaged by the planning controls.

Loss of views from No.16A Stanhope Road, Killara

The development has been contained within the prescribed building envelope controls which apply to the site under LEP194. Therefore, the proposed building is of a scale and bulk anticipated for sites of this size that are zoned Residential 2(d3).

A number of other sites in the immediate vicinity of the subject site are also zoned for multi-unit residential development and this zoning will result in buildings of a similar scale, bulk and height being constructed behind and around the proposed development.

In comparison to the existing structures on site, the proposed building will obstruct distant views to Selkirk Park previously enjoyed by 16A Stanhope Road, however, the park is two properties removed from 16A Stanhope Road and that the impact upon that view alone does not warrant the refusal of the application.

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Geotechnical assessment

A preliminary geotechnical report, prepared by Coffey Geosciences was submitted, and has been reviewed by Council's Engineering Assessment Officer, Ms Kathy Hawken. Ms Hawken comments that the findings of the report are acceptable.

The report recommends further investigation, comprising borehole testing to provide parameters for design, where the need of vibration monitoring and dilapidation surveys can be identified. Further, the basement excavation is well set back from the road and adjoining properties.

Engineering conditions of consent will require that all geotechnical aspects of the development works, particularly excavation, support, retention and hydrological considerations must be undertaken in accordance with the recommendations of the geotechnical report. **(Refer Conditions Nos 56-71, 82-92, 105-120)**

Lack of infrastructure and services to meet demands of proposed increase in local population

The site has been rezoned for residential flat development. Increased demands of infrastructure have been previously taken into account during the rezoning process. To this end, the site has been identified as suitable for residential flat building development.

The development has been reviewed by Council's Engineering Assessment officer who raises no concerns with regard to the capability of infrastructure for the increased local population subject to conditions. **(Refer Conditions Nos 56-71, 82-92, 105-120)**

Overshadowing to No.4 Culworth Avenue, Killara

Concern was raised in relation to overshadowing of No 4 Culworth Avenue which is also zoned Residential 2(d3) for multi-unit residential development.

In this regard, DCP55 makes a distinction between solar access requirements for single detached dwellings and other types of development. Clause 4.5 C-6 only refers to single detached homes i.e. 3 hours direct sunlight on 21 June to habitable rooms and outdoor living areas of adjoining houses in Residential 2(c1) and 2(c2) zones and is silent on the amount of sunlight acceptable to other types of development (eg dwelling houses).

The application is made under the KPSO and LEP194, which include only the requirement that Council should take into account the amount of overshadowing likely to be caused by the proposal and ensure sunlight access to neighbours (Clauses 25D(k) and 25I(b)).

The Australia-wide resource document for residential development, AMCORD, suggests that a development should not reduce the sunlight received by the north-facing windows of living areas of neighbouring properties to less than 3 hours between 9am and 5pm at the winter solstice. The NSW-specific *Residential Flat Design Code*, which applies only to apartment buildings of three storeys and over, recommends 2-3 hours of sunlight to the living rooms and private open spaces of 70% of apartments between 9am and 3pm, reducing it to 2 hours in dense urban areas. The Code

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does not specifically deal with the impact on sunlight received by neighbouring buildings, though one may assume that the same criteria apply.

The ease with which sunlight can be protected is inversely proportional to the density of development. At low densities, there is a reasonable expectation that a dwelling and some of its open space will retain its existing sunlight. At higher densities sunlight is harder to protect and the claim to retain it to the same level as low density is not as strong. It is considered that no unreasonable overshadowing will occur to the property at No.4 Culworth Avenue as it will receive 3+ hours of direct sunlight. During the equinox, the amount of solar access provided to this unit is further increased.

Further, it should be noted that the proposal achieves compliance with the height standard and the setback controls applying to the common boundary between the subject site and No 4 Culworth Avenue.

Traffic congestion and safety for drivers and pedestrians

The application has been reviewed by Council's Engineering Assessment Officer, Kathy Hawken, in relation to traffic generation, vehicle access and parking. Ms Hawken concludes that adverse traffic issues in the surrounding road network are not anticipated as a result of this development as sufficient on-site parking is provided along with appropriate access to and from the site. (*See comments under Consultation with Council*).

LEP194 requires that the proposal provides a minimum of 54 car parking spaces, including 14 visitor car parks. The proposal provides 101 car parking spaces in total and complies accordingly. Vehicles will enter and exit the development in a forward movement, with adequate driver sightlines for both driver and pedestrian safety. Appropriate on site truck access and manoeuvring areas for waste collection vehicles is provided, preventing potential traffic congestion in Culworth Avenue during waste collection periods.

Overdevelopment of the site

The rezoning of the subject allotment under LEP194 to a 2(d3) zone confers a development potential pursuant to the development standards and control set out in LEP194 and DCP55. In accordance with these statutory planning instruments and policies, sites within the 2 (d3) zones have the potential to be development for the purposes of residential flat buildings to a maximum height of five storeys. The intent of rezoning for multi-unit development is to establish high density living in proximity to transport nodes.

The development complies with the prescribed controls of LEP194. In particular, maximum height, number of storeys, site coverage, floor space ratio, density and deep soil landscaping and large tree planting consistent with the established landscaped character. Setbacks are also largely compliant and where varied are acceptable on merit.

Compliance with prescribed controls indicates development of a scale, bulk and density anticipated by the relevant planning instruments. The proposed development is therefore acceptable.

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Bulk and scale of development

The development is permissible and complies with the prescribed requirements of LEP194 including, maximum height, site coverage, number of storeys and deep soil landscaping. Accordingly, the development is of a scale and bulk anticipated within the area.

The development is contained within three buildings (Building A, B and C) as opposed to one or two larger dominant structures. Due to the 'L' shape configuration of the site, Building A is the only one with frontage to the street (Culworth Avenue). Both Buildings B and C will be concealed from Culworth Avenue with Building B set directly behind Building A and Building C, located north of Building B in the northern-most portion of the site.

Large landscaped areas between the buildings and the perimeter of the site further assist in softening of built form to surrounding development. Building mass overall on all elevations of each building has been reduced by strong articulation contributing to break down of flat wall areas and provides visual interest. The height of the building will be reduced by the recession of the top floors from the perimeters of the buildings and landscaping provided around the upper terrace areas to soften the eave line of the buildings.

The height of Buildings B and C will be visually reduced by the fall of the site from Culworth Avenue, particularly where adjoining sites are located higher than the subject site. (E.g. 16A Stanhope Road). The fall in contour combined with boundary fencing and screen planting results in the concealment of most ground floor and some lower levels of the development will also be largely concealed when viewed from adjoining properties.

Amended plans dated 13 May 2005

The amended plans were not notified as the changes proposed therein would not have any greater impact on surrounding properties than the original proposal.

CONSULTATION - WITHIN COUNCIL

Urban Design Panel

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

"The key issues to be addressed in the proposed design changes to this development application are:

- *The separation between units B5 and C4 is only 8.6m between habitable rooms. This distance should be 12m under the SEPP65 Residential Flat Design Code.*
- *The narrow separation of 8.6m between buildings at this point (between units B5 and C4) creates overshadowing of the lower level apartments in winter, which would be avoided with a greater separation.*
- *The proportion of private open space to communal is disproportionate with too much of the site being sectioned off for private use, especially in the centre and north parts of the site. Only 22% of the site is communal open space (not the 30%*

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required by the DCP) and is not usable for recreation. It is recommended that at least 30% of the site is communal open space.

- *The DA proposes that the north-eastern end of the site is to be private open space. It is recommended that this be communal open space, which extends the public open space north of the site, through to the intersection between Buildings A, B and C. This major through site link should be extended from the intersection between Buildings A, B and C to Culworth Avenue.*
- *It is recommended that the landscape design within this through site link is re-designed to make well defined pedestrian paths and a clearly defined central orientation point at the eastern end of Buildings B and C, which will also be connected to pedestrian paths to the entries of Buildings B and C.*
- *There should be an open visual axis from Culworth Avenue to the centre of the site, between Buildings B and C. The existing projection of the north-eastern corner of Building B (where units B5 and C4 are located) blocks this view. It is recommended that this north-eastern corner of this building is set back to open up this view to the landscaped courtyard between Buildings B and C.*
- *No sun shading devices are shown on any elevation to protect window openings. It is recommended that external sun shading is provided to the northern and western windows, as a minimum.*
- *The roof form is unnecessarily complex. It is recommended that the roof forms are simplified by removing some steps from the external walls of the 5th floor.*

The key issues above relating to the separation of Buildings B and C, particularly at the north-eastern corner of Building B, can be resolved without loss of floor space, by re-planning the typical floor of Building B (same for each level from Ground to 3rd floor). This may include:

- *Reducing the 15.41m gap between Buildings B and C at the western end to 12m. Balconies may protrude into the 12m separation distance between buildings if necessary.*
- *Increasing the gap between Buildings B and C at the eastern end to 12m.*
- *If necessary the gap between Buildings A and B at the north-eastern corner of Building B may be reduced to compensate for lost floor area elsewhere (it should be noted that no windows to habitable rooms should be located in the western façade of Building A, so that privacy between habitable rooms across this gap is not compromised. Screens on the western ends of balconies in Building A should be used also to avoid privacy problems)."*

The applicant lodged amended plans (13th May 2005) in response to the SEPP65 issues raised above. Mr Olssen comments on the revised plans as follows:

"This is the second time that this project has been reviewed, following recommendations in the first review, and changes by the applicant. The recommendations primarily related to the design of Building B, views to the central courtyard and the design of the communal space near the northern boundary. All these recommendations have been satisfactorily addressed in the applicants re-design. There is not a further need for design changes regarding SEPP65 issues."

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Landscaping

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

"It is proposed to demolish the existing dwellings and associated structures and construct three residential flat buildings with basement car parking on the amalgamated site area of 4,995sqm with vehicular access from Culworth Ave. The site is characterised by an established landscape setting with mature trees and shrubs within formal garden beds and lawn expanses. The existing landscape is extremely well maintained and typical of the broader Killara landscape character, with endemic upper canopy trees, exotic feature trees and an understorey planting of predominantly exotic shrub species which provide valuable screening/privacy and amenity to the surrounding properties. The site frontage is dominated by a mature Nyssa sylvatica (Tupelo) located immediately adjacent to the eastern/Culworth Ave site frontage. The rear of the site is dominated by a mature Eucalyptus saligna (Bluegum) located adjacent to the western/rear site boundary in the neighbouring property.

Impacts on Trees/Trees to be removed/Tree replenishment

The proposed development will result in the clearing of the majority of the understorey vegetation located on site and the selected removal of existing trees. The most significant tree proposed for removal is a mature Nyssa sylvatica (Tupelo) identified as T11 located adjacent to the northern site boundary within the proposed building footprint of Block A. The tree is approximately 13m high with a 12m canopy spread and outwardly in good condition and health. The removal of the tree is not particularly desired as it is visually significant within the site. However given its size and the proximity to the building footprint the retention of the tree is not possible without significant design changes to the existing proposal.

One endemic tree species, a Eucalyptus acmenoides (White Mahogany) located adjacent to the southern site boundary/south west site corner is proposed for removal. The tree is approximately 18m high and outwardly in fair condition. There is no objection raised to its removal. Other trees nominated for removal are not significant within the broader landscape, and no objection is raised to their removal.

It must be noted that the consulting arborist has nominated numerous trees/large shrubs to be transplanted and reused on site. Landscape Services supports wherever feasible the transplanting and relocation of existing trees and shrubs on site to maintain and maximise the landscape character of the site. Given that the site is presently extremely well maintained and many of the established trees and shrubs are suitable for transplanting, this outcome is desirable.

A total of five 'canopy' tree species are proposed for removal, two of which have broader landscape significance, of the fifty five (55) identified as being identified with the site. As proposed, another sixteen (16) 'canopy' trees are proposed to be planted on site, of which twelve (12) are native, although not all are endemic to the immediate area. This tree replenishment, if allowed to mature, will maintain and enhance the treed character of the

vicinity. 'Canopy' trees have been proposed through the site as well as around the perimeter areas.

Landscape plan

The amended Landscape plans have addressed previous concerns with regard to existing vegetation retention and can be supported, as it provides tree replenishment throughout the site, sufficient screen planting and amenity to both the future residents and the existing neighbouring properties.

Drainage plan

The concept storm water plan submitted with the application is conceptual only and provides locations only for drainage pits. It is noted on plan that final positioning will be determined at CC stage to suit landscaping layout plans. Overall this can be supported, although it is preferred to have the pipe locations sorted to ensure there are no adverse impacts to existing trees to be retained.

Arborist's report

An arborist's report has been submitted with the application. The report identifies and details existing trees located on and immediately adjacent to the site. However, apart from a separate short statement, the report does not detail the health and significance and the potential impacts to the existing trees located within Selkirk Park that may be impacted upon as a result of the upgrading of the required drainage easement. It is noted, within the statement that thrust or directional boring within Council's reserve will be utilised to install the required piping. Boring will reduce potential tree/root impacts and can be supported.

Deep soil landscaping

By the applicant's calculations, a deep soil landscaping area of 50.14% has been provided on site, which numerically complies with the LEP requirements. Landscape Services is in agreement with the applicant's site areas included as Deep Soil Landscaping.

Courtyard areas

Previous concerns regarding the expansive size of some courtyards, the lack of communal open space, tree replenishment in private areas and maintenance issues have been addressed in revised plans.

Substation

It is likely that Energy Australia will require a separate substation for the site and that it is to be located adjacent to the site frontage for ease of access. If this is the case it is required that the substation be located so that it is outside the canopy drip line of any tree to be retained as part of the proposal. Revised plans have shown an appropriate location for a substation kiosk if required.

Subject to conditions, the application can be supported by Landscape Services.”

Engineering

Council’s Engineering Assessment Officer has commented on the proposal as follows:

“In summary the application can be supported by Development Engineers, subject to the imposition of the recommended engineering conditions of consent.

A pre-DA meeting was held for this site at which the applicant was presented with assessment criteria related to the engineering aspects. Generally the applicant has had regard to the engineering issues raised at this pre-DA meeting, and has submitted the requested information.

The documentation considered consists of:

- *Preliminary Stormwater Management Investigation Report AFCE Environment + Building dated March 2004;*
- *Stormwater management plans (including concept environmental site management plan), AFCE Environment + Building Drawings 343450/C1 to C5;*
- *Winter Group Architectural Drawings 20425 DA-00 to 14.*
- *Coffey Geosciences letter report, S22083/1-AB, dated 13 December 2004;*
- *Transport and Traffic Planning Associates Report 04264, dated December 2004 (unsigned);*
- *Construction Management Plan, December 2004; and*
- *T.J.Gilbert & Associates Survey drawing 4158A, dated 3/12/04.*

The application is for three residential flat buildings comprising 54 units (24 x 2 bedroom and 30 x 3 bedroom). Two levels of basement car parking are proposed, with a combined vehicular entry and exit from Culworth Avenue.

Subdivision

The application form indicates that strata subdivision is proposed under this DA, however the applicant has now advised in writing that subdivision is not part of the current application. For that reason, no subdivision conditions are recommended. So that the building is not constructed across lot boundaries, the applicant will be required to consolidate all the lots prior to issue of the Construction Certificate.

Traffic generation

The applicant has submitted a Traffic Report with the Development Application. The report is generally satisfactory.

Based on LEP 194, the proposal requires a minimum of 54 resident spaces and 14 visitor spaces. The proposal provides 101 spaces and therefore complies.

The traffic generated by the development is estimated to be 25 to 30 vehicle trips during peak hour. The report gives existing traffic volumes in Culworth Avenue as 100 to 150 vehicles during peak hour, so the increase would be about 20 to 25%. Traffic generation has been raised in some submissions. However, the RTA Guide to Traffic Generating Developments gives a maximum environmental capacity for a local street of 300 vehicles per peak hour. It can be seen that the development will not cause traffic volumes in Culworth Avenue to approach maximum capacity.

Construction management

A construction management plan has been submitted. It is adequate although Section 9.0 Hours of Work states that "Council DA conditions do allow works on Sundays and public holidays". Obviously this should be "do not".

A Works Zone will be required but may have to be compatible with the existing parking restriction along the Culworth avenue frontage, (No Parking 6am to 10am). A condition has been recommended to that effect, including the need for approval by Traffic Committee and the payment of the necessary fees.

Vehicle access and accommodation layout

Proposed vehicle access and accommodation arrangements have been assessed in the traffic report. The access and manoeuvring areas comply with AS2890.1 Off street car parking and are satisfactory. Further certification by the traffic engineer will be required prior to Construction Certificate issue and upon completion.

Garbage collection

A waste storage and collection area is required internally under Council's DCP 40 for Waste Management. This has been provided in the upper basement parking area and there is adequate provision for Council's waste collection vehicle to enter the subject site, collect the garbage and then exit the site in a forward direction.

Impacts on council infrastructure and associated works

The site has an adequate footpath along most of the frontage, however it is understood that undergrounding of services will be required, which may be expected to damage the footpath and nature strip.

Dilapidation surveys will be required before and after the works, with full restoration of any damage by the developer prior to the issue of an Occupation Certificate.

A \$50,000 bond to cover restoration of such damage (or completion of incomplete works by Council) is to be applied.

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Site drainage

The applicant has satisfied Council's Open Space section regarding his legal entitlement to connect to Council's underground drainage pipe in Selkirk Park. A new pipe and junction pit will be required to facilitate the connection. This can be done in conjunction with the drainage works on site. Council's approval will be required for the design of the works in Selkirk Park, and a separate permit will have to be obtained to open the ground.

The Preliminary Stormwater Management Investigation report contains discussions of the stormwater management matters associated with the development. Water quality measures have also been included in the report, which is to be commended. The provision of such measures is included in the recommended conditions.

The submitted concept stormwater management plan AFCE Environment + Building Drawing 343450 Sheets C1 to C3 has been designed in accordance with Council's requirements contained in Water Management DCP 47 as amended January 2005. That is, 80m³ of on site detention and 80m³ of on site retention are provided. Roof water only is to be retained and re-used for toilet flushing, washing machine cold water and irrigation.

The basement garage and the detention/ retention tank below are at a level not that much higher than the ground level in nearby Selkirk Park. Selkirk Park itself would form an informal detention area during times of overland flow in the underground system, due to the railway embankment nearby. Careful detailing of the stormwater management measures will be required to ensure that backflow into the retention tank does not occur at these times.

I have discussed the above with the designing engineer. No concerns remain which cannot be addressed by conditions.

An Environmental Site Management has been included on Sheets C4 and C5. The plan shows a sedimentation basin for each excavation and is generally satisfactory for DA purposes.

Geotechnical / structural comments

A preliminary geotechnical report has been submitted, based on a site visit and desktop study. This is acceptable for this site as the site appears to be underlain by shallow rock and the basement excavations are well set back from the road and adjoining properties.

The report recommends further investigation comprising cored boreholes to provide parameters for design. At that time, excavation conditions can be confirmed and the need or otherwise for vibration monitoring and dilapidation surveys can be identified."

STATUTORY PROVISIONS

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

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Context:

A key feature of the development is its close proximity to the Killara Railway Station (less than 400m). The form of buildings in the locality is at present mainly single dwelling houses, with some older examples of residential flat buildings immediately next to the station and neighbourhood shops. The abutting Marian Street Theatre is also a well known landmark.

The development is permissible and largely complies with the prescribed requirements of LEP194 and an anticipated development within the area.

A number of residential flat building developments in the vicinity of the development are currently under consideration by Council or have recently obtained approval (e.g. 10-16 Marian Street, 26-30 Marian Street and 32 Marian Street). Accordingly, the proposed development relates to its context by responding to the provisions of LEP194 and DCP55 that have been formulated to provide higher density 5 storey development.

Scale:

The development meets the prescribed building envelope requirements of LEP194, including building height, deep soil landscaping, site coverage and setbacks, with the exception of a minor non-compliance to the Marian Street Theatre car park which is acceptable on merit. The scale of built form proposed is appropriate to the context and future character and form of the locality as envisaged by the LEP.

Built form:

The built form is acceptable and consistent with the desired future character of the locality. It complies with prescribed building envelope controls and will have an appearance of appropriately proportioned buildings set in landscaped open space.

The development is divided into three, five-storey buildings comprising 18 units in each. They each feature a combination of rendered masonry elements and a penthouse level set in from the perimeter walls by terraces.

The built form is varied and utilises a different floor plan for each building. The form utilises steps and changes in materials, vertical and horizontal articulation to create visual interest.

Visibility of the development to Culworth Avenue will not be high due to the 'L' shaped configuration of the site which wraps around the rear of Numbers 10 and 12 Culworth Avenue. Filtered views across Selkirk Park will be available as well as from the theatre car park and adjoining backyards.

The primary presentation of the development to Culworth Avenue will be Building A, where the building presents with a stepped form in filled with balconies on each level, and the upper floor being covered by a timber pergola. The upper level will be set back from the building perimeter by a terrace area that features planter boxes to soften the eave lines of the building.

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Accordingly, the design techniques incorporated in the proposal result in an acceptable built form.

Density:

The proposed building density is appropriate to the site, having regard to development guidelines contained in LEP 194 and DCP 55 and the envisaged future character of the area. The locality is well serviced in terms of services and open space and the site itself is in close proximity to the Killara railway station and bus transport along Pacific Highway.

Further, the development itself is compliant with the floor space control and can be adequately serviced by existing infrastructure. The proposed density is therefore acceptable.

Resource, energy and water efficiency:

The development achieves acceptable results in terms of energy efficiency and cross flow ventilation, with 100% of apartments being cross ventilated and 87% of apartments achieving a 4.5 star energy rating. There are no single aspect units within the development, with all units in buildings A & C being north-facing and all other units with orientations ranging from north-east to north-west, apart from the south-western orientated units in Building B, representing only three units out of the total of fifty-four. Sufficient deep soil landscape areas and water retention have been provided.

Landscape:

The proposal provides for 50% of the site being a deep soil zone and complies with the prescribed control of LEP 194. The landscape design combines native and exotic plants and trees to provide sustainable planting that harmonise with the existing surrounding character of the area, and provide privacy screening to both residents within the development and to neighbouring properties.

The proposed landscaping is consistent with the desired future character of the area, which seeks large canopy trees to soften the buildings and contribute to the streetscape. Overall, the proposed landscape scheme is appropriate to the physical context of the site and will create a pleasant environment. The proposed landscaping is practical, will not present any difficulty for long term management and is to the satisfaction of Council's Landscape Assessment Officer.

Amenity:

The proposed units provide for good solar access, cross ventilation and visual and acoustic privacy. Terrace and balconies are well sized, ranging from 12m² to 35m² with larger balconies to the penthouses. Each individual unit has its own entry lobby and secure internal access to the basement car park by lift or stairs.

Safety and security:

The proposal provides for good levels of safety and security through siting, internal planning and design. The proposal maximises opportunities for casual surveillance of communal open space

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areas on site, provides quality common spaces, a clear definition between public and private spaces and enhances the street level activity.

Examples of safety and security measures taken include provision of lift and stair access directly from the basement car parks to apartment levels, a front gate to the street frontage of the site, secure ground floor terrace areas through individual fencing, key and remote controlled access to the basement car park only and visibility of pathways throughout the site from units within the development where possible.

Social dimensions:

The application contains a good mix of two and three bedroom apartments providing variety in housing choice. The apartments are all of generously sized (118m² to 137m²) and will provide high quality of living for residents of the development. The development is in an accessible location in close proximity to public transport nodes (less than 400m to the Killara Railway Station) and commercial centres in both Gordon and Lindfield.

Accessibility for the disabled and elderly has been considered by provision of single level units throughout the development and lift access to all levels, including the basement car park.

Aesthetics:

The external appearance and composition of building elements, textures, materials and colours satisfactorily reflects the use, internal design and structure of the development.

Residential Flat Design Code

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

Relating to the local context:

The proposal, sited over two allotments, will require their consolidation. This amalgamation will result in a site area of 4995.4m², which is capable of accommodating the proposed density of five storeys.

The proposal is split into three separate buildings sharing a two level basement car park. Although interconnected below natural ground level, the development presents as three separate buildings above ground that are consistent with the proposed built form of the locality.

The development complies with the prescribed building envelope controls of LEP194 and DCP55. In particular, maximum building height, number of storeys, top floor percentage, site coverage, floor space ratio and setbacks are all satisfactory when considered on merits. The development therefore is of a scale and density anticipated for the area within these planning instruments and policy documents.

Surrounding sites within the locality have been zoned for multi-unit development and several applications for development of residential flat buildings are currently under consideration by

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Council, or in some cases planning approval for such developments has already been obtained as mentioned earlier in the report. The development, therefore reflects the desired future built form context of the area as envisaged by LEP 194 and DCP55.

Site analysis

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

In terms of site configuration, the proposal will ensure adequate areas for private and common open space and deep soil landscaping. The orientation of the buildings ensures adequate solar access to habitable areas and private open space within the development.

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	Proposed	Complies
Site area (min): 1200m ²	4995m ²	YES
Deep landscaping (min): 50%	50.14% or 2504.6m ²	YES
Street frontage (min): 30m	34.44m	YES
Number of storeys (max): Five (5)	Building A – Five(5) Building B – Five (5) Building C – Five (5)	YES
Site coverage (max): 35%	Building A – 609m ² Building B – 573m ² Building C – 567m ² Total – 1748.2m ² or 35%	YES
Top floor area (max): 60% of level below	Building A – 57.98% Building B – 60% Building C – 57.88%	YES
Storeys and ceiling height (max): 4 storeys and 13.4m	Building A - 4 & 13.2m Building B – 4 & 13.2m Building C – 4 & 13.2m	YES
Car parking spaces (min):		
• 14 (visitors)	14	YES
• 59 (residents)	87	YES
• 74 (total)	101 (total)	YES

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COMPLIANCE TABLE		
Development standard	Proposed	Complies
Zone interface setback (min): 9m	Building A -9m	YES
	Building B – 9m	YES
	Building C – 6.27m (northern boundary to Marian Street Theatre car park)	NO
Manageable housing (min): 10% or 5.4 units	6 units - 11% B2, B4, B6, B8, B10 & B12	YES
Lift access: required if greater than three storeys	Building A - 2 x lifts Building B – 1 x lift Building C – 2 x lifts All lifts service all floors including basement levels.	YES

Zone interface setback:

Building C fails to meet the development standard for zone interface setbacks as it relates to the northern boundary (refer Compliance Table).

State Environmental Planning Policy No 1 - Development Standards

A SEPP 1 Objection, seeking a variation to a development standard of the Ku-ring-gai Planning Scheme Ordinance (KPSO) has been prepared and lodged with the application. SEPP 1 provides flexibility to Council's development standards and it enables Council to vary such a standard where strict compliance with that standard would be unnecessary, unreasonable or tend to hinder the objectives of the Environmental Planning & Assessment Act, 1979.

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

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

The proposal, in part, does not comply with the zone interface development standard prescribed in clause 25L (2) of Ku-ring-gai Planning Scheme Ordinance which requires that:

The third and fourth storey of any building on land within Zone No. 2 (d3) must be set back at least 9 metres from any boundary of the site of the building with land (other than a road) that is not within Zone 2(d3).

Clause 25L (1) states the following objective for the zone interface development standard:

The objective of this clause is to provide a transition in the scale of buildings between certain zones.

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As far as the setback standard is concerned, the proposal is deficient in regard to the consistent 6.27m setback of Building C that encroaches into the 9 metres zone interface by 2.73 metres.

A. The SEPP 1 objection, prepared by The Turnbull Group Pty Ltd, maintains that notwithstanding variation, the proposal satisfies the objective of the development standard:

- *'The primary reasoning behind the control is to control transition between zones and such a concern is applicable where there is a different form or density of residential or other sensitive land use apparent in the other zone;*
- *In the subject case the abutting land is owned by Council and zoned Special Uses 'A' (Municipal Purposes) in the Ku-ring-gai Planning Scheme;*
- *The land contains the Marian Street Theatre and the immediate rear of the property accommodates a bitumen car park;*
- *Due to the fact that the proposed building does not adjoin residential use along the boundary there is no amenity impact apparent in the form of loss of privacy, overlooking or loss of view'*
- *The actual theatre building located on the abutting site is positioned with a very large setback to the common boundary thus creating a very large separation between it and the proposed building such that even despite the commercial use there will be no adverse built form scale impact caused;*
- *It is further noted that the theatre property is due north of the subject site so there is no possibility of shadow impact caused to the property by the proposed building;*
- *Additionally significant new landscape planting and existing tree retention is proposed in the proposed deep soil setback in order to soften the transition between the two properties irrespective of the fact of the commercial use.*

Compliance is therefore unnecessary and unreasonable in the circumstance of the case for these reasons and the objective of Clause 25L is in my opinion satisfied.'

B. The SEPP 1 objection also indicates that compliance with the development standard would not be consistent with the aims of the Policy and would tend to hinder the attainment of the objects specified in Section 5(a)(i) and (ii) of the Environmental Planning and Assessment Act, as follows:

'it is my opinion that the proposed development is consistent with the Council's stated planning objectives for the locality due to the lack of material impact upon the neighbouring property which is a commercial land use, the resultant building separation and the level of deep soil landscaping proposed including retention of existing trees.'

C. Compliance with the development standard is unreasonable and unnecessary in the circumstances of the case:

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“As the non-compliance is not significant in these circumstances and does not create any amenity impacts and for the reasons referred to above, compliance is considered unnecessary and unreasonable in the circumstances of the case.”

The SEPP 1 Objection has demonstrated that the underlying objective or purpose of the standard has been satisfied. In this instance, the objective is *to provide a transition in the scale of buildings between certain zones*. The non-complying setback at the third and fourth storey of Building C impacts on a Special Uses zone which is utilised as a car park, where it adjoins the subject development. The amenity requirements of a residential zone are sensitive requiring preservation of privacy and solar access achieved by reducing scale and bulk. Given that the affected site is not zoned or utilised for residential purposes but as a car park, the need for strict compliance with the transition zone is reduced.

The SEPP 1 Objection has established that the non-compliance with the zone interface development standard would not hinder the attainment of objects specified in Section 5 (a) (i) and (iii) of the EP & A Act 1979, as it would not adversely impact on the amenity of residents within the development.

The SEPP 1 Objection has shown that compliance with the standard is unreasonable or unnecessary in the circumstances of the case as the departure is minor and will still result in a development compatible with that of the surrounding properties. Furthermore, the proposal will not result in any undue environmental impacts on adjoining properties. Privacy will be maintained, no unreasonable overshadowing will occur and the development potential of the affected property will not be compromised.

The SEPP 1 Objection has adequately addressed the requisite aspects of the Policy, is well founded and in this instance the development standard should be allowed to be varied.

Residential zone objectives and impact on heritage:

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

No 18 Stanhope Road is a heritage item. This property, however, is sufficiently separated from the subject site by two properties. No adverse impacts to this property are anticipated.

POLICY PROVISIONS

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

COMPLIANCE TABLE		
Development control	Proposed	Complies
Part 4.1 Landscape design:		
Deep soil landscaping (min)		
<ul style="list-style-type: none"> 150m² per 1000m² of site area = 750m² 	2504.5m ²	YES

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COMPLIANCE TABLE		
Development control	Proposed	Complies
No. of tall trees required (min): 17 trees	21 trees	YES
Part 4.2 Density:		
Building footprint (max): <ul style="list-style-type: none"> 35% of total site area 	Building A – 609m ² Building B – 573m ² Building C – 567m ² Total – 178.1m ² or 35%	YES
Floor space ratio (max): <ul style="list-style-type: none"> 1.3:1 	1.27:1	YES
Part 4.3 Setbacks:		
Street boundary setback (min): <ul style="list-style-type: none"> 10-12 metres (<40% of the zone occupied by building footprint) 	10.8m-12m <40%	YES
Rear boundary setback (min): <ul style="list-style-type: none"> 6m 	Building A 40m+ Building B 9m (min) Building C 6m (min)	YES
Side boundary setback (min): <ul style="list-style-type: none"> 6m 	Building A – 6m Building B – 6m Building C – 6m	YES
Setback of ground floor courtyards to street boundary (min): <ul style="list-style-type: none"> 8m/11m 	9.2m-10.8m	YES
% of total area of front setback occupied by private courtyards (max): <ul style="list-style-type: none"> 15% 	3%	YES
Part 4.4 Built form and articulation:		
Façade articulation: <ul style="list-style-type: none"> Wall plane depth >600mm Wall plane area <81m² 	>600mm <81m ²	YES YES
Built form: <ul style="list-style-type: none"> Building width < 36m 	Building A 18.7m x 34.2m Building B 24.2m x 28.9m Building C 19.5m x 34.2m	YES

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COMPLIANCE TABLE		
Development control	Proposed	Complies
<ul style="list-style-type: none"> Balcony projection < 1.2m 	<p>>1.2m</p> <p>Buildings B and C to maximum of 800mm and 1.6m respectively.</p>	NO
Part 4.5 Residential amenity		
Solar access:		
<ul style="list-style-type: none"> >70% of units receive 3+ hours direct sunlight in winter solstice 	90%	YES
<ul style="list-style-type: none"> >50% of the principle common open space of the development receives 3+ hours direct sunlight in the winter solstice 	50%	YES
<ul style="list-style-type: none"> <15% of the total units are single aspect with a western orientation 	No single aspect units proposed.	YES
Visual privacy:		
Separation b/w windows and balconies of a building and any neighbouring building on site or adjoining site:		
Storeys 1 to 4		
<ul style="list-style-type: none"> 12m b/w habitable rooms 	6.5m (Buildings A & B only)	NO
<ul style="list-style-type: none"> 9m b/w habitable and non-habitable rooms 	+9m	YES
<ul style="list-style-type: none"> 6m b/w non-habitable rooms 	+6m	YES
5 th Storey		
<ul style="list-style-type: none"> 18m b/w habitable rooms 	12m (Building A & B only)	NO
<ul style="list-style-type: none"> 13m b/w habitable and non-habitable rooms 	>13m	YES
<ul style="list-style-type: none"> 9m b/w non-habitable rooms 	>9m	YES
Internal amenity:		
<ul style="list-style-type: none"> Habitable rooms have a minimum floor to ceiling height of 2.7m 	2.7m-3m	YES
<ul style="list-style-type: none"> Non-habitable rooms have a minimum floor to ceiling height of 2.4m 	2.7m	YES
<ul style="list-style-type: none"> 1-2 bedroom units have a minimum plan dimension of 3m in all bedroom 	>3m	YES
<ul style="list-style-type: none"> 3+ bedroom units have a minimum plan dimension of 3m in at least two bedrooms 	>3m	YES

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COMPLIANCE TABLE		
Development control	Proposed	Complies
<ul style="list-style-type: none"> Single corridors: <ul style="list-style-type: none"> - serve a maximum of 8 units - >1.5m wide - >1.8m wide at lift lobbies 	Buildings A & C - (2) units Building B - (4) units Buildings A & C (1m width for portion of corridor at ground floor only) Building B 1.5m >1.8m	YES NO YES YES
Outdoor living: <ul style="list-style-type: none"> Ground floor apartments have a terrace or private courtyard greater than 25m² in area Balcony sizes: <ul style="list-style-type: none"> - 10m² – 1 bedroom unit - 12m² – 2 bedroom unit - 15m² – 3 bedroom unit NB. At least one space >10m² primary outdoor space has a minimum dimension of 2.4m 	>25m ² (47.3m ² -281m ²) No 1 bedroom units 11.7m ² (min) (A10 and A11 only) 15m ² (min) >2.4m	YES N/A NO YES YES
Part 4.7 Social dimensions:		
Visitable units (min): <ul style="list-style-type: none"> 70% 	50%	NO
Housing mix: <ul style="list-style-type: none"> Mix of sizes and types 	Mix of 2 & 3 bedroom units	YES
Part 4.8 Resource, energy and water efficiency:		
Energy efficiency: <ul style="list-style-type: none"> >65% of units are to have natural cross ventilation single aspect units are to have a maximum depth of 10m 25% of kitchens are to have an external wall for natural ventilation and light >90% of units are to have a 4.5 star NatHERS rating with 10% achieving a 3.5 star rating 	100% All units are dual aspect >25% 4.5 star rating = 87% (53% achieving 5 stars) 3.5 star rating = 13%	YES N/A YES NO YES
Part 5 Parking and vehicular access:		
Car parking (min): <ul style="list-style-type: none"> 54 resident spaces 14 visitor spaces 68 total spaces 	Spaces 14 spaces 101 spaces	YES YES YES

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Part 4.4 Built form and articulation:

Balcony alignment is within the envelope of the face defined by the top level of each building. The balcony elements serve to provide articulation to the facades. The 1.2m projection control is exceeded in some areas of Building B and C to a maximum of 800mm and 1.6m, respectively. These elements, however, do not produce any adverse visual or amenity impact nor do they disrupt the form of the façades. Further, the level of amenity to occupants of the units is higher where balconies are of an appropriate (complying) dimension.

The proposal has also been reviewed by Council's Urban Design Consultant, Mr Russell Olssen, against SEPP65, who raises no issues in relation to built form and articulation of the development. The southern elevations of Buildings A & B have been subject to redesign to address built form and articulation issues raised by Mr Olssen and these have now been addressed to a satisfactory standard.

Part 4.5 Residential amenity:

Buildings A and B are separated a minimum of 6.5m to 10.6m between habitable rooms. To offset any adverse visual privacy impacts, there is no provision of windows to the affected habitable rooms. Adequate solar access and cross ventilation is still achieved given the dual aspect of these units. Further, the affected units in Building A will have three aspects.

Private outdoor areas are not provided along the affected elevations further ensuring the amenity of affected units is not compromised. At ground level the only affected private outdoor area is that of unit B2 which will be screened by a 1.8m timber fence between the buildings and substantial tree plantings.

Privacy screens to balconies and terraces have been provided throughout the development as a general rule to ensure that a high level of amenity is achieved for both the occupants of the site and adjoining properties. Similarly, large canopy trees or screen planting has been provided throughout the development to achieve the same objective.

Overall, the level of visual privacy within the development is acceptable.

A reduced corridor width of 1m applies only to Building A and is limited to a small section of the corridor at ground level only, affecting a total of four units. The corridor area extends to a generous sized lobby area with lift access of complying dimensions. Given that each unit has direct access from the lift lobby area, use of the corridor for removal of the furniture is not necessary. To this end, the 1m width is acceptable and will not compromise the removal of furniture or access to and from the building.

Part 4.7 Social dimensions:

DCP 55 requires that at least 70% of dwellings are to be 'visitable housing units' to provide a housing choice and housing that is appropriate for aged and disabled persons. In this case, more than 50% of units within the development are 'visitable' and are distributed throughout Buildings B

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& C (Units B1-B16 and C1-C17). A total of thirty-two units (59%) within the development have wheelchair access and all units are single level.

An independent access report prepared by Karen O'Donnell of Access Independence Pty Ltd and submitted by the applicant states that, in terms of access the development meets the requirements of the Disability Discrimination Act, the Ku-ring-gai Planning Scheme Ordinance, Development Control Plan 31 and DCP 55. The findings of this report are deemed satisfactory.

Part 4.8 Resource energy and water efficiency

87% of units achieve between 4 & 5-stars with 53% achieving the maximum 5-star rating. This figure is acceptable given the high percentage of units achieving a 5-star rating and the overall percentage of units exceeding the minimum requirement of 3.5 stars.

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, and the proposal is satisfactory in this regard.

Development Control Plan 47 - Water Management

Matters for assessment under DCP 47 have been taken into account in the assessment of this application against DCP 55 by Councils Engineering Assessment Team Leader, who raises no objection to the proposal, subject to conditions.

Section 94 Plan

The development attracts a section 94 contribution of \$1,154,351.30, which is required to be paid by **Condition No. 76**.

This figure is calculated on the following basis, utilising the Ku-ring-gai Section 94 Contributions Plan 2004-2009 Residential Development as of 30 June 2004:

33 - Medium dwellings (75m ² -110m ²)	33 x \$19,468.88 = \$642,473.04
21 - Large dwellings (110m ² - under 150m ²)	21 x \$28,000.18 = \$588,003.78
Less 2 existing very large dwellings (150m ² or more) dwellings	= \$76,125.50

Likely Impacts

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

Suitability of the Site

The site is suitable for the proposed development.

Any Submissions

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

Public Interest

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

ANY OTHER RELEVANT MATTERS CONSIDERATIONS NOT ALREADY ADDRESSED

There are no other matters for discussion.

UNAUTHORISED WORKS

Not applicable

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 the zone interface standard (Cl 25) 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 SEPP1 objection has demonstrated that the underlying objective or purpose of the standard has been satisfied.

AND

THAT the Council, as the consent authority, being satisfied that the objection under SEPP No. 1 is well founded and also being of the opinion that the granting of consent to DA 1369/04 is consistent with the aims of the Policy, grant development consent to DA 1369/04 for the demolition of two (2) existing residential dwelling houses and construction of three (3) five storey residential flat buildings comprising fifty-four (54) units and basement car parking for one hundred and one (101)

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vehicles on land at 6-8 Culworth Avenue, Killara, for a period of two (2) years from the date of the Notice of Determination, subject to the following conditions:

Development in Accordance with Plans (New Development)

GENERAL

1. The development must be carried out in accordance with plans numbered:

Lower Basement Plan	Drawing No: 20425 DA-02	Revision D	May 2005
Upper Basement Plan	Drawing No: 20425 DA-03	Revision D	May 2005
Ground Floor Plan	Drawing No: 20425 DA-04	Revision D	May 2005
Level 1 & Level 2 Floor Plans	Drawing No: 20425 DA-05	Revision E	May 2005
Level 3 Floor Plan	Drawing No: 20425 DA-06	Revision D	May 2004
Level 4 Floor Plan	Drawing No: 20425 DA-07	Revision D	May 2004
Roof Plan	Drawing No: 20425 DA-08	Revision D	May 2005
Elevations & Sections	Drawing No: 20425 DA-09	Revision C	May 2005
Elevations	Drawing No: 20425 DA-10	Revision D	May 2005

Dated May 2005, drawn by Winter Group, and endorsed with Council's approval stamp, except where amended by the following conditions:

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

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

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

9. For the purpose of public safety, a sign shall be erected on the site prior to any work commencing which is clearly visible from a public place stating that unauthorised entry to the site is not permitted and showing the name of the builder or another person responsible for the site and a telephone number for contact outside working hours. The sign may only be removed on satisfactory completion of the works.
10. A sign shall be erected in a prominent position on the site which states the name and contact details of the Principal Certifying Authority.
11. All excavations shall be properly guarded and protected with hoardings or fencing to prevent them from being dangerous to life and property.
12. To maintain existing ground levels all excavated material shall be removed from the site.
13. 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.
14. 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.
15. 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.
16. 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

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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.

17. The applicant is advised that the Construction Certificate plans and specifications must comply with the provisions of the Building Code of Australia.
18. All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.

All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.

19. 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.

20. 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.
21. To maintain residential amenity, all electrical services to the site are to be provided underground and must not disturb the root system of any trees. Please contact the energy supply authority's local customer service office to obtain documentary evidence that the authority has been consulted and that their requirements have been met. This information is to be submitted to Council prior to the release of the Subdivision Certificate.
22. 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.

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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.

23. 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.

24. 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.

25. The fence and footings shall be constructed entirely within the boundaries of the property.
26. The demolition is to be carried out in accordance with the guidelines contained in Australian Standard 2601-1991: The Demolition of Structures.
27. Access to demolition sites shall be protected as directed by the Principal Certifying Authority by the use of suitable fences or hoardings.
28. 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.
29. 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.
30. 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.

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31. Erosion control measures shall be provided on demolition sites to prevent the siltation of watercourses and drainage systems.
32. 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.
33. All combustible material shall be removed from the site on a daily basis. Material shall not be burnt on the site.
34. Materials salvaged from a demolition may be stored on site provided they are non combustible, neatly and safely stockpiled and not likely to become a harbourage for vermin.
35. Trees and vegetation on a site shall not be disturbed except with the approval of the Council.
36. Fire hoses are to be maintained on site during the course of demolition.
37. Adequate precautions shall be taken to ensure the protection of adjoining premises and persons therein from damage and injury during the process of demolition.
38. 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.
39. 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

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- 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.
- 40. All demolition materials of value for re-use either on-site or elsewhere, shall be separated and made available for re-cycling.
- 41. The burning of undergrowth, foliage, building refuse and like matter on the site is prohibited.
- 42. Under no circumstances shall building materials, demolition waste, fill, soil or any other material from any source be placed or stored within any public reserve.
- 43. Sites shall not be re-shaped, re-contoured, excavated nor the levels on any part of the site altered without the Consent of the Council being obtained beforehand.
- 44. For the purpose of health and amenity, effective measures are to be taken at all times to prevent any nuisance being caused by noise, vibrations smells, fumes, dust, smoke, waste water products and the like.
- 45. 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.

Release of the Construction Certificate gives automatic approval to the removal ONLY of those trees located on the subject property within the footprint of a proposed new building/structure or within 3.0 metres of a proposed new dwelling. Where this application is for a building/structure other than a dwelling then ONLY trees within the area to be occupied by this building/structure may be removed. Other trees SHALL NOT be REMOVED or DAMAGED without an application being made under Council's Tree Preservation Order.

- 46. Landscape works shall be carried out in accordance with Landscape Drawing No la01 Rev B, LA02 Rev B, LA03 Rev B, La04 Rev B, La05 Rev B prepared by Taylor Brammer and dated 11 May 2005 submitted with the Development Application. The landscape works shall be completed prior to issue of the final Certificate of Compliance and be maintained in a satisfactory condition at all times.
- 47. Tree roots between 10mm and 50mm diameter, severed during excavation, shall be cut cleanly by hand and the tree subsequently treated with a root growth hormone and wetting agent, by an experienced Arborist/Horticulturist with a minimum qualification of the Horticulture Certificate or Tree Surgery Certificate.
- 48. No tree roots of 50mm or greater in diameter located within the specified radius of the trunk/s of the following, tree/s shall be severed or injured in the process of any site works during the construction period.

Tree/Location	Radius From Trunk
#1 <i>Arecastrum romanzoffianum</i> (Cocco's Palm) Adjacent to eastern/Culworth Ave site boundary	3.0m
#2 <i>Magnolia soulangeana</i> (Soul's Magnolia)	3.0m

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Adjacent to eastern/Culworth Ave site boundary

#3 <i>Nyssa sylvatica</i> (Tupelo)	4.5m on the north-west side
Adjacent to eastern/Culworth Ave site boundary	6.0m elsewhere

#4 <i>Malus floribunda</i> (Crabapple)	2.0m on the north-west side
Adjacent to eastern/Culworth Ave site boundary	4.0m elsewhere

#10 <i>Ulmus parvifolia</i> (Chinese Elm)	4.5m
Adjacent to northern site boundary	

#28 <i>Eucalyptus acmenoides</i> (White Mahogany)	3.0m
Adjacent to western site boundary	

#36 <i>Magnolia soulangeana</i> (Soul's Magnolia)	4.0m
Centrally located adjacent to north east site corner	

#40 <i>Ulmus parvifolia</i> (Chinese Elm)	4.0m
Adjacent to northern site boundary	

#41 <i>Liquidambar styraciflua</i> (Sweet Gum)	6.0m
Adjacent to northern site boundary	

#42 <i>Cordyline australis</i> (Cabbage tree)	2.0m
Adjacent to northern site boundary	

#47 <i>Eucalyptus saligna</i> (Bluegum)	11.0m
Adjacent to north-east site corner in neighbouring property	

#50 <i>Jacaranda mimosifolia</i> (Jacaranda)	4.0m
Adjacent to eastern site boundary	

#54 <i>Jacaranda mimosifolia</i> (Jacaranda)	4.0m
Adjacent to northern site boundary in neighbouring property	

#55 <i>Acer palmatum</i> (Japanese Maple)	4.0m
Adjacent to northern site boundary in neighbouring property	

49. 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 reports from the Arborist to the principal certifying authority shall be required at quarterly/three monthly intervals. Documentary evidence of compliance with this condition shall be submitted to Council with the final Certificate of Compliance.

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50. Paving works within the specified radius of the trunk/s of the following tree/s shall be constructed to ensure that existing water infiltration and gaseous exchange to the tree/s root system is maintained. Details for the paving shall be submitted to the Principal Certifying Authority for approval by a suitably qualified professional prior to the commencement of paving construction:

Tree/Location	Radius From Trunk
#10 <i>Ulmus parvifolia</i> (Chinese Elm) Adjacent to northern site boundary	4.5m
#36 <i>Magnolia soulangeana</i> (Soul's Magnolia) Centrally located adjacent to north east site corner	4.0m
#50 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to eastern site boundary	4.0m
#54 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to northern site boundary in neighbouring property	4.0m
#55 <i>Acer palmatum</i> (Japanese Maple) Adjacent to northern site boundary in neighbouring property	4.0m

51. No mechanical excavation of the proposed structure 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
#3 <i>Nyssa sylvatica</i> (Tupelo) Adjacent to eastern/Culworth Ave site boundary	6.0m
#4 <i>Malus floribunda</i> (Crabapple) Adjacent to eastern/Culworth Ave site boundary	3.0m
#10 <i>Ulmus parvifolia</i> (Chinese Elm) Adjacent to northern site boundary	4.5m
#28 <i>Eucalyptus acmenoides</i> (White Mahogany) Adjacent to western site boundary	3.5m
#50 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to eastern site boundary	4.0m

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

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Tree/Location	Radius From Trunk
#3 <i>Nyssa sylvatica</i> (Tupelo) Adjacent to eastern/Culworth Ave site boundary	4.0m
#4 <i>Malus floribunda</i> (Crabapple) Adjacent to eastern/Culworth Ave site boundary	2.0m
#10 <i>Ulmus parvifolia</i> (Chinese Elm) Adjacent to northern site boundary	4.5m
#28 <i>Eucalyptus acmenoides</i> (White Mahogany) Adjacent to western site boundary	3.0m
#36 <i>Magnolia soulangeana</i> (Soul's Magnolia) Centrally located adjacent to north east site corner	4.0m
#42 <i>Cordyline australia</i> (Cabbage tree) Adjacent to northern site boundary	2.0m
#50 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to eastern site boundary	4.0m
#54 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to northern site boundary in neighbouring property	3.0m
#55 <i>Acer palmatum</i> (Japanese Maple) Adjacent to northern site boundary in neighbouring property	4.0m
53. The applicant shall ensure that at all times during the construction period no activities, storage or disposal of materials shall take place beneath the canopy of any tree protected under Council's Tree Preservation Order.	
54. Transplanting of the nominated trees/shrubs shown on the Landscape plan, shall be directly supervised by an experienced Arborist/Horticulturist with a minimum qualification of the Horticulture Certificate or Tree Surgery Certificate.	
55. 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.	
56. Stormwater runoff from new hard surfaces generating runoff or landscaped areas that are not at natural ground level shall be piped to the interallotment drainage system benefitting the properties. New drainage line connections shall conform and comply with the requirements described in sections 5.3 and 5.4 of Councils Water Management Development Control Plan 47.	
57. A mandatory rainwater re-use tank system comprising stormwater tanks and rainwater tanks of minimum volume required in chapter 6 of Councils Water Management Development	

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Control Plan 47 (DCP47), must be provided for the development. Retained water must be made available for garden irrigation, car washing, all toilet flushing and laundry use within each unit. A mains top-up shall be provided for periods of low rainfall, with a void space left for runoff storage purposes.

58. For stormwater control, 200mm wide grated channel/trench drains with heavy-duty removable galvanised grates are to be strategically placed to collect driveway runoff and must be connected to the main stormwater drainage system. The channel drain shall have an outlet of minimum diameter 150mm to prevent blockage by debris.
59. A maintenance period of six (6) months shall apply to all works in the public road reserve carried out by the applicant after works have been completed to Council's satisfaction. In that period, the applicant shall be liable for any section of the work which fails to perform in the manner outlined in Council's specifications, or as would reasonably be expected under the operating conditions.
60. Where required, the adjustment or additions of any utility service facilities must be carried out by the applicant and in accordance with the requirements of the relevant utility authority. These works shall be at no cost to Council. It is the Applicants responsibility to ascertain impacts of the proposal upon utility services and Council accepts no responsibility for any matter arising from its approval to this application involving an influence upon utility services provided by another authority.
61. All public footways and accessways fronting and adjacent to the site are to be maintained in a safe condition at all times during the course of the development works. A safe pedestrian circulation route and a pavement/route free of trip hazards must be maintained at all times on or adjacent to the public access ways fronting the construction site. Where public infrastructure is damaged, repair works must be carried out when and as directed by Council officers. Where circulation is diverted on to the roadway, clear directional signage and protective barricades must be installed in accordance with AS1742-3 1996 "*Traffic Control Devices for Work on Roads*". **If pedestrian circulation is not satisfactorily maintained, and action is not taken promptly to rectify the defects, Council may undertake proceedings to stop work.**
62. 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.
63. Driveways and access ramps must be designed not to scrape the underside of cars. In all respects, the proposed vehicle access and accommodation arrangements must be designed and constructed to comply with Australian Standard 2890.1 – 2004 "Off-Street car parking" as a minimum requirement.

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64. For the purpose of any further plan assessment and works inspections by Council engineers, the corresponding fees set out in Councils adopted Schedule of Fees and Charges are payable to Council. A re-inspection fee per visit may be charged where work is unprepared at the requested time of inspection, or where remedial work is unsatisfactory and a further inspection is required. Engineering fees must be paid in full prior to any final sign-off from Council.
65. The Applicant must obtain a **Section 73 Compliance Certificate** under the *Sydney Water Act 1994*. An application must be made through an authorised Water Servicing Coordinator. Applicant shall refer to “Your Business” section of Sydney Water’s web site at www.sydneywater.com.au then the “e-developer” icon or telephone 13 20 92. Following application a “Notice of Requirements” will detail water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.
66. During construction, stormwater runoff must be disposed in a controlled manner that is compatible with the erosion and sediment controls on the site. Immediately upon completion of any impervious areas on the site (including roofs, driveways, paving) and where the final drainage system is incomplete, the necessary temporary drainage systems shall be installed to control runoff as far as the approved point of stormwater discharge. Such measures shall be to the satisfaction of the Principal Certifying Authority (PCA).
67. Geotechnical aspects of the development works, particularly excavation, support, retention and hydrogeological considerations must be undertaken in accordance with the recommendations of the Coffey Geosciences report of 13 December 2004 and subsequent geotechnical investigations, comprising cored boreholes, carried out for construction purposes.
68. Approval is to be obtained from Ku-ring-gai Council Traffic Committee for any temporary public road closures and/or placement of cranes on public land.
69. All construction traffic control and management measures shall be implemented in accordance with an approved *Construction Traffic Management Plan* to be submitted and approved by Council prior to the commencement of works. The Principal Certifying Authority shall monitor the traffic control and management situation over the course of construction works, and shall pay particular attention to traffic control during school drop off and collection hours. Where it is found that the Traffic control and management measures may be improved, this shall be undertaken under the supervision of qualified traffic control persons and in consultation with Council.
70. In order to allow unrestricted access for Council waste collection vehicles to the basement garbage storage/collection area, no doors or gates shall be provided in the access driveways to the basement car park which would prevent this service.

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71. 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.

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

72. 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.

73. 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).
74. 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.
75. 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.

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- 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.

76. 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 FIFTY-TWO (52) ADDITIONAL DWELLINGS IS CURRENTLY \$1,154,351.30. The amount of the payment shall be in accordance with the Section 94 charges as at the date of payment. The charges may vary at the time of payment in accordance with Council's Section 94 Contributions Plan to reflect changes in land values, construction costs and the consumer price index.

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

1. Community Facilities	\$1,117.76
2. Park Acquisition and Embellishment Works - Killara	\$6,384.75
3. Sportsgrounds Works	\$1,318.32
4. Aquatic / Leisure Centres	\$27.82
5. Traffic and Transport	\$150.28
6. Section 94 Plan Administration	\$100.04

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

OCCUPANCY RATES FOR DIFFERENT DWELLING SIZES

Small dwelling (under 75sqm)	1.27 persons
Medium dwelling (75 - under 110sqm)	1.78 persons
Large dwelling (110 - under 150sqm)	2.56 persons
Very Large dwelling (150sqm or more)	3.48 persons
New Lot	3.48 persons
SEPP (Seniors Living) Dwelling	1.3persons

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

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

Fifty percent (50%) of the bond will be refunded upon issue of the final Certificate of Compliance, where landscape works as approved have been satisfactorily installed. The balance of the bond will be refunded 3 years after issue of the building certificate, where landscape works has 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.

79. A CASH BOND/BANK GUARANTEE of \$14,500.00 shall be lodged with Council prior to the release of the Construction Certificate to ensure that the following trees are maintained in the same condition as found prior to commencement site development work.

The bond will be returned following issue of the final Certificate of Compliance, 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

#3 *Nyssa sylvatica* (Tupelo) \$4,000.00
Adjacent to eastern/Culworth Ave site boundary

#4 *Malus floribunda* (Crabapple) \$500.00
Adjacent to eastern/Culworth Ave site boundary

#10 *Ulmus parvifolia* (Chinese Elm) \$4 000.00
Adjacent to northern site boundary

#28 *Eucalyptus acmenoides* (White Mahogany) \$2,000.00
Adjacent to western site boundary

#36 *Magnolia soulangeana* (Soul's Magnolia) \$1,000.00
Centrally located adjacent to north east site corner

#41 *Liquidambar styraciflua* (Sweet Gum) \$1,000.00
Adjacent to northern site boundary

#49 *Stenocarpus sinuatus* (Q'ld Firewheel tree) \$1,000.00

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Adjacent to eastern site boundary

#50 *Jacaranda mimosifolia* (Jacaranda) \$1,000.00

Adjacent to eastern site boundary

80. To preserve the following tree/s, footings of the proposed works shall be isolated pier or pier and beam construction within the specified radius of the trunk/s. The piers shall be located such that no roots of a diameter greater than 50mm shall be severed or injured in the process of any site works during the construction period. The beam shall be located on or above existing soil levels.

The location and details of the footings shall be submitted to Council's Landscape Development Officer and be approved prior to release of the Construction Certificate.

Tree/Location	Radius in Metres
#10 <i>Ulmus parvifolia</i> (Chinese Elm)	4.5m
Adjacent to northern site boundary	

#36 <i>Magnolia soulangeana</i> (Soul's Magnolia)	4.0m
Centrally located adjacent to north east site corner	

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

The grading of such footpaths or driveways outside the property shall comply with Council's standard requirements. The suitability of the grade of such paths or driveways inside the property is the sole responsibility of the applicant and the alignment levels fixed by Council

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

84. The applicant is to submit a design for the proposed pipe within the drainage easement through Selkirk Park and a junction pit over Council's underground stormwater drainage pipe. Approval is to be obtained from Council as the owner of Selkirk Park and submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate.
85. Prior to issue of the Construction Certificate the applicant shall submit, for approval by the Principal Certifying Authority (PCA), a Soil and Erosion Control Plan prepared in accordance with the LANDCOM document "Soils and Construction" (2004). A suitably qualified and experienced civil/environmental engineer or surveyor shall prepare this plan in accordance with the above guidelines and section 8.2.1 of Councils Water Management DCP 47 (available on the Council website). The design may be generally in accordance with the Concept Stormwater Management & Environmental Site Management Concept Plans, C1 to C5, dated Dec 2004, by Appleyard Forrest Consulting Engineers submitted with the development application, and advanced as necessary for construction issue purposes.
86. Prior to issue of the Construction Certificate the applicant shall submit, for approval by the Principal Certifying Authority (PCA), construction details for the proposed method of achieving Council requirements for the mandatory re-use of water on the property including general garden irrigation, car-washing, laundry and toilet flushing within each unit. The necessary plumbing components for re-use, including pumps and back up power supply in the event of blackout, shall be shown on these plans to a detail suitable for installation by the plumbing services contractors. The plans, with all supporting documentation, are to be prepared by a qualified and experienced civil/hydraulic engineer.
87. Prior to issue of the Construction Certificate the applicant shall submit, for approval by the Principal Certifying Authority (PCA), full construction drawings for the proposed method of achieving Council storage volume requirements for the on-site stormwater retention system. The minimum storage volumes and designs shall comply with Councils Water Management DCP 47 (available on the Council website and at Council customer services), any manufacturers' specifications and the relevant plumbing codes. Rainwater tank(s) shall be designed to capture and retain runoff from the entire roof area as a minimum. Overflow shall revert to the main drainage system. The design and construction plans, with all supporting documentation, are to be prepared by a qualified and experienced civil/hydraulic engineer. The design is to be in accordance with the Concept Stormwater Management & Environmental Site Management Concept Plans, C1 to C5, dated Dec 2004, by Appleyard

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Forrest Consulting Engineers submitted with the development application, and advanced as necessary for construction issue purposes.

88. Prior to issue of the Construction Certificate the applicant shall submit, for approval by the Principal Certifying Authority (PCA), construction design drawings and calculations for the property drainage system components. The property drainage system (including but not limited to gutters, downpipes, pits, joints, flushing facilities and all ancillary plumbing) shall be designed for a 235mm/hour rainfall intensity for a duration of five (5) minutes (1:50 year storm recurrence) and shall be compatible with the necessary retention and detention devices. Plans and calculations are to be prepared by a suitably qualified and experienced civil/hydraulic engineer in accordance with Councils Water Management Development Control Plan 47. New connection points to the Council drainage system must be shown accurately on the plan and shall be made in accordance with the *General Specification for the Construction of Road and Drainage Works in Ku-ring-gai Council*, dated November 2004. The design of these drainage components may be in accordance with the Concept Stormwater Management & Environmental Site Management Plans, C1 to C5, dated Dec 2004, by Appleyard Forrest Consulting Engineers submitted with the development application, and advanced as necessary for construction issue purposes. **Water quality measures as described in Section 8.3 of DCP 47 are to be provided.**
89. The designing engineer is to certify with the Construction Certificate plans that measures have been included in the design of stormwater management measures which will prevent backflow from the underground system in Selkirk Park entering the retention storage during times of high stormwater flows in Council's system.
90. Prior to issue of the Construction Certificate, the applicant is to submit a geotechnical investigation report which contains specific recommendations for excavation support, vibration monitoring and dilapidation surveys if required.
91. **Prior** to the issue of a Construction Certificate the applicant shall lodge a \$50,000 (fifty thousand dollar) public infrastructure damage bond with Council. This bond is applied under Section 97 of the Local Government Act to cover the restoration by Council of any damage to public infrastructure not repaired in full, caused as a result of construction works, in close proximity to the subject development. The bond will also cover the finishing of any incomplete works required in the road reserve under this consent and/or as part of the approved development. The bond shall be refundable following completion of **all** works relating to the proposed development and **at the end of any maintenance period** stipulated by consent conditions upon approval by Council's Engineers. Further, Council shall have full authority to make use of the bond for such restoration works as deemed necessary by Council in the following circumstances:
 - a) Where the damage constitutes a hazard in which case Council may make use of the bond immediately, and
 - b) The applicant has not repaired nor commenced repairing the damage within 48 hours of the issue by Council in writing of instructions to undertake such repairs or works.
 - c) Works in the public road associated with the development are to an unacceptable quality.

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CONDITIONS TO BE COMPLIED WITH PRIOR TO WORK COMMENCING

92. Prior to the commencement of any work, the Principal Certifying Authority shall be notified in writing of the name and contractor licence number of the owner/builder who intends to carry out the approved works.
93. External finishes and colours are to be sympathetic to the surrounding environment. Samples of materials and finishes are to be submitted to and approved by Council prior to the commencement of work.
94. To preserve the following tree/s, no work shall commence until the area beneath the canopy of the following tree/s is fenced off at the specified radius from the trunk to prevent any activities, storage or the disposal of materials within the fenced area. The fence/s shall be maintained intact until the completion of all demolition/building work on site.

Tree/Location	Radius in Metres
#1 <i>Arecastrum romanzoffianum</i> (Cocco's Palm) Adjacent to eastern/Culworth Ave site boundary	3.0m
#2 <i>Magnolia soulangeana</i> (Soul's Magnolia) Adjacent to eastern/Culworth Ave site boundary	3.0m
#26 <i>Eucalyptus acmenoides</i> (White Mahogany) Adjacent to western site boundary	3.0m
#27 <i>Eucalyptus acmenoides</i> (White Mahogany) Adjacent to western site boundary	3.0m
#28 <i>Eucalyptus acmenoides</i> (White Mahogany) Adjacent to western site boundary	3.0m
#30 <i>Camellia japonica</i> (Japanese Camellia) Adjacent to eastern site boundary	3.0m
#31 <i>Camellia japonica</i> (Japanese Camellia) Adjacent to eastern site boundary	3.0m
#32 <i>Camellia japonica</i> (Japanese Camellia) Adjacent to eastern site boundary	3.0m
#34 <i>Pittosporum undulatum</i> (Native daphne) Adjacent to northern site boundary	4.0m
#35 <i>Syzigium leuhmanii</i> (Small leaf lillypilly) Adjacent to northern site boundary	5.0m

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#36 <i>Magnolia soulangeana</i> (Soul's Magnolia) Centrally located adjacent to north east site corner	4.0m
#40 <i>Ulmus parvifolia</i> (Chinese Elm) Adjacent to northern site corner	3.0m
#41 <i>Liquidambar styraciflua</i> (Sweet Gum) Adjacent to northern site boundary	6.0m
#42 <i>Cordyline australis</i> (Cabbage tree) Adjacent to northern site boundary	2.0m
#44 <i>Ulmus parvifolia</i> (Chinese Elm) Adjacent to northern site corner	3.0m
#45 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to north-west site corner	5.0m
#47 <i>Eucalyptus saligna</i> (Bluegum) Adjacent to north-east site corner in neighbouring property	10.0m
#49 <i>Stenocarpus sinuatus</i> (Q'ld Firewheel tree) Adjacent to eastern site corner	3.0m
50 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to eastern site boundary	4.0m
54 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to northern site boundary in neighbouring property	4.0m
#55 <i>Acer palmatum</i> (Japanese Maple) Adjacent to northern site boundary in neighbouring property	4.0m

95. 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 driveway 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
#3 <i>Nyssa sylvatica</i> (Tupelo) Adjacent to eastern/Culworth Ave site boundary	6.0m
#4 <i>Malus floribunda</i> (Crabapple) Adjacent to eastern/Culworth Ave site boundary	3.0m

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96. 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 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
#10 <i>Ulmus parvifolia</i> (Chinese Elm)	4.5m
Adjacent to northern site boundary	

97. 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.
98. If it is essential for scaffolding to be erected within a protected area, fencing should be erected to provide just sufficient space for scaffolding. The ground between this fence and the building should be protected by boarding (eg scaffold boards). A single thickness of boarding laid on the soil surface will provide sufficient protection for pedestrian loads, but more substantial boarding sufficient to spread the load should be used for heavier traffic. The ground beneath the boarding should be left undisturbed and should be protected with a porous geotextile fabric. If necessary, sand should be laid on the fabric to level the ground. When required, the building scaffolding should be erected. The boarding should be left in place until the building works are finished.
99. If temporary vehicle access is required near a tree to be retained, 75x75x2000mm hardwood planks are to be lain over a mulched area to a depth of 100mm with organic material being 75% leaf litter and 25% wood to distribute weight and to minimise compaction of soil profiles beneath. Timber lengths are to be secured on top of such to avoid movement and the structure should be constructed to accommodate vehicles that are to be used on site. Structural soil or similar should be used as a subgrade placed above existing soil levels for alternate driveway surfaces to support larger site vehicles or more rigid type temporary sealed road surfaces.
100. Tree protection signage is to be attached to each tree protection zone and displayed in a prominent position and the sign repeated at 10.0m intervals or closer where the fence changes direction. The signs to be a minimum size of 600mm x 500mm. Example details, as following:
1. Tree Protection Zone
 2. This fence has been installed to prevent damage to the trees and their growing environment contained within, to allow those trees to be retained as components of the existing landscape for incorporation into the landscape works for this site. It is the intent of this tree management process to retain these trees in a condition that is safe, viable and healthy, or a condition not less than that at the time of the commencement of this development
 3. Due to the critical nature of the Tree Protection Zone with regards to the long term viability of the tree/s, if encroachment or incursion into this zone is deemed to be essential the consulting Arborist should be informed to the undertaking of such works

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4. Name, address, and contact details of the developer.
101. In the event of prolonged dry periods, or where a tree has been transplanted, or where excavation nearby, especially up slope, leads to the drying out of soil profiles closest to the tree/s, the tree/s is to be deep watered thoroughly at least twice a week. In the event of disrupted ground or surface water flows to the tree due to excavation, filling, or construction, an irrigation system is to be installed, consideration must be given to volume, frequency and drainage of water delivered, and this is to be in consultation with a qualified consulting Arborist.
102. Where tree protection measures are to be removed or altered this must be undertaken in consultation with the consultant Arborist to ensure tree protection is maintained.
103. Upon completion of the installation of the required tree protection measures you are required to contact the principal certifying authority to arrange an inspection of the site. 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.
104. Prior to the commencement of any works on site the applicant shall submit **to Council** a full dilapidation report on the visible (**including photos**) and structural condition of the following public infrastructure:
 - a) Full road pavement width, including kerb and gutter, of Culworth Avenue over the site frontage.

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, and
- Council is able to refund infrastructure damage bonds, in full or parts thereof, with accuracy.

The developer may be held liable to all damage to public infrastructure in the vicinity of the site, where such damage is not accurately recorded under the requirements of this condition prior to the commencement of works. In this respect, the infrastructure damage bond lodged by the subject developer may be used by Council to repair the damage regardless.

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

105. 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:

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

- Dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage any pedestrians and construction related vehicles in the frontage roadways,
- Turning areas within the site for construction and spoil removal vehicles, allowing a forward egress for all construction vehicles on the site,
- The locations of any Work Zones in the frontage roadways,
- Location of proposed crane standing areas
- A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries
- Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected.
- The provision of an on-site parking area for employees, tradesperson and construction vehicles where possible

2. Traffic Control Plan(s) for the site

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

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

- Light traffic roads and those subject to a load or height limit must be avoided at all times.
- A copy of this route is to be made available to all contractors, and shall be clearly depicted at a location within the site.
In addition, the plan must address:
- A schedule of site inductions to be held on regular occasions and as determined necessary to ensure all new employees are aware of the construction management obligations. These must specify that construction-related vehicles to comply with the approved requirements.
- Minimising construction related traffic movements during school peak periods.
- For those construction personnel that drive to the site, the Applicant shall attempt to provide on-site parking so that their personnel’s vehicles do not impact on the current parking demand in the area.

The *Construction and Traffic Management Plan* shall be submitted to and reviewed by Council, attention Development Engineer. A written acknowledgment from Council shall be obtained and submitted to the Principal Certifying Authority prior to the commencement of

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

106. 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.

CONDITIONS TO BE COMPLIED WITH PRIOR TO OCCUPATION

107. Prior to the release of any occupation certificate, a compliance certificate must be obtained from an accredited certifier, certifying that the building works for the building to be occupied comply with the plans and specifications approved by this development consent; and any construction certificate associated with this consent for the buildings to be occupied. If the PCA is not the Council, then this compliance certificate must be submitted to the Council at the same time as the occupation certificate is submitted to the Council in accordance with Clause 151(2) of the E P & A Act regulations.
108. The landscape works shall be completed prior to release of the Certificate of Occupation and maintained in a satisfactory condition at all times.
109. On completion of the landscape works/tree planting or screen planting, the Landscape Architect or qualified Landscape Designer shall submit a report certifying correct installation, faithful to the landscape plan to the Principal Certifying Authority with a copy to Council, prior to issue of the Occupation Certificate.
110. Prior to issue of the Occupation Certificate, a complete record of geotechnical inspections, testing and monitoring with certifications is to be compiled in report format and submitted to the Principal Certifying Authority for approval.
111. Prior to issue of an Occupation Certificate the following works must be completed to the satisfaction of Council Engineers:
 - a) Completion of the new driveway crossing in accordance with levels and specifications issued by Council.

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- b) Restoration of footpath along the site frontage where required, in accordance with Council's standard detail.
- c) Removal of **all** redundant driveway crossings and kerb laybacks (or sections thereof). Full reinstatement of these areas to footway, turfed verge and upright kerb and gutter to the satisfaction of Council. Reinstatement works shall match surrounding adjacent infrastructure with respect to integration of levels and materials.
- d) Full repair and resealing of any road surface damaged during construction.
- e) Full replacement of damaged sections of grass verge with a non-friable turf of native variety to match existing.

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

- 112. Prior to issue of an Occupation Certificate the Section 73 Sydney Water compliance certificate must be obtained and submitted to the Principal Certifying Authority (PCA).
- 113. Prior to issue of an Occupation Certificate a suitably qualified consulting civil/hydraulic engineer is to provide engineering certification for approval by the Principal Certifying Authority (PCA). The certification is to make **specific reference** to each of the following aspects of the installed drainage and stormwater management measures:
 - a) That construction of the stormwater drainage and management systems has been carried out by a contractor licensed to do so.
 - b) That all necessary Sydney Water approvals have been obtained for the domestic use of reticulated water.
 - c) That the as-built retention systems achieve the design storage volumes approved by the Principal Certifying Authority with the Construction Certificate (engineer must complete the form in the appendices of DCP47 in relation to the system).
 - d) The as-built drainage layout (including pits, pipes and ancillary plumbing) is in accordance with the relevant stormwater management and drainage plans approved by the Principal Certifying Authority with the Construction Certificate,
 - e) The overall as built drainage and stormwater management systems will achieve the discharge control intent of the approved construction plans and Councils Water Management DCP47.
 - f) The pipe within the drainage easement through Selkirk Park has been constructed in accordance with the approved plans.
- 114. Prior to issue of an Occupation Certificate the applicant shall submit a Works-as-Executed (WAE) drawing(s) to the Principal Certifying Authority in relation to the installed stormwater drainage and managements systems. These plans shall show:
 - a) As built location and indicative internal dimensions of the retention structures on the property (plan view) and horizontal distances to nearest adjacent boundaries and buildings on site

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- b) As built locations of all access pits and grates in the retention systems, including dimensions.
- c) The achieved capacity of the retention storages and derivative calculations.
- d) Top water levels of storage areas and indicative RL's through the escape flow path in the event of blockage of system.
- e) Size, depth and location of the overland flow path inlet pits, together with surface levels, invert levels and indicative grading levels in surrounding landscaped area.
- f) Location and dimensions of overland flow conveyance culverts through the basement structure.
- g) As built surface and invert levels for all drainage pits and junction points.
- h) Gradients of drainage lines, materials and sizes.
- i) As built level(s) at the approved point of discharge to the public drainage system.

The WAE(s) is to be prepared by a **registered surveyor** and shall show all critical constructed levels, materials and dimensions in comparison to those shown in the relevant designs approved by the Principal Certifying Authority with the Construction Certificate. All relevant details indicated must be denoted **in red** on the Principal Certifying Authority stamped construction certificate stormwater drawings. The plan shall not be prepared until final surfaces (such as landscaping) are laid.

115. Prior to issue of an Occupation Certificate the following must be provided to Council (attention Development Engineer):

- A copy of the approved Construction Certificate stormwater drainage plans which show the retention systems.
- A copy of all the works-as-executed drawings as specified in this consent relating to drainage and stormwater management,
- A copy of the Works as Executed plan of the pipe within the interallotment drainage easement through Selkirk Park,
- All Engineer's certifications specified in this consent.

This condition is required so Council may maintain its database of as-constructed on-site stormwater detention/retention systems, and also applies if the Principal Certifying Authority (PCA) is not the Council.

116. Prior to occupation or issue of an Occupation Certificate the applicant shall create a Positive Covenant and Restriction on the Use of Land under Section 88B of the Conveyancing Act 1919, burdening the property with the requirement to maintain the on-site stormwater retention 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 facilities - to the satisfaction of Council. Registered title documents showing the covenants and restrictions must be submitted and approved by the Principal Certifying Authority (PCA) prior to issue of an Occupation Certificate. It is assumed that the legal instruments will transfer to any future subdivision plan at the time of registration.
117. Prior to issue of the Occupation Certificate an easement for waste collection must be provided. This is to permit legal access for Council, and Council's contractors, and their vehicles over the subject property for the purpose of collecting waste from the property. The

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terms of the easement are to indemnify Council and Council's contractors against damages to private land or property whilst in the course of carrying out waste collection services. The terms of the easement are to be generally in accordance with Council's draft terms for an easement for waste collection. It is assumed that the legal instruments will transfer to any future subdivision plan at the time of registration.

118. Prior to issue of the Occupation Certificate, a qualified civil/traffic engineer must undertake a site inspection of the completed basement vehicle access and accommodation areas which shall include full dimension measurements as necessary. At the completion of this site inspection, this engineer shall provide certification to the Principal Certifying Authority that:
 - a) Vehicle access and accommodation arrangements (including but not limited to space dimensions, aisle, ramp and driveway widths and grades, height clearances and the like) comply with Australian Standard 2890.1 – 2004 "Off-Street car parking" and
 - b) No security doors, grilles or gates are provided which would prevent access to the garbage storage area by Councils waste collection vehicle, including the truck manoeuvring area for forward egress.
119. Prior to issue of the Occupation Certificate the provision of separate underground electricity, gas, phone cable, sewer and water services shall be provided for the development in accordance with those utility providers. A suitably qualified and experienced engineer or surveyor is to provide certification to the Principal Certifying Authority that the development has ready underground access to the services of electricity, gas, phone cable, sewer and water. Alternatively a final compliance letter from the respective supply authorities may be supplied for approval.

BUILDING CONDITIONS

120. The following are required details and must be submitted to the Principal Certifying Authority *prior to issue of the Construction Certificate*. Any matter listed below must have a Certificate attached from a suitably qualified person to the effect that the design or matter complies with the relevant design Standard or Code which the Certificate must identify.
 - a. Details prepared by a practicing structural engineer for all or any reinforced concrete, structural steel or timber framing.
 - b. Wind bracing details complying with AS 1684-1992 National Timber Framing Code, AS 1170.2-1989 Wind Load Code or AS 4055-1992 Wind Loads for Housing Code.
 - c. Upper floor joist details, engineered or complying with AS 1684-1992 National Timber Framing Code.
 - d. Retaining walls and associated drainage.
 - e. Wet area waterproofing details complying with the Building Code of Australia.
 - f. Mechanical ventilation details complying with Australian Standard 1668-1993 Mechanical Ventilation & Airconditioning.
 - g. Glazing details complying with AS 1288-1989 Glass in Buildings and Installation Code.
 - h. Stormwater disposal details complying with Council's Stormwater Management Manual and/or other conditions of this consent.
121. For fire safety an automatic fire detection and alarm system shall be installed throughout the dwelling in accordance with the following requirements:

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

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

122. Termite protection which will provide whole of building protection in accordance with Australian Standard 3660 - *"Protection of Buildings from Subterranean Termites"* is to be provided.

Council has a non chemical policy for termite control but will consider proposals involving physical barriers in combination with approved chemical systems. Handspraying is prohibited.

Where a monolithic slab is used as part of a termite barrier system, the slab shall be constructed in accordance with Australian Standard 2870.1 or as designed by a structural engineer but in either case shall be vibrated to achieve maximum compaction.

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

S Watson
Executive Assessment Officer

R Kinninmont
Team Leader - Assessment Team - South

M Prendergast
Manager Development & Regulation

M Miocic
Director Development & Regulation

Attachments:
Locality map
Zoning extract
Site plan
Architectural drawings
Shadow diagrams
Landscape plan
Photos

1580 TO 1596 PACIFIC HIGHWAY, WAHROONGA

EXECUTIVE SUMMARY

PURPOSE OF REPORT:	To refer the application back to Council following the Council meeting of the 28 June 2005 and seek Council's determination of the development application.
BACKGROUND:	<ul style="list-style-type: none">• Application lodged 19 October 2004.• Council considered a report at its meeting on 24 May 2005.• Site inspection 11 June 2005.• Council considered a supplementary report and recommendation at its meeting on 28 June 2005.• Consideration of application deferred on 28 June 2005 for the following reasons:<ul style="list-style-type: none">A. The applicant to submit amended plans for consideration which include a reduction in the height of Block G to a height of 2.6 storeys and a further setback of Block G from the Sydney Blue Gum numbered 131 of at least 1.5 additional metres.B. The applicant also to amend Block C to reduce the impact on the Heritage item at 1574-1576 Pacific Highway by incorporating more of the changes recommended both by Council's Heritage Advisor in the report of 18 April and by the site specific DCP55.C. That Council seek legal advice with regard to the implications arising from the prosecution relating to the removal of trees on its consideration as consent authority on this development.
COMMENTS:	The applicant has responded to Council's terms of deferment and this is addressed in this report.
RECOMMENDATION:	Approval.

PURPOSE OF REPORT

To refer the application back to Council following the Council meeting of the 28 June 2005 and seek Council's determination of the development application.

BACKGROUND

- Application lodged 19 October 2004.
- Council considered a report recommending approval at its meeting on 24 May 2005 and referred the matter to a site inspection.
- Site inspection held on 11 June 2005.
- Minutes of Site Inspection presented for confirmation on 15 June 2005.
- Council considered a supplementary report at its meeting on 28 June 2005.
- On 28 June 2005, Council deferred the application for the following reasons:
 - A. The applicant is to submit amended plans for consideration which include a reduction in the height of Block G to a height of 2.6 storeys and a further setback of Block G from the Sydney Blue Gum numbered 131 of at least 1.5 additional metres.
 - B. The applicant also to amend Block C to reduce the impact on the heritage item at 1574-1576 Pacific Highway by incorporating more of the changes recommended both by Council's Heritage Advisor in the report of 18 April and by the site specific DCP55.
 - C. That Council seek legal advice with regard to the implications arising from the prosecution relating to the removal of trees on its consideration as consent authority on this development.

COMMENTS

- A. The applicant advised Council by facsimile on 30 June 2005, that they were not prepared to make any further amendments to the proposed development (see **attachment**).
- B. Council has now received legal advice with regards to the implications of prosecution relating to the tree removal and the consideration of the development application.

This advice is included as a confidential attachment in Council's business paper.

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 DA1081/04 for the construction of seven (7) residential flat buildings containing 157 apartments and basement parking for 218 vehicles, including 40 visitor spaces and strata subdivision into 158 lots on land at 1580-1596 Pacific Highway, Wahroonga, for a period of two (2) years from the date of the Notice of Determination, subject to the following conditions:

GENERAL

1. The development to be in accordance with Development Application No 1081/04 and Development Application plans prepared by Meriton Apartments Pty Ltd, reference number Drawing numbers: DA00(A), DA01(B), DA02(B), DA10 (A), DA11(A), DA12(A), DA13(A), DA14(A), DA15(A), DA16(A), DA17(A), DA18(B), DA19(B), DA20(B), DA21(B), DA22(B), DA31(A), DA32(A), DA41(A), DA42, (A) DA51(A), DA52(A), DA61(A), DA62(A), DA71(A), DA72(A), DA81(A), DA82(B), DA91(B), DA92(B), DA93(B), dated March 2005 and June 2005, and lodged with Council on 6 April 2005 and 20 June 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 external materials and finishes are to comply with the schedule of finishes prepare by Meriton Apartments Pty Ltd. In particular
 - Face brick - Cinnamon Smooth (Boral)
 - Roof - terracotta tile
 - Powder coated privacy screens and aluminium balustrade - Iron Bark (Dulux 52036)
 - Rendered and painted brickwork of balustrade - European White (Dulux)
 - Rendered and painted brickwork 'V' jointed - Delta Waters (Dulux 17.B2)
5. "Peep holes" shall be provided to the entrance doors for all units for personal security.
6. The approved building shall not be occupied unless the development has been completed in accordance with all conditions of consent and the approved plans and a Occupation Certificate has been issued.
7. 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.

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8. For the purpose of health and amenity, the disposal of backwash and/or the emptying of a swimming pool into a reserve, watercourse, easement or stormwater drainage system is prohibited. These waters are to discharge via a permanent drainage line into the Sydney Water's sewer. Permission is to be obtained from the Sydney Water prior to the emptying of any pool to the sewer.
9. To ensure compliance with the relevant standards, an effective and approved safety fence with self closing gate complying with the minimum requirements of Australian Standard 1926-1986 "Fences and Gates for Private Swimming Pools" shall be provided to the Principal Certifying Authority's satisfaction in the location indicated on the approved plans prior to any water being placed in the pool.
10. For safety purposes, depth markers shall be provided at both ends of the pool.
11. For safety purposes, prior to the pool being filled a weather resistant poster detailing expired air resuscitation (mouth to mouth) methods shall be affixed within plain sight of the pool. A sign/notice with the words "YOUNG CHILDREN SHOULD BE SUPERVISED WHEN USING THIS SWIMMING POOL" shall be erected in clear view and in close proximity to the pool.
12. 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.
13. 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.
14. **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.

15. 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.

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16. A sign shall be erected in a prominent position on the site which states the name and contact details of the Principal Certifying Authority.
17. All excavations shall be properly guarded and protected with hoardings or fencing to prevent them from being dangerous to life and property.
18. 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.
19. 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.

20. The applicant is advised that the Construction Certificate plans and specifications must comply with the provisions of the Building Code of Australia.
21. All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.

All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.

22. 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.

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23. 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.
24. To maintain residential amenity, all electrical services to the site are to be provided underground and must not disturb the root system of any trees. Please contact the energy supply authority's local customer service office to obtain documentary evidence that the authority has been consulted and that their requirements have been met. This information is to be submitted to Council prior to the release of the SUBDIVISION Certificate.
25. 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.

26. 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.
27. 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.
28. The fence and footings shall be constructed entirely within the boundaries of the property.
29. Under no circumstances shall building materials, demolition waste, fill, soil or any other material from any source be placed or stored within any public reserve.
30. 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

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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.

31. To preserve and enhance the natural environment, sediment removed from erosion and sediment control structures shall be disposed of to an approved sediment dump.
32. For the purpose of health and amenity, effective measures are to be taken at all times to prevent any nuisance being caused by noise, vibrations smells, fumes, dust, smoke, waste water products and the like.
33. To prevent pollution, all vehicles making a delivery to or from the site are to be covered to prevent loose materials, dust etc falling from the vehicles.
34. The applicant's attention is directed to any obligations or responsibilities under the Dividing Fences Act in respect of adjoining property owner/s which may arise from this application and it is advised that enquiries in this regard may be made at the nearest Local Court.
35. External paved access for vehicles and pedestrians being provided with material which will provide some contrast to the finish of the pavement to the satisfaction of the Principal Certifying Authority.
36. No advertising signs are to be erected without the prior consent of Council.
37. 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.

Release of the Construction Certificate gives automatic approval to the removal ONLY of those trees located on the subject property within the footprint of a proposed new building/structure or within 3.0 metres of a proposed new dwelling. Where this application is for a building/structure other than a dwelling then ONLY trees within the area to be occupied by this building/structure may be removed. Other trees SHALL NOT be REMOVED or DAMAGED without an application being made under Council's Tree Preservation Order.

38. Landscape works shall be carried out in accordance with Landscape Drawing No DA-0436-01 Rev B, DA-0436-02 Rev B, and DA-0436-03 Rev B prepared by Guy Sturt and Assoc. and dated 04/04/05 submitted with the Development Application, except as amended by the following:
 - The proposed planting of two Eucalyptus saligna (Bluegum) adjacent to the eastern side of the driveway within the proposed terraced gardens are to be relocated so that they are located no closer than 6.0m from any structure in the same vicinity.
 - Existing trees (#'s 129, 130, 133, and 134) Lophostemon confertus (Brushbox) located adjacent to the southern site boundary are to be removed and replaced with eight (8) Elaeocarpus reticulatus (Blueberry Ash) with a minimum pot size of 45 litres, evenly

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spaced at 4.0m intervals offset from the southern site boundary by 1.5m and planted in conjunction with appropriate native understorey planting screening shrubs able to attain a minimum height of 3.5m.

- The proposed planting of *Eucalyptus pilularis* (Blackbutt) adjacent to the southern site boundary (Landscape Plan Part B) are to be planted at an advanced size and have a minimum height at the time of planting of 4.0m.
 - To maintain and enhance neighbour amenity, the proposed planting of *Pittosporum revolutum* (Yellow flowering pittosporum) adjacent to 2 Munderah St is to have a minimum height of 1.2m at the time of planting.
 - To improve and maintain neighbour amenity it is required that proposed planting of the western site boundary adjacent to Buildings F and G be substantially increased with native endemic shrub species able to attain minimum heights of 3.0 to 4.0m. Understorey screening shrubs are to be planted at 2.0 to 3.0m intervals to ensure a dense screen planting.
 - Raised fixed planter boxes/beds are to be provided along the entire south-eastern elevation of the terrace on level 5 of Block A and the entire north-western elevation of the terrace on Block B on level 5. The planter boxes/beds are to be planted with shrubs which achieve a cumulative total height of 2.0m
39. To enhance streetscape amenity the proposed timber fence panels adjacent to the Pacific Hwy and Munderah St frontages are to be deleted and replaced with an open palisade fence to the same dimensions.
40. To enhance and maintain streetscape amenity to both the Pacific Highway and Munderah St, any proposed fencing is to be located with a minimum 2.0m setback from the site boundaries. The proposed fence and fence piers are not to exceed 1.8m in height above ground level.
41. Tree roots between 10mm and 50mm diameter, severed during excavation, shall be cut cleanly by hand and the tree subsequently treated with a root growth hormone and wetting agent, by an experienced Arborist/Horticulturist with a minimum qualification of the Horticulture Certificate or Tree Surgery Certificate.
42. No tree roots of 50mm or greater in diameter located within the specified radius of the trunk/s of the following, tree/s shall be severed or injured in the process of any site works during the construction period.

Tree/Location	Radius From Trunk
Tree numbers refer to Arborists Report by TALC dated 22 March 2005	
#1 <i>Eucalyptus saligna</i> (Bluegum) Adjacent to northern/Munderah St site boundary	10.0m
#2 <i>Eucalyptus saligna</i> (Bluegum) North east/Pacific Hwy/Munderah St site corner	10.0m
#4 <i>Eucalyptus saligna</i> (Bluegum)	6.0m

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Adjacent to northern/Munderah St site boundary	
#10 <i>Eucalyptus saligna</i> (Bluegum) Adjacent to western site boundary/2 Munderah St	6.0m
#11 <i>Eucalyptus saligna</i> (Bluegum) Adjacent to western site boundary/2 Munderah St	10.0m
#14 <i>Eucalyptus pilularis</i> (Blackbutt) Adjacent to eastern/Pacific Hwy site boundary	10.0m
#15 <i>Eucalyptus saligna</i> (Bluegum) Adjacent to western site boundary/2 Munderah St	10.0m
#25 <i>Eucalyptus saligna</i> (Bluegum) Adjacent to eastern/Pacific Hwy site boundary	7.0m
#27 <i>Cedrus deodar</i> (Himalayan Cedar) Adjacent to eastern/Pacific Hwy site boundary	4.0m (western side, 7.0m elsewhere)
#36 <i>Casuarina glauca</i> (Sheoak) Adjacent to western site boundary/2 Munderah Street	3.0m
#39 <i>Acer palmatum</i> (Japanese Maple) Adjacent to western site boundary/2 Munderah Street	4.0m
#73 <i>Afrocarpus falcata</i> (Brown Pine) Adjacent to eastern/Pacific Hwy site boundary	5.0m
#123 <i>Camellia sasanqua</i> (Chinese Camellia) Adjacent to eastern site boundary within 1578 Pacific Hwy	4.0m
#127 <i>Eucalyptus nicholii</i> (Small leaf peppermint) Adjacent to eastern site boundary within 1578 Pacific Hwy	5.0m
#131 <i>Eucalyptus saligna</i> (Bluegum) South west site corner	6.0m
#132 <i>Eucalyptus saligna</i> (Bluegum) South west site corner	10.0m
#135 <i>Eucalyptus saligna</i> (Bluegum) Adjacent to south west site corner in neighbouring property	10.0m
#140 <i>Castanospermum australe</i> (Qld Blackbean)	4.0m

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Adjacent to western site boundary within
neighbouring property

#141 *Angophora floribunda* (Rough barked apple) 4.0m

Adjacent to western site boundary within
neighbouring property

#166 *Eucalyptus saligna* (Bluegum) 7.0m

Adjacent to the rear north west site corner

#170 *Eucalyptus saligna* (Bluegum) 3.0m

Adjacent to rear north-west site corner

#171 *Eucalyptus saligna* (Bluegum) 8.0m

Adjacent to rear north-west site corner

#178 *Eucalyptus saligna* (Bluegum) 10.0m

Adjacent to rear north-west site corner

#180 *Eucalyptus saligna* (Bluegum) 8.0m

Adjacent to rear northern site boundary

#184 *Erythrina sykesii* (Coral Tree) 7.0m

Adjacent to rear northern site boundary
in neighbouring property

#189 *Eucalyptus saligna* (Bluegum) 5.0m

Adjacent to western site boundary

43. 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 reports from the Arborist to the Principal Certifying Authority shall be required at three monthly intervals. Documentary evidence of compliance with this condition shall be submitted to the principal certifying authority prior to the issue of the Occupation Certificate.
44. Paving works within the specified radius of the trunk/s of the following tree/s shall be constructed to ensure that existing water infiltration and gaseous exchange to the tree/s root system is maintained. Details for the paving shall be submitted to the Principal Certifying Authority for approval by a suitably qualified professional prior to the commencement of paving construction:

Tree/Location

Radius From Trunk

#1 *Eucalyptus saligna* (Bluegum)

10.0m

Adjacent to northern/Munderah St site boundary

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#2 <i>Eucalyptus saligna</i> (Bluegum) North east/Pacific Hwy/Munderah St site corner	10.0m
#4 <i>Eucalyptus saligna</i> (Bluegum) Adjacent to northern/Munderah St site boundary	6.0m
#10 <i>Eucalyptus saligna</i> (Bluegum) Adjacent to western site boundary/2 Munderah St	6.0m
#11 <i>Eucalyptus saligna</i> (Bluegum) Adjacent to western site boundary/2 Munderah St	10.0m
#14 <i>Eucalyptus pilularis</i> (Blackbutt) Adjacent to eastern/Pacific Hwy site boundary	10.0m
#15 <i>Eucalyptus saligna</i> (Bluegum) Adjacent to western site boundary/2 Munderah St	10.0m
#25 <i>Eucalyptus saligna</i> (Bluegum) Adjacent to eastern/Pacific Hwy site boundary	7.0m
#27 <i>Cedrus deodar</i> (Himalayan Cedar) Adjacent to eastern/Pacific Hwy site boundary	4.0m (western side, 7.0m elsewhere)
#73 <i>Afrocarpus falcata</i> (Brown Pine) Adjacent to eastern/Pacific Hwy site boundary	5.0m
#131 <i>Eucalyptus saligna</i> (Bluegum) South west site corner	6.0m
#132 <i>Eucalyptus saligna</i> (Bluegum) South west site corner	10.0m
#189 <i>Eucalyptus saligna</i> (Bluegum) Adjacent to western site boundary	5.0m

45. No mechanical excavation of the proposed structure 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
#27 <i>Cedrus deodar</i> (Himalayan Cedar) Adjacent to eastern/Pacific Hwy site boundary	7.0m
#73 <i>Afrocarpus falcata</i> (Brown Pine) Adjacent to eastern/Pacific Hwy site boundary	5.0m

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#131 *Eucalyptus saligna* (Bluegum) 8.0m
South west site corner

#166 *Eucalyptus saligna* (Bluegum) 7.0m
Adjacent to the rear north west site corner

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

Tree/Location	Radius From Trunk
#1 <i>Eucalyptus saligna</i> (Bluegum) Adjacent to northern/Munderah St site boundary	5.0m
#2 <i>Eucalyptus saligna</i> (Bluegum) North east/Pacific Hwy/Munderah St site corner	10.0m
#14 <i>Eucalyptus pilularis</i> (Blackbutt) Adjacent to eastern/Pacific Hwy site boundary	5.0m
#25 <i>Eucalyptus saligna</i> (Bluegum) Adjacent to eastern/Pacific Hwy site boundary	5.0m
#27 <i>Cedrus deodar</i> (Himalayan Cedar) Adjacent to eastern/Pacific Hwy site boundary	4.0m
#73 <i>Afrocarpus falcata</i> (Brown Pine) Adjacent to eastern/Pacific Hwy site boundary	3.0m

47. 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 surface at the tree/s to minimise damage to tree/s root system. Documentary evidence of compliance with this condition shall be submitted to the principal certifying authority prior to the issue of the Occupation Certificate

Tree/Location	Radius From Trunk
#1 <i>Eucalyptus saligna</i> (Bluegum) Adjacent to northern/Munderah St site boundary	10.0m
#2 <i>Eucalyptus saligna</i> (Bluegum) North east/Pacific Hwy/Munderah St site corner	10.0m
#10 <i>Eucalyptus saligna</i> (Bluegum) Adjacent to western site boundary/2 Munderah St	6.0m
#11 <i>Eucalyptus saligna</i> (Bluegum) Adjacent to western site boundary/2 Munderah St	10.0m

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#14 <i>Eucalyptus pilularis</i> (Blackbutt) Adjacent to eastern/Pacific Hwy site boundary	10.0m
#15 <i>Eucalyptus saligna</i> (Bluegum) Adjacent to western site boundary/2 Munderah St	10.0m
#25 <i>Eucalyptus saligna</i> (Bluegum) Adjacent to eastern/Pacific Hwy site boundary	7.0m
#27 <i>Cedrus deodar</i> (Himalayan Cedar) Adjacent to eastern/Pacific Hwy site boundary	4.0m
#131 <i>Eucalyptus saligna</i> (Bluegum) South west site corner	6.0m
#132 <i>Eucalyptus saligna</i> (Bluegum) South west site corner	10.0m
#166 <i>Eucalyptus saligna</i> (Bluegum) Adjacent to the rear north west site corner	10.0m

48. The applicant shall ensure that at all times during the construction period no activities, storage or disposal of materials shall take place beneath the canopy of any tree protected under Council's Tree Preservation Order.

49. The following tree species shall be planted, at no cost to Council, in the nature strip fronting the property along Munderah St. The tree/s used shall be 25 litre container size specimen/s:

Tree Species

Eucalyptus pilularis (Blackbutt) x 2

50. The following noxious and/or undesirable plant species shall be removed from the property prior to completion of the proposed building works. Documentary evidence of compliance with this condition shall be submitted to the Principal Certifying Authority prior to the release of the final Compliance Certificate:

Plant Species

Hedera sp. (Ivy)

Ligustrum lucidum (Large-leaved Privet)

Ligustrum sinense (Small-leaved Privet)

Cinnamomum camphora (Camphor laurel)

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

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52. If it is essential for scaffolding to be erected within a protected area, fencing should be erected to provide just sufficient space for scaffolding. The ground between this fence and the building should be protected by boarding (eg scaffold boards). A single thickness of boarding laid on the soil surface will provide sufficient protection for pedestrian loads, but more substantial boarding sufficient to spread the load should be used for heavier traffic. The ground beneath the boarding should be left undisturbed and should be protected with a porous geotextile fabric. If necessary, sand should be laid on the fabric to level the ground. When required, the building scaffolding should be erected. The boarding should be left in place until the building works are finished.
53. If temporary vehicle access is required near a tree to be retained, 75x75x2000mm hardwood planks are to be lain over a mulched area to a depth of 100mm with organic material being 75% leaf litter and 25% wood to distribute weight and to minimise compaction of soil profiles beneath. Timber lengths are to be secured on top of such to avoid movement and the structure should be constructed to accommodate vehicles that are to be used on site. Structural soil or similar should be used as a subgrade placed above existing soil levels for alternate driveway surfaces to support larger site vehicles or more rigid type temporary sealed road surfaces.
54. Tree protection signage is to be attached to each tree protection zone and displayed in a prominent position and the sign repeated at 10.0m intervals or closer where the fence changes direction. The signs to be a minimum size of 600mm x 500mm. Example details, as following
 1. Tree Protection Zone
 2. This fence has been installed to prevent damage to the trees and their growing environment contained within, to allow those trees to be retained as components of the existing landscape for incorporation into the landscape works for this site. It is the intent of this tree management process to retain these trees in a condition that is safe, viable and healthy, or a condition not less than that at the time of the commencement of this development
 3. Due to the critical nature of the Tree Protection Zone with regards to the long term viability of the tree/s, if encroachment or incursion into this zone is deemed to be essential the consulting Arborist should be informed to the undertaking of such works
 4. Name, address, and contact details of the developer.
55. In the event of prolonged dry periods, or where a tree has been transplanted, or where excavation nearby, especially up slope, leads to the drying out of soil profiles closest to the tree/s, the tree/s is to be deep watered thoroughly at least twice a week. In the event of disrupted ground or surface water flows to the tree due to excavation, filling, or construction, an irrigation system is to be installed, consideration must be given to volume, frequency and drainage of water delivered, and this is to be in consultation with a qualified consulting Arborist.
56. Where tree protection measures are to be removed or altered this must be undertaken in consultation with the consultant Arborist to ensure tree protection is maintained.
57. Stormwater runoff from all new impervious areas and subsoil drainage systems shall be piped and connected to the piped Council drainage system within the site. Drainage line

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connections to the system shall conform and comply with the relevant detail within Council's Plan No82/024 ("Connections of Drainage Lines to Kerb and R.C. Pipe") within Ku-ring-gai Council Water Management Development Control Plan 47.

58. A mandatory rainwater re-use tank system comprising stormwater tanks and rainwater tanks of minimum volume totalling 471m³, as required in chapter 6 of Ku-ring-gai Council Water Management Development Control Plan 47, must be provided for the development. Retained water must be made available for garden irrigation, car washing, all toilet flushing and laundry use within each unit. A mains top-up shall be provided for periods of low rainfall, with a void space left for runoff storage purposes. An additional **on-site detention** system of volume 613m³ must be provided in accordance with the approved DA stormwater concept plans and supporting documentation.
59. For stormwater control, 200mm wide grated channel/trench drains with heavy-duty removable galvanised grates are to be strategically placed to collect driveway runoff and must be connected to the main stormwater drainage system. The channel drain shall have an outlet of minimum diameter 150mm to prevent blockage by debris.
60. A maintenance period of six (6) months shall apply to works in the public road reserve carried out by the applicant after works have been completed to Council's satisfaction. In that period, the applicant shall be liable for any section of the work which fails to perform in the manner outlined in Council's specifications, or as would reasonably be expected under the operating conditions.
61. 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.
62. To ensure structural stability, footings to be located adjacent to easements and/or Council drainage pipes shall be sited and constructed so that all footings are located outside of easement boundaries. The applicant shall refer to Council Plan 80-011 concerning such works. Footings must extend to at least the depth of the invert of the adjacent pipe within the easement unless the footings are to be placed on competent bedrock. If permanent excavation is proposed beneath the obvert of the pipe within the easement, suitable means to protect the excavation from seepage or other water flow from the pipe and trench, and means to retain the easement and associated pipe cover, are to be provided by the applicant at no cost to Council. Council accepts no liability for such seepage or water flows now or at any time in the future resulting from such excavation.
63. All public footways and accessways fronting and adjacent to the site are to be maintained in a safe condition at all times during the course of the development works. A safe pedestrian circulation route and a pavement/route free of trip hazards must be maintained at all times on or adjacent to the public access ways fronting the construction site. Where public infrastructure is damaged, repair works must be carried out when and as directed by Council

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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.**

64. 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.
65. Driveways and access ramps must be designed not to scrape the underside of cars. In all respects, the proposed vehicle access and accommodation arrangements must be designed and constructed to comply with Australian Standard 2890.1 – 2004 "Off-Street car parking".
66. For the purpose of any inspections by Council engineers, the corresponding fees set out in Councils adopted Schedule of Fees and Charges are payable to Council. A re-inspection fee per visit may be charged where work is unprepared at the requested time of inspection, or where remedial work is unsatisfactory and a further inspection is required. Engineering fees must be paid in full prior to any final consent from Council.
67. The Applicant must obtain a **Section 73 Compliance Certificate** under the *Sydney Water Act 1994*. An application must be made through an authorised Water Servicing Coordinator. Applicant shall refer to "Your Business" section of Sydney Water's web site at www.sydneywater.com.au then the "e-developer" icon or telephone 13 20 92. Following application a "Notice of Requirements" will detail water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.
68. During construction, stormwater runoff must be disposed in a controlled manner that is compatible with the erosion and sediment controls on the site. Immediately upon completion of any impervious areas on the site (including roofs, driveways, paving) and where the final drainage system is incomplete, the necessary temporary drainage systems shall be installed to control runoff as far as the approved point of stormwater discharge. Such measures shall be to the satisfaction of the Principal Certifying Authority (PCA).
69. 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,

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Must be undertaken in accordance with the recommendations of the Pells Sullivan Meynik Pty Ltd Consulting Engineers (refer report number PSM858.L3 Rev2 dated 1st October 2004) and all subsequent geotechnical inspections carried out during the excavation and construction phase. Approval must be obtained from all affected property owners, including Ku-ring-gai Council where rock anchors (both temporary and permanent) are proposed below adjacent property.

70. The geotechnical works implementation, inspection, testing and monitoring program for the construction works must be in accordance with the preliminary geotechnical study **prepared** by Pells Sullivan Meynik Pty Ltd Consulting Engineers (refer report number PSM858.L3 Rev2 dated 1st October 2004). 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) and certification(s) of the geotechnical inspection, testing and monitoring programs.
71. Approval is to be obtained from Ku-ring-gai Council Traffic Committee for any temporary public road closures and/or placement of cranes on public land.
72. All construction traffic control and management measures shall be implemented in accordance with an approved *Construction Traffic Management Plan* to be submitted and approved by Council prior to the commencement of works. The Principal Certifying Authority shall monitor the traffic control and management situation over the course of construction works, and shall pay particular attention to traffic control during school drop off and collection hours. Where it is found that the Traffic control and management measures may be improved, this shall be undertaken under the supervision of qualified traffic control persons and in consultation with Council.
73. In order to allow **unrestricted access at all times** for Council waste collection vehicles to the basement garbage storage and collection area, no doors, grilles, gates or other devices are to be provided in the access driveways to the basement carpark which would prevent this service.
74. To ensure compliance with Australian Standard 2890.1 – 2004 “Off-Street car parking”, no dividing structures such as cages or partitioning walls shall be placed that divide individual car spaces. The parking layout design is approved based on an open space parking layout.
75. 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.
76. It is the **full responsibility** of the Applicant and their contractors to:

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- Ascertain the exact location of the Council drainage pipe traversing the site in the vicinity of the works, and
- Take full measures to protect the in-ground Council drainage system, and
- Ensure existing dedicated overland flow paths are satisfactorily maintained through the site.

Drainage pipes can be damaged through applying excessive loading (such as construction machinery, material storage and the like). All proposed structures and construction activities are to be sited fully clear of Council drainage pipes, drainage easements, watercourses and trunk overland flow paths on the site. Trunk or dedicated overland flow paths must not be impeded or diverted by fill or structures unless otherwise approved. In the event of a Council drainage pipeline being uncovered during construction, all work is to cease and the Principal Certifying Authority and Council must be contacted immediately for advice. Any damage caused to a Council drainage system must be immediately repaired in full as directed, and at no cost to Council.

77. No part of any building structure shall encroach over any easement and no loadings shall be imposed to utilities within any easement unless approved by the owner(s) appurtenant to the burden. This development consent does not set aside or affect in any way the exercise of any rights-at-law which may be conferred upon any parties by the existence and/or terms of the grant of any easements or rights-of-carriageway on or over the subject lot(s). It is the applicant's full responsibility to ensure that any rights-at-law are investigated and upheld. Council accepts no responsibility whatsoever, at any time, for any claim for any matter or thing arising from its approval to this application involving any encroachment or other influence upon any easement or right-of-carriageway. The applicant's attention is further directed to the rights of persons benefited by any easement or right-of-carriageway concerning the entry and breaking up of a structure approved by this consent. In the event that such a structure causes damage, blockage, impediment or other thing requiring maintenance to infrastructure within the easement or right-of-carriageway, or access is required to carry out maintenance, Council accepts no responsibility in this regard now or in the future.

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

78. 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.

79. 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

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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).

80. 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.
81. 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.
82. 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.
83. All windows of habitable rooms on the western and eastern elevations of Block D, the eastern elevation of Block E, and the western elevation of Block C are to be of translucent glazing to ensure privacy is maintained to these apartments. Details are to be shown on the Construction Certificate plans.
84. Service ducts shall be provided within the building to keep external walls free of plumbing or any other utility installations. Such service ducts are to be concealed from view from the

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street. Details demonstrating compliance are to be provided in the Construction Certificate (*Reason: To ensure quality built form of the development*).

85. The following energy efficiency devices are to be installed within the development:

- a) Gas boosted solar, heat pump or electricity boosted solar, instantaneous gas or high efficiency centralized gas hot water heating system.
- b) Dual flush toilets.
- c) Low flow taps and showerheads.

Details are to be submitted for approved with the Construction Certificate (*Reason: To promote the use of energy efficient appliances*).

86. Any exhaust ventilation from the car park is to be ventilated away from the property boundaries of the adjoining dwellings, and in accordance with the provisions of AS 1668.1. Details demonstrating compliance are to be provided with the Construction Certificate (*Reason: To preserve community health and ensure compliance with acceptable standards*).

87. All overhead electricity and other lines (existing and proposed) shall be undergrounded from the proposed buildings on the site to the appropriate power pole(s) or other connection points, in accordance with the requirements of Energy Australia. Details to be shown on plans submitted with the Construction Certificate (*Reason: To provide infrastructure that facilitates future improvement of the streetscape by relocation of overhead lines below ground*).

88. Sixteen (16) of the proposed apartments are to be designed with accessible features for disabled persons, and to incorporate level entries and wider doorways and corridors, slip resistant surfaces, reachable power points, disabled toilet, and level door handles and taps: such features to be designed generally in accordance with AS 1428.1 and AS 4299-1995 – Adaptable Housing. Details demonstrating compliance are to be submitted with the Construction Certificate (*Reason: to ensure equity of access and availability of accommodation in the future for an ageing population*).

89. One hundred and ten (110) of the proposed apartments are to be ‘*visitable housing units*’ in accordance with the requirements of AS 4299. These apartments are to be visitable by people who use wheelchairs. There must be at least one wheelchair accessible entry and path of travel to the living area and to a toilet that is either accessible (meeting the floor space requirements described in AS1428.1) or visitable toilet (minimum space of 1250mm in front of the toilet that is either accessible or visitable. Details demonstrating compliance are to be submitted with the Construction Certificate (*Reason: to ensure equity of access and availability for disabled persons*).

90. 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.

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TOTAL CONTRIBUTION FOR THIS DEVELOPMENT OF 150 ADDITIONAL DWELLINGS IS CURRENTLY \$2,734,814.50. 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 75sqm)	1.27 persons
Medium dwelling (75 - under 110sqm)	1.78 persons
Large dwelling (110 - under 150sqm)	2.56 persons
Very Large dwelling (150sqm or more)	3.48 persons
New Lot	3.48 persons
SEPP (Seniors Living) Dwelling	1.3persons

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

Fifty percent (50%) of the bond will be refunded upon issue of the final Certificate of Compliance, where landscape works as approved have been satisfactorily installed. The balance of the bond will be refunded 3 years after issue of the building certificate, where landscape works has 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.

92. A CASH BOND/BANK GUARANTEE of \$45,000.00 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.

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The bond will be returned following issue of the final Certificate of Compliance, 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

Tree numbers refer to Arborists Report by TALC dated 22 March 2005

#1 *Eucalyptus saligna* (Bluegum) \$3,000.00
Adjacent to northern/Munderah St site boundary

#2 *Eucalyptus saligna* (Bluegum) \$3,000.00
North east/Pacific Hwy/Munderah St site corner

#4 *Eucalyptus saligna* (Bluegum) \$3,000.00
Adjacent to northern/Munderah St site boundary

#10 *Eucalyptus saligna* (Bluegum) \$3,000.00
Adjacent to western site boundary/2 Munderah St

#11 *Eucalyptus saligna* (Bluegum) \$3,000.00
Adjacent to western site boundary/2 Munderah St

#14 *Eucalyptus pilularis* (Blackbutt) \$3,000.00
Adjacent to eastern/Pacific Hwy site boundary

#15 *Eucalyptus saligna* (Bluegum) \$3,000.00
Adjacent to western site boundary/2 Munderah St

#25 *Eucalyptus saligna* (Bluegum) \$3,000.00
Adjacent to eastern/Pacific Hwy site boundary

#27 *Cedrus deodar* (Himalayan Cedar) \$2,000.00
Adjacent to eastern/Pacific Hwy site boundary

#73 *Afrocarpus falcata* (Brown Pine) \$1,000.00
Adjacent to eastern/Pacific Hwy site boundary

#131 *Eucalyptus saligna* (Bluegum) \$6,000.00
South west site corner

#132 *Eucalyptus saligna* (Bluegum) \$3,000.00
South west site corner

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#166 *Eucalyptus saligna* (Bluegum) \$6,000.00
Adjacent to the rear north-west site corner

#171 *Eucalyptus saligna* (Bluegum) \$3,000.00
Adjacent to rear north-west site corner

93. Prior to the issue of any Construction Certificate the applicant shall lodge a \$50,000 (fifty thousand dollar) public infrastructure damage bond with Council. This bond is applied under the provisions of Section 97 of the Local Government Act to cover the restoration by Council of any damage to public infrastructure not repaired in full, caused as a result of construction works, in close proximity to the subject development. The bond will also cover the finishing of any incomplete works required in the road reserve under this consent and/or as part of the approved development. The bond shall be refundable following completion of **all** works relating to the proposed development and at the end of any maintenance period stipulated by consent conditions upon approval by Council's Engineers. Further, Council shall have full authority to make use of the bond for such restoration works as deemed necessary by Council in the following circumstances:
 - a) Where the damage constitutes a hazard in which case Council may make use of the bond immediately, and
 - b) The applicant has not repaired nor commenced repairing the damage within 48 hours of the issue by Council in writing of instructions to undertake such repairs or works.
 - c) Works in the public road associated with the development are to an unacceptable quality.
94. Prior to issue of any Construction Certificate the applicant shall submit, for approval by the Principal Certifying Authority (PCA), a Soil and Erosion Control Plan prepared in accordance with the LANDCOM document "Soils and Construction" (2004). A suitably qualified and experienced civil/environmental engineer 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). The design may be generally in accordance with the Stormwater Plan Report X04389-01 and corresponding drainage plans DA01, DA02, DA03, DA04 and DA05, dated December 2004, by Brown Consulting Engineers, submitted with the development application, and advanced as necessary for construction issue purposes.
95. Prior to issue of a Construction Certificate for works excluding site clearing and excavation, the Applicant must demonstrate to the Principal Certifying Authority that the necessary easement(s) for drainage have been created to benefit the entire (consolidated) lot. The easement is to be created over all intervening downstream private properties as far as Gilda Ave and is to be over the existing Council drainage pipeline to which connection is proposed. The terms shall be sufficiently wide enough to permit Council to allow the subject site to discharge its runoff into this piped system. The evidence must be in the form of registered title documents indicating the benefits as necessary. The intent of the condition is to ensure that the necessary easement for drainage is in place when works generating runoff (i.e. concrete pouring) are commenced.

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96. Prior to issue of a Construction Certificate for works excluding site clearing and excavation, the Applicant must consolidate the existing Torrens lots. Evidence of lot consolidation, in the form of a plan registered with Land and Property Information, must be submitted for approval of the Principal Certifying Authority prior to issue of the Construction Certificate. This condition is imposed to ensure continuous structures will not be placed across separate titles.
97. Prior to issue of a Construction Certificate for works excluding site clearing and excavation, any security gate, grille or door shown on the DA plans which would prevent unrestricted access for Council waste collection vehicles to the basement garbage storage/collection area must be deleted from the plans approved with the Construction Certificate. Such details shall be to the satisfaction of the Principal Certifying Authority (PCA).
98. Prior to issue of a Construction Certificate for works excluding site clearing and excavation, a plan detailing services trenches in accordance with the relevant supply authorities (including electricity, gas, telephone, water and sewerage), shall be submitted for approval by the Principal Certifying Authority (Principal Certifying Authority).
99. Prior to issue of a Construction Certificate for works excluding site clearing and excavation, the Applicant shall contact Energy Australia with regard to power supply for the subject development. A written response detailing the full requirements of Energy Australia (including cabling, lighting, need for substations or similar within the development) shall be submitted to the Principal Certifying Authority (PCA) for approval prior to the relevant Construction Certificate issue. Any structures or requirements of Energy Australia shall be reflected on the plans issued with the Construction Certificate to the satisfaction of the PCA. The requirements of the utility provider shall be met in full prior to issue of the final Occupation Certificate.
100. Prior to issue of the Construction Certificate for works excluding site clearing and excavation, footpath and driveway levels for the required driveway crossing between the property boundary and road alignment must be obtained from Council. Such levels are only able to be issued by Council under the *Roads Act 1993*. All footpath crossings, laybacks and driveways are to be constructed according to Council's specifications "Construction of Gutter Crossings and Footpath Crossings" or as specified by Council. These are issued with alignment levels after completing the necessary application form at Customer Services and payment of the adopted fee.

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

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proposed driveway at the boundary alignment. Failure to submit this information may delay processing.

101. Prior to issue of a Construction Certificate for works excluding site clearing and excavation, the applicant shall submit, for approval by the Principal Certifying Authority (PCA), construction details for the proposed method of achieving Council requirements for the mandatory re-use of water on the property including general garden irrigation, carwashing, laundry and toilet flushing within each unit. The necessary plumbing components for re-use, including pumps and back up power supply shall be shown on these designs to a detail suitable for installation by the plumbing services contractors. The plans, with all supporting documentation, are to be prepared by a qualified and experienced civil/hydraulic engineer.
102. Prior to issue of a Construction Certificate for works excluding site clearing and excavation, the applicant shall submit, for approval by the Principal Certifying Authority (PCA), full construction drawings for the proposed method of achieving Council storage volume requirements for the on-site stormwater detention, retention and bioretention systems. The minimum storage volumes and designs shall comply with Councils Water Management DCP 47 (available on the Council website and at Council customer services), any manufacturers' specifications and the relevant plumbing codes. Rainwater tank(s) shall be designed to capture and retain runoff from the entire roof area as a minimum. Overflow shall revert to the main drainage system. The design and construction plans, with all supporting documentation, are to be prepared by a qualified and experienced civil/hydraulic engineer. The design is to be in accordance with the Stormwater Plan Report X04389-01 and corresponding drainage plans DA01, DA02, DA03, DA04 and DA05, dated December 2004, by Brown Consulting Engineers submitted with the development application, and advanced as necessary for construction issue purposes.
103. Prior to issue of a Construction Certificate for works excluding site clearing and excavation, the applicant shall submit, for approval by the Principal Certifying Authority (PCA), construction design drawings and calculations for the property drainage system components. The property drainage system (including but not limited to gutters, downpipes, pits, joints, flushing facilities and all ancillary plumbing) shall be designed for a 235mm/hour rainfall intensity for a duration of five (5) minutes (1:50 year storm recurrence) and shall be compatible with the necessary retention, detention and bioretention devices. Plans and supporting calculations are to be prepared by a suitably qualified and experienced civil/hydraulic engineer in accordance with Councils Water Management Development Control Plan 47 and the relevant drainage codes. New connection points to the Council drainage system must be shown accurately on the plan and shall be made in accordance with the *General Specification for the Construction of Road and Drainage Works in Ku-ring-gai Council*, dated November 2004. The design of these drainage components may be generally in accordance with the Stormwater Plan Report X04389-01 and corresponding drainage plans DA01, DA02, DA03, DA04 and DA05, dated December 2004, by Brown Consulting Engineers submitted with the development application, and advanced as necessary for construction issue purposes.
104. Prior to issue of a Construction Certificate for works excluding excavation and site clearing, the applicant shall submit, for approval by the Principal Certifying Authority (PCA), revised

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plans for the basement and external vehicle access and accommodation arrangements. These plans must address the following details:

- a) Removal of all doors, grates or security grilles which would prevent access to the respective garbage collection and visitor parking areas within each building. This requirement is specified in Councils DCP 40 and DCP 55.
 - b) One of the resident parking spaces is to be allocated as visitor parking, which will then satisfy the visitor parking requirement of the LEP.
 - c) On parking level 4, Space 1 is to be a minimum 2.8m wide due to the adjacent wall.
 - d) On Parking Level 4, the section of curved roadway between the curved ramp and space 30 must have a minimum outer radius of 11.8m instead of 11 metres and a central median of 0.6 metres is required (refer to clause 2.5.2 of Australian Standard 2890.1 – 2004 “Off-Street car parking”).
 - e) All disabled visitor parking spaces must have signposting (in accordance with AS1428.1) showing the direction to such spaces.
 - f) The transition at the bottom of ‘Ramp 2’ is to be minimum 2m long.
105. Prior to issue of a Construction Certificate for any works excluding excavation and site clearing, the Applicant must have detailed engineering plans approved by Council for the following works in the frontage Road Reserves:
- Construction of a fully new concrete footpath, 1.2 metres wide or as directed, over the full site frontage on the Pacific Hwy and Munderah Street.
 - Construction of fully new kerb and gutter on the development side in Munderah Street, between the Pacific Highway intersection and the existing kerb and gutter.

Development Consent under the EP&A Act does NOT give approval to these works on Council property. **THE APPLICANT MUST OBTAIN A SEPARATE APPROVAL UNDER SECTION 138 AND 139 OF THE ROADS ACT 1993** for the works in the Public Road, required by this condition. The Construction Certificate must not be issued, and these works must not proceed, until Council has issued a formal written consent under the *Roads Act 1993*.

To obtain consent under the *Roads Act 1993* for the infrastructure works on Council property, full engineering drawings (plans, sections and elevations) and specifications for the infrastructure works are to be prepared by a suitably qualified and experienced consulting civil engineer. These must be submitted and approved by Council prior to issue of the relevant Construction Certificate as stated. Construction of the works must proceed in accordance with any conditions attached to the Council *Roads Act 1993* approval.

All works are to be designed in accordance with Council’s “Specification for Road and Drainage Works”. In addition, the drawings must detail existing services and trees affected by the works, erosion control requirements and traffic management requirements during the course of works. Traffic management is to be certified on the drawings as being in accordance with the documents SAA HB81.1 – 1996 – Field Guide for Traffic Control at Works on Roads – Part 1 and RTA Traffic Control at Work Sites (1998).

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A minimum of three (3) weeks will be required for assessment of Roads Act submissions. Early submission is highly recommended to avoid delays in obtaining a Construction Certificate. An engineering assessment fee (set out in Council's adopted fees and charges) is payable and Council will withhold any consent and approved plans until full payment of the correct fees. 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.

106. In the interest of public safety, existing tree numbers 1, 2, 4, 10, 11, 14, 15 and 25, as identified with the submitted arborist's report, are to have further investigative work undertaken including aerial inspections and resistograph testing to be undertaken by the consulting arborist prior to the issue of the construction certificate to determine their structural integrity as a result of previous storm damage and initial findings. Recommendations and works to be undertaken as a result of the further investigation is to be detailed in a report which is to be submitted to the principal certifying authority, with a copy to Council's assessing Landscape Development Officer. The recommendations and works detailed within the report are to be undertaken prior to the release of the construction certificate. In the event that the trees are recommended for removal, replacement trees of the same species with a minimum pot size of 45litre are to be planted within the same general vicinity.

CONDITIONS TO BE COMPLIED WITH PRIOR TO WORK COMMENCING

107. 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.
108. 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 to prevent any activities, storage or the disposal of materials within the fenced area. The fence/s shall be maintained intact until the completion of all demolition/building work on site.

Tree/Location	Radius in Metres
#2 <i>Eucalyptus saligna</i> (Bluegum) North east/Pacific Hwy/Munderah St site corner	10.0m
#14 <i>Eucalyptus pilularis</i> (Blackbutt) Adjacent to eastern/Pacific Hwy site boundary	7.0m
#25 <i>Eucalyptus saligna</i> (Bluegum) Adjacent to eastern/Pacific Hwy site boundary	6.0m
#27 <i>Cedrus deodard</i> (Himalayan Cedar) Adjacent to eastern/Pacific Hwy site boundary	3.0m
#39 <i>Acer palmatum</i> (Japanese Maple) Adjacent to western site boundary/2 Munderah St	2.0m

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#73 <i>Afrocarpus falcata</i> (Brown Pine) Adjacent to eastern/Pacific Hwy site boundary	2.0m
#123 <i>Camellia sasanqua</i> (Chinese Camellia) Adjacent to eastern site boundary within 1578 Pacific Hwy	4.0m
#127 <i>Eucalyptus nicholii</i> (Small leaf peppermint) Adjacent to eastern site boundary within 1578 Pacific Hwy	5.0m
#131 <i>Eucalyptus saligna</i> (Bluegum) South west site corner	5.0m
#132 <i>Eucalyptus saligna</i> (Bluegum) South west site corner	8.0m
#135 <i>Eucalyptus saligna</i> (Bluegum) Adjacent to south west site corner in neighbouring property	10.0m
#140 <i>Castanospermum australe</i> (Qld Blackbean) Adjacent to western site boundary within neighbouring property	5.0m
#141 <i>Angophora floribunda</i> (Rough barked apple) Adjacent to western site boundary within neighbouring property	4.0m
#166 <i>Eucalyptus saligna</i> (Bluegum) Adjacent to the rear north-west site corner	6.0m
#170 <i>Eucalyptus saligna</i> (Bluegum) Adjacent to rear north-west site corner	3.0m
#171 <i>Eucalyptus saligna</i> (Bluegum) Adjacent to rear north west site corner	8.0m
#178 <i>Eucalyptus saligna</i> (Bluegum) Adjacent to rear north-west site corner	10.0m
#180 <i>Eucalyptus saligna</i> (Bluegum) Adjacent to rear northern site boundary	8.0m
#184 <i>Erythrina sykesii</i> (Coral Tree) Adjacent to rear northern site boundary in neighbouring property	7.0m

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109. 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 driveway 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
#1 <i>Eucalyptus saligna</i> (Bluegum) Adjacent to northern/Munderah St site boundary	10.0m
#4 <i>Eucalyptus saligna</i> (Bluegum) Adjacent to northern/Munderah St site boundary	6.0m
#10 <i>Eucalyptus saligna</i> (Bluegum) Adjacent to western site boundary/2 Munderah St	6.0m
#11 <i>Eucalyptus saligna</i> (Bluegum) Adjacent to western site boundary/2 Munderah St	10.0m
#15 <i>Eucalyptus saligna</i> (Bluegum) Adjacent to western site boundary/2 Munderah St	10.0m
#189 <i>Eucalyptus saligna</i> (Bluegum) Adjacent to western site boundary/2 Munderah St	5.0m

110. 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.
111. Upon completion of the installation of the required tree protection measures you are required to contact the principal certifying authority to arrange an inspection of the site. 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.
112. Prior to the commencement of **any** works on site the applicant shall submit **to Council** a full dilapidation report on the visible (**including photos**) and structural condition of the following public infrastructure:
- Full road pavement width, including kerb and gutter, of Munderah Street between the western most boundary alignment and the Pacific Hwy, including the intersection
 - All driveway crossings and laybacks opposite the subject site.

The report must be completed by a consulting structural/civil engineer. Particular attention must be paid to accurately recording (both via photo and written) *existing* damaged areas on the aforementioned infrastructure so that:

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- Council is fully informed when assessing the damage to public infrastructure caused as a result of the development, and
- Council is able to refund infrastructure damage bonds, in full or parts thereof, with accuracy

The developer may be held liable to all damage to public infrastructure in the vicinity of the site, where such damage is not accurately recorded under the requirements of this condition prior to the commencement of works. In this respect, the infrastructure damage bond lodged by the subject developer may be used by Council to repair the damage regardless.

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

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

- Dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and construction related vehicles in the frontage roadways,
- Turning areas within the site for construction and spoil removal vehicles, allowing a forward egress for all construction vehicles on the site,
- The locations of proposed Work Zones in the frontage roadways,
- Location of any proposed crane standing areas
- A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries
- Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected.
- The provision of an on-site parking area for employees, tradesperson and construction vehicles as far as possible

2. Traffic Control Plan(s) for the site

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

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

- Light traffic roads and those subject to a load or height limit must be avoided at all times.

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

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.

4. **For traffic and pedestrian amenity purposes, no truck movements shall occur in Pacific Highway, Ada Avenue, or Munderah Street during school drop off (8:00am to 9:30am) nor during school collection hours (2:30pm to 4:00pm).**

The principal Certifying authority shall monitor the traffic control and management situation over the course of construction works and shall pay particular attention to traffic control during school drop off and collection hours. Where it is found that the traffic control and management measures may be improved, this shall be undertaken under the supervision of qualified traffic control persons and in consultation with Council.

The proposed truck route is to be temporarily signposted for the duration of the demolition and construction works to indicate the proposed truck routes.

114. 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

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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.

115. Prior to the commencement of any works on site, a closed circuit television (CCTV) inspection and report on the existing condition of the entire section of Council drainage pipeline traversing the subject property must be completed. The report must be provided to Council, attention Development Engineer, prior to issue of the Construction Certificate. The report is to include a copy of the video footage of the pipeline.
116. Prior to the commencement of construction works on site the Applicant must liaise with the RTA in relation to installing 'No Stopping' signage over the Pacific Highway frontage of the site. The general requirement for the installation 'No Stopping' signage over the Arterial Road frontages of construction sites is specified by RTA.
117. Prior to the commencement of **any excavation works** on site the Applicant must submit, for approval by the Principal Certifying Authority (with a copy forwarded to Council) a full dilapidation report on the visible and structural condition of all neighbouring structures within the 'zone of influence' of the required excavations. This is to be defined as the horizontal distance from the edge of the excavation face to twice the excavation depth. The report must be completed by a consulting structural/geotechnical engineer as determined necessary by that professional based on the excavations for the proposal. The report shall have regard to protecting the Applicant from spurious claims for structural damage and must be verified by all stakeholders as far as practicable. Where the consulting geotechnical engineer is of the opinion that no dilapidation reports on adjoining structures are required, certification to this effect shall be provided for approval by the Principal Certifying Authority prior to any excavation. Upon submitting a copy of the dilapidation report to Council (or certification that no report is required), a written acknowledgment from Council development engineers shall be obtained (attesting to this condition being appropriately satisfied) and submitted to the Principal Certifying Authority prior to the commencement of any works on site.

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

118. The subdivision certificate must not be issued until a *final* Occupation Certificate is issued by the Principal Certifying Authority. This condition is imposed to ensure that all development works related to the subdivision are completed to an acceptable standard prior to transfer of responsibility for the site and development.
119. Prior to issue of the subdivision certificate the applicant shall create a Positive Covenant and Restriction on the Use of Land under Section 88B of the Conveyancing Act 1919, burdening

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the property with the requirement to maintain the site detention, retention and re-use, and bio-retention facilities. The terms of the instruments are to be generally in accordance with the Council's terms of Section 88B instrument for protection of detention and retention and re-use facilities (refer to appendices of Ku-ring-gai Council Water Management DCP 47) and to the satisfaction of Council. The locations of the facilities within common property are to be denoted on the final plan of subdivision.

120. Prior to issue of the subdivision certificate an easement for waste collection is to be created under Section 88B of the Conveyancing Act 1919. This is to permit legal access for Council, Council's contractors and their vehicles over the subject property for the purpose of collecting waste from the property. The terms of the easement are to be generally in accordance with Council's draft terms for an easement for waste collection and shall be to the satisfaction of Ku-ring-gai Council.
121. For issue of the subdivision certificate the Applicant must submit an original instrument under Section 88B of the Conveyancing Act with the plan of subdivision, plus six (6) copies. This is to create all required easements, rights-of-carriageway, positive covenants, restrictions-on-use or other burdens/benefits as may be required. Ku-ring-gai Council must be named as the authority whose consent is required to release, vary or modify the same.
122. For issue of the subdivision certificate, the Applicant shall submit an original plan of subdivision plus six (6) copies suitable for endorsement by the consent authority. The following details **must** be submitted with the plan of Subdivision and its six copies, where Council is the consent authority:
 - a) The endorsement fee current at the time of lodgment.
 - b) The 88B Instrument plus six (6) copies,
 - c) A copy of the final Occupation Certificate issued under this consent.
 - d) The Section 73 (Sydney Water) Compliance Certificate for the subdivision.

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. Where Council is the consent authority, officers will check the consent conditions on the subdivision. Failure to submit the required information will delay endorsement of the linen plan, and may require payment of rechecking fees. **Plans of subdivision and copies must not be folded. Council will not accept bonds in lieu of completing subdivision works. If the certifying authority is not Council, then a copy of all of the above must be provided to Council.**

CONDITIONS TO BE COMPLIED WITH PRIOR TO OCCUPATION

123. Prior to the release of any occupation certificate, a compliance certificate must be obtained from an accredited certifier, certifying that the building works for the building to be occupied comply with the plans and specifications approved by this development consent; and any construction certificate associated with this consent for the buildings to be occupied. If the PCA is not the Council, then this compliance certificate must be submitted to the Council at

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the same time as the occupation certificate is submitted to the Council in accordance with Clause 151(2) of the E P & A Act regulations.

124. A survey report shall be submitted to the Principal Certifying Authority prior to occupation, which certifies that the development has been constructed in accordance with the terms of this consent in relation to built upon area, building levels and setbacks.
125. The landscape works shall be completed prior to release of the Certificate of Occupation and maintained in a satisfactory condition at all times.
126. On completion of the landscape works/tree planting or screen planting, a Landscape Architect or qualified Landscape Designer shall submit a report certifying correct installation, faithful to the landscape plan to the Principal Certifying Authority with a copy to Council, prior to issue of the Occupation Certificate.
127. Prior to issue of the Occupation Certificate, a complete record of geotechnical inspections, testing and monitoring with certifications as specified in the preliminary geotechnical study prepared by Pells Sullivan Meynik Pty Ltd Consulting Engineers (refer report number PSM858.L3 Rev2 dated 1st October 2004) and subsequent geotechnical input must be compiled in report format and submitted to the Principal Certifying Authority for approval.
128. At the completion of works and prior to issue of the Occupation Certificate qualified practitioners must undertake a follow up closed circuit television (CCTV) inspection and then report on the existing condition of the entire section of Council drainage pipeline traversing the subject property. The report must be provided to Council, attention Development Engineer, prior to issue of the Occupation Certificate. The report is to include a copy of the video footage of the pipeline. Any damage to the pipe caused by the works shall immediately be repaired in full at no cost to Council.
129. Prior to issue of an Occupation Certificate the following works must be completed to the satisfaction of Council Engineers:
 - a) Completion of the new driveway crossing in accordance with levels and specifications issued by Council.
 - b) Completion of all works in accordance with the Council approved *Roads Act* plans.
 - c) Removal of **all** redundant driveway crossings and kerb laybacks (or sections thereof). Full reinstatement of these areas to footway, turfed verge and upright kerb and gutter to the satisfaction of Council. Reinstatement works shall match surrounding adjacent infrastructure with respect to integration of levels and materials.
 - d) Full repair and resealing of any road surface damaged during construction.
 - e) Full replacement of damaged sections of grass verge with a non-friable turf of native variety to match existing.

All works must be completed in accordance with the *General Specification for the Construction of Road and Drainage Works in Ku-ring-gai Council*, dated November 2004. Any damaged public infrastructure caused as a result of construction works on the subject site (including damage caused by, but not limited to, delivery vehicles, waste collection,

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contractors, sub contractors, concrete vehicles, crane use) must be fully repaired to the satisfaction of Council Engineers. This shall be at no cost to Council.

130. Prior to issue of an Occupation Certificate the approved footpath and drainage works must be completed in the road reserve, in accordance with the Council approved *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 in full to the satisfaction of Council's Engineers. The supervising consulting engineer is to provide certification upon completion that the works were constructed in accordance with the Council approved drawings. The works are also to be subject to inspection by Council at the hold points noted on the approved drawings. Any conditions attached to the approved drawings for these works must be met in full.
131. Prior to issue of an Occupation Certificate the Section 73 Sydney Water compliance certificate must be obtained and submitted to the Principal Certifying Authority (PCA).
132. Prior to issue of an Occupation Certificate a suitably qualified consulting civil/hydraulic engineer is to provide engineering certification for approval by the Principal Certifying Authority (PCA). The certification is to make specific reference to each of the following aspects of the installed drainage and stormwater management measures:
- a) That construction of the stormwater drainage management systems has been carried out by a plumbing and engineering contractor licensed to do so.
 - b) All Sydney Water approvals have been obtained for the use of reticulated water.
 - c) That the as-built detention, retention and bioretention systems achieve the design storage volumes approved by the Principal Certifying Authority with the Construction Certificate (engineer must complete the form in appendix 4 of DCP47 in relation to the on-site detention system).
 - d) 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,
 - e) That all enclosed floor areas, including habitable and basement levels, are safeguarded from outside stormwater runoff ingress by suitable differences in finished levels, grading and provision of stormwater collection devices.
 - f) The overall as built drainage and stormwater management systems will achieve the discharge control intent of the approved construction plans and Councils Water Management DCP47.
133. Prior to issue of an Occupation Certificate the applicant shall submit Works-as-Executed (WAE) drawing(s) to the Principal Certifying Authority in relation to the installed stormwater drainage and managements systems. These plans shall cover:
- a) Completed bioretention basins and indicative levels within.
 - b) As built location and indicative internal dimensions of all detention and retention structures on the property (plan view) and horizontal distances to nearest adjacent boundaries and buildings on site
 - c) As built surface and invert levels for all drainage pits and junction points.

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- d) Gradients of drainage lines, materials and sizes.
- e) As built level(s) at the approved point of discharge to the public drainage system.
- f) As built locations of all access pits and grates in the detention, retention and bioretention systems, including dimensions.
- g) The size of the orifices or pipe controls fitted.
- h) Dimensions of the discharge control pit and access grates.
- i) The achieved capacity of the retention and detention storages and derivative calculations.
- j) The maximum depth of storage over the outlet control for on-site detention.
- k) Top water levels of storage areas and indicative RL's through the escape flow path in the event of blockage of 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. The plan shall not be prepared until final surfaces (such as turf) are laid.

134. Prior to issue of an Occupation Certificate the following must be provided to Council (attention Development Engineer):

- a) A copy of the approved Construction Certificate stormwater drainage plans which show the bioretention systems, retention systems and detention systems.
- b) A copy of all the works-as-executed drawings as specified in this consent relating to drainage and stormwater management,
- c) The Engineer's certifications of the as-built drainage, retention and detention systems as specified in this consent.

This condition is required so Council may maintain its database of as-constructed on-site stormwater detention/retention systems, and also applies if the Principal Certifying Authority (PCA) is not the Council.

135. Prior to issue of the Occupation Certificate, a qualified civil/traffic engineer must undertake a site inspection of the completed basement vehicle access and accommodation areas which shall include full dimension measurements as necessary. At the completion of this site inspection, this engineer shall provide certification to the Principal Certifying Authority that:

- a) Vehicle access and accommodation arrangements (including but not limited to space dimensions, aisle, ramp and driveway widths and grades, height clearances and the like) comply with Australian Standard 2890.1 – 2004 "Off-Street car parking" and
- b) The revisions to the vehicle access and accommodation arrangements necessary under this consent, shown on the relevant approved Construction Certificate drawings, have been constructed, and
- c) No security doors, grilles or gates are provided which would prevent access to the garbage storage area by Councils waste collection vehicle, including the truck manoeuvring area for forward egress.

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

BUILDING CONDITIONS

137. The following are required details and must be submitted to the Principal Certifying Authority *prior to issue of the Construction Certificate*. Any matter listed below must have a Certificate attached from a suitably qualified person to the effect that the design or matter complies with the relevant design Standard or Code which the Certificate must identify.
- a. Details prepared by a practicing structural engineer for all or any reinforced concrete, structural steel or timber framing.
 - b. Wind bracing details complying with AS 1684-1992 National Timber Framing Code, AS 1170.2-1989 Wind Load Code or AS 4055-1992 Wind Loads for Housing Code.
 - c. Upper floor joist details, engineered or complying with AS 1684-1992 National Timber Framing Code.
 - d. Retaining walls and associated drainage.
 - e. Wet area waterproofing details complying with the Building Code of Australia.
 - f. Mechanical ventilation details complying with Australian Standard 1668-1993 Mechanical Ventilation & Airconditioning.
 - g. Glazing details complying with AS 1288-1989 Glass in Buildings and Installation Code.
 - h. Stormwater disposal details complying with Council's Stormwater Management Manual and/or other conditions of this consent.
138. Any mechanical ventilation installed in a dwelling shall comply with the requirements of Part 3.8.5.0 of the Building Code of Australia Housing Provisions. Documentary evidence of compliance is to be obtained from a suitably qualified person and submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate.
139. To ensure compliance with this determination the building shall be set out by a Registered Surveyor and the Survey Report shall be lodged with the Principal Certifying Authority prior to the external wall construction proceeding above floor level.
140. All structural timber members subject to weather exposure shall have a durability class rating of 2 or better in accordance with Australian Standard 1684.2-1999 (National Timber Framing Code), or be preservative treated in accordance with Australian Standard 1604-1980 (Preservative Treatment for Sawn Timbers, Veneers and Plywood).
141. For the purpose of safety and convenience a balustrade of 1.0 metre minimum height shall be provided to any landing, verandah, balcony or stairway of a height exceeding 1.0 metre above finished ground level. The design may consist of vertical or horizontal bars but shall not have any opening exceeding 125mm. For floors more than 4.0 metres above the ground, any

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horizontal elements within the balustrade or other barrier between 150mm and 760mm above the floor must not facilitate climbing.

142. For the purpose of safe ingress and egress the stairs are to be constructed within the following dimensions:

Risers:	Maximum 190mm	Minimum 115mm
Going (Treads):	Maximum 355mm	Minimum 240mm

Note: Dimensions must also comply with limitations of two (2) Risers and one (1) going equalling a maximum 700mm or minimum 550mm. The Risers and Goings shall be uniform throughout the length of the stairway.

143. Termite protection which will provide whole of building protection in accordance with Australian Standard 3660 - *"Protection of Buildings from Subterranean Termites"* is to be provided.

Council has a non chemical policy for termite control but will consider proposals involving physical barriers in combination with approved chemical systems. Handspraying is prohibited.

Where a monolithic slab is used as part of a termite barrier system, the slab shall be constructed in accordance with Australian Standard 2870.1 or as designed by a structural engineer but in either case shall be vibrated to achieve maximum compaction.

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

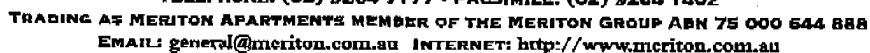
C Otto
Executive Assessment Officer

S Segall
A/g Team Leader – Central

M Prendergast
Manager
Development Assessment Services

M Miocic
Director
Development & Regulation

Attachments: **Report to Council 24 May 2005**
 Supplementary report to Council 28 June 2005
 Letter from Meriton Apartments, 30 June 2005



DEVELOPMENT APPLICATION

SUMMARY SHEET

REPORT TITLE:	11 TO 19 MOREE STREET, GORDON - CONSTRUCTION OF TWO, FIVE STOREY RESIDENTIAL FLAT BUILDINGS WITH 42 APARTMENTS OVER BASEMENT PARKING CONTAINING 81 CAR SPACES AND LANDSCAPING
WARD:	Gordon
DEVELOPMENT APPLICATION N^o:	DA240/05
SUBJECT LAND:	11 to 19 Moree Street, GordonDA0240/05
APPLICANT:	IPM Pty Ltd
OWNER:	Moree Street Pty Ltd
DESIGNER:	Nettleton Tribe Partnership
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 55 Ku- ring-gai Multi-Unit Housing, DCP 40 – Waste Management, DCP 43 – Car Parking, DCP 47 – Water Management and Notification Policy
COMPLIANCE WITH CODES/POLICIES:	No
GOVERNMENT POLICIES APPLICABLE:	SEPP 55, SEPP 65.
COMPLIANCE WITH GOVERNMENT POLICIES:	Yes
DATE LODGED:	18 March 2005
40 DAY PERIOD EXPIRED:	27 April 2005
PROPOSAL:	Construction of two, five storey residential flat buildings with 42 apartments over basement parking containing 81 car spaces and landscaping.
RECOMMENDATION:	Refusal

PURPOSE FOR REPORT

To determine development application DA240/05, which seeks consent for the construction of two, five storey residential flat buildings with 42 apartments over basement parking containing 81 car spaces and landscaping.

EXECUTIVE SUMMARY

Issues:	Resident issues, compliance with LEP 194 and DCP 55.
Submissions:	15 submissions have been received.
Pre DA:	Yes
Land and Environment Court Appeal:	Yes - hearing listed for 2 August 2005
Recommendation:	Refusal

HISTORY

Site history:

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

Rezoning history:

The land at 11-19 Moree Street, Gordon was rezoned from Residential 2(c) to residential 2(d3) by LEP 194, gazetted on 28 May 2004.

In Draft LEP 194, adopted by Council on 25 November 2003, it was proposed that the subject site be rezoned to Residential 2(d2) and be included in 'Special Area 4'.

Under the Special Area provisions of draft LEP 194, a detailed 'Special Area Plan' addressing site specific issues and constraints was to be adopted for the site prior to lodgement of any development applications on the site. The site specific issues to be addressed in the plan for Special Area 4 were to be:

- (a) protection of the blue gum high forest; and
- (b) improvement of the stormwater drainage.

The gazetted LEP 194 removed the Special Area provisions that were included in the draft LEP and introduced the Residential 2(d3) zone applying to the site.

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Development application history:

1. DA0129/05 - demolition of the existing structures.

This application was approved under delegated authority by Council on 9 May 2005 for the demolition of all built structures on the subject site. Only trees which were exempt under Council's Tree Preservation Order were to be removed.

2. DA0240/05 - construction of two, five storey residential flat buildings with 42 apartments over basement parking containing 81 car spaces and landscaping.

20 December 2004 Pre-development application consultation held with Council officers and applicant, wherein the following issues were raised:

- Legal rights in relation to downstream properties;
- Traffic impacts on relation to proximity to Gordon Shopping Centre;
- Excavation of site and retention of adjacent structures;
- Submission of a concept construction management plan at DA stage;
- Compliance with deep soil landscaping;
- Location of driveway within side boundary setback; and
- Retention of neighbouring amenity through landscaping.

18 March 2005 Application lodged.

30 March 2005 DA notified to property owners for a period of 28 days in accordance with Council's Notification Policy.

6 June 2005 Meeting with applicants to discuss issues, wherein the following issues were raised:

- Compliance with clause 25I(2) of LEP 194 -deep soil landscaping;
- Setback of driveway within western side boundary;
- No fencing details to Moree Street provided;
- Setback to Moree Street for building and private courtyards;
- Provision of minimum areas of private open space;
- Provision of disabled parking spaces;
- Requirement for shading structures along the northern, eastern and western elevations; and
- Amendment to external wall colour to blend with surrounding landscape.

10 June 2005 Submission of amended plans addressing issues raised by Council officers.

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THE SITE AND SURROUNDING AREA

The site:

Zoning:	Residential 2(d3)	
Visual Character Study Category:	before 1920-1945	
Legal Description:	Street Address	Legal Description
	11 Moree Street	Lot B DP 362747
	15 Moree Street	Lot A DP 362747
	17 Moree Street	Lot C DP 328338
	19 Moree Street	Lot B DP 328338
Area:	3686m ²	
Side of Street:	Northern	
Cross fall:	To the north-west	
Stormwater Drainage:	To the easement at the rear of the site	
Heritage Affected:	No	
Integrated Development:	No	
Bush Fire Prone Land:	No	
Endangered Species:	No	
Urban Bushlands:	No	
Contaminated Land:	No	

Surrounding development:

Two storey townhouse developments are located either side of the proposed development site at Nos 7-9 Moree Street and 21-29 Moree Street. These buildings are generally two storeys in height.

Development to the south of the site (across Moree Street) consists predominately of single dwellings with low scale tree canopy. Gordon commercial centre is located to the east of the site, along the Pacific Highway. The Gordon Shopping Centre carpark, consisting of 3-6 storeys, adjoins 7-9 Moree Street located to the east of the site.

Zoning:

The site is zoned Residential 2(d3) under LEP 194. The adjoining townhouses (Eden Terraces) to the west of the subject site and the townhouses to the immediate east, are both zoned Residential 2(c). Directly across Moree Street on its southern side, single detached dwellings are zoned Residential 2(c2).

See attached zoning extract.

THE PROPOSAL

The proposal is for the construction of two, five storey residential flat buildings over two levels of basement parking. The development consists of a total of forty-two (42) units and basement parking for eighty-one (81) vehicles and racks for fourteen (14) bicycles.

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Pedestrian access is provided to the front of each building via two separate paths from Moree Street. Disabled pedestrian access is also provided directly from Moree Street in the form of ramps. Vehicular access to the site is provided at a single entry point at the most western end of the site, on Moree Street.

No front fencing is proposed.

Block A

Block A is located on the western side of the property. It has a total of nineteen (19) apartments located over five (5) levels. The apartments are generally oriented towards either Moree Street or the rear (north-facing) of the site, with the exception of the fifth floor apartments which face towards the west.

The apartment mix is:

2 bedroom apartment 18
3 bedroom apartment 1

Lift access is provided to all five (5) residential levels of the development from the lower basement level to the fifth floor. The floor level of the northern sides of the building steps down on each floor by 2m. The lift has been located centrally in the building to allow dual access from both sides. Pedestrian access is also provided via a pathway and ramp from Moree Street.

Two levels of basement parking are also provided directly beneath the building. The basement carpark continues beneath the western building with vehicular access provided at the western end of the Moree Street frontage.

Block B

The eastern building on the site has a total of twenty-three (23) apartments located over five (5) levels. The apartments are generally orientated towards either Moree Street or the rear of the site, with the exception of the fifth floor apartments which face towards the west.

The apartment mix is:

2 bedroom apartment 21
3 bedroom apartment 2

Lift access is provided to all five (5) residential levels of the development from the lower basement level to the fifth floor. The floor level of the northern sides of the building steps down on each floor by 2m. The lift has been located centrally in the building to allow dual access from both sides. Pedestrian access is also provided via a pathway and ramp from Moree Street .

Two levels of basement parking are also provided directly beneath the building. The basement carpark continues beneath the western building with vehicular access provided at the western end of the Moree Street frontage.

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External finishes have been nominated on a sample board submitted with the application with the following materials:

- Rendered brick work:
 - Tusk Tusk (Dulux) for main walls;
 - Olive green for top balcony upstand textured paint finish; and
 - Eggplant for blade columns.
- Citi (Colorbond) for aluminium framed windows/doors (powdercoated finish); and
- Woodland Grey (Colorbond) for top floor walls and framed roofing.

CONSULTATION - COMMUNITY

In accordance with Council's Notification Policy, owners of 116 surrounding properties were given notice of the application. In response, submissions from the following were received:

1. S Young - 33 Moree Street, Gordon.
2. M Wilkinson - 45 Moree Street, Gordon.
3. N Finkede - 8/5-9 Moree Street, Gordon.
4. H Man - 7/21 Moree Street, Gordon.
5. L Ngai - 9/7 Moree Street, Gordon.
6. F Spessot - 46 Moree Street, Gordon.
7. K and E Van Veen - 48 Moree Street, Gordon.
8. J Kerry - 13/21 Moree Street, Gordon.
9. P Tang - 20 Moree Street, Gordon.
10. D & P Gibbons - 40 Moree Street, Gordon.
11. C P Bilan - 63 Moree Street, Gordon.
12. P Foo & I Shiu - 16 Moree Street, Gordon.
13. C Shelley - 55 Moree Street, Gordon.
14. W Parker - 33 Moree Street, Gordon.
15. H Moon - 47 Moree Street, Gordon.

.The submissions raise the following issues:

The proposed development does not comply with LEP 194, DCP 55 and SEPP 65.

An assessment of the proposed development against these provisions has been provided in this report. It is found that generally the development does satisfy several controls within these planning instruments. However, where the development does depart from the controls, it has been found that approval cannot be granted due to the impacts that would arise.

The development does not allow for adequate landscaping.

The application has been reviewed by Council's Landscape Officer. The development fails to meet the landscaping requirements of DCP 55 and LEP 194 in that it does not provide appropriate

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setbacks from the driveway to the western boundary to allow for deep soil planting of canopy trees and screening for the adjoining property of 21-29 Moree Street and insufficient setback to Moree Street to allow for canopy tree planting. These issues are discussed in detail under the headings Consultation - Within Council – Landscaping, Statutory Provisions – SEPP 65 and Policy Provisions – DCP 55.

Concern over impact of residential flat buildings on surrounding heritage items.

The proposed development is located within Urban Conservation Area 15 - West Gordon (UCA). Section 3.4 of DCP 55 requires the applicant to address the predominant architectural character of the UCA. The applicant has not submitted any documentation to address the design of the development in relation to the UCA. This issue is discussed in further detail under section 3.4 Development within an Urban Conservation Area, DCP 55 assessment of this report.

The change in height to adjoining properties is not compatible with the surrounding character.

The site has been rezoned under LEP 194 to allow development up to five (5) storeys. With the provision of appropriate setbacks to the side, rear and front boundaries and suitable landscaping and canopy planting, the site is capable of sustaining development up to five (5) storeys while respecting the character of the locality.

The site is an isolated rezoning and will not be consistent with the future character of Moree Street.

The rezoning of the site under LEP 194 to allow for up to five (5) storeys also took into consideration its proximity to the Gordon Rail Station and the Pacific Highway to encourage use of public transport and to provide an increased housing choice. The properties to the rear, facing Dumaresq Street, are also zoned Residential 2(d3) as are 29 and 31 Moree Street. The future character of Moree Street will vary at the western and eastern ends due to the commercial use at the eastern end with Gordon Shopping Centre and the Pacific Highway, and the lower end being used predominately as lower density housing.

The bulk and scale of the development is out of character with Moree Street.

The proposed development has been assessed against the provisions of LEP 194, DCP 55 and SEPP 65. Issues of bulk and scale are directly related to the location of the driveway within the western (side) boundary setback and the front building setback to Moree Street. The issue of bulk and scale has been addressed in detail under these headings.

Compliance with DCP 55.

The development fails to comply with the following sections of DCP 55:

- part 3.4 -development within Urban Conservation Area 15 – West Gordon;
- part 4.1 – location of the driveway within the western (side) boundary setback;
- part 4.3 – front setback of the buildings to Moree Street and location of private courtyards/terraces within the setback area; and

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- part 4.4 – extent of unbroken façade exceeding 81m².

Compliance with DCP 55 has been discussed in detail under Policy Provision Development Control Plan No 55, of this report.

The proposed development will cast unreasonable overshadowing over the adjoining dwellings.

The proposed development fully complies with the requirements of DCP 55 in terms of the provision of appropriate solar access to adjoining properties. The proposal allows for at least 3 hours of sunlight between 9:00am and 3:00pm on June 21 to the habitable rooms and principle portion of outdoor living area of adjoining houses.

The proposal will overshadow the adjoining townhouses to the west at 9:00am. However, by noon the angle of the sun has moved so that the shadows cast by the development are limited to Moree Street itself.

The townhouses to the east are overshadowed by the proposed development from approximately 2:00pm onwards.

The development, therefore fully complies with the solar access requirements of DCP 55.

Loss of privacy to the properties of 21-27 Moree Street and 7 Moree Street.

The proposed units meet the minimum zone interface setback requirements specified in both LEP 194 and DCP 55. The proposed setbacks will be a minimum of 9 metres to the western boundary of the site facing towards the townhouses at 21-27 Moree Street. Two townhouses immediately adjoin the proposed development on the western side, one facing towards Moree Street and the other to the rear of the site.

The elevations that face directly towards the subject development only have two (2) windows in each townhouse. These windows are a first floor level bathroom window and a ground floor secondary living room window. Any overlooking that may be experienced from these windows is minor, given the majority of the windows of the townhouses have been oriented towards the street frontage and to the rear of the site.

Private open space for the townhouses is also located to the north and south. Given the number of storeys proposed in the development, some overlooking is expected to these areas. The townhouse that adjoins the development at the rear western corner will be satisfactorily screened by planting within a large area of deep soil landscaping along the immediately adjacent boundary. The existing Jacaranda tree is also proposed to be retained, further adding to the screening of the development. Council's Landscape Officer has also reviewed the proposed landscape plan and is satisfied that suitable screening can be provided to the rear townhouse.

The townhouse facing towards Moree Street will also receive adequate landscaping to screen its rear private open space area. Landscape screening of the front courtyard, will be compromised due to the location of the driveway, only 2.6 metres from the site's western boundary. This issue has been discussed in detail under the heading Policy Provisions - Development Control Plan No 55.

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Location of driveway within western side boundary setback.

This issue has been discussed in detail under the heading Policy Provisions - Development Control Plan No 55. This aspect of the development is unsatisfactory and forms a reason for refusal of the development (**refer Reason for Refusal No 1**).

Tree removal is excessive, in particular the removal of Tree 32 (Tallowood - Eucalyptus microcorys).

Council's Landscape Officer has reviewed the tree removal for the proposed development and is satisfied in this regard. The removal of Tree No. 32 has been discussed in detail under the heading Consultation - within Council – Landscaping, below.

Site analysis is incorrect as it identifies the zoning of the adjoining sites to the east, west and south as Residential 2(d3).

The site analysis has incorrectly identified the zoning of the sites directly across the road, to the south, as Residential 2(d3). These sites have been zoned Residential 2(c2) under LEP 194.

Use of section 94 contributions should be used on the immediate vicinity of Moree Street.

The collection of Section 94 contributions allow for the provision of funds to allow for:

- community facilities;
- recreation facilities and open space;
- traffic, pedestrian and cycleway facilities and public domain improvements; and
- administration.

Section 94 contributions as levies will be used in areas anticipated for new development and growth of the resident population. As the proposed site falls within land rezoned for increased density, the surrounding area will to some extent benefit from these contributions.

Development will cause excessive traffic on Moree Street.

Council's Engineering Assessment Team Leader has addressed this issue in detail under the heading Consultation – within Council – Engineering, of this report and finds the proposal to be acceptable in terms of traffic issues.

The site will not be able to cope with the increase in density in relation to drainage and services.

Council's Engineering Assessment Team Leader has addressed this issue in detail under the heading Consultation – within Council – Engineering, of this report and finds the proposal to be acceptable in this regard.

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Noise generation, hours of construction and run-off during construction.

Appropriate conditions could be applied if the development were to be approved to control impacts on neighbouring properties during construction.

Heavy vehicles should enter and exit the site via Pacific Highway.

Council's Development Engineers have reviewed the proposed development with regard to management of traffic during construction. In the event that consent is granted, a condition has been requiring the provision of a traffic management plan could be imposed as follows:

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

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

In addition, the plan must address:

- *A schedule of site inductions to be held on regular occasions and as determined necessary to ensure all new employees are aware of the construction management obligations. These must specify that construction-related vehicles to comply with the approved requirements.*
- *Minimising construction related traffic movements during school drop-off/collection 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."*

Prior to any development commencing a structural engineer to inspect adjoining property for cracks and other structural deficiencies.

Council's Development Engineer has required that if development consent were to be granted, prior to the commencement of any site works, a dilapidation report be submitted to the Principal Certifying Authority for approval (with a copy forwarded to Council). The condition would also require the report to include the structural condition of all adjacent structures potentially influenced by the works. If the development were to be approved, the condition recommended by Council's Development Engineer would be required to be applied.

The construction of units will cause a reduction in the value of adjoining properties.

This is not a relevant matter for consideration under the Environmental Planning and Assessment Act 1979.

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The proposed development provides for inadequate front setbacks to allow for effective landscaping.

Council's Landscaping Officer has reviewed the proposed development with particular regard to the setback of the driveway to the western boundary. This issue is discussed in detail under the heading Consultation – within Council – Landscaping, of this report. The non-compliance with the front setback control is considered to be of sufficient weight to warrant the refusal of the application (refer Reason for Refusal No 3).

Excessive parking has been provided in the basement and will result in use of the driveway 24 hours a day.

Council's Development Engineers have reviewed the development in terms of the likely increase in traffic generation. This issue has been addressed in the detail under the heading Consultation within Council – Engineering. In summary, there is no objection to the additional parking and it is considered that there will be no detrimental impact on the traffic flows in the surrounding street networks.

The subject site should only allow two storey townhouse development.

The site has been rezoned Residential 2(d3) under LEP 194. This zoning allows for a maximum height of five (5) storeys under clause 25I(5) of LEP 194. The proposed development proposes a maximum of five storeys and therefore complies with this standard.

Concern in relation to asbestos removal with the demolition of the existing dwellings.

If the development were to be approved appropriate conditions would be included requiring the safe demolition and removal of any asbestos on the site in accordance with AS 2601.

A brick fence should be constructed along the eastern boundary of the site to replace the existing timber fence.

No boundary fencing details have been provided. Side boundary fencing (timber) to a height of 1.8m may be provided under Council's DCP 46 - Exempt and Complying.

Increase in parking in Moree Street is unacceptable.

Council's Development Engineers have addressed this issue in detail under the heading Consultation within Council – Engineering. In summary, the proposed parking arrangements are considered to be satisfactory.

The development will encourage a higher ageing population in Gordon.

The development proposes a variety of housing choice within Gordon. This principle is provided within SEPP 65 and Council's DCP 55.

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Increase in density with result in safety issues for children and the elderly when crossing the road.

Council's Development Engineer has reviewed the proposed traffic impacts with regards to the development. This issue has been addressed in detail under heading Consultation – within Council – Engineering, within this report. The proposal is considered to be satisfactory in this regard.

CONSULTATION - WITHIN COUNCIL

Landscape

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

"An inspection of the property was conducted on 09/05/2005.

The site

It is proposed to construct two five storey residential flat buildings with basement car parking on the existing amalgamated site area of 3, 686sqm with vehicular access from Moree St. The site is characterised by an established landscape setting of mature trees and shrubs and grassed areas. The landscape is generally unkept and run down with weed invasion particularly at the rear. The site frontage is dominated by existing street tree plantings that have been poorly pruned to accommodate existing overhead wires.

Impacts on trees/Trees to be removed/Tree replenishment

*The proposed development will result in the clearing of the site with the exception of a few existing trees located adjacent to the western and northern site boundaries. Two large trees with moderate landscape significance are proposed for removal. These include Tree No. 16 *Carya illinoensis* (Pecan Nut) and No. 32 *Eucalyptus microcorys* (Tallowood) which are both centrally located on site, within the proposed building footprint. The retention of these trees would effectively sterilise the site for the zoned development style. As such although their removal is not particularly desired, it can be supported. The other most significant tree on site, No. 5 *Jacaranda mimosifolia* (Jacaranda) located adjacent to the western site boundary, is being retained and incorporated within the new landscape works for the site. It will be required/conditioned that existing weed tree species, camphor laurel, shown for retention to be removed.*

Tree replenishment for the site will result in an additional twenty three (23) tall 'canopy' trees being planted on site, which exceeds Council's DCP55 requirements. The tree species proposed are native endemic species, although it will be required that a greater variety be planted on site. This will be conditioned.

Landscape plan

Overall the proposed landscape for the site can be supported by Landscape Services as the proposal incorporates appropriate screen planting for neighbour amenity and tree

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replenishment. As proposed the new landscape works, in time as it matures, provide valuable amenity for the site and adjoining properties. Species selected are primarily native with a mix of exotic understorey planting which is reflective of the existing mixed streetscape character. Some minor changes will be required to tree species and the inclusion of replacement street trees, which can be conditioned.

Deep Soil landscaping

By the applicant's revised calculations, the proposed development will result in a deep soil landscaping area of 50% of the site area. Landscape Services is in agreement with the areas shown as being deep soil. Amended plans have included the energy substation kiosk demonstrating compliance with clause 25I(2) of LEP 194.

Energy Substation/Kiosk

The energy authority has required a substation kiosk for the site. As mentioned above, this is required to be excluded from deep soil area calculations. Amended plans have been submitted demonstrating that the substation has been included in the deep soil calculations. It is also required that the substation be located outside of the canopy drip line of any tree protected by Council's Tree Preservation Order.

Under grounding of wires

It is highly likely that Energy Australia (State Authority) will require the under grounding of the existing overhead wires in Moree Street in front of the development site. If this is the case, the excavation works will have significant adverse impacts to the existing street tree root systems which will potentially cause them to go into decline. The street trees although prominent, have been poorly pruned and managed and as such are structurally compromised. It is recommended that the existing street trees be removed and appropriate native endemic tree species planted in their place as part of the development. This can be conditioned.

Setbacks

*As proposed the vehicular access is located within the western side setback, with a 2.6m setback from the side site boundary, which does not comply with Council's DCP55 requirements. As proposed, the 2.6m setback compromises the potential for this area to establish 'tall' canopy trees as required by the LEP guidelines. It is noted that three *Angophora costata* (Sydney Redgum) have been indicated on the submitted landscape plan, but Landscape Services does not believe that there is sufficient deep soil area for the trees to establish and grow to maturity without being compromised and as a result the development does not comply with the objectives of the LEP, particularly 25(D)2(c & e). From a landscape viewpoint, it is required that the side setback area adjacent to the buildings be maximised to ensure that tall trees can be established to screen and filter views to and from the development, particularly for upper levels. Consideration should also be given to the proximity of any proposed tree planting to neighbouring dwellings.*

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It is noted that the front setback to the private courtyards is proposed to be approximately 6.0m. Although allowing area for the establishment of tall canopy trees, the setback does not comply with Council's setback controls as per DCP55 and the clear objective, being to promote a landscape setting for new development. To reduce the impact of the private courtyards without compromising the amenity to both the courtyard areas and the streetscape, it is required that the courtyard fencing/walls be setback 7.5m from the site frontage.

The application cannot be supported by Landscape Services due to non-compliance with setbacks."

Comment: The issues raised by Council's Landscape Officer with regard to compliance with setbacks to the western boundary have been included among the reasons for refusal in the recommendations of this report.

Engineering

Council's Engineering Assessment Team Leader, Robin Howard, has comments on the proposal as follows:

"Summary

In summary the engineering aspects of the application are considered satisfactory by Development Engineers, subject to the imposition of the engineering conditions of consent shown.

A pre-DA meeting was held for this site in which the applicant was presented with assessment criteria and issues related to the engineering aspects. Generally the applicant has had regard to the engineering issues raised at this pre-DA meeting and has submitted the requested engineering information.

Subdivision, energy requirements

The DA application form indicates that strata subdivision is not proposed under this DA, hence strata subdivision conditions will NOT be applied in this referral response. So that the building is not constructed across lot boundaries, the applicant will be required to consolidate all the Torrens lots prior to issue of the Construction Certificate.

Site drainage comments

I refer to the Stormwater Drainage Concept Plans and Report by Bewsher Consulting Engineers, drawings J1402-SW1(D), SW2(D), SW3(C), dated February and March 2005. This drainage proposal incorporates the following stormwater management facilities and disposal works for the development, to ensure compliance with Council adopted Water Management DCP47:

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*On site **retention** of stormwater for domestic re-use within the buildings for toilet, cold laundry and landscape irrigation (total volume of 126m³).*

*On-site **detention** of 9m³*

Discharging of site runoff to the existing watercourse depression at the rear of the property, with scour and erosion protection.

*Given that the existing four single dwellings show no evidence of any stormwater management or control devices, it is assumed that they currently discharge **uncontrolled** into the (ephemeral) watercourse depression at the rear of the lots.*

*An easement for drainage exists burdening the immediately downstream properties. The terms of this easement are in the favour of Ku-ring-gai Council and **are** sufficiently wide enough to allow the subject site to discharge its runoff into this system.*

The drainage management plan for this site, once installed, will result in a reduction in mains water supply (roof runoff used for toilet flushing, cold laundry and irrigation) and will control the rate of runoff downstream to a greater extent than the existing situation.

Drainage provisions are considered acceptable and are able to comply with Water Management DCP 47, subject to conditional consent.

Traffic generation and vehicle access and accommodation arrangements

I refer to the Traffic Assessment Report submitted with the Development Application (refer Traffic Report by Masson Wilson Twiney, dated March 2005). The report is to an acceptable standard on which to base an assessment of the traffic related impacts of the subject Development.

LEP 194 parking requirements are as follows:

Clause 25J Car parking

(1) Before granting consent to residential development on land to which this Part applies, the consent authority must take into account the following:

- the proximity of multi-unit housing zones to rail station centres and major bus routes along Mona Vale Road serving the St Ives Centre,*
- the desirability of encouraging use of public transport,*
- that the impact of car parking on the natural ground area of multi-unit housing lots should be minimised and the need to provide sufficient deep soil landscaping for trees and their long-term sustainability,*
- that the visual impact of car parking both from the street and from other land (private or public) should be minimised.*

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(2) Consent must not be granted to development that will result in more than one dwelling on a site unless:

- *at least one car space is provided per dwelling and, if the site is not within 400 metres of a pedestrian entry to a railway station, one additional car space is provided for each dwelling with 3 or more bedrooms, and*
- *at least one additional visitor car space is provided for every 4 dwellings, or part thereof, that will be on the site.*

(3) All car parking provided must not be open air car parking unless it is for visitors, in which case it must be constructed with water-permeable paving unless the paving is directly above part of the basement.

- *The site is located within 400m distance of the Gordon rail station.*

Based on the above LEP parking requirements, the proposal therefore requires a minimum total of 42 resident spaces and 11 visitor spaces. The proposal provides 81 parking spaces, which complies with the LEP parking off-street requirement.

The Traffic Generation of this Development has been estimated using the “RTA Guide to Traffic Generating Developments” as follows:

	Pre-Developed	Post-developed
Number of dwellings	4 dwelling houses	22 x 2 bedroom unit 20 x 3 bedroom unit
Daily vehicle trips (combined in/out)	36 (9 per dwelling)	188 to 240 Based on medium density generation: 4-5 per dwelling (2 or less bedrooms) 5 to 6.5 per dwelling (3 or more bedrooms)
Peak hour vehicle trips (combined in/out)	3.4 (0.85 per dwelling) 1 vehicle every 18 minutes averaged over peak hour	19 to 24 Based on medium density generation: 0.4-0.5 per dwelling (2 or less bedrooms) 0.5 to 0.65 per dwelling (3 or more bedrooms) 1 vehicle every 2.7 minutes averaged over peak hour

The assignment of an additional 20 peak hour trips in and out combined (see table above) into the affected intersections (broken down into 80% outgoing and 20% incoming at am peak and the

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reverse at pm peak) is not expected to statistically lower the operating levels of service at any nearby intersections during the peak hours .

Table 4.6 in the RTA Guide to Traffic Generating Developments lists environmental capacity performance standards on residential streets:

Road Class	Road Type	Max speed (km/h)	Max peak hr volume (veh/hr)
Local	Access Way	25	100
	Street	40	200 env. goal
			300 maximum
Collector	Street	50	300 env. goal
			500 maximum

Moree Street is a Local Street. Traffic surveys undertaken by the applicant's Traffic Engineer indicate that Moree Street conveys the following traffic volumes at the relevant intersection:

Direction of travel	AM Peak (7.15-8.15)	PM Peak (17.00-18.00)
Left from Moree onto Pacific Hwy	10	36
Left from Moree onto Vale Street	20	29
Right from Moree onto Vale Street	10	24

Sight distances for entering and exiting traffic comply with the acceptable sight distance requirements of Australian Standard 2890.1 – 2004 "Off-Street car parking". Parking layout to also comply with Australian Standard 2890.1 – 2004.

The additional 16 to 21 trips generated by the subject development (in and out combined) over the peak hour, when placed into Moree Street, results in traffic flows well below the environmental goal for this local road.

It is noted that queuing of vehicles in the evening peak at the Moree Street /Pacific Highway intersection (left out of Moree Street) can result from the substantial northbound traffic volumes in the Pacific Highway. However, it is noted that the signalised intersection at St Johns Avenue/Pacific Highway intersection create gaps in this traffic flow and operate to "platoon" traffic travelling northbound on the Pacific Highway. The traffic signal delay allows the left turn from Moree Street into the highway during the pm peak. Further, the bulk of evening peak traffic will be entering Moree St from the Highway as driving commuters head home.

In summary, the development will result in an average of 1 vehicle every 2.5 minutes crossing the proposed driveway in the peak hour (this is not considering the proximity to nearby Gordon Rail Station and the assumption that a number of occupants will commute via public transport, thus lessening expected generation). The post-developed traffic volumes in Moree

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Street (local road) will remain significantly below the peak hour environmental goal for such local roads.

Traffic generating and associated impacts of the proposal are considered satisfactory, subject to conditional consent.

Construction Management

Based on the scale of works and expected construction vehicle movements, a detailed construction traffic management plan must be submitted for review by Council Engineers prior to the commencement of any works on site. This has been conditioned.

Impacts on Council Infrastructure and associated works – comments

The scale of construction work for this site has potential to damage the frontage road reserve. Accordingly, and for the amenity of the development frontage, the following infrastructure works will be required as part of the consent:

- *Construction of a fully new concrete footpath over the full site frontage on Moree Street. To be designed and constructed in accordance with Councils Technical Services specifications.*
- *New concrete driveway crossing to access the site from Moree Street.*
- *Removal of all redundant driveway laybacks and re-instatement to upright kerb and gutter.*
- *Replacement of the verge area to turfed verge between new footpath and existing kerb alignment.*

As with all development of this scale, there is the risk of damage to Council infrastructure during the course of the works through heavy truck movements and contractor activity. A \$50,000 bond to cover restoration of such damage, where the developer does not carry out repair works (or completion of unsatisfactory works by Council) is to be applied.

Geotechnical / Structural Comments

In support of the application, the applicant has submitted a full Geotechnical/Hydrogeological Report (Report to IPM Pty Ltd on Geotechnical and Hydrogeological Investigation for proposed Residential Development at 11-19 Moree St, Gordon by Jeffery and Katauskas P/L, report 19186SPrpt. dated 24 February 2005.)

The borehole field assessment and subsequent report on the findings are considered appropriate for DA assessment based on the scale and location of excavations proposed within the site. The report contains information and recommendations on appropriate excavation and construction techniques based on subsoil and hydrogeological conditions. Attention is paid to support of the excavation faces. It is generally expected that the majority of excavation will be infill, residual silty clays and then sandstone below this level. Excavation of upper levels can be carried out with earth moving machinery, such as excavators and rippers. Higher strength sandstone will generally need to be removed through

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breaking or controlled excavation technologies (grout expansion etc). Vibration transmission must be controlled and monitored through this process where breaking machinery is used, and dilapidation reports will be required (conditioned) on adjoining property infrastructure as discussed in the geotechnical report.

Based on the finding and recommendations in the submitted geotechnical report for this proposal, I am satisfied that the geotechnical excavation and construction aspects of this DA can be addressed through suitable conditions of consent. These conditions will require further and ongoing geotechnical and hydrogeological monitoring of excavation, and construction processes, as warranted. Dilapidation reports are to be completed on neighbouring property and infrastructure.

Conclusion

Based on the formal engineering assessment, Councils Development Engineer has determined that the proposal is satisfactory on engineering grounds, subject to the engineering conditions being imposed as shown.”

Urban Design

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

“Principle 1: Context

The site is within a 400m walking distance of Gordon Railway Station and is in close proximity to the shopping centre. The existing built form context for this development is comprised of:

- *adjacent townhouse developments to the east and west of the site;*
- *a 3-6 storey shopping centre car park further to the east of the site; and*
- *the shopping centre on the Pacific Highway.*

The site is zoned for 2(d3) development, however the adjacent multi-unit development sites are not, and there is a need to provide transition zone setbacks to the eastern and western site boundaries, in accordance with LEP 194.

The existing natural context is comprised of:

- *a street, and site, which slope steeply down from east to west;*
- *few street trees;*
- *some tall trees within the front setbacks of the adjacent townhouses developments, and*
- *dwelling house lots further down the street.*

The proposed future landscape context within LEP 194 and DCP 55 is to contain substantial mature tree planting within the front and side setbacks of the development.

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The proposed development relates well to its built form context, as its height relates to the existing shopping centre and is permitted in LEP 194. The site layout, having 2 buildings with their axis running north-south, is reasonable, given the steeply sloping terrain and the existing context of object buildings set within a landscaped setting.

Principle 2: Scale

The scale is acceptable, as the development complies with the allowable building height, and the siting of two buildings minimises the perceived bulk of the development.

Principle 3: Built form

The building alignments comply with the building side and rear setbacks in LEP 194 and DCP 55.

The two side setbacks of 9m, required on transition sites between different zones, place a constraint on this site which is not common to other Residential 2(d3) sites. DCP 55 contains a front setback control for sites with dimensions greater than 35m and 45m boundary dimensions, where the front setback is to be 13m to 15m. This control assumes that on a large site, there will be sufficient site area to achieve all the other side and front setbacks, while achieving the development potential of the site. However, with the two side boundary transition area setbacks, it is not possible to provide the 13m to 15m front boundary setback while complying with the other controls and realising the development potential of the site.

The proposed front boundary setbacks of 12m, with 40% of the frontage being set back 10m, complies with the normal DCP 55 control for 2(d3) sites. It also is consistent with setbacks on adjoining townhouse sites. It is recommended that the proposed front setback of 12m, with 40% being 10m, is accepted due to the other constraints on this site and the consistency of the proposed setbacks with adjoining developments.

The proposed location of the car park ramp outside the building is visually intrusive into the landscape and reduces the amount of deep soil area. It is recommended to locate the car park ramp under the building and to delete the ground floor apartment area which is taken up by the ramp.

Principle 4: Density

The proposal has a floor space ratio of 1.28:1, which complies with the DCP 55 maximum FSR of 1.3: 1.

Principle 5: Resource, energy and water efficiency

The development application contains solar access diagrams which demonstrate the amount of sunlight penetration to apartment living rooms and balconies. These drawings demonstrate that the proposal complies with the SEPP 65 Residential Flat Design Code requirement for 3 hours sunlight between 9am and 3pm in midwinter, to 70% of the living rooms and balconies.

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The development achieves 3 hours sunlight to 71% of apartments and 2 hours sunlight access to the balconies of 100% of apartments.

The SEPP 65 Residential Flat Code Design recommends that more than 60% of apartments are cross ventilated. 32 out of 42 apartments are cross ventilated, which is 76%.

Principle 6: Landscape

The landscape design is acceptable in terms of the retention of a substantial number of existing trees (bottlebrushes, jacarandas, crepe myrtles etc) and the provision of large scale native trees in deep soil (angophora costatas and eucalyptus haemastomas etc).

Greater than 50% of the site is deep soil area. Additional soil for planting above the car park is provided in the courtyard between the two buildings.

Principle 7: Amenity

The 12m separation between the two buildings complies with the SEPP 65 Residential Flat Design Code recommendation for privacy.

Sun access and cross ventilation is acceptable.

The apartment layouts are efficient and have good amenity. The lift core, fire stairs and apartment entries are particularly efficient and well resolved. Circulation is minimised and useable areas maximised. The double sided lift cleverly resolves the level difference between apartments.

The development complies in terms of the number of adaptable units provided and the level of adaptability of each unit.

Principle 8: Safety and security

There are no apparent issues of safety and security created by this design.

Principle 9: Social dimensions

The apartment sizes are appropriate for this area.

Principle 10: Aesthetics

The buildings are relatively unarticulated in plan, however this potential drawback has been overcome in the design of the facades, by

- *stepping the buildings at midpoint of their length, thus creating a stepped roof line and facade treatment on every floor;*
- *providing small facade articulations; and*
- *providing some colour variations.*

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The main drawback in the facade design is the use of a relatively large area of white painted render. This contrasts too greatly with the predominantly native landscape, which is olive green / blue grey in colour, and makes the building excessively prominent. It is recommended that this white colour is replaced with a more mid-tonal range colour (while still contrasting with the colours of the balconies and roof level).

2.0 Conclusion and recommendations

It is recommended that:

- the white colour of a large part of the painted facades is replaced with a more mid-tonal range colour which relates better to the surrounding landscape;*
- the car park ramp is located under the building and to delete the ground floor apartment area which is taken up by the ramp;*
- the proposed front setback of 12m, with 40% being 10m, is accepted due to the other constraints on this site and the consistency of the proposed setbacks with adjoining developments.”*

The applicant addressed the above matters raised by Council’s Urban Design Consultant and the following design principles of SEPP 65 are now considered to be satisfied.

Principle 3 – Built Form:

The location of the driveway along the western boundary restricts the sites ability to provide sufficient levels of deep soil to allow for the planting of canopy trees. The applicant was requested to substantially increase the setback from the side boundary to allow greater area for landscaping. Agreement is reached with Council’s Landscape Officer and Urban Design Consultant that the location of the driveway within the western side setback of the site results in a visually dominant section of the development when viewed from Moree Street and the adjoining townhouses to the immediate west.

The setback of the proposed development to Moree Street has been incorrectly identified in relation to the definition provided in DCP 55 as being 10-12 metres from the front boundary. Section 4.3 of DCP 55 also requires that no more than 40% of the 10-12m setback may be occupied by the building footprint. The proposed development has a setback of 10 metres to Moree Street when assessed against the definition of setback and therefore fails to meet the requirements of DCP 55.

The built form is in line with the existing adjoining developments. Given that the height of the proposed development substantially exceeds those of adjoining developments by up to three (3) storeys, a reasonable setback for the development should be 10-12 metres to allow for some future modulation of the built form when viewed from Moree Street.

Principle 10 - Aesthetics:

An earthy tan, amended wall colour has been submitted to Council and this is considered satisfactory.

CONSULTATION – OUTSIDE COUNCIL

Energy Australia:

Energy Australia has commented on the proposal as follows:

“It will be necessary to establish an electrical substation on the development and an area to satisfy Energy Australia’s conditions for a kiosk type substation will need to be provided, or arrange for the consultation of a building type substation that the developer may consider more appropriate. The developer should be made aware within the DA conditions of Energy Australia requirements and space should be allocated that meets all the necessary statutory requirements. Final supply arrangements cannot be assessed until a comprehensive list of the electrical loading for the development is provided. Energy Australia request the Council to add advice into the development application that early notification to all service providers be required to ensure supply can be made available at a suitable location to all parties.

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

Council’s Development Engineer has reviewed these comments and has recommended conditions requiring compliance with the above requirements of Energy Australia.

STATUTORY PROVISIONS

State Environmental Planning Policy No 55 - Remediation of Land

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

The site is currently used for residential purposes. There is no evidence that indicates the site is contaminated nor would this be likely given the long established residential use of the site.

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

The application includes a design verification statement by architect for Nettleton Tribe Partnership, Michael Morgan. Mr Morgan has verified that he is a qualified designer and member of NSW Architects Registration Board and has designed the proposal in accordance with the design quality principles set out in Part 2 of SEPP 65.

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

Context:

The development is located between two areas of land zoned Residential 2(c). This land, to the immediate east and west of the proposed site, has been developed for townhouses up to two storeys in height. Moree Street is part of a larger area of Gordon which is undergoing transition. Nos. 29-31 Moree Street (to the west of Eden Terraces) have also been rezoned Residential 2(d3), to permit five storey residential flat buildings. The adjoining sites contain development up to two storeys in height and therefore the provision of suitable levels of setbacks and landscaping is vital.

The location of the driveway within the western side boundary setback severely limits the ability for the provision of canopy tree planting to screen the development when view both from the street and the adjoining dwellings to the west. This matter is considered to be of sufficient weight to refuse the application.

Scale:

The proposal provides substantial setbacks to most of the side and rear boundaries. Minimal setback has, however, been provided along the western boundary of the proposed driveway. The setback of 2.6 metres to the driveway will result in impacts on the adjoining property and does not allow for substantial screen planting, including canopy trees to minimise such impacts.

The remaining landscaping on the site complements and enhances the existing leafy character of the area, with particular attention to the rear of the site. The front setbacks are in keeping with existing adjoining development. However, as the proposed development will be five (5) storeys in height an increased setback is essential as this would assist in producing an acceptable relationship between the proposed development and the existing adjoining developments to the east and west.

An increased setback would also reduce any perceived bulk when viewed from Moree Street when viewed from the west.

Built form:

The development has been broken into two (2) residential flat buildings so as to provide generally good levels of amenity and landscaping to future residents. The buildings have been set back a minimum of 9 metres to each side boundary in order to ensure suitable area is provided for canopy tree planting and allow for views to be retained through the site.

The external materials proposed are considered appropriate for the locality. The development will contribute to the streetscape of the upper, eastern end of Moree Street and the properties to the rear facing Dumaresq Street with regard to built form. The exception to this is the built form, when viewed from the lower side of Moree Street. Due to the location of the proposed driveway, insufficient areas of deep soil landscaping may be provided to ensure that additional canopy

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planting can be provided and that the development would be in keeping with the future built form of the area.

Density:

The development has a floor space ratio of 1.28:1 which is just below the maximum FSR of 1.3:1 provided for in DCP 55, for residential flat buildings on sites greater than 2400m.

Resource, energy and water efficiency:

The proposal achieves a 4.5 star NatHERS energy rating for 66% (28 out of 42) of the apartments, with all apartments achieving a minimum standard of 3.5 stars.

76% of the apartments have been provided with cross-ventilation.

Landscape:

The proposal provides for 50.0% deep soil landscaping which complies with the requirements of clause 25I(2) of LEP 194.

Council's Landscape Officer has advised that the setback of the driveway to the western boundary does not allow for the provision of sufficient deep soil to allow for the establishment of 'tall' canopy trees as required by LEP 194. Council's Landscape Officer cannot support the proposed development due to its failure to provide sufficient width of deep soil planting along the boundary in order to sustain landscaping that would sufficiently screen and soften the development when viewed from the western end of Moree Street and the adjoining townhouses to the immediate west.

Amenity:

The proposed development provides for a mix of 2 and 3 bedroom apartments, all which attain a minimum NatHERS rating of 3.5 stars. The development has been designed so that the majority of the apartments have been orientated towards the north, east or west to ensure good levels of solar access are provided. Setbacks of 9 metres have been provided to the side boundaries which allow for good levels of spatial separation with the adjoining dwellings.

The development also provides compliant area of private (balcony and courtyards) and communal open space areas, which have been designed to generally face away from adjoining properties. This further assists the useability of the site and improves privacy and general amenity to the adjoining properties. However the minimal setback of 2.6m for the driveway to the western boundary does not provide a sufficient width of deep soil landscape to allow for sustainable canopy tree planting. This results in potential overlooking and general loss of amenity to the streetscape and neighbouring properties when viewed from the west (**refer Reason of Refusal No 4**).

The proposed location of the driveway is not satisfactory as it does not provide for a reasonable level of amenity to the adjoining residents and does not respond adequately to the characteristics of the streetscape.

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Safety and security:

The proposed development provides good levels of safety and security through:

- Maximising opportunities for surveillance of public spaces facing Moree Street from the orientation of the units and also internal observation of the open spaces areas surrounding the development.
- The provision of two pedestrian access paths from Moree Street linking each building and providing good sight distances.
- The use of landscaping along Moree Street to the ground floor apartments and courtyard areas.
- Security parking for residents beneath the apartment blocks.

Social dimensions:

The development provides a good mix of apartment styles, with 2 and 3 bedroom apartments (plus studies) catering to a variety of community needs. The development also meets the minimum requirements of clause 25N 'Management housing' of LEP 194, with the provision of 6 apartments (14%) which is in accordance with AS 4299-1995 Adaptable housing.

The development site is also within close proximity to public transport, with Gordon train station being within walking distance and access to buses available along the Pacific Highway.

Aesthetics:

The external design of the two residential flat buildings has used a variety of materials and finishes which attempt to reflect those materials common in the surrounding built environment.

The setbacks to Moree Street are consistent with those of adjoining developments, however additional setbacks of between 10-12 metres are required in order to minimise the bulk of 4-5 storeys on the street frontage. The development also fails to meet the requirements of section 4.3 of DCP 55 which requires that a maximum of 40% of the 10-12 metre zone may be occupied by building footprint. The development fails to comply in this respect.

Balconies have been contained within the built form to allow the elevations of each of the buildings to be modulated when viewed from the street frontage. The western and eastern elevations facing the adjoining existing townhouse developments have been softened with the inclusion of recessed balconies and shading devices

Residential Flat Design Code:

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

Relating to the local context

The development is broken into two (2) apartment buildings which have been designed to reduce the bulk of the development when viewed from the public domain. The apartment buildings have

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minimum setbacks of 9 metres to each side boundary, allowing substantial areas of landscaping to assist in the scaling of the development to the adjoining sites. The proposed driveway, however, has been located within the western side boundary setback (2.6 metres from the western boundary). This contravenes the requirements of section 4.1 of DCP 55 which requires that driveways not be located within the side setback areas. The control requires these areas to consist of deep soil landscaping. The location of the driveway restricts the sites ability to provide sufficient screen landscaping, including canopy tree planting along the western boundary adjoining driveway. In this regard, the development will appear out of scale with adjoining development and will not be sympathetic to the existing streetscape which consists of a dominance of trees.

The development is proposed over four (4) existing allotments and will require consolidation. Council's Development Engineer has recommended a suitable condition should the development be approved.

Site analysis

A satisfactory site analysis was submitted indicating the merits of the development in regards to building setbacks, landscaping response, access and parking for the site. These requirements have also been supported by specialists reports addressing impacts of the proposed development on the subject site and surrounding locality.

Building design

The proposed development is satisfactory in terms of its internal layout, natural ventilation and solar access. Up to 71% apartments receive a minimum of 3 hours solar access during the winter solstice, with 100% of the common open space receiving at least 3 hours solar access during this period.

The design of each of the residential flat buildings has encourages the use of multiple entrances and lift design to minimise long, dark lobbies. The design has also carefully considered the natural slope of the land in the use of the lifts for each of the buildings working over a split-level design. The exception to this is the location of the driveway within the western side boundary setback which limits the ability for suitable screen planting adjoining the townhouse at 21-27 Moree Street.

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

KU-RING-GAI PLANNING SCHEME ORDINANCE (KPSO) - LEP 194

COMPLIANCE TABLE		
Development standard	Proposed	Complies
Site area (min): 2400m ²	3686m ²	YES
Deep soil landscaping (min): 50%	50.0% (includes area for substation kiosk as required by Energy Australia)	YES
Street frontage (min): 30m	61.035m to Moree Street	YES

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COMPLIANCE TABLE		
Development standard	Proposed	Complies
Number of storeys (max): 5	Buildings: 5 storeys	YES
Site coverage (max): 35%	35%	YES
Top floor area(max): 60% of the level below	Block A: 60% Block B: 60%	YES YES
Storeys and ceiling height (max) (not inclusive of 5th floor): 4 storeys and 13.4m	4 storeys and < 13.4m	YES
Maximum projection of basement, storage or plant: Maximum 1.2m above natural ground	No part of the basement protrudes greater than 1.2m above ground level.	YES
Car parking spaces (min): <ul style="list-style-type: none"> 1 resident car space per dwelling if site >400m from railway station = 42 resident spaces 1 visitor car space per 4 dwelling = 11 visitor spaces 	69 resident spaces 12 visitor spaces	YES YES
Zone interface setback (min): 9m for the 3 rd and 4 th storey on land zoned 2(d3) to land that is not zoned 2(d3)	Block A: 9m Block B: 9m	YES YES
Manageable housing (min): 10% = 5 apartments	A minimum of 14% (6 units) of the units will meet the requirements of AS 4299-1995 – <i>Adaptable Housing</i> .	YES
Lift access: required if greater than three storeys	Provided to all buildings from basement levels to fifth floor.	YES

Clause 61G – Conservation areas

This clause requires that Council shall not grant consent to an application unless it has taken into consideration the extent to which the carrying out of the proposed development would affect the heritage significance of the conservation area. The applicant has not submitted information in relation to this matter. This matter is discussed in detail under section 3.4 of DCP 55 of this report.

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POLICY PROVISIONS**Development Control Plan No. 55 – Railway/Pacific Highway Corridor and St Ives Centre**

COMPLIANCE TABLE		
Development control	Proposed	Complies
Part 3.4 Development within an urban conservation area		
<ul style="list-style-type: none"> Design should respect the predominant architectural character of the UCA Buildings should be well articulated to avoid long continuous facades facing the street. Scale and massing of new buildings should be proportioned to respect and enhance the scale and character of adjacent or nearby development within UCA. New buildings should respect established building line patterns. 	No information has been provided in relation to the development falling within Urban Conservation area No. 14 - West Gordon.	NO
Part 4.1 Landscape design:		
Deep soil landscaping (min) <ul style="list-style-type: none"> 150m² per 1000m² of site area = 552.9m² 	840m ² +	YES
No. of tall trees required (min): 1 per 300m ² of site area = 13 trees	Minimum 13 trees to be planted on site	YES
Driveways shall not be located within side setbacks 6m	Driveway setback 2.6m from western boundary	NO
Part 4.2 Density:		
Building footprint (max): <ul style="list-style-type: none"> 35% of total site area 	35%	YES
Floor space ratio (max): <ul style="list-style-type: none"> 1.3:1 	1.28:1	YES
Part 4.3 Setbacks:		
Street boundary setback (min): <ul style="list-style-type: none"> 13m-15m 	10m	NO

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COMPLIANCE TABLE		
Development control	Proposed	Complies
Rear boundary setback (min): 6m	6.0m-9.6m	YES
Side boundary setback (min): 6m	Block A: 9m Block B: 9 m	YES YES
Setback of ground floor terraces/courtyards to street boundary (min): 8m	6.2m to courtyard wall on Blocks A and B	NO
% of total area of front setback occupied by private courtyards (max): • 15%	21.6%	NO
Part 4.4 Built form and articulation:		
Façade articulation: • Wall plane depth >600mm • Wall plane area <81m ²	Wall plane depth >600mm Block A: 86m ² and 86m ² (E) 91m ² and 91m ² (W) Block B: 110m ² and 110m ² (E) 110m ² (W) NB: Only areas of non-compliance have been noted, all other elevations meet the required dimension of 81m ² .	YES NO NO
Built form: • Building width <36m • Balcony projection <1.2m	Block A: 15m Block B: 15m All balconies are contained within the building envelope.	YES YES
Part 4.5 Residential amenity:		
Solar access: • >70% of units receive 3+ hours direct sunlight during winter solstice • >50% of the principle common open space of the development received 3+ hours direct sunlight during the	81.5% 100%	YES YES

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COMPLIANCE TABLE		
Development control	Proposed	Complies
<p>winter solstice</p> <ul style="list-style-type: none"> <15% of the total units are single aspect with a western orientation (Max 7 units) 	14% (6 units)	YES
<p>Visual privacy: Separation b/w windows and balconies of a building and any neighbouring building on site or adjoining site: Storeys 1 to 4</p> <ul style="list-style-type: none"> 12m b/w habitable rooms 9m b/w habitable and non-habitable rooms 6m b/w non-habitable rooms <p>5th storey</p> <ul style="list-style-type: none"> 18m b/w habitable rooms 13m b/w habitable and non-habitable rooms 9m b/w non-habitable rooms 	<p>12m b/w habitable rooms</p> <p>12m b/w habitable and non-habitable rooms</p> <p>12m b/w non-habitable rooms</p> <p>18m b/w habitable rooms</p> <p>18m b/w habitable and non-habitable rooms</p> <p>18m b/w non-habitable rooms</p>	<p>YES</p> <p>YES</p> <p>YES</p> <p>YES</p> <p>YES</p> <p>YES</p>
<p>Internal amenity:</p> <ul style="list-style-type: none"> Habitable rooms have a minimum floor to ceiling height of 2.7m Non-habitable rooms have a minimum floor to ceiling height of 2.4m 3+ bedroom units have a minimum plan dimension of 3m in at least two bedrooms Single corridors: <ul style="list-style-type: none"> serve a maximum of 8 units >1.5m wide >1.8m wide at lift lobbies 	<p>2.7m</p> <p>2.7m</p> <p>3m+ (for at least two bedrooms)</p> <p>Max 5 units</p> <p>Min 1.5m wide corridors</p> <p>Min 1.8m wide lift lobby</p>	<p>YES</p> <p>YES</p> <p>YES</p> <p>YES</p> <p>YES</p> <p>YES</p>

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COMPLIANCE TABLE		
Development control	Proposed	Complies
Outdoor living: <ul style="list-style-type: none"> Ground floor apartments have a terrace or private courtyard greater than 25m² Balcony sizes: <ul style="list-style-type: none"> 12m² - 2 bedroom unit 15m² - 3 bedroom unit <p>NB. At least one space >10m²</p> <ul style="list-style-type: none"> Primary outdoor space has a minimum dimension of 2.4m 	<p>Block A min 45m² Block B: min 40m²</p> <p>Block A: min 12m² Block B: min 12m²</p> <p>Block A: 15m² Block B: min 15m²</p> <p>Min one space 10m² Min 2.4m²</p>	<p>YES YES</p> <p>YES YES</p> <p>YES YES</p> <p>YES YES</p>
Part 4.7 Social Dimension:		
Visitable units (min): <ul style="list-style-type: none"> 70% = 110 apartments 	70%	YES
Housing mix: <ul style="list-style-type: none"> Mix of sizes and types 	2 and 3 bedroom apartments with study's	YES
Part 4.8 Resource, energy and water efficiency:		
Energy efficiency: <ul style="list-style-type: none"> >65% of units are to have natural cross ventilation Single aspect units are to have a maximum depth of 10m 25% of kitchens are to have an external wall for natural ventilation and light 90% of units are to have an average 4.5 star NatHERS rating with 10% achieving a 3.5 star rating 	<p>76%</p> <p>Max depth 9.5m</p> <p>48%</p> <p>4.5 star average rating = 100% 3.5 star average rating = 0%</p>	<p>YES</p> <p>YES</p> <p>YES</p> <p>YES YES</p>

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COMPLIANCE TABLE		
Development control	Proposed	Complies
Part 5 Parking and vehicular access:		
Car parking (min):		
42 resident spaces	69 spaces	YES
11 visitor spaces	12 spaces	YES
TOTAL 53 spaces	81 spaces	YES

Part 3.4 Development within an urban conservation area

No information has been provided in relation to the development falling within Urban Conservation area No. 14 – West Gordon.

Part 4 Design principles and controls:**Part 4.1 Landscape design:**

The proposed driveway has a setback of 2.6 metres to the western boundary. DCP 55 restricts the location of driveways within a side boundary setback (6m) to ensure that the areas consist of deep soil landscaping to meet the objectives of the control. In particular, to minimise the visual impact of hard building surfaces by vegetation and trees when viewed from the public domain and neighbouring properties.

Council's Landscape Officer has reviewed the proposal and cannot support the development due to the lack of available deep soil planting to ensure the establishment of tall canopy trees and lower level screening vegetation. This issue has been discussed in detail under *Consultation – within Council – Landscaping* above.

The location of the driveway within the western side boundary will not allow for suitable screen planting to the development when approaching the site from the western end of Moree Street and will not reduce the bulk and scale of the development when viewed from the townhouses on the western side of the site. The application fails to meet the aims of the controls by limiting the deep soil landscaping area along the western side of the driveway and cannot be supported in its present form.

Part 4.3 Setbacks

The proposal fails to comply with the numerical standard of the DCP which requires:

'where a site has a depth of more than 45 metres and a width of more than 35 metres, a front setback of 13-15 metres shall apply unless it can be demonstrated that:

- The increased setback will result in the loss of significant vegetation; and*
- Other standards contained within the DCP and LEP 194 will be compromised.'*

A setback of 10 metres to Moree Street is proposed. Council's Urban Design Consultant recommends that, due to the interface setbacks on either side boundary of the site, it is not possible

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to provide the 13-15 metres setback required, however, supports a setback of 10-12 metres. The proposed development has an unbroken setback of 10 metres to Moree Street. While the wall of the apartments has been stepped back behind each balcony to a setback of 13 metres, the definition of a setback in DCP 55 stipulates that the setback applies to the external plane of the building, including the external plane of any balcony.

In this regard, the proposal fails to provide an adequate setback to Moree Street. Given the two (2) storey height of the adjoining developments, the proposed development should provide a modulated setback of 10-12 metres to allow for a reduction in the massing of the proposed buildings when viewed from Moree Street and adjoining properties.

The variation to the front building setback is therefore not supported.

The proposed development fails to comply with the numerical control of DCP 55 which requires that, ground floor private terraces/courtyards must be set back 8 metres from the street boundary or 11 metres where the setback is 13-15 metres to allow for deep soil planting within the common area. The aim of this control is to ensure suitable setbacks have been provided to allow for the establishment and maintenance of canopy trees and that the private open space areas do not visually dominate the front of the building.

The ground floor terraces and courtyards facing Moree Street propose a minimum setback of 6.2 metres to the front boundary. Council's Landscape Officer has reviewed the proposed setbacks to Moree Street and advises that an increased setback up to 7.5 metres is required, so as to allow for the establishment of tall trees. This increased setback will allow for a larger common area of landscape planting to be provided to sufficiently screen and soften the development from the streetscape. The proposed setback of the courtyards to 6.2 metres is therefore not supported.

Part 4.4 Built form and articulation

Several wall planes of the proposed development exceed the maximum 81m² as required under Section 4.4 of DCP 55. The areas which fail to comply are as follows:

Block A: 86m² and 86m² (E)

91m² and 91m² (W)

Block B: 110m² and 110m² (E)

110m² (W)

The objective of the control is to ensure that new developments are of a high architectural quality, have a predominance of soft landscaping features and mitigate change in scale between new development and existing. The variations to these controls face towards the side boundaries which propose up to 9 metres deep soil landscaping. These landscaped areas will allow for the provision of a mix of landscaping which will include canopy trees to assist in the softening of the building mass. The variety of finishes and materials used in the development will break down the perceived bulk of the development along these wall planes. The applicant has also included shading structures along the northern and western elevations in order to provide increased amenity to the residents of the development. The variations to the control are minor and the development meets the objectives of the control.

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Development Control Plan No 31 - Access

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

Development Control Plan No 40 - Construction and Demolition Waste Management

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

Development Control Plan No 43 - Carparking

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

Section 94 Plan

The development would attract a section 94 contribution of \$988,318.96.

The figure is calculated on the following basis, utilising Ku-ring-gai Section 94 Contributions Plan 2004-2009 Residential Development, adopted 30 June 2004. This would only apply were the proposal to be approved.

State Environmental Planning Policy No 10 Low Cost Rental Accommodation

The development is not defined as being affordable housing under the provisions of State Environmental Planning Policy No. 10 (SEPP No. 10) – Low Cost Rental Accommodation as it is not included in any of the following;

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

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

Statutory controls

The subject site is zoned residential 2(d3) under the provisions of the KPSO. Development for purposes of strata subdivision is permissible with the consent of Council. The development does not propose strata subdivision.

LIKELY IMPACTS

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

SUITABILITY OF THE SITE

The site is suitable for the proposed development.

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ANY SUBMISSIONS

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

PUBLIC INTEREST

The approval of the application in its current form is not considered to be in the public interest.

ANY OTHER MATTERS CONSIDERATIONS NOT ALREADY ADDRESSED

There are no other matters for discussion.

CONCLUSION

Having regard to the provisions of section 79C of the Environmental Planning and Assessment Act 1979, the proposed development is not considered to be satisfactory. Therefore, it is recommended that the application be refused.

RECOMMENDATION

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

THAT Council, as the consent authority, refuse development consent to Development Application No. 0240/05 for the construction of two, five storey residential flat buildings with forty-two (42) apartments, over basement parking containing eighty-one (81) car spaces and landscaping on land at 11-19 Moree Street, Gordon, for the following reasons:

1. The location of the proposed driveway within the western side boundary setback fails to provide sufficient area of deep soil landscaping to ensure the establishment of large canopy trees and landscape screening for the adjoining properties and Moree Street, as required under section 4.1 Landscape Design of DCP 55 - Ku-ring-gai Multi-Unit Housing.

Particulars:

- a. A side setback of 2.6 meters has been provided to the western boundary for the driveway. This limits the potential for deep soil landscaping and tall tree canopy planting are required by LEP 194 and DCP 55 and has an unreasonable impact on the adjoining townhouses to the west at 21-27 Moree Street. (*Refer: LEP194 clause 251 Heads of Consideration (1)(c) and DCP 55 Part 4.1, C-3*).
2. No information has been submitted in relation to the design of the development with regards to Urban Conservation Area 15 – West Gordon as identified in section 3.4 Development within an urban conservation area and appendix B of DCP 55 - Ku-ring-gai Multi-Unit Housing.
3. The front setback, use and design of the front setback, and design of the apartment building front elevation, results in undue imposition of built form (height and bulk) upon the streetscape and adjoining properties.

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Particulars:

- a. A front setback of 10 metres has been provided to Moree Street. This limits the potential for deep soil landscaping and tall tree canopy as required by LEP194 and DCP 55 and has consequent adverse impact on the Moree Street streetscape.
 - b. The limited front setback to Moree Street includes courtyards with a minimum setback of 6.2 metres as opposed to a required 8 metres. This will not allow for acceptable deep soil landscaping and sufficient tall tree canopy within the front setback and has consequent adverse impact on the More Street streetscape. (*Refer: LEP194 clause 25I Heads of Consideration (1)(c) and DCP 55 Part 4.3, C-2 and C-7*).
4. The location of the proposed driveway within the western side boundary setback fails to provide sufficient deep soil landscaping to ensure the provision of privacy and amenity to the adjoining properties (*Refer: LEP 194 clause 25I(1)(b) Heads of consideration*).

C Otto
Executive Assessment Officer

S Segall
Acting Team Leader - Central

M Prendergast
Manager
Development Assessment Services

M Miocic
Director
Development and Regulation

Attachments:

- Locality plan**
- Architectural drawing**
- Zoning extract**
- Landscape plan**
- Site analysis**

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DEVELOPMENT APPLICATION

SUMMARY SHEET

REPORT TITLE:	35 TO 37 MILLEWA AVENUE, WAHROONGA - DEMOLITION OF DWELLINGS, CONSTRUCTION OF A 4 STOREY RESIDENTIAL FLAT BUILDING CONTAINING 18 DWELLINGS, ASSOCIATED CAR PARKING AND STRATA SUBDIVISION.
WARD:	Wahroonga
DEVELOPMENT APPLICATION N^o:	135/05
SUBJECT LAND:	35 to 37 Millewa Avenue, Wahroonga
APPLICANT:	Advocate Developments Pty Ltd
OWNER:	John Briggs (No 35), Donald James Mackenzie (No 35) and JO and KJ Plume (No 37)
DESIGNER:	Krikis Tayler Architects
PRESENT USE:	Residential
ZONING:	Residential 2(d3)
HERITAGE:	No heritage or conservation status
PERMISSIBLE UNDER:	KPSO – LEP194
COUNCIL'S POLICIES APPLICABLE:	KPSO - LEP 194LEP194, DCP31– Access, DCP40–Waste Management, DCP43–Carparking, DCP47–Water Management
COMPLIANCE WITH CODES/POLICIES:	Yes
GOVERNMENT POLICIES APPLICABLE:	SEPP55, SEPP65, SREP20
COMPLIANCE WITH GOVERNMENT POLICIES:	Yes
DATE LODGED:	18 February 2005
40 DAY PERIOD EXPIRED:	30 March 2005
PROPOSAL:	Demolition of dwellings, construction of a 4 storey residential flat building containing 18 dwellings, associated car parking and strata subdivision.
RECOMMENDATION:	Approval.

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DEVELOPMENT APPLICATION N^o 135/05
PREMISES: 35 TO 37 MILLEWA AVENUE,
WAHROONGA
PROPOSAL: DEMOLITION OF DWELLINGS,
CONSTRUCTION OF A 4 STOREY
RESIDENTIAL FLAT BUILDING
CONTAINING 18 DWELLINGS,
ASSOCIATED CAR PARKING AND
STRATA SUBDIVISION.
APPLICANT: ADVOCATE DEVELOPMENTS PTY LTD
OWNER: JOHN BRIGGS (NO 35), DONALD JAMES
MACKENZIE (NO 35) AND JO AND KJ
PLUME (NO 37)
DESIGNER KRIKIS TAYLER ARCHITECTS

PURPOSE FOR REPORT

To determine DA135/05, which seeks consent for the demolition of 2 existing dwellings, the construction of a 4 storey residential flat building containing 18 residential units above basement car parking for 27 vehicles, landscaping and strata subdivision

EXECUTIVE SUMMARY

EXECUTIVE SUMMARY

Issues: Streetscape;
Landscaping; and
Drainage/creation of an easement.
Submissions: Eleven (11)
Pre DA: Yes
Land & Environment Court Appeal: N/A
Recommendation: Approval

HISTORY

Site history:

The site has historically been zoned and developed for the purpose of low density residential.

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

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Development application history:

- 13 September 2004, Pre-DA meeting held with Council.
- 18 February 2005 application lodged.
- 1 March 2005, request for written confirmation of a drainage easement, a detailed arborists report and tree management plan.
- 9 March 2005, surrounding property owners notified of the application.
- 8 April 2005, expiration of notification period. Eleven (11) submissions received.

THE SITE AND SURROUNDING AREA

The site

Visual character study category:	1920-1945
Legal description:	Lots 81 and 82 DP 2666
Heritage affected:	Yes, Proximity of UCA No. 26
Bush fire prone land:	No
Endangered species:	No
Urban bushland:	No
Contaminated land:	No

The site comprises two existing lots recognised as Lot 81 DP 2666 (No. 35 Millewa) and Lot 82 DP 2666 (No. 37 Millewa Avenue) Wahroonga. These properties are located on the northern side of Millewa Avenue, opposite the North Shore Railway Station.

The site is trapezoidal in shape and measures 1972m² in area, with a 2 metres cross fall from the front to the rear boundary. The site has a frontage of 37.695 metres to Millewa Avenue and an average depth of 59.3 metres.

No. 35 Millewa Avenue is currently developed with a single storey cottage.

No. 37 Millewa Avenue is also occupied by a single storey cottage.

Surrounding development:

The site is located within a low density area which has recently been rezoned as Residential 2(c2), 2(d3) and 2(e).

The site is located on a block bounded by Woniora Avenue to the north, Woonona Avenue to the north-west and Neringah Avenue North to the east. These streets are generally developed with large, older style, Federation or Californian Bungalow style dwellings.

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To the east of the site, near the junction of Coonanbarra Road, is a childcare centre. A shop and café exist further around the corner on Coonanbarra Road, opposite Wahroonga Park.

Housing opposite of Wahroonga Park along Coonanbarra Road consists of ornate Federation style bungalows.

The existing character of the area is established by a mixture of older style housing within a mature, formal landscaped setting.

Some older style three storey walk up flats exist along Millewa Avenue, near its intersection with Coonanbarra Road in addition to some free-standing dwellings.

The site is located within proximity of the F3 Freeway, Wahroonga Park and Wahroonga Village Shopping Centre.



Photograph of adjoining dwelling to East, No. 33 Millewa Avenue, Wahroonga with No. 35 in the foreground.

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Existing brick dwelling at No. 37 Millewa Avenue. Adjoining dwelling to the West, No. 39 Millewa Avenue Wahroonga shown left.

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Adjoining townhouse development to the rear, No. 12 Woniora Avenue, Wahroonga.

THE PROPOSAL

The proposal involves the demolition of two (2) existing dwellings and construction of a four (4) storey residential flat building containing eighteen (18) units, two (2) levels of basement parking for twenty-seven (27) cars, landscaping works and strata subdivision.

Details of the proposed development are as follows:

Basement Level 1

Two way vehicular ingress and egress from Millewa Avenue, parking for eight (8) resident cars (including two (2) disabled spaces), visitor parking for five (5) cars (including one (1) disabled visitor space), lift and fire stair access.

Basement Level 2

Two way vehicular access, parking spaces for fourteen (14) residents, eight (8) store rooms and lift and fire stair access.

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Ground Level

Two (2) two bedroom units (Unit No.'s 1 and 3) and two (2) three bedroom units (No.'s 2 and 4). Each unit with ground floor courtyard area (refer *Compliance Table*).

Level 1

Four (4) two bedroom units (Units No.'s 5, 7, 8, 10) and two (2) one bedroom units (Unit No.'s 12 and 15).

Level 2

Four (4) two bedroom units (Unit No.'s 11, 13, 14 and 16) and two (2) one bedroom units (Unit No.'s 12 and 15).

Levels 3 and 4

Two (2) three bedroom units (Unit No.'s 17 and 18).

Landscaping

Peripheral tall canopy tree and shrub planting surrounding open lawn areas. Refer landscape plan.

Front Fence

Masonry pier and timber batten front fence.

Strata Subdivision

Two lots (2) into eighteen (18) plus areas of common property.

CONSULTATION - COMMUNITY

In accordance with Council's Notifications Policy, 134 surrounding property owners were notified of the proposal response, submissions from the following were received:

1. *Stephen Jarrett: 5/86-90 Coonanbarra Road, Wahroonga*
2. *Mr Jack Ford and Mrs Jean Ford: 1/4 Woniora Avenue, Wahroonga*
3. *Patricia Peake: 39 Millewa Avenue, Wahroonga*
4. *SP 691162: Joan Hart, 12 Woniora Avenue, Wahroonga*
5. *Mrs F Samuels: 3/12 Woniora Avenue, Wahroonga*
6. *Ellen Wells: 2/68 Coonanbarra Road, Wahroonga*
7. *David and Joan Hart: 2/12 Woniora Avenue, Wahroonga*
8. *Vivienne Michelle Ritchie: 33 Millewa Avenue, Wahroonga*
9. *Ian A Ramage and Susan P Ramage: 2/25-29 Millewa Avenue, Wahroonga*
10. *Mr and Mrs Cockinos: 4 Douglas Avenue, Wahroonga*

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The submissions raised the following issues:

Impact on area character:

- * ***The design is out of character with surrounding suburban housing.***
- * ***Impact of the development on the treed, open, landscaped character of the locality.***

The immediate context of the site is predominately a low density 'garden suburb'. Some low rise walk-up flat buildings are located within walking distance of the railway along Millewa Avenue. These buildings have generous front setbacks and are surrounded by trees and landscaping.

The area is under transition as a result of the recent rezoning to Residential 2(d3). Under Local Environmental Plan (LEP) No. 194, the area may be developed for the purpose of residential flat buildings. The future character of the area is to increase housing choice/density of a high quality architectural and urban design whilst maintaining the areas predominant landscape character and tree canopy.

LEP 194 and the associated DCP 55 promote the protection of the environmental qualities and biodiversity/habitat through maintaining a consistent tree canopy.

Deep soil landscaping, maximum site coverage (for buildings) and replenishment of endemic tree species are primary development considerations under Clause 25 of LEP 194. These controls guide the pattern, contain the density and the visual presence of development in the area.

Pursuant to Clauses 3 ('*Local Context*') and 4 ('*Design Principles*') of DCP 55, development must '*sympathise*' with the local context and landscaped character of the area. A detailed discussion of these controls is provided under DCP 55.

The size and scale of the proposed residential flat building represents a denser form of development than the established pattern of housing. However, the development is consistent with new controls and objectives for the site contained within LEP 194 and DCP 55 and results in an appropriate development as detailed within this report.

Vehicular access and egress and increased congestion of local traffic flows:

- * ***Existing usage of the area for school traffic, use of the park, commuter parking;***
- * ***Increased use of the Wahroonga Village, Coonanbarra Road and Millewa Avenues as thoroughfares;***
- * ***Increased traffic volumes and congestion and increased risk of pedestrian/vehicular accidents.***

The application has been considered by Council's Development Engineer with respect to access and traffic issues.

The proposed dwelling yield will not significantly increase local traffic volumes. The development provides a basement car park to meet the requirements of Council's Car Parking DCP and DCP 55.

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Appropriate and safe egress is proposed allowing vehicles to exit the site in a forward direction. Sufficient visibility is available to Millewa Avenue, reducing the likelihood of pedestrian or vehicle altercations.

Subject to conditions, Council's Development Engineer considers the proposal acceptable in relation to access and traffic considerations.

The proposed one bedroom units will not create positive social and economic impact for Wahroonga.

The proposed multi-unit development replaces existing dilapidated housing which does not currently provide any particular social, economic or aesthetic benefit to the area.

The proposed development is consistent with the 'social dimensions' provisions of SEPP 65, LEP 194 and DCP 55. The development provides a range of unit types and sizes, some are 'manageable' and 'visitable' for people with disabilities.

The proposal responds to the social context and changing needs of the local community in providing for a variety of lifestyles and family sizes close to public transport and community facilities. The proposal is consistent with objectives of LEP 194 Clause 25C(2) (a) and (g) in that the development provides *increased housing choice*, with a *high level of residential amenity in building design*.

The proposal is also consistent with the 'Social Dimensions' objectives of SEPP 65 and DCP 55.

Demolition of fibro/asbestos potentially compromising the existing health and safety of surrounding residents.

The dwelling located at No. 35 Millewa Avenue is clad in fibrous cement which is likely to contain asbestos fibres.

The dismantling and disposal of asbestos containing materials is of no danger to human health if carried out according to correct and safe demolition procedures. The dismantling of fibro is covered by *Australian Standards AS 2601 – 1999: The Demolition of Structures, Occupational Health and Safety amendment (chrysotile asbestos) Regulation 2003* and guidelines specified by Workcover NSW.

Conditions are attached to the recommendation requiring demolition in accordance with the above. Refer to recommended **Conditions No. 101, 103, and 104.**

Disposal of stormwater and drainage. The impact on intensifying the use of the easement granted to 35 Millewa Avenue across 12 Woniora Avenue and the impact on existing pipes and nearby sewer pipes, disturbance to fencing, landscaping and paving.

Concern was raised over the generation of additional stormwater, the proposed method of stormwater disposal and increased pressure on existing drainage easements.

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The applicant has provided Council with various viable easement scenarios, however has not successfully negotiated an easement to drain across downstream properties.

The proposal will not exacerbate stormwater impacts in the area or for surrounding properties. Any intensification of existing drainage channels/pipes would be undertaken in accordance with Council's design standards at the cost of the applicant.

Council's Development Engineer has assessed the development with respect to stormwater and is satisfied that, subject to a Deferred Commencement condition requiring the submission of suitable drainage easement details, the proposal is acceptable in this respect. Refer to ***Recommendation, Schedule A.***

Loss of native vegetation.

The proposed development will result in the loss of some vegetation on the site. A detailed landscaping plan and arborist's report have been submitted.

Refer to discussion of 'Landscaping' (referrals below) and the discussion of *SEPP 65: Principle 14* relating to 'Landscape'.

The proposed development will not result in removal of significant landscaping. The new landscaping to be provided in association with the development and subject to conditions, is consistent with Council's requirements and guidelines.

Overshadowing and privacy impacts for adjoining properties:

- * ***Balcony and bedroom areas along the northern elevation will overlook No. 3/12 Woniora and swimming pool area of 39 Millewa Avenue***

Shadow diagrams have been submitted with the application. Shadows cast by the development will not unreasonably impact upon the amenity of adjoining properties (refer to discussion of *Residential Amenity* in *DCP 55* with respect to solar access and residential amenity).

Noise, water, dirt during construction.

Noise, water and dirt during construction can be effectively dealt with via specific conditions of consent addressing these matters. Refer to **Conditions No. 13, 32, 37, 39, 42, 43, 48, 66, 68 – 70, 92 - 96, 100, 101-107, 109-111.**

Overdevelopment and ability of existing infrastructure to support proposed development.

Sufficient resources and services exist in the area to support the development. Refer to discussion of *LEP 194, DCP 55* and comments from *Energy Australia, Sydney Water* and Council's *Development Engineer* below.

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CONSULTATION - WITHIN COUNCIL

Urban Design Consultant

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

"Principle 1: Context"

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

Comment:

The site is within walking distance of Wahroonga Railway Station and is in reasonably close proximity to the shopping centre.

The existing built form context for this development is comprised of:

- *Detached houses*
- *The northern railway line opposite the site.*

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

The existing natural context is comprised of:

- *A sloping site, with approximately 3 metre fall from the street to the rear of the property;*
- *Some substantial existing street trees;*
- *Some tall trees within the front setbacks of the adjacent houses.*

The proposed future landscape context within LEP 194 and DCP 55 is to contain substantial mature tree planting within the front, side and rear setbacks of the development.

The proposed development will related reasonably well to its future built form context, as this 3.6 storey building will be within the context of other 3.6 storey and 4.6 storey buildings in the 2 (d3) zone.

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 the existing

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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 is acceptable, as the development complies with the allowable building height. The building height will be in scale with future 3.6 storey and 4.6 storey buildings. The fall of the land from the front to the rear of the site, with the ground floor level being half a level below the street will further reduce the scale of the building within the street.

The front, side and rear setbacks will create sufficient separation between this building and neighbouring buildings so that the bulk of development on this site and within the street will be acceptable.

Principle 3: Built form

SEPP 65: Good design achieves an appropriate building form for a site and the buildings purpose, in terms of building alignments, proportions, building type and the manipulation of building elements.

Comment:

The building alignments comply with the building front, site and rear setbacks in LEP 194 and DCP 55.

The building façade to the street and to the rear is stepped in plan. This creates articulated facades with vertical façade proportions, which are appropriate.

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 proposal complies with the maximum building footprint of 35% and the building height in LEP 194.

Principle 5: Resource, energy and water efficiency

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

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Comment:

The proposal achieves a NatHERS rating of an average of 4.5 stars, which complies with DCP 55.

Fourteen out of eighteen apartments (77%) receive 3 hours sunlight to the living area of the apartments between 9am and 3pm in midwinter. The SEPP 65 Residential Flat Design Code requirement is for 3 hours sunlight to 70% of the living rooms and balconies.

The SEPP 65 Residential Flat Design Code recommends that more than 60% of apartments are cross ventilated. 14 out of 18 apartments are cross ventilated, which is 77%.

Principle 6: Landscape

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

Comment:

The proposed landscape design removes some key existing trees, including a tallwood/coachwood and a brushbox. The brushbox is to be replaced in another location, however the tallwood/coachwood will be lost. It is recommended that this tree, and others, be reviewed to establish whether they can be retained.

Greater than 50% of the site is deep soil area.

Principle 7: Amenity

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

Comment:

Sun access and cross ventilation is acceptable. The apartment layouts are reasonably efficient. Privacy is acceptable due to the site and rear setbacks.

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

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

Comment:

There are no apparent issues of safety and security created by this design.

Principle 9: Social dimensions

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

Comment:

The apartment sizes are appropriate for this area.

Principle 10: Aesthetics

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

Comment:

The facades are reasonably well articulated and proportioned. The colour scheme will relate reasonably well the native trees in the landscape. The aesthetics will related reasonably well to the native trees in the landscape. The aesthetics are acceptable.

Conclusions and recommendations

It is recommended that the existing tallowood/coachwood tree and others be reviewed to establish whether they can be retained.

Comment:

The development is approved following these amendments.

Council's Landscape Development Officer raises no objection to the removal of the abovementioned trees (as referred to by the Urban Design Consultant). Refer to comments below. It is therefore not considered necessary to impose the recommendations of the Urban Design Consultant in this regard.

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Heritage

The site is located within proximity of the Wahroonga Urban Conservation Area No. 27. Council's Heritage Advisor, Mr Paul Dignam reviewed the application and made the following comments:

"The proposed design is clearly contemporary consisting of 4 levels all contained in one building. The building is planned around a central corridor with lift access. Being a site resulting from the amalgamation of two lots, it has potential to provide 4 levels, with the fourth level reduced in size.

There is a mix of dwellings with one, two and three bedroom units. The ground floor units are set down in the site, responding to the natural ground level resulting in a low building when seen from Millewa Avenue. The building would visually present as 3 levels. There is a definition between the bottom, middle and top. The butterfly roof is a 1950s 'abstract' design element that always causes problems with a central box gutter. I do not object to it as a design element but note that care needs to be taken with detailing of the box gutter.

I suggest recessive colours be used and some variety could be achieved by using different materials at the ground floor and top floor such as face brick or stone cladding.

I do not object to demolition of the two houses, but recommend that a history be undertaken for the timber framed house at No. 35 Millewa Avenue and be included with photographic recording of the house. I recommend recording also be undertaken for the house at No. 37 Millewa Avenue.

This site does not have major heritage issues. This part of Wahroonga has seen modest construction. There might be some impact on the heritage item at No. 8 Woniora Avenue as the northern elevation of the proposed building would be seen as a backdrop behind the heritage item. In my opinion, the impact would be minimal as it does not adjoin the site and is screened by existing trees.

The proposed design of the building is considered to be consistent with the objectives of SEPP 65, LEP 194 and DCP 55. The proposed materials of construction are also considered acceptable.

Landscaping

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

"The proposed development will result in the clearing/removal of vegetation on site and the removal of one Lophostemon confertus (Brushbox) located on Council's nature strip. The Brushbox is outwardly healthy but has a poor form as a result of regular pruning to accommodate overhead wires. No other significant trees are located on site. Landscape Services raises no objection to the removal of the existing vegetation located on site due to,

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poor structural integrity or poor form, undesirable species, low landscape significance, or their location within the proposed development works.

As stated within the arborists report the proposed development/landscape works will result in an additional twenty three (23) canopy trees being planted around the perimeter of the site, of which fifteen (15) are native to Ku-ring-gai, although not endemic to the site. A very limited plant palette has been proposed for tree replenishment for the site, this is not particularly desired as it does not promote biodiversity. It will be required (conditioned) that a variety of native endemic tree species be incorporated into the landscape design which are endemic to the Sydney Bluegum High Forest plant community. Tree replenishment for the site exceeds Council's minimum requirements as stated within DCP55.

Arborist's report

A detailed arborists report by UTM (Laurie Dorfer) has been submitted with the application. The arborist has identified a total of 22 trees that are located on or associated with the site. Two trees, #'s 13 and 17 have been recommended for retention, both are located off site. Tree #13 is a mature Lophostemon confertus (Brushbox) located on Council's Millewa Ave nature strip, and #17 is a Pittosporum undulatum (Sweet Pittosporum) located on the adjoining property. All other trees have been recommended for removal. Landscape Services raises no objection to the removal of the existing vegetation located on site due to, poor structural integrity or poor form, undesirable species, low landscape significance, or their location within the proposed development works.

Landscape plan

As proposed the landscape works for the site will result in a formally structured, layered garden setting for the development. The plant palette is limited and relies on foliage colours and textures for visual interest. No objection is raised to the design intent for the site as it is reflective of many domestic gardens in the vicinity, however it is required, as previously mentioned, that a greater variety of tree species that are endemic to the Sydney Bluegum High Forest, the original plant community that once inhabited the site pre urban development, be utilised on site to promote and sustain biodiversity. This can be conditioned. In addition some 'canopy' trees have been inappropriately placed immediately adjacent to the proposed building which will hinder their development. It will be required/conditioned that these trees be located with greater offsets from the development proposal to ensure their ability to grow to maturity. Once established and matured the landscape will provide sufficient screening and visual filtering to and from the site from adjoining properties and the street.

Deep soil landscaping

By the applicant's calculations the proposed development will result in 986sqm or 50% of the site being areas that comply with deep soil landscaping, which complies with the numerical requirements as defined by the LEP.

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Setbacks

The proposed site boundary setbacks for the development can be supported by Landscape Services as they allow for adequate deep soil landscaping to provide sufficient screen planting and tree replenishment for the site.

It is noted that the proposed vehicular driveway for the site is located adjacent to the eastern site boundary within the side setback which does not strictly comply with DCP55. However, given the 2.6m setback from the site boundary to the driveway retaining wall, and the planting proposed, Landscape Services considers that the intent of the DCP and LEP have been satisfied and that there is sufficient deep soil landscaping area in this setback for the establishment of small trees and screen planting.

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

The proposed development is consistent with LEP 194 and DCP 55 with respect to the provision and design of soft landscaping on the site. Subject to conditions, the landscaping proposed will effectively screen the development and integrate the development with the landscaped character of the area (refer to **Schedule B Conditions No. - 2, 4, 5, 6, 12 and 14**).

Engineering

Council's Engineering Assessment Officer has commented on the proposal as follows:

A pre-DA meeting was held for this site at which the applicant was presented with assessment criteria related to the engineering aspects. Generally the applicant has had regard to the engineering issues raised at this pre-DA meeting.

Subdivision

The application form and SEE indicate that subdivision is proposed under this DA, so subdivision conditions are recommended. So that the building is not constructed across lot boundaries, the applicant will be required to consolidate all the lots prior to issue of the Construction Certificate.

Traffic generation and vehicle access

A Traffic and Parking Assessment Report by Dobinson and Associates was submitted. The report contains a parking calculation under DCP 43, not LEP 194. Fortunately the number of spaces required is the same (this is not always the case). Because the site is further than 400m to Wahroonga Station, a minimum of 22 resident spaces and 5 visitor spaces are required. The proposal provides 27 spaces and therefore complies.

The report contains the statement "The designer indicates that the parking layout complies with AS2890.1-2004". This is not actually the case in relation to the turn at the bottom of the access ramp, which does not allow for two way movement and does not comply with the

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limiting dimensions recommended in the Australian Standard for curved ramps. However, given the low traffic volumes, it is considered that the entry may be used by one vehicle at a time.

The removal of the roller shutter at the entrance to basement 1 to allow access for the waste collection vehicle (see conditions) will improve the accessibility of the visitor spaces.

Traffic counts in Millewa Avenue indicated relatively high traffic volumes. The report recognises the use of Millewa Avenue for access to the railway car park and Wahroonga Station but does not mention the freeway overpass to the west and access to Hornsby via Alexandria Parade. Nevertheless, the anticipated increase in traffic due to the subject development would be 6 trips per peak hour. This is not considered to be a significant increase.

There is a low level footpath along this section of Millewa Avenue, so the appropriate profile for the new vehicular crossing will be a maximum low level number 3 or 4. A street tree is shown to be removed. This is supported by Council's Landscape Development Officer. Sight distance is adequate to the right, to the left slightly obscured by parked cars. It is considered that with the widening of the driveway to accommodate two way movements, adequate sight distances will be available for vehicles turning right into Millewa Avenue.

Construction management

A Construction management Plan has not been submitted. When such a plan is prepared for the Construction Certificate documentation, truck routes will need to be identified.

A Works Zone will be required along the Millewa Avenue frontage, and a condition has been recommended to that effect, including the need for approval by Traffic Committee and the payment of the necessary fees.

A Works Zone will be required along the Millewa Avenue frontage, and a condition is recommended to that effect, including the need for approval by the Traffic Committee and the payment of necessary fees.

In line with the recommended conditions for other developments in this area, it is considered that construction traffic movements should not take place during school peak periods.

Garbage collection

A waste storage and collection area is required internally under Council's DCP 40 for Waste Management. This has been provided in the lower basement parking area and there is adequate provision for Council's waste collection vehicle to enter the subject site, collect the garbage and then exit the site in a forward direction. A roller shutter is shown on the architectural plans. This will have to be deleted on the Construction Certificate drawings, and a condition is included to that effect.

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Impacts on Council infrastructure and associated works – comments

Sydney Water has been notified of the development as an adjoining landowner. The letter from Sydney Water refers to the sewer and water mains which traverse this site. The treatment of these assets either by encasement or relocation will be covered by the Notice of Requirements and Section 73 Certificate to be obtained by the developer during the course of the works.

Energy Australia has advised that a substation will probably not be required, but this is not definite. Undergrounding of services will be required, and Energy Australia has specified that at least 4m1150mm conduits be installed in the footway across the frontage of the development, which may be expected to damage the footpath and nature strip. Dilapidation surveys will be required before and after the works, with full restoration of any damage by the developer prior to the issue of an Occupation Certificate.

Replacement of the bitumen footpath with a concrete path is required.

Temporary rock anchors may be required for excavation support, and may extend beneath Millewa Avenue. This is further discussed below. Council's approval under the Roads Act would be required.

A \$20,000 bond to cover restoration of damage (or completion of incomplete works by Council) is to be applied.

Site drainage

A drainage easement through 12 Woniora Avenue was obtained by the previous owners of 35 Millewa Avenue to allow the construction of a new dwelling. This development did not proceed. The easement is appurtenant only to 35 and not 37 and is of maximum width only 1 metre with narrower sections adjacent to the buildings.

Other constraints the construction of an underground piped system are: restricted headroom, width down to 0.8 metres, property sewerage line in easement location, proximity of easement to foundations of townhouses and large tulip tree in neighbouring property.

The applicant has arranged for his engineer to assess the feasibility of this work and the engineer has advised by letter (Appleyard Forrest letter and plan dated 15 June 2005) that he considers it to be feasible. In any event, and given that the applicant has been engaged in negotiations with several of his downstream neighbours in regard to an easement, Development Engineers are able to recommend deferred commencement consent with the acquisition of a suitable easement and submission of a suitable design to be completed before the consent can operate.

The submitted concept stormwater management plan and report prepared by GHD Pty Ltd have been prepared on the basis that this easement will be the means of stormwater disposal. The tank proposed is a combined retention/detention storage and is not sealed and lightproof,

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so amendments will need to be made to the design. This is highlighted in the recommended conditions.

The required retention volume of 3000 litres per unit has been provided as well as a detention component. The retained roof water is to be used for toilet flushing, laundry, car washing and irrigation.

Water quality measures and a car washing bay will be required. Both of these can be shown on the Construction Certificate plans.

Flooding and overland flow comments

Trunk drainage in the vicinity of this site consists of a pipe generally in a north westerly direction through the properties to the east and north. The subject site is not considered to be affected by external overland flows.

Geotechnical/structural comments

A geotechnical investigation has been carried out and the results are given in Jeffery and Katauskas Report 18946rpt, dated 28 October 2004.

The investigation consisted of four augered boreholes, all of which encountered sandstone bedrock at between 2.0 and 4.3 metres below existing ground level.

The report contains recommendations for vibration monitoring, dilapidation surveys, excavation support and foundations. Dilapidation reporting is recommended for buildings at 33 and 39 Millewa Avenue and 3/12 Woniora Avenue. It is noted that all these sites have also been rezoned. The recommendation for dilapidation surveys is included in the conditions below, with the proviso that if the buildings surveyed have been demolished under a separate development approval then no follow-up survey is required.

The applicant will be required to obtain council approval for any temporary rock anchors and comply with Council's requirements for de-commissioning upon completion of works.

No engineering objections were raised to the proposed development, subject to **Conditions No. 1 and 2 (Schedule A) and 23-34, 37-56, 60-70, 71-76, 78-88 (Schedule B).**

CONSULTATION – OUTSIDE COUNCIL

Department of Infrastructure Planning and Natural Resources

The proposed development does not constitute integrated development and does not require referral to any external approval authority.

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Rural Fire Services

The site is not classified as being Bushfire Prone. Therefore, no comment is required from the NSW Rural Fire Service.

Sydney Water

Sydney Water was notified of the development on 9 March 2005.

Sydney Water has consented to the development subject to recommended conditions which are attached to the recommendation. Refer to **Conditions No. 15-17**.

Energy Australia

Energy Australia considered the application and made the following comment:

“It will appear not to be necessary to establish an electrical substation on the premises as the development consists of 18 units close to an existing substation on the side of the road. However, final supply arrangements are difficult to assess until a comprehensive list of all the electrical loading for the development is provided. Energy Australia requests Council to add advice into the Development Application that early notification to all service providers be required to ensure supply can be made available at a suitable location to all parties.

Further to the State Government’s investigation into the installation of underground cables to replace overhead construction where it was considered that developers and individuals would be responsible for bearing the cost of this work where appropriate. In the case of large developments, the developer should be requested to arrange the underground of any overhead construction near the development or at minimum install conduits within then footway along the property line of the development to accommodate future underground facilities.

In this instance, Energy Australia requires the developer to install a minimum of 4 150Mm conduits in the footway across the frontage of the development within Energy Australia’s allocation and installed to Energy Australia’s Network Standard NS 130 Installation of Network Cables.’

Appropriately worded conditions are attached to the recommendation. Refer to **Conditions No. 18-19**.

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

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SEPP institutes a 'design review panel' to provide an independent, open and professional review of designs submitted to councils for approval.

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 connection with the comment of Council's *Urban Design Consultant* 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.

Large dwellings are set within large, formally landscaped, curtilages. Architectural styles and landscaping are characteristic of the 1900-1930's period. Intricate, original federation cottages are mixed with some larger brick homes.

Some three storey walk up brick flats exists along Millewa Avenue characteristic of the 1980s architectural style and construction.

Multi-unit housing in the form of town houses also exist along Woniora Avenue.

Some 1930s style apartment buildings are located on the opposite side of the railway station along Warwilla Avenue.

Although characteristically a 'garden suburb', the precinct was rezoned in 2004 for the purpose of medium density housing. The rezoning provides development parameters including setbacks, heights, floor space which anticipates an entirely different form of development surrounding the railway corridor.

Consequently, although the development proposed is significantly larger in bulk than surrounding development, the proposal is compliant with the objectives and development controls and requirements recently established. The proposal will change the areas character, however, will not adversely intrude on the surrounding area or the streetscape.

Principle 2 - Scale:

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

Some three storey walk up flats exist along Millewa Avenue, however, the proposed development is the first of its kind (four storeys) in the street under the new zoning.

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The proposed development complies with the development standards contained in LEP 194 and the design controls and assessment criteria of DCP 55 with respect to scale and built form. The building is located with an appropriate setback and landscaped curtilage. The design is consistent 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 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.

Refer to comments by Council's *Urban Design Consultant* and *DCP 55*.

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 stated desired future density, responding in a regional context based upon availability of services.

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

As indicated in the *Compliance Tables*, the development complies with the 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:

Refer to *Development Engineer*, *Sydney Water* and *Energy Australia* comments.

The proposal has been considered acceptable with respect to sustainability and resource availability.

Principle 6 - Landscape:

Landscape and buildings 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.

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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.

The proposal is acceptable when assessed against Principle 6 of SEPP 65.

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 residential amenity. These controls relate to minimum bedroom dimensions, sunlight and ventilation, minimum courtyard/balcony areas, ceiling heights and orientation. The proposal is generally consistent with Council's requirements as indicated in the *Compliance Table* and the considerations of DCP 55 controls. The development provides a high level of amenity in accordance with Principle 7 of SEPP 65.

Principle 8 - Safety and security:

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

Refer to *DCP 55 Clause 4.6 – Safety and Security* design controls and considerations.

The development addresses the street, provides amenity, landscaping within the streetscape and connection to the street. The development promotes passive surveillance, safety and security.

Principle 9 - Social dimensions:

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

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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 SEPP 65 and DCP 55 in this regard.

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.

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 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 and 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 within the report below.

Building design:

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

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

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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 Plan includes strategies for the assessment of development in relation to water quality and quantity, scenic quality, aquaculture, recreation and tourism.

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

The recommended consent will become operational, subject to the submission of stormwater management details in accordance with *Schedule A* of the recommendation, including the creation of a drainage easement to carry water to Council's stormwater system.

Subject to conditions, the development is unlikely to generate significant additional stormwater and is consistent with the provisions of SREP 20.

Ku-ring-gai Planning Scheme Ordinance (KPSO)

COMPLIANCE TABLE		
Development standard	Proposed	Complies
Site area (min): 1,200m ²	1,972m ²	YES
Deep landscaping (min): 50%	50%	YES
Street frontage (min): 30m	37m	YES
Number of storeys (max): 4	4	YES
Site coverage (max): 35%	34.5% (680m ²)	YES
Top floor area (max): 60% of level below	50%	YES
Storeys and ceiling height (max): 4 and 13.4	4 storeys and 12.5m	YES
Car parking spaces (min):		
• 5 (visitors)	5	YES
• 18 (residents)	22	YES
• 23 (total)	27	YES
Manageable housing (min): 1 per 10 (10%)	2 units (11%)	YES
Lift access: required if greater than three storeys	Provided from basement to all units	YES

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Site area (cl.25E):

Clause 25E of LEP 194 stipulates that consent may be granted to development for the purpose of a residential flat building on land zoned Residential 2(d3) only if the land has an area of at least 1,200m².

The development site measures 1,972m² in area and is appropriate for the development proposed.

Site requirements and development standards for multi-unit housing (cl. 25I)

Clause 25I contains heads of consideration, site requirements and development standards for multi-unit housing.

Clause 25I requires consideration of the following factors:

- Desirability to provide a high ratio of deep soil landscape to site area;
- Impact of overshadowing/loss of privacy or outlook likely to be caused by the development;
- Separation between buildings/site boundaries/landscaped corridors; and
- Consideration of environmental factors, water conservation and sustainability.

The following development standards apply and are addressed as follows:

Deep landscaping (cl.25I(2)):

Clause 25I(2) provides a minimum standard for deep soil landscaping. The proposed development is required to observe the following requirements:

- Deep soil planting with a minimum width of 2 metres on the site;
- Deep soil landscaping of minimum ratio of 50% for a site with an area of 1,800m² or greater.

The proposal provides 50% of deep soil landscaping on the site. The deep soil component of the development has a minimum width of 2 metres and complies. This achieves appropriate amenity for future occupants, surrounding property owners and provides opportunities for screening within the streetscape.

Site frontages (cl.25I(3)):

Clause 25I(3) requires a minimum street frontage of 30 metres for a development site of 1,800m² – 2,400m² in area.

The site has a frontage of 37 metres and complies.

Number of storeys (cl.25I(5)):

Buildings proposed on sites measuring 1,800m² or more are not to exceed 4 storeys in height.

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The proposed development achieves a height of 4 storeys and complies. Further discussion of height is provided under *DCP 55*.

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

Residential flat buildings are not to occupy greater than 35% percentage of the site area.

As indicated in the *Compliance Table*, the proposal is consistent with this development standard.

Top floor (cl.25I(7)):

In zone 2(d3), where the maximum number of storeys permitted is attained, then the floor area of the top storey of a residential flat building of 3 storeys or more is not to exceed 60% of the total floor area of the storey immediately below it.

The top (4th) storey proposed achieves a total area less than 60% of the floor below and complies.

Storeys and ceiling height (cl.25I(8)):

Pursuant to Clause 25I(8) a development within the 2(d3) shall have a maximum of 4 storeys and a total perimeter ceiling height of 13.4 metres.

As indicated in the *Compliance Table*, the proposal achieves 4 storeys with a perimeter ceiling height of 12.5 metres and complies.

Epping-Chatswood rail link (cl.25I(10)):

A consent authority is to consider the effect of excavation on the proposed Epping-Chatswood Rail Tunnel.

The map of proposed tunneling has been cited and the proposal will not affect the project.

Car parking (cl.25J):

The proposal complies with the car parking development standard contained in Clause 25J.

Zone interface (cl.25L):

The proposal does not adjoin a zone interface.

Manageable housing (cl.25N(2)):

Refer also to *Compliance Table* (DCP 55) and discussion of 'Social Dimensions'. Manageable housing is provided in compliance with Council's requirements.

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Lift access (cl.25N(3)):

A lift must be provided in all multi-unit housing of more than 3 habitable storeys in zone 2(d3). The proposed building comprises four habitable storeys and lift access is provided.

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

The site is not affected by heritage or conservation status.

Residential zone objectives and impact on heritage:

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

POLICY PROVISIONS

**Development Control Plan No 55 - Railway/Pacific Highway Corridor &
St Ives Centre**

COMPLIANCE TABLE		
Development control	Proposed	Complies
Part 4.1 Landscape design:		
Deep soil landscaping (min) • 150m ² per 1000m ² of site area = 296m ²	986.5m ²	YES
No. of tall trees required (min): 7 trees (1 per 300m ²)	22 trees	YES
Part 4.2 Density:		
Building footprint (max):		
Floor space ratio (max): • 1:1	0.95:1	YES
Part 4.3 Setbacks:		
Street boundary setback (min): • 10-12 metres (<40% of the zone occupied by building footprint)	13-14m	YES
Rear boundary setback (min): • 6m	11.6m	YES
Side boundary setback (min): • 6m (east and west)	6m (east and west)	YES

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COMPLIANCE TABLE		
Development control	Proposed	Complies
Setback of ground floor courtyards to street boundary (min): <ul style="list-style-type: none"> 8m/11m 	Between 8m-15m	YES
% of total area of front setback occupied by private courtyards (max): <ul style="list-style-type: none"> 15% 	15%	YES
Part 4.4 Built form and articulation:		
Façade articulation: <ul style="list-style-type: none"> Wall plane depth >600mm 	Between 600mm and 900mm	YES
<ul style="list-style-type: none"> Wall plane area <81m² 	<81m ²	YES
Built form: <ul style="list-style-type: none"> Building width < 36m 	21.5m	YES
<ul style="list-style-type: none"> Balcony projection < 1.2m 	Most <1.2m Some 1.5m along the eastern 'step' of the front and rear elevation	YES NO
Part 4.5 Residential amenity		
Solar access: <ul style="list-style-type: none"> >70% of units receive 3+ hours direct sunlight in winter solstice 	88%	YES
<ul style="list-style-type: none"> >50% of the principle common open space of the development receives 3+ hours direct sunlight in the winter solstice 	50% within side and rear setbacks	YES
<ul style="list-style-type: none"> <15% of the total units are single aspect with a western orientation 	2 units or 11%	YES
Visual privacy: Separation b/w windows and balconies of a building and any neighbouring building on site or adjoining site:		

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COMPLIANCE TABLE		
Development control	Proposed	Complies
<p>Storeys 1 to 4</p> <ul style="list-style-type: none"> 12m b/w habitable rooms 9m b/w habitable and non-habitable rooms 6m b/w non-habitable rooms 	<p>12.5m</p> <p>8m (to west)</p> <p>>6m</p>	<p>YES</p> <p>NO</p> <p>YES</p>
<p>Internal amenity:</p> <ul style="list-style-type: none"> Habitable rooms have a minimum floor to ceiling height of 2.7m Non-habitable rooms have a minimum floor to ceiling height of 2.4m 1-2 bedroom units have a minimum plan dimension of 3m in all bedroom 3+ bedroom units have a minimum plan dimension of 3m in at least two bedrooms Single corridors: <ul style="list-style-type: none"> - serve a maximum of 8 units - >1.5m wide - >1.8m wide at lift lobbies 	<p>2.7m</p> <p>2.7m</p> <p>>3m</p> <p>>3m</p> <p>6 units</p> <p>>1.5m or 1.5m</p> <p>>1.8m or 1.8m</p>	<p>YES</p> <p>YES</p> <p>YES</p> <p>YES</p> <p>YES</p> <p>YES</p> <p>YES</p>
<p>Outdoor living:</p> <ul style="list-style-type: none"> ground floor apartments have a terrace or private courtyard greater than 25m² in area Balcony sizes: <ul style="list-style-type: none"> - 10m² – 1 bedroom unit - 12m² – 2 bedroom unit - 15m² – 3 bedroom unit <p>NB. At least one space >10m²</p> <ul style="list-style-type: none"> primary outdoor space has a minimum dimension of 2.4m 	<p>Units 1, 3, 4 >25m²</p> <p>Unit 2 20m²</p> <p>10m²</p> <p>13m-15m</p> <p>>15m²</p> <p>>2.4m</p>	<p>YES</p> <p>NO</p> <p>YES</p> <p>YES</p> <p>YES</p> <p>YES</p>

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COMPLIANCE TABLE		
Development control	Proposed	Complies
Part 4.7 Social dimensions:		
Visitable units (min): • 70%	78%	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 natural cross ventilation	78%	YES
• single aspect units are to have a maximum depth of 10m	<10m	YES
• 25% of kitchens are to have an external wall for natural ventilation and light	16% with external wall remainder have open plan living/kitchen with access to natural light and ventilation	YES
• >90% of units are to have a 4.5 star NatHERS rating with 10% achieving a 3.5 star rating	4.5 star rating = 100%	YES
Part 5 Parking and vehicular access:		
Car parking (min): • 18 resident spaces	22 spaces	YES
• 5 visitor spaces	5 spaces	YES
• (incl) disabled spaces	3 spaces	YES
• total spaces	27 spaces	

Part 2: Elements of good design

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

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 be located to relate to the street and should be clearly identifiable within the street.

Materials should respond to the existing pattern of building construction materials 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 equipment should be integrated in the design.

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The building is constructed of rendered masonry with a butterfly shaped 'colourbond' roof. A proposed lift overrun is proposed at the centre of the roof and is set back from the street. The building has aluminium framed window and door openings with some louvred windows toward the centre of the building, pre-finished sun hoods are located along each level of the front and rear elevation and a glass clerestory roof directly below the roofline, creating architectural relief and increasing solar access for top storey units.

Wall colours range from 'natural white' mixed with a range of grey tones. Proposed roof cladding, downpipes and fascias are proposed to be a light beige/grey.

The streetscape features a variety of construction types and colours and materials of finish. Some housing adopts natural brown unpainted brick types, some painted and/or rendered brick, some painted fibro or weatherboard. Various rooflines and materials exist.

The streetscape is characterised by buildings set well back from the street, screened by dense landscaping. Fencing is not generally visible within the Millewa Avenue streetscape. Nearby residential flat buildings do not have front fencing along the street front boundary. The proposed fence would be highly visible from the street and would detract from the landscaped character of the area. The proposed front fence is overly bulky and is recommended to be deleted via **Condition No. 19**.

The proposed materials and finish of the building are in keeping with the modern architectural style adopted. Provided with landscaping forward of the building line, the style and finish of the development will not detract from the streetscape.

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/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 have regard to heritage items within the vicinity.

There are no heritage items within the vicinity which would be affected by the proposed development however the site is located within proximity of the Mahratta Urban Conservation Area (UCA No. 26). The development is acceptable in urban design and landscaping and is considered to protect the 'treed' character of the area.

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, screening and to maintain consistency with the surrounding garden dominated, leafy landscape.

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As indicated in the *Compliance Table*, 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.

Subject to conditions, Council's Landscape Development Officer considers the proposed landscaping concept plan to be acceptable. The planting proposed integrates the development with the surrounding area and provides screening for adjoining properties.

Condition No. 19 is recommended reducing the scale of fencing along the street frontage to increase the visibility of landscaping within the Millewa Avenue Streetscape. Species chosen include an appropriate mix of introduced and native endemic species, appropriate for maintaining consistency with surrounding landscaping and provided planting which is durable and efficient for absorbing stormwater on site.

Part 4.2 Density:

Site density should be balanced with the need to provide appropriate deep soil landscaping on a site. The proposed development complies with the 1:1 floor space ratio control, 35% site coverage standard and 50% deep soil landscaping standard, achieving the optimum capacity of the site within a landscaped context.

Part 4.3 Setbacks:

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.

DCP 55 prescribes a front setback of between 10 and 12 metres for the development and a minimum of 6 metres from the sides and rear.

The development achieves a front setback of 13-14 metres along the front boundary, providing sufficient opportunity for landscaping. The rear setback proposed is 11.6 metres and the side setbacks 6m from both the eastern and western side boundaries. The proposed top floor is stepped back appropriately from the general building envelope in accordance with Clause 25 (1)(7) of LEP 194.

Front setbacks should not be dominated by areas of private open space and courtyards so as to allow planting of tall canopy trees and substantial landscaping. No more than 15% of courtyards are provided within the setback and the proposal complies with the DCP in this regard.

The development is consistent with Council's objectives and requirements in relation to setbacks.

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 the separation and landscaping between buildings.

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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 81m² in area and the width of a single building on any street facing elevation should not exceed 36 metres;
- Balconies should not project more than 1.2 metres from the outermost building façade;
- Service elements should not be visible and should be integrated into the design of the roof;
- Unit arrangements are to respond to site opportunities and constraints.

As indicated in the *Compliance Table*, the proposed development generally complies with the above numerical requirements. However, four (4) balconies protrude more than the maximum of 1.2 metres along the front elevation, this being up to 1.5m; a non-compliance of 0.3 metres. (1.5 metres).

The eastern half of the building is stepped 2.5 metres further back from the western half, providing a step in the front elevation. This step creates a physical break in the front elevation, reducing its overall bulk and physical presence within the street.

Two of these balconies are recessed along the western side of the elevation and will be obscured by within the front setback. The two proposed balconies along the eastern side of the street facing elevation will not dominate the front elevation and will also be effectively screened by landscaping, preventing adverse visual impacts.

Service elements are not visible from the street. The proposed lift overrun is located in the centre of the roof and will not result in adverse visual impacts within the public domain.

Unit layouts maximise opportunities and provide amenity for residents.

Accordingly, the proposal is assessed as satisfactory against the design controls of Clause 4.4.

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.

A review of the compliance of the development with these controls is provided in the *Compliance Table*. The development generally complies with the applicable controls, with the exception of the

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separation of the building from the property to the west (privacy) and the size of the courtyard available to Unit 2 (being less than 25m²). The non-compliances are justified as follows:

Separation

Clause 4.5.2 of DCP 55 stipulates that in order to protect the visual and acoustic privacy between dwellings, the following building separations distances should be observed for the subject building:

- 12 metres between two habitable rooms;
- 9 metres between a habitable room and a non-habitable room;
- metres between two non-habitable rooms.

The southern adjoining dwelling at No. 33 Millewa Avenue is located well forward of the proposed building footprint and adequate separation is provided.

The northern elevation of the building is located 13 metres from the southern elevation of a single storey townhouse at No. 3/12 Woniora Avenue. The rooms along the southern side of this townhouse are all bedrooms. A large, 1.8 metres high, fence exists along the boundary of this property providing some screening. Some living areas located along the northern side of the proposed development are oriented toward this dwelling. **Condition No. 14** of the recommendation requires additional screening measures to protect the privacy of this dwelling so that direct overlooking is prevented.

The building is set back 7.5 metres from the eastern elevation of the western adjoining dwelling at No. 39 Millewa Avenue. A mixture of bedrooms, living rooms and some balconies are proposed along the western facing elevation of the development. The owners of the western adjoining dwelling raised objection to the proposal on the basis of privacy impacts. Despite the non-compliance, there will be no privacy impacts.

The applicant proposes to provide a number of tall canopy trees within the western setback. These *Angophora costata* achieve a mature height of 4 metres with a dense canopy spread. These trees are strategically located to obscure view of the adjoining dwelling from balcony areas and to obstruct view across to the rear swimming pool/open space area associated with the adjoining dwelling. Furthermore, the landscape plan details the planting of Lilly Pilly's along the boundary. These plants provide effective privacy screening and are to be planted with a height of 1.2 metres.

The planting proposed along the boundary provides satisfactory screening between properties, preventing unreasonable privacy impacts to the west.

Non-compliance with minimum courtyard area requirement

The DCP specifies a minimum courtyard area of 25m².

Ground floor Units 1, 3 and 4 are afforded 62m², 27m² and 33m² of courtyard areas, respectively. However Unit 2 provides 20m².

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Units 2 and 4 are located at the rear of the development and may access the rear, north-facing element of common open space provided for the development. The main component of courtyard area associated with Unit 2 has a northerly aspect and is accessed directly via the internal living area. The amenity of this courtyard area is improved by the existence of the common landscaped open area extending to the rear. The non-compliance will not compromise the residential amenity for Unit 2 and the 5m² deficiency is acceptable in this instance.

The submitted shadow diagrams indicate that shadow will not unreasonably affect the amenity of surrounding properties on June 21. The development retains at least 3 hours of sunlight between 9.00am and 3.00pm on June 21 for the habitable rooms and principal open space of adjoining properties as required by Clause 4.5 C-6 of the DCP.

Part 4.6 Safety and security:

Refer to discussion of *SEPP 65 Principle 8: 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.

Two pedestrian pathways are provided for the development, one within the front setback and one along the western boundary. The pedestrian pathways are clearly visible, with unimpeded sightlines, and will be provided with lighting. The approach to the building is considered to be visible and adequate passive surveillance is provided in the form of windows and balconies. Resident basement parking areas are afforded internal lift access, providing safe access to units.

All of the common open space areas are able to be overlooked by apartments, with no concealed or entrapment areas are provided. The development is consistent with Clause 4.6.

Part 4.7 Social dimensions:

Refer to discussion of *SEPP 65 Principle 9: Social Dimensions*.

As indicated in the *Compliance Tables*, the proposed provides 10% 'manageable' units in accordance with LEP 194 Clause 25N and 70% 'visitable' units, internal paths of travel and visitor and resident parking spaces in accordance with DCP55 Clause 4.7 C-3.

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

Part 4.8 Resource, energy and water efficiency:

DCP 55 requires that 90% of units meet the NatHERS rating of 4.5 stars and above. All of the proposed units attain an average 4.5 star rating and are acceptable.

More than 65% of apartments have natural cross ventilation and at least 25% of kitchens have direct or indirect access to natural light via glazing.

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North, east and west-facing windows are shaded with a hood as required by Clause 4.8.1 C-7.

Construction materials, design and landscaping proposed are assessed as satisfactory with respect to energy efficiency and ecologically sustainable development.

Part 5 Parking and vehicular access:

Refer to *Compliance Table*.

Car parking is provided in accordance with the numerical requirements of DCP 55 and DCP 43 - Car Parking for to resident, visitor and accessible parking spaces.

A 6 metre driveway is provided. A roller shutter door is provided which impedes access. Council's Development Engineer has recommended deletion of this element from the approved plans. Refer to **Condition No. 54**.

Clearly defined, separate pedestrian access routes are provided through the development reducing any pedestrian or vehicular conflicts.

Part 6 Isolated sites:

The proposal does not have the effect of isolating or compromising the development potential of any surrounding sites.

Part 7 Nominated areas:

The subject site does not comprise a nominated area.

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 and the proposal is satisfactory in this regard, subject to conditions.

Development Control Plan No 43 - Car Parking

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

Development Control Plan 47 - Water Management

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

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Section 94 Plan

The development attracts a section 94 contribution of \$276,797.45.

This calculation is based on floor space. The development proposes 2 x 'small' dwellings attracting a contribution of \$11,796.40, 11 x 'medium' dwellings at \$16,533.54, 4 x 'large' dwellings at \$23,778.57 and 1 x 'very large' dwelling at \$32,324.

A credit is provided for the two dwellings existing on the site which are calculated to be 1 x large dwelling (No. 35) at \$23,778.57 and 1 x very large dwelling at \$32,324.

The Section 94 contribution is required to be paid by **Condition No. 36**.

LIKELY IMPACTS

The likely impacts of the development have been considered elsewhere in this report and the proposal is satisfactory in this regard.

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.

Conditions No. 1, 2 (Schedule A), 5-12, 14, 19, 32, 48, 49, 50, 56, 58, 61, 62, 64, 66-70, 89-90, 92-96, 100, 101, 103, 104-107, 110-111 (Schedule B) address the concerns of the objectors.

PUBLIC INTEREST

Approval of the application is considered to be in the public interest.

ANY OTHER RELEVANT MATTERS CONSIDERATIONS NOT ALREADY ADDRESSED

There are no other matters for 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.

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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 135/05 for the demolition of existing dwellings, construction of a residential flat building and strata subdivision on land at 35-37 Millewa Avenue Wahroonga, be approved for two (2) years on a deferred commencement basis, subject to the following conditions:

Schedule A

1. The applicant is to submit documentary evidence that the entire property benefits from a drainage easement as far as the point of discharge to the public drainage system. This information is to include as a minimum, registered title documents demonstrating the benefit and burden, together with the instruments describing the easement. Documentation is to be submitted to Council and approved prior to the operation of the consent.
2. The applicant shall submit full hydraulic design documentation for the required interallotment drainage system from the subject property to the approved point of discharge to the public drainage system. Plans are to be prepared by a suitably qualified and experienced consulting civil/hydraulic engineer in accordance with Council's Water Management DCP 47 (available on Councils website and at Customer Services) and the Plumbing and Drainage Code (AS3500). New pipes within the downstream easement drainage system must be sized to have adequate capacity to carry design flowrates, or detention system overflows where detention systems are to be provided, from the subject property.

The following details must be included:

- a. Plan view of interallotment system to scale showing dimensions, location and reduced levels of all pits, grates, pipe inverts, flushing facilities and exact point of discharge,
- b. The contributing catchment calculations and supporting pipe sizing information,
- c. Longitudinal section showing existing ground levels and proposed pipe invert levels, grades and flow capacities,
- d. Surrounding survey detail including all trees within seven (7) metres of the proposed drainage system,
- e. Means to preserve the root systems of trees within seven (7) metres of the drainage system,
- f. Means to maintain support to the footings of adjacent buildings and to maintain the integrity of other services which may exist within the easement.

The plan is to note that the pipe is to be installed by thrust boring within the canopy of the tulip tree on the neighbouring property, with the pipe obvert at least 1 metre below natural ground level.

Plans are to be submitted to Council and approved prior to the operation of the consent.

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Schedule B

GENERAL CONDITIONS

1. The development must be carried out in accordance with plans numbered DA01-DA12 Issue C, dated 4 November 2004, drawn by Krikis Tayler Architects and Landscape Plans numbered L01, dated February 2005 drawn by City Plan Landscapes endorsed with Council's approval stamp, except where amended by the following conditions:
2. 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.
3. Release of the Construction Certificate gives automatic approval to the removal ONLY of those trees located on the subject property within the footprint of a proposed new building/structure or within 3.0 metres of a proposed new dwelling. Where this application is for a building/structure other than a dwelling then ONLY trees within the area to be occupied by this building/structure may be removed. Other trees SHALL NOT be REMOVED or DAMAGED without an application being made under Council's Tree Preservation Order.
4. The landscape works shall be completed prior to issue of final Certificate of Compliance and maintained in a satisfactory condition at all times.
5. Landscape works shall be carried out in accordance with Landscape Drawing No 24-020 prepared by City Plan Landscapes and dated February 2005 submitted with the Development Application, except as amended by the following:
6. The proposed planting of two *Angophora costata* (Sydney redgum) located immediately adjacent to the western side of the proposed building are to be relocated with a minimum setback from the building footprint of 4.0m. If a different species is required to comply, effective privacy screening for the western adjoining dwelling shall be maintained.

To promote biodiversity, the proposed planting of tall canopy trees is to have a greater selection of species. Tree species are to be selected from the Sydney Bluegum High Forest plant community and include a mix of the following tree species; *Angophora floribunda* (Rough barked apple), *Eucalyptus paniculata* (Grey Ironbark), *Eucalyptus pilularis* (Blackbutt) and *Syncarpia glomulifera* (Turpentine).

The proposed planting of *Prunus blireana* (Flowering Plum) is to be substituted for another plant species/ornamental blossom species that grows well in Ku ring gai and can cope with Sydney's humidity. The flowering plum is not an appropriate species due to it dropping its leaves mid summer due to humidity.

The proposed street tree planting of *Lophostemon confertus* (Brushbox) is to be located so it has a minimum offset from the proposed driveway crossover of 4.0m.

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7. REMOVAL/PRUNING of the following tree/s from Council's nature strip to permit vehicular access shall be undertaken at no cost to Council by an experienced Tree Removal Contractor/Arborist holding Public Liability Insurance amounting to a minimum cover of \$10,000,000.

Tree/Location

#13 Lophostemon confertus (Brushbox)

Millewa St nature strip

8. Tree roots between 10mm and 50mm diameter, severed during excavation, shall be cut cleanly by hand and the tree subsequently treated with a root growth hormone and wetting agent, by an experienced Arborist/Horticulturist with a minimum qualification of the Horticulture Certificate or Tree Surgery Certificate.
9. No tree roots of 50mm 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

Lophostemon confertus (Brushbox)

Millewa St nature strip

Radius From Trunk

5.0m

10. The applicant shall ensure that at all times during the construction period no activities, storage or disposal of materials shall take place beneath the canopy of any tree protected under Council's Tree Preservation Order.
11. Following removal of the TREE SPECIES from Council's nature strip, the nature strip shall be rehabilitated to the satisfaction of Council's Director Open Space at no cost to Council.
12. On completion of the landscape works/tree planting or screen planting, a Landscape Architect or qualified Landscape Designer shall submit a report certifying correct installation, faithful to the landscape plan to the Principal Certifying Authority with a copy to Council, prior to issue of final Certificate of Compliance.
13. 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.
14. In order to protect the visual privacy of the rear adjoining dwelling at No. 3/12 Woniora Avenue, Wahroonga, a 500mm lattice screen shall be attached to the existing timber paling fence along the northern boundary of No. 35 and No. 37 Millewa Avenue.

Screen planting achieving a mature height of two metres shall be planted at regular intervals along the northern boundary to achieve effective screening.

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Sydney Water

15. The developer is required to obtain a Section 73 Compliance Certificate from Sydney Water. Sydney Water recommends that Council stipulate that the developer secures a Section 73 Certificate from Sydney Water as a condition of consent for an individual development. Issuing of the Certificate will confirm that the developer has met Sydney Water's detailed requirements, which include:

- Correctly sized water and wastewater mains; extensions or amplifications to existing water and wastewater systems (if necessary);
- Building over/adjacent to Sydney Water's existing water, sewerage or stormwater infrastructure;
- Payment of Sydney Water Charges; and
- The completion of any other requirements.

Adjustments to existing Sydney Water systems resulting from developer activity will be charged to the particular development. Developers are advised to engage the services of a Water Servicing Coordinator (WSC) to obtain a Section 73 Certificate and manage the servicing aspects of their projects. Details are available from any Sydney Water Customer Centre on 132092 of Sydney Water's website at www.sydneywater.com.au

16. A Sydney Water 225mm sewer main and 100mm water traverse are adjacent to the site respectively. These mains are shown on the attached plan. Any development on site, which may impact on these assets, will be required to comply with Sydney Water's *Guidelines on Precautions to be Taken when Building over or adjacent to Sydney Water's Assets* (which is enclosed for your information).
17. In relation to any proposed landscaping, Sydney Water emphasizes the potential for tree roots to cause damage to water and sewer pipes. There are a number of tree species that are of concern to Sydney Water because they have significant biomass and/or invasive root systems, which can cause cracking or blockage of Sydney Water assets. Pipe damage in turn may increase the risk of sewer overflows under certain weather conditions, and significantly increases the maintenance costs to the water and sewer system. Enclosed is a list of tree species of concern to Sydney Water.

Energy Australia

18. The developer is required to install a minimum of 4 off 150Mm conduits in the footway across the frontage of the development within EnergyAustralia's allocation and installed to EnergyAustralia's Network Standard NS 130 *Installation of Network Cables*.
19. Solid, high fencing is not consistent with the existing streetscape. No approval is given to the proposed front fence. The plans submitted with the Construction Certificate application shall reflect this change.

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Advice

The applicant is advised to contact service providers such as Energy Australia and Sydney Water in relation to specific service requirements.

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

20. 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.

21. 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).
22. 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.
23. Prior to issue of the Construction Certificate the Applicant must consolidate the existing Torrens lots which will form the development site. Evidence of lot consolidation, in the form of a plan registered with Land and Property Information, must be submitted for approval of the Principal Certifying Authority prior to issue of the Construction Certificate. This condition is imposed to ensure continuous structures will not be placed across separate titles.

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

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

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28. The Applicant must construct a new concrete footpath at the existing footpath levels for the full frontage of the development site. The works are to be carried out in accordance with Council's standard detail for footpaths.

Traffic management is to be 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).

29. Prior to issue of the Construction Certificate the applicant shall submit, for approval by the Principal Certifying Authority (PCA), a Soil and Erosion Control Plan prepared in accordance with the LANDCOM document "Soils and Construction" (2004). A suitably qualified and experienced civil/environmental engineer or surveyor shall prepare this plan in accordance with the above guidelines and section 8.2.1 of Councils Water Management DCP 47 (available on the Council website). The design is to reflect the ultimate means of disposal of stormwater runoff from the site. Runoff to be pumped out of the basement excavation is to be clarified by a suitable agent and then pumped into a formal drainage system. Sediment basins are to be clear of tree protection zones.
30. Prior to issue of the Construction Certificate the applicant shall submit, for approval by the Principal Certifying Authority (PCA), construction details for the proposed method of achieving Council requirements for the mandatory re-use of water on the property including general garden irrigation, car washing, laundry and toilet flushing within each unit. The necessary plumbing components for re-use, including pumps and back up power supply in the event of blackout, shall be shown on these plans to a detail suitable for installation by the plumbing services contractors. The plans, with all supporting documentation, are to be prepared by a qualified and experienced civil/hydraulic engineer.
31. Prior to issue of the Construction Certificate the applicant shall submit, for approval by the Principal Certifying Authority (PCA), full construction drawings for the proposed method of achieving Council storage volume requirements for the on-site stormwater retention system. The minimum storage volumes and designs shall comply with Councils Water Management DCP 47 (available on the Council website and at Council customer services), any manufacturers' specifications and the relevant plumbing codes. Rainwater tank(s) shall be designed to capture and retain runoff from the entire roof area as a minimum. Overflow shall revert to the main drainage system. The design and construction plans, with all supporting documentation, are to be prepared by a qualified and experienced civil/hydraulic engineer. The design is to incorporate means to keep the retained roofwater sealed, free from mosquitoes and separate from surface runoff. Pipes within Tree Protection Zones are to be installed by thrust boring. The design may be generally in accordance with the Stormwater Drainage plans prepared by GHD Pty Ltd, submitted with the development application, and advanced as necessary for construction issue purposes.
32. Prior to issue of the Construction Certificate the applicant shall submit, for approval by the Principal Certifying Authority (PCA), full construction drawings for the proposed method of achieving Council requirements for **water quality control** as given in Chapter 8 of DCP 47

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Water Management. The details may be incorporated into the overall stormwater management plan for the development.

33. Prior to issue of the Construction Certificate the applicant shall submit, for approval by the Principal Certifying Authority (PCA), construction design drawings and calculations for the property drainage system components. The property drainage system (including but not limited to gutters, downpipes, pits, joints, flushing facilities and all ancillary plumbing) shall be designed for a 235mm/hour rainfall intensity for a duration of five (5) minutes (1:50 year storm recurrence) and shall be compatible with the necessary retention and detention devices. Plans and calculations are to be prepared by a suitably qualified and experienced civil/hydraulic engineer in accordance with Councils Water Management Development Control Plan 47.
34. Prior to the issue of a Construction Certificate the applicant must lodge a **\$20,000** public infrastructure damage bond with Council. This bond is applied pursuant to Section 97 of the *Local Government Act 1993* to cover the cost of:

Making good any damage that may be caused to any public infrastructure as a consequence of doing or not doing any thing to which this approval relates,

Completing any public infrastructure works that are required in connection with this approval. The bond shall be lodged in the form of a deposit or bank guarantee and will be refundable following completion of all works relating to the proposed development and at the end of any maintenance period stipulated by consent conditions, upon approval by Council's Engineers.

Further, Council shall have full authority to make use of the bond for such restoration works as deemed necessary by Council in the following circumstances:

Where the damage constitutes a hazard in which case Council may make use of the bond immediately, and

The applicant has not repaired nor commenced repairing damage within 48 hours of the issue by Council in writing of instructions to undertake such repairs or works.

Works in the public road associated with the development are to an unacceptable quality.

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

Fifty percent (50%) of this bond will be refunded upon issue of the final Certificate of Compliance, where landscape works as approved have been satisfactorily installed. The balance of the bond will be refunded 3 years after issue of the building certificate, where landscape works has 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

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responsibility of the applicant to make all arrangements regarding transference of the bond and to notify Council of such.

36. 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 IS CURRENTLY \$276,797.45 (based on 2 x small dwellings, 11 x medium dwellings, 4 x large dwellings and 1 x very large dwelling with a credit of 1 x large and 1 x very large dwelling).

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 75m ²)	1.27 persons
Medium dwelling (75 - under 110 m ²)	1.78 persons
Large dwelling (110 - under 150 m ²)	2.56 persons
Very Large dwelling (150 m ² or more)	3.48 persons
New Lot	3.48 persons
SEPP (Seniors Living) Dwelling	1.3 persons

CONDITIONS TO BE COMPLIED WITH PRIOR TO WORK COMMENCING

37. Stormwater runoff from all hard surfaces generating runoff or landscaped areas which are not at natural ground level shall be piped to the interallotment stormwater drainage line benefiting the subject site. The interallotment line is to be covered by the necessary easement for drainage which may exist or need to be created under this consent.

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38. A mandatory rainwater re-use tank system comprising stormwater tanks and rainwater tanks of minimum volume required in chapter 6 of Councils Water Management Development Control Plan 47 (DCP47), must be provided for the development. Retained water must be made available for garden irrigation, car washing, all toilet flushing and laundry use within each unit. A mains top-up shall be provided for periods of low rainfall, with a void space left for runoff storage purposes.
39. For stormwater control, 200mm wide grated channel/trench drains with heavy-duty removable galvanised grates are to be strategically placed to collect driveway runoff and must be connected to the main stormwater drainage system. The channel drain shall have an outlet of minimum diameter 150mm to prevent blockage by debris.
40. A maintenance period of six (6) months shall apply to all works in the public road reserve carried out by the applicant after works have been completed to Council's satisfaction. In that period, the applicant shall be liable for any section of the work which fails to perform in the manner outlined in Council's specifications, or as would reasonably be expected under the operating conditions.
41. Where required, the adjustment or additions of any utility service facilities must be carried out by the applicant and in accordance with the requirements of the relevant utility authority. These works shall be at no cost to Council. It is the Applicants responsibility to ascertain impacts of the proposal upon utility services and Council accepts no responsibility for any matter arising from its approval to this application involving an influence upon utility services provided by another authority.
42. All public footways and accessways fronting and adjacent to the site are to be maintained in a safe condition at all times during the course of the development works. A safe pedestrian circulation route and a pavement/route free of trip hazards must be maintained at all times on or adjacent to the public access ways fronting the construction site. Where public infrastructure is damaged, repair works must be carried out when and as directed by Council officers. Where circulation is diverted on to the roadway, clear directional signage and protective barricades must be installed in accordance with AS1742-3 1996 "*Traffic Control Devices for Work on Roads*". **If pedestrian circulation is not satisfactorily maintained, and action is not taken promptly to rectify the defects, Council may undertake proceedings to stop work.**
43. 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.
44. Driveways and access ramps must be designed not to scrape the underside of cars. In all respects, the proposed vehicle access and accommodation arrangements must be designed and

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constructed to comply with Australian Standard 2890.1 – 2004 “Off-Street car parking” as a minimum requirement.

45. For the purpose of any further plan assessment and works inspections by Council engineers, the corresponding fees set out in Councils adopted Schedule of Fees and Charges are payable to Council. A re-inspection fee per visit may be charged where work is unprepared at the requested time of inspection, or where remedial work is unsatisfactory and a further inspection is required. Engineering fees must be paid in full prior to any final sign-off from Council.
46. 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.
47. The Applicant must obtain a **Section 73 Compliance Certificate** under the *Sydney Water Act 1994*. An application must be made through an authorised Water Servicing Coordinator. Applicant shall refer to “Your Business” section of Sydney Water’s web site at www.sydneywater.com.au then the “e-developer” icon or telephone 13 20 92. Following application a “Notice of Requirements” will detail water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.
48. During construction, stormwater runoff must be disposed in a controlled manner that is compatible with the erosion and sediment controls on the site. Immediately upon completion of any impervious areas on the site (including roofs, driveways, paving) and where the final drainage system is incomplete, the necessary temporary drainage systems shall be installed to control runoff as far as the approved point of stormwater discharge. Such measures shall be to the satisfaction of the Principal Certifying Authority (PCA).
49. Geotechnical aspects of the development works, particularly excavation, support, retention and hydrogeological considerations must be undertaken in accordance with the recommendations of the Report on Geotechnical Investigation by Jeffery and Katauskas Consulting Engineers (refer report 18946VBrpt dated 28 October 2004) and the subsequent geotechnical investigations and monitoring carried out for construction purposes.
50. A contractor with specialist excavation experience must undertake the excavations for the development and a suitably qualified and consulting geotechnical engineer must oversee the excavation procedure. Geotechnical aspects of the development work, namely:

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

must be undertaken in accordance with the recommendations of Jeffery and Katauskas Report 18946Vrpt, dated 28 October 2004, and all subsequent geotechnical inspections carried out

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during the excavation and construction phase. Approval must be obtained from all affected property owners, including Ku-ring-gai Council where rock anchors (both temporary and permanent) are proposed below adjacent private or public property.

51. The geotechnical and hydrogeological works implementation, inspection, testing and monitoring program for the excavation and construction works must be in accordance with the report by Jeffery and Katauskas Report 18946Vrpt, dated 28 October 2004. 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.

52. Approval is to be obtained from Ku-ring-gai Council Traffic Committee for any temporary public road closures and/or placement of cranes on public land.
53. All demolition and construction traffic control and management measures shall be implemented in accordance with an approved *Construction and Traffic Management Plan* to be submitted and approved by Council prior to the commencement of works. The Principal Certifying Authority shall monitor the traffic control and management situation over the course of construction works. Where it is found that the Traffic control and management measures may be improved, this shall be undertaken under the supervision of qualified traffic control persons and in consultation with Council.
54. In order to allow unrestricted access for Council waste collection vehicles to the basement garbage storage/collection area, no doors or gates shall be provided in the access driveways to the basement car park which would prevent this service.
55. 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.
56. A mirror is to be installed at each entry to the basement car park.
57. 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 existing footpath and road 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:

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Tree/Location	Radius From Trunk
<i>Lophostemon confertus</i> (Brushbox)	5.0m
Millewa St nature strip	

58. 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.
59. Upon completion of the installation of the required tree protection measures you are required to contact the principal certifying authority to arrange an inspection of the site. 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.
60. Prior to the commencement of any works on site the applicant shall submit **to Council** a full dilapidation report on the visible (**including photos**) and structural condition of the full road pavement width of Millewa Avenue including kerb and gutter, over the site frontage.

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, and

Council is able to refund infrastructure damage bonds, in full or parts thereof, with accuracy. The developer may be held liable to all damage to public infrastructure in the vicinity of the site, where such damage is not accurately recorded under the requirements of this condition prior to the commencement of works. In this respect, the infrastructure damage bond lodged by the subject developer may be used by Council to repair the damage regardless.

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

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

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

- Dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage any pedestrians and construction related vehicles in the frontage roadways.
- Turning areas within the site for construction and spoil removal vehicles, allowing a forward egress for all construction vehicles on the site.
- The locations of any Work Zones in the frontage roadways.

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

Traffic Control Plan(s) for the site

All traffic control devices installed in the road reserve must be in accordance with the RTA publication "Traffic Control Worksite Manual" and designed by a person licensed to do so (minimum RTA 'red card' qualification). The main stages of the development requiring specific construction management measures are to be identified and specific traffic control measures identified for each.

Approval is to be obtained from Ku-ring-gai Council for any temporary road closures or crane use from public property.

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

Light traffic roads and those subject to a load or height limit must be generally avoided.

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

Truck routes are to be temporarily signposted for the duration of the demolition and construction works.

In addition, the plan must address:

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

No construction traffic movements in school peak periods, ie 8.00 to 9.30am and 2.30 to 4.00pm.

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.

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

62. Prior to the commencement of any works on the site, the applicant shall submit, for approval by the Principal Certifying Authority (with a copy forwarded to Council) a full dilapidation report on the visible and structural condition of the buildings at 33 and 39 Millewa avenue and 3/12 Woniora Avenue. The report must be completed by a consulting structural/geotechnical engineer. A second dilapidation report, recording structural conditions of all structures originally assessed prior to issue of the Construction Certificate, must be carried out at the completion of the works and be submitted to Council. The report shall have regard to protecting the Applicant from spurious claims for structural damage and shall be verified by all stakeholders as far as practicable. If a structure has been demolished in the meantime under a separate Development Approval then no such report is required.
63. 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.
64. Approval is to be obtained from the property owner for any anchors proposed beneath adjoining private property, as stated in Jeffery and Katauskas Report 19152VBprt dated 31 January 2005. If such approval cannot be obtained, then the excavated faces are to be shored or propped in accordance with the recommendations of the geotechnical and structural engineers.
65. Excavation in rock is to commence away from likely critical areas to allow electronic monitoring of vibrations and selection of alternative equipment if necessary. Reporting of the monitoring is to be submitted to Council and the Principal Certifying Authority prior to commencement of bulk excavation in critical areas.

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66. 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.
67. 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.
68. To preserve and enhance the natural environment, a geofabric filter fence shall be installed along contour immediately downslope of construction and disturbed areas prior to any earthworks or construction commencing. Both ends shall be turned uphill by 1.0 metre. Approved geofabric, such as CSR - Humes "Propex" Terram 1000, Polyfelt TS500, Bidim U24 or Terratrack 2415 or equivalent is to be stretched between posts placed at 2.0 to 3.0 metre centres. The base of the fabric must be buried at least 200mm in the ground on the upslope side. Geofabric material shall be replaced at intervals not exceeding 18 months, or as directed by the Principal Certifying Authority.

The geofabric filter fence shall be maintained in an operational condition until the development activities have been completed and the site fully stabilised. Sediment shall be removed from the structure when 40% capacity has been reached.

69. 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.
70. To preserve and enhance the natural environment, earthworks shall not commence until a perimeter drainage structure (i.e. diversion bank/catch drain) designed and located to prevent contaminated diffuse runoff from construction and disturbed areas from leaving the site untreated and runoff from entering the site from upslope areas, is established. Such a drain or bank shall be wholly situated on the building site and designed to safely and adequately collect and convey all diffuse runoff from the site to an appropriately designed and located sediment control structure on-site.

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

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

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72. An easement for waste collection must be provided. This is to permit legal access for Council, and Council's contractors, and their vehicles over the subject property for the purpose of collecting waste from the property. The terms of the easement are to indemnify Council and Council's contractors against damages to private land or property whilst in the course of carrying out waste collection services. The terms of the easement are to be generally in accordance with Council's draft terms for an easement for waste collection.
73. 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.
74. For endorsement of the linen plan/issue of the subdivision certificate, the Applicant shall submit an original plan of subdivision plus six (6) copies, suitable for endorsement by the consent authority. The following details **must** be submitted with the plan of Subdivision and its (5) copies, where Council is the consent authority:
- a. The endorsement fee current at the time of lodgment.
 - b. The 88B Instruments plus six (6) copies,
 - c. A copy of the Occupation Certificate,
 - d. The Consulting Engineer's certification of the on-site stormwater detention facility. This must be on the standard Council on-site detention certification sheet, available from Council's customer services.
 - e. A copy of all works-as-executed plans required under the consent,
 - f. All Surveyor's and/or Consulting Engineer's certification(s) required under this consent,
 - g. The Section 73 (Sydney Water) Compliance Certificate.

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

Note 1: Plans of subdivision and copies must not be folded.

Note 2: Council will not accept bonds in lieu of completing subdivision works.

Note 3: If the certifying authority is not Council, then a copy of all of the above must be provided to Council

75. 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.
76. 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.

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CONDITIONS TO BE COMPLIED WITH PRIOR TO OCCUPATION

77. Prior to the completion of the detention retention tank(s), the construction of the required interallotment drainage system must be completed in full. The designing engineer or equivalent professional engineer must supervise the works. At the completion of works, and prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate, the following shall be submitted to the Principal Certifying Authority (PCA):
- a. Certification from the supervising engineer that the as-constructed works comply with the approved interallotment design documentation, and
 - b. A full works-as-executed drawing of the as built drainage line (dimensions, grades, materials, invert levels) prepared by a registered surveyor, and
 - c. Certification from the surveyor that all drainage structures are wholly contained within the drainage easement(s).
78. Prior to issue of the Occupation Certificate, a complete record of geotechnical inspections, testing and monitoring with certifications as specified in the Report on Geotechnical Investigation by Jeffery and Katauskas Consulting Engineers (refer report 19152VBrpt dated 31 January 2005), and the professional geotechnical input over the course of the works, must be compiled in report format and submitted to the Principal Certifying Authority for approval.
79. Prior to issue of the Occupation Certificate a suitably qualified and consulting geotechnical engineer is to provide certification to the Principal Certifying Authority that excavation and construction of the basement level, including temporary and permanent shoring and retention measures, have been carried out :
According the relevant Australian Standards and guidelines, and
According to any approved Geotechnical report undertaken for the development, and
In a manner that ensures that the structural amenity of adjoining structures and property is fully maintained.
80. Prior to issue of an Occupation Certificate the following works must be completed to the satisfaction of Council Engineers:
- Completion of the new driveway crossing in accordance with levels and specifications issued by Council.
- Completion of all new footpath works in accordance with Council's standard detail.
- Removal of **all** redundant driveway crossings and kerb laybacks (or sections thereof). Full reinstatement of these areas to footway, and/or turfed verge and/or kerb and gutter to the satisfaction of Council. Reinstatement works shall match surrounding adjacent infrastructure with respect to integration of levels and materials.
- Full repair and resealing of any road surface damaged during construction.

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Full replacement of damaged sections of grass verge with a non-friable turf of native variety to match existing.

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

81. Prior to issue of an Occupation Certificate the Section 73 Sydney Water compliance certificate must be obtained and submitted to the Principal Certifying Authority (PCA).
82. Prior to issue of an Occupation Certificate a suitably qualified consulting civil/hydraulic engineer is to provide engineering certification for approval by the Principal Certifying Authority (PCA). The certification is to make **specific reference** to each of the following aspects of the installed drainage and stormwater management measures:

That construction of the stormwater drainage and management systems has been carried out by a contractor licensed to do so.

That all necessary Sydney Water approvals have been obtained for the domestic use of reticulated water.

That the as-built retention systems achieve the design storage volumes approved by the Principal Certifying Authority with the Construction Certificate (engineer must complete the form in the appendices of DCP47 in relation to the system).

The as-built drainage layout (including pits, pipes and ancillary plumbing) is in accordance with the relevant stormwater management and drainage plans approved by the Principal Certifying Authority with the Construction Certificate,

The overall as built drainage and stormwater management systems will achieve the discharge control intent of the approved construction plans and Councils Water Management DCP47.

83. Prior to issue of an Occupation Certificate the applicant shall submit a Works-as-Executed (WAE) drawing(s) to the Principal Certifying Authority in relation to the installed stormwater drainage and managements systems. These plans shall show:

As built location and indicative internal dimensions of the retention structures on the property (plan view) and horizontal distances to nearest adjacent boundaries and buildings on site

As built locations of all access pits and grates in the retention systems, including dimensions.

The achieved capacity of the retention storages and derivative calculations.

Top water levels of storage areas and indicative RL's through the escape flow path in the event of blockage of system.

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As built surface and invert levels for all drainage pits and junction points.

Gradients of drainage lines, materials and sizes.

As built level(s) at the approved point of discharge to the public drainage system.

The WAE(s) is to be prepared by a **registered surveyor** and shall show all critical constructed levels, materials and dimensions in comparison to those shown in the relevant designs approved by the Principal Certifying Authority with the Construction Certificate. All relevant details indicated must be denoted **in red** on the Principal Certifying Authority stamped construction certificate stormwater drawings. The plan shall not be prepared until final surfaces (such as landscaping) are laid.

84. Prior to issue of an Occupation Certificate the following must be provided to Council (attention Development Engineer):

A copy of the approved Construction Certificate stormwater drainage plans which show the retention systems.

A copy of all the works-as-executed drawings as specified in this consent relating to drainage and stormwater management,

All Engineer's certifications specified in this consent.

This condition is required so Council may maintain its database of as-constructed on-site stormwater detention/retention systems, and also applies if the Principal Certifying Authority (PCA) is not the Council.

85. Prior to issue of the Occupation Certificate, a qualified civil/traffic engineer must undertake a site inspection of the completed basement vehicle access and accommodation areas which shall include full dimension measurements as necessary. At the completion of this site inspection, this engineer shall provide certification to the Principal Certifying Authority that: Vehicle access and accommodation arrangements (including but not limited to space dimensions, aisle, ramp and driveway widths and grades, height clearances and the like) comply with Australian Standard 2890.1 – 2004 "Off-Street car parking" and/ or the and No security doors, grilles or gates are provided which would prevent access to the garbage storage area by Councils waste collection vehicle, including the truck manoeuvring area for forward egress.
86. Prior to issue of the Occupation Certificate, separate underground electricity, gas, phone cable, sewer and water services shall be provided for the development in accordance with the requirements of those utility providers. A suitably qualified and experienced engineer or surveyor is to provide certification to the Principal Certifying Authority that the development has ready underground access to the services of electricity, gas, phone cable, sewer and water.

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Alternatively a final compliance letter from the respective supply authorities may be supplied for approval.

87. Prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate (and at the completion of the works) the Applicant shall submit to the Principal Certifying Authority (PCA) a follow up dilapidation report on the structures originally assessed at 33 and 39 Millewa Avenue and 3/12 Woniora Avenue. The report must be completed by a consulting structural/geotechnical engineer and must address the structural conditions of all structures originally assessed prior to issue of the Construction Certificate. The report shall be verified by all stakeholders as far as practicable. If a structure has been demolished in the meantime under a separate Development Approval then no such report is required.
88. Prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate (and at the completion of the works) the Applicant shall submit to the Principal Certifying Authority (PCA) a follow up dilapidation report on the visible and structural condition of the following public infrastructure originally assessed:

Full road pavement width of Millewa Avenue including kerb and gutter, over the site frontage.

The Report must be completed by a practicing consulting structural engineer and be submitted for Council records prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate.

89. The landscape works shall be completed prior to release of the Certificate of Occupation and maintained in a satisfactory condition at all times.
90. The screen planting shall be completed prior to release of the Certificate of Occupation and be maintained in a satisfactory condition at all times.

BUILDING CONDITIONS

91. 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.
92. 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.
93. **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

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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.

94. To maintain existing ground levels all excavated material shall be removed from the site.
95. All excavations shall be properly guarded and protected with hoardings or fencing to prevent them from being dangerous to life and property.
96. 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.
97. The applicant is advised that the Construction Certificate plans and specifications must comply with the provisions of the Building Code of Australia.
98. 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.
99. 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.
100. 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.

101. The demolition is to be carried out in accordance with the guidelines contained in Australian Standard 2601-1991: The Demolition of Structures.

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102. Access to demolition sites shall be protected as directed by the Principal Certifying Authority by the use of suitable fences or hoardings.
103. 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.
104. 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.
105. Erosion control measures shall be provided on demolition sites to prevent the siltation of watercourses and drainage systems.
106. 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.
107. 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.

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108. All demolition materials of value for re-use either on-site or elsewhere, shall be separated and made available for re-cycling.
109. 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.
110. To prevent pollution, all vehicles making a delivery to or from the site are to be covered to prevent loose materials, dust etc falling from the vehicles.
111. To prevent pollution, all disturbed areas which are not to be built upon or otherwise developed within 14 days shall be stabilised with mulch, woodchip or other rehabilitation methods to provide permanent protection from soil erosion.

Natalie Richter
Executive Assessment Officer

Mark Leotta
**Team Leader, Development
Assessment – North**

Michael Miocic
**Director
Development & Regulation**

Attachments: **Location Plan**
 Zoning Extract
 Architectural Plans
 Landscape Plans
 Strata Subdivision Plans

175 KISSING POINT ROAD, TURRAMURRA - REQUEST FOR RETURN OF LAND WHICH FORMED A PART OF THE ABANDONED ROAD WIDENING OF KISSING POINT ROAD

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

For Council to consider a request from the Estate of the late G Warren owner of 175 Kissing Point Road, Turramurra for the return of a strip of land approximately 18.29 x 7.5 metres dedicated for road widening of Kissing Point Road.

BACKGROUND:

The dedicated strip of land was vested as public road on 3 April 1964, under the Mains Road Act 1924, as amended, for road widening. The proposed road widening for Kissing Point Road was abandoned by the then Premier of NSW on 15 September 1989. No compensation was applied for by the applicant for the dedication and as such the applicant requests that the land be returned at no cost.

COMMENTS:

By default, the subject land is vested in Council as public road, which is no longer required for road purposes.

RECOMMENDATION:

That Council agree to the transfer of the subject land at no cost. All costs associated with the road closure process and the transfer of land to be borne by the applicant.

PURPOSE OF REPORT

For Council to consider a request from the Estate of the late G Warren owner of 175 Kissing Point Road, Turramurra for the return of a strip of land approximately 18.29 x 7.5 metres, previously dedicated for road widening of Kissing Point Road.

BACKGROUND

The dedicated strip of land known as Lot 26 DP 220615, was vested as public road on 3 April 1964, under the Mains Road Act 1924, as amended, for road widening of Kissing Point Road.

At that time the land was in the ownership of R.A and G Warren. No compensation was paid to the applicant for the dedication. The land remains as unformed road and to date has been maintained by the owners of the property.

The proposed road widening for Kissing Point Road was abandoned by the then Premier of NSW on 15 September 1989.

In December 2002, Mrs G Warren (now deceased) received advice from the RTA regarding the status of her property and the adjacent strip of land acquired for road widening. The advice states that the RTA would raise no objections for a road closing application to Council, and that the RTA would not make any claim for compensation (**refer Appendix A**).

In February 2003, the owner was advised by Council of the process involved in acquiring the Council owned land is known as Road Closure and Sale, attached to which are associated legal & administration costs and the purchase price of the parcel of land in the event of compensation.

In September 2004, solicitors acting on behalf of the Estate of the late owner submitted to Council a Road Closure & Sale application form along with the prescribed fee.

In January 2005, Council received advice from the RTA confirming that the land was no longer required and that no objections would be raised for Council to proceed with the road closure application and transferring the land to the Estate of the former owners for nil consideration (**refer Appendix B**).

COMMENTS

Accordingly the status of the land is Council owned public road (**refer Appendix C**). The land is zoned Residential 2(c) under LEP 90.

The road closure and sale process involves, apart from Council, the Department of Lands (who consult with other instrumentalities) for transfer of title. The completion of the process is expected to take 12 – 18 months.

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P48346
19 July 2005

The current applicant is the solicitor acting on behalf of the Estate of the late owner. The beneficiaries of the Estate are of the view that the dedication of land was specifically for road widening and given that the widening has been abandoned the land ownership should revert back at no cost. The land remains as unformed road and to date has been maintained by the owners of the property.

The RTA have confirmed that the subject land is no longer considered to be required for road widening purposes. No compensation was paid to the original owner, and as such the transfer of the land for nil compensation is supported.

CONSULTATION

The Roads and Traffic Authority confirmed via letter dated 21 January 2005, that the subject land is no longer required for road widening, and further that they have no objection for an application to close the road (**attachment B**).

FINANCIAL CONSIDERATIONS

Indicative costs associated with road closure and sale of public road vested in council are as follows.

1. Council Application to Purchase Fee	\$680.00
2. Legal Fees (estimated)	\$2,000.00
3. Independent Valuation (if applicable)	\$1,000.00 - \$1,500.00
4. Survey (if required)	\$1,000.00 - \$2,000.00
5. Department of Land Application	\$876.90
6. Land Property & Information Department Application Fee	\$600.00

On the basis that the subject land is zoned Residential 2(c), fees for rezoning and associated advertising and public hearing which normally apply to road closure are not applicable in this instance.

The above fee's are indicative only and may be subject to change. All costs associated with the closure of unformed road and subsequent transfer of land will be borne by the applicant.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Planning & Environment has provided input to this report.

SUMMARY

The proposed road widening for Kissing Point Road was abandoned by the then Premier of NSW on 15 September 1989. To date the land remains as unformed road, which has been maintained by the owners of the property.

Previous legal advice to Council (Abbott Tout letter dated 6/11/2002) which is not specific to this parcel of land but does address the same issue has advised in part that;

“Council should only consider the return of unnecessary public road to the owner of the adjoining land at no cost if that adjoining owner was the person from whom the land was acquired and where no compensation has been paid”.

As no compensation was paid to the owner for the dedication of land, it is reasonable that Council consider the return of the abandoned public road to the Estate of the late owner at no cost.

RECOMMENDATION

- A. That Council agree to the transfer of the land component at no cost to the Estate of the late owner.
- B. That all costs associated with the closure of the unformed road and subsequent transfer of land are to be borne by the applicant and subject to the requirements of the Department of Lands.
- C. That Council authorise the General Manager and the Mayor or their nominees to execute all documentation associated with the road closure and transfer of the land.
- D. That Council approve the affixing of the Common Seal of Council to all necessary documentation.

Deborah Silva
Commercial Services Coordinator

John McKee
Director Finance and Business

Attachments: **Appendix A. Letter to applicant dated 11/1/2002**
 Appendix B. Letter from RTA dated 21/1/2005
 Appendix C. Location Sketch

AIRSPACE LEASE OVER WADE LANE, GORDON - OPTION TO RENEW LEASE

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

To advise Council that the lease option of the airspace over Wade Lane Gordon, has been validly exercised, and request Council to authorise the affixing of the Common Seal of Council to the new lease.

BACKGROUND:

In 1979 Council entered into a twenty five (25) year lease agreement, plus a ten (10) year option with Hancon Investments Pty Ltd, for the airspace over Wade Lane Gordon. The constructed airbridge adjoins Council's Wade Lane car park with the Gordon Village Shopping Centre. The lease has been assigned at various times, all of which have been approved by Council.

COMMENTS:

The option has been validly exercised. The rent for the option period has been determined by an independent valuation. The lease is required to be executed under the Common Seal of Council.

RECOMMENDATION:

1. That Council approve the renewed lease for a further period of ten (10) years commencing 1 July 2004.
2. That Council authorise the Mayor and the General Manager to execute all necessary documentation associated with the lease.
3. That Council approve the affixing of the Common Seal of Council to all necessary documentation.

PURPOSE OF REPORT

To advise Council that the lease option of the airspace over Wade Lane Gordon, has been validly exercised, and request Council to authorise the affixing of the Common Seal of Council to the new lease.

BACKGROUND

In 1979 Council entered into a twenty five (25) year lease agreement, plus a ten (10) year option with Hancon Investments Pty Ltd, for the airspace over Wade Lane Gordon. The constructed airbridge adjoins Council's Wade Lane car park with the Gordon Village Shopping Centre.

The lease has been assigned at various times, all of which have been approved by Council. Additionally, the original lease was varied in 1995 to incorporate an area utilised for tables and seating for a café/coffee shop adjacent to Shop 25, under a licence agreement.

A history of the assignments & variation are set out below;

- **Original lease to Hancon Investments P/L**
- Deed of Assignment from Hancon to Pennant Property Holdings P/L
- Deed of Assignment from Pennant Property Holdings P/L to National Mutual
- Deed of Assignment from National Mutual to Perpetual Trustees WA Ltd
- Deed of Assignment from Perpetual Trustees WA Ltd to Lansura P/L
- **Deed of Variation dated 21 December 1995**
- Deed of Assignment from Lansura P/L to Trust Company of Australia Ltd
- Deed of Assignment from Trust Company of Australia Ltd to Deutsche Asset Management (Australia) Ltd
- Deed of Assignment from Deutsche Asset Management (Australia) Ltd to Perpetual Trustee Company Ltd

In March 2004, solicitors acting on behalf of the Lessee, and in accordance with the terms of the lease, notified Council of the exercise of option.

The twenty five (25) year term expired on 30 June 2004, with the option term due for expiry on 30 June 2014.

COMMENTS

The option lease is subject to a market review, and Council has received a valuation of the market rental assessment for the renewal term. Additionally the review opportunity also attracts GST liability.

A valuation provided by BEM Property Consultants Pty Ltd, to establish the fair market value of the property, the date of review being 1 July 2004, determined the current market rental (**refer Attachment A – Confidential Market Rental Valuation**).

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P54342
7 July 2005

Following negotiations, the lessee has now accepted Council's rental offer at the determined amount. However, the lessees' solicitors requested the inclusion of a new Limitation of Liability clause.

The Gordon Village Shopping Centre forms part of the Gordon Property Trust, of which the responsible entity is DB RREEF Funds Management Pty Ltd, who have appointed Perpetual Trustee Company Ltd, as its agent to hold assets of the Trust. As such the new lease will be executed by both DB RREEF Funds Management Pty Ltd and Perpetual Trustee Company Ltd. The insertion of the limitation of liability clause is a standard practice of Trustees of property trusts to ensure that their liability under the particular agreement is limited to the assets of the Trust involved in the particular arrangement. Perpetual Trustee Company Ltd, would be the Trustee of numerous Trusts, and in the event that there is claim in relation to this lease than Council can only access the assets of this particular Trust.

With the exception of the Limitation of Liability clause, the inclusion of a GST clause and an increase in the minimum amount required for public liability insurance from \$2 million - \$10 million, all other essential terms of the original lease, and as subsequently varied, have remained the same.

CONSULTATION

Council has consulted with BEM Property Consultants Pty Ltd, to determine current market rental. Councils' solicitors Matthews Folbigg provided advice on the inclusion of the Limitation of Liability clause (refer Attachment B) and prepared draft lease documentation.

FINANCIAL CONSIDERATIONS

(refer Attachment C – Confidential Heads of Agreement)

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Consultation with Council's Corporate Lawyer in respect of the Limitation of Liability clause was undertaken during the negotiation stage of the Heads of Agreement.

SUMMARY

The lessee has validly exercised their option for a further ten (10) year term. The rent for the option period has been determined by an independent valuation and the lessee has accepted Council's offer.

With the exception of the Limitation of Liability clause, the inclusion of a GST clause and an increase in the minimum amount required for public liability insurance, all other essential terms of the original lease, and as subsequently varied, have remained the same.

RECOMMENDATION

- A. That Council approve the renewed lease for a further period of ten (10) years commencing 1 July 2004.
- B. That Council authorise the Mayor and the General Manager to execute all necessary documentation associated with the lease.
- C. That Council approve the affixing of the Common Seal of Council to all necessary documentation.

Deborah Silva
Commercial Services Coordinator

John McKee
Director Finance and Business

Attachments: **Confidential Attachment A - Valuation Report**
 Attachment B - Correspondence from Matthews Folbigg Pty Ltd dated 21 April 2005
 Confidential Attachment C - Heads of Agreement

ORDER TO PLACE CARLOTTA AVENUE DEPOT SITE MASTERPLAN ON TITLE AS A PUBLIC POSITIVE COVENANT

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

To advise Council on the legal procedure to place the Carlotta Avenue Depot Site Masterplan as a public positive covenant on the Certificate of Title and to seek approval for the consolidation of all lots forming 1-7 Carlotta Avenue Gordon into a single parcel.

BACKGROUND:

At its ordinary meeting 10 May 2005, Council resolved that the Depot Masterplan be placed as a positive covenant on the title of the site at 1-7 Carlotta Avenue Gordon.

COMMENTS:

To ensure the future development of the site is in accordance with the adopted Masterplan, and to apply the appropriate encumbrances on the title of the land, an Order in accordance with Section 88D of the Conveyancing Act 1919 (NSW) is required from Council.

RECOMMENDATION:

That Council order that a public positive covenant be imposed on Council's land as described in the Order. That Council authorise the Mayor and the General Manager to execute all documentation associated with the 88D instrument and the Plan of Consolidation. That Council approve the affixing of the Common Seal of Council to all necessary documentation.

PURPOSE OF REPORT

To advise Council on the legal procedure to place the Carlotta Avenue Depot Site Masterplan as a public positive covenant on the Certificate of Title and to seek approval for the consolidation of all lots forming 1-7 Carlotta Avenue Gordon into a single parcel.

BACKGROUND

At its meeting of 10 May 2005, minute 179, Council resolved:

“B. That the Depot Masterplan be placed as a positive covenant on the title of the site at 1 – 7 Carlotta Avenue, Gordon.”

The current configuration of the land known as 1-7 Carlotta Avenue Gordon, comprises of eight individual lots. Those being Lots 10 and 11 in Deposited Plan 3387, Lot 2 in Deposited Plan 218590 and Lots 11, 12, 13, 14 and 15 in Deposited Plan 712122.

COMMENTS

To ensure the future development of the site is in accordance with the adopted Masterplan, and to apply the appropriate encumbrances on the title of the land, an Order in accordance with Section 88D of the Conveyancing Act 1919 (NSW) is required from Council. This section of the Conveyancing Act 1919 (NSW) sets out the exact requirements to place an enforceable public positive covenant on land held by, or vested in a prescribed authority (refer to **Appendix A**).

Additionally, Councils' solicitors have recommended that the individual parcels of land which form 1-7 Carlotta Avenue Gordon, are consolidated into one (1) Lot. This will place further control on the land and ensure that the future development is only dealt within one parcel (refer to **Appendix B**).

CONSULTATION

Council's solicitors Matthews Folbigg provided advice for the required wording for the positive covenant to be legally registered on the Certificate of Title.

FINANCIAL CONSIDERATIONS

N/A

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Consultation with the Technical Services Department in the preparation of this report has been undertaken.

SUMMARY

The wording of the Order is prescribed under Sect 88D Conveyancing Act 1919 (NSW) is to be precise.

To impose restrictions that relate to land under the Real Property Act 1900, an order in accordance with Section 88D Conveyancing Act 1919 (NSW) in the approved form will be lodged with Lands & Property Information (LPI).

To ensure that the land can only be dealt within one (1) parcel, a Plan of Consolidation will be prepared in the approved form and lodged with Lands & Property Information (LPI).

RECOMMENDATION

- 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 and 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.

Deborah Silva
Commercial Services
Coordinator

John McKee
Director Finance and
Business

Greg Piconi
Director Technical Services

Attachments: **Appendix A. Copy of Section 88D Conveyancing Act 1919 (NSW).**
 Appendix B. Matthews Folbigg Pty Ltd correspondence dated 7 July 2005.

DRAFT (HERITAGE CONSERVATION) LOCAL ENVIRONMENTAL PLANS NO 31, 134 TO 138 EASTERN ROAD, WAHROONGA & 32, "THE OAKS", 517 PACIFIC HIGHWAY, KILLARA

EXECUTIVE SUMMARY

PURPOSE OF REPORT:	For Council to consider the abandonment of Draft (Heritage Conservation) Local Environmental Plans No 31 (DHLEP31), 134-138 Eastern Road, Wahroonga and consider DHLEP32 "The Oaks", 517 Pacific Highway, Killara (DHLEP32) following exhibition.
BACKGROUND:	On 15 February 2005, Council resolved to prepare a Local Environmental Plan for 134-138 Eastern Road, Wahroonga and the property known as "The Oaks" at 517 Pacific Highway, Killara as draft heritage items in Schedule 7 of the Ku-ring-gai Planning Scheme Ordinance. DHLEP31 and DHLEP32 were then placed on public exhibition from 20 April 2005 to 19 May 2005.
COMMENTS:	No submissions were received in relation to DHLEP31. In the case of <i>Mirvac Projects Limited v Ku-ring-gai Council</i> [2005] the issue of the proposed demolition of Interwar Building at 134-138 Eastern Road, Wahroonga was considered. The Court permitted the demolition to proceed. In light of the Court's finding, it is recommended that Council abandon DHLEP31. Submissions were received in support of Council's inclusion of "The Oaks", 517 Pacific Highway, Killara in Schedule 7 (Heritage items) of the Ku-ring-gai Planning Scheme Ordinance (KPSO) and the supporting heritage map.
RECOMMENDATION:	That Council abandon Draft LEP31 (134-138 Eastern Road, Wahroonga). That Council adopt Draft (Heritage Conservation) Local Environmental Plan No 32 "The Oaks" and submit the Draft Plan to the Minister with a report under Section 69 of the Environmental Planning and Assessment Act 1979 with a request that the Plan be made.

PURPOSE OF REPORT

For Council to consider the abandonment of Draft (Heritage Conservation) Local Environmental Plans No 31 (DHLEP31), 134-138 Eastern Road, Wahroonga and consider DHLEP32 "The Oaks", 517 Pacific Highway, Killara (DHLEP32) following exhibition.

BACKGROUND

134-138 Eastern Road, Wahroonga

In 2004 Council received a development application seeking consent for the demolition of the existing inter-war building and chapel on the property located at 134-138 Eastern Road, Wahroonga. Council on 15 February 2005 resolved:

- A. *That Development Application No 991/04 for the demolition of the existing interwar building and chapel on site be refused on grounds of the heritage significance of the interwar building and chapel.*
- B. *That Council prepares a Local Environmental Plan to include the site at 134 – 138 Eastern Road, Wahroonga as a draft heritage item.*
- C. *That Council makes a request to the Minister to consider making an Interim Heritage Order (IHO) on the site.*
- D. *That Council notifies the Department of Infrastructure, Planning and Natural Resources of its intention to prepare a draft Local Environmental Plan in accordance with Section 54 of the EP & A Act.*
- E. *That Council notify the owners of all affected properties of its decision.*
- F. *That the Draft Plan be placed on exhibition in accordance with the requirements of the EP & Act and Regulations.*
- G. *That a report be brought back to Council at the end of the exhibition period.*

Following Council's resolution, Draft (Heritage Conservation) Local Environmental Plan No. 32 was prepared. A heritage assessment was undertaken as part of the Court Case. DHLEP32 was placed on public exhibition to receive written submissions from 20 April 2005 to 19 May 2005. One submission was received during this period received from Mirvac Projects Pty Limited the owner of the subject land. During the exhibition period, the case of *Mirvac Projects Limited v Kuring-gai Council* [2005] NSWLEC 162 (21 April 2005) was heard in the Land and Environment Court NSW. Roseth SC and Murrell C considered the issue of the proposed demolition of Interwar Building at 134-138 Eastern Road, Wahroonga. The Court approved the demolition of the interwar building (**ATTACHMENT 1**).

“The Oaks” 517 Pacific Highway, Killara

At the meeting on 15 February 2005 Council resolved:

- A. *That Council prepares a Local Environmental Plan to include 517 Pacific Highway, Killara as a draft heritage item.*
- B. *That Council makes a request to the Minister to consider making an Interim Heritage Order (IHO) on the site.*
- C. *That Council notifies the Department of Infrastructure, Planning and Natural Resources of its intention to prepare a draft Local Environmental Plan in accordance with Section 54 of the EP & A Act.*
- D. *That Council notifies the owners of all affected properties of its decision.*
- E. *That the Draft Plan be placed on exhibition in accordance with the requirements of the EP & A Act and Regulations.*

Council engaged Glen Cowell Heritage Services in February 2005 to prepare the heritage assessment for the land known as “The Oaks”, 517 Pacific Highway, Killara. It found the site to be of historical, aesthetic and social significance and some technical/research significance. The Heritage report came to the following conclusion:

“The Oaks” is one of the few large mansions in a largely intact condition and in its original expansive gardens, still remaining along the Pacific Highway corridor through the suburb of Killara. The building should be retained as a reflection of the original concept and promotion of the suburb as a suitable place for “Gentlemen of Means”.

The character of the building is expressive of the transitional period between Federation and Inter-War styles and exhibits rare detailing in its oversized horseshoe arches which dominate the front of the building.

Consideration should be given to either listing this building as a local heritage item and retaining its use as a single residential unit, or redeveloping the property in such a way that the existing house will be retained intact with a higher density re-use of the site.

The Draft Plan was placed on public exhibition and seeking written submissions from 20 April 2005 to 19 May 2005.

COMMENTS

134-138 Eastern Road, Wahroonga

Mirvac Projects Limited v Ku-ring-gai Council

In the case of *Mirvac Projects Limited v Ku-ring-gai Council* [2005] NSWLEC 162 (21 April 2005), Roseth SC and Murrell C of the Land and Environment Court considered the issue of the proposed demolition of Interwar Building at 134-138 Eastern Road, Wahroonga. The Court

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considered whether the building located at 134-138 Eastern Road, Wahroonga justifies retention and adaptive re-use at considerable cost and secondly, whether the building, if adapted, would be successful in achieving the purpose of retention, namely retaining its identified value and significance to the Patrician Brothers', the site and Wahroonga.

The Court's key findings were:

1. *"The Patrician Bothers' use of the site will be permanently commemorated by retention of Glenwood House and the associated interpretive material. The retention and adaptive re-use of the Interwar building would not add to the effectiveness in commemorating the Bothers' role".*
2. *"The demolition of the building, which is located within Glenwood House's curtilage, would "free-up" Glenwood House and assist in making it the focus of the residential estate".*
3. *"In coming to our decision, we were not influenced by the cost of converting the Interwar building to a house the significance of the Interwar building is not of a significance that justifies its retention".*

Given the determination of the court case allowing demolition of the draft heritage item located at 134-138 Eastern Road, Wahroonga it is unlikely that the Minister will make an Interim Heritage Order to halt demolition. Given this, it is recommended that Council abandon DHLEP31.

Interim Heritage Order

On 30 May 2005 Council received notification from the NSW Heritage Office regarding Council's nomination of the former Patrician Brothers Training College and Chapel for an Interim Heritage Order under the Heritage Act, 1977 (**ATTACHMENT 2**). After giving detailed consideration to the submitted nomination the Heritage Office is of the opinion that the Interwar Building does not meet the criteria for state significance. The Heritage Office further considered it to be a local heritage management issue to be addressed through the planning system. To this end the Heritage Office commented that in the recent proceedings of the Land and Environment Court, and the determination of the court had satisfactorily addressed the heritage significance of the Interwar Building. The Heritage Office did not recommend the making of an Interim Heritage Order over this site.

"The Oaks" 517 Pacific Highway, Killara

Interim Heritage Order

At its meeting on 15 February 2005, Council resolved to request an Interim Heritage Order (IHO) under section 24 of the Heritage Act for a site at 517 Pacific Highway, Killara (**ATTACHMENT 3**). The issue was raised when a demolition application was lodged for demolition of a two storey face brick residence with sandstone detailing (known as "The Oaks"), constructed within the first decade of the Twentieth Century which is located on the site. Council believes the building has local heritage significance and seeks to extend the listing to include the item. Council wrote to the Heritage Office in February 2005 seeking an IHO to provide adequate protection until the draft LEP can be finalised. A response to Council's request was received from the Heritage Office on 5 April

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2005 advising that it does not consider action under the Heritage Act to be warranted at the present time, however it indicated that the Heritage Office is continuing to monitor the matter closely.

CONSULTATION

Notification under Section 54 of the Environmental Planning and Assessment Act 1974 (EP&A Act) was made to the Department of Infrastructure, Planning and Natural Resources (DIPNR) and Section 62 notification to relevant State agencies on Wednesday 20 April 2005. Draft (Heritage Conservation) Local Environmental Plan No. 31 and 32 were placed on formal public exhibition at the Customer Service Centre and Council's libraries and Council's website from 20 April 2005 to 19 May 2005. Affected property owners were also notified in writing of the exhibition of the Draft Plan and were invited to make submissions. In response to DHLEP31 (134-138 Eastern Road, Wahroonga) one submission (**ATTACHMENT 4**) was received from Mirvac Projects Pty Limited requesting that Council allow them reasonable opportunity to prepare and submit to Council a written submission on the Draft Plan. In relation to "The Oaks" 517 Pacific Highway, Killara, two submissions were received from State agencies, neither raised objections to the draft plan. A total of 13 public submissions were made all of which were in favour of the proposed draft plan (**ATTACHMENT 5**).

Public Submissions

A summary of the general submissions made for the proposed heritage listing is provided below and a copy of submissions is attached.

Issues raised in Submissions in support for the Heritage Listing Under DHLEP32

Summary of Issues raised in Submissions	Comments
<p>The property is a precious remnant of early Ku-ring-gai.</p> <p>There are few remaining examples of early 20th Century architecture remaining in Ku-ring-gai.</p>	<p>"The Oaks" is significant as part of the early residential development of the new northern suburb of Killara between 1890 and 1915 when Federation Period styles were at their peak of popularity.</p>
<p>The site forms part of the National Trust Urban Conservation area and Potential Conservation Area.</p> <p>Encourages the adaptive reuse of the dwelling.</p>	<p>As stated in the submission, "The Oaks" was included on the National Trust of Australia (NSW) Register in 1980.</p> <p>The Glen Cowell Heritage Assessment recommends that "depending on the quality and intactness of the interior, "The Oaks" could be converted for use as two or more apartments".</p>
<p>"The Oaks" is of architectural significance and displays rarity value.</p> <p>It has a rich social history and a landscape of significant trees.</p> <p>It is a prominent and well known landmark which establishes a dominant streetscape pattern.</p> <p>"The Oaks" is a 'pristine gem' in Ku-ring-gai.</p>	<p>"The Oaks" which is largely intact externally has historic and aesthetic significance for its age and for its landmark quality as one of the few remaining large residential buildings from this period still remaining along this section of the Pacific Highway at Killara.</p> <p>The building has aesthetic significance for the largely intact fabric of the original residence, which retains the high quality and character of the original design. It has significance as one of the large, important residences</p>

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Summary of Issues raised in Submissions	Comments
Concerned about the threat of demolition and loss of integrity due to the lack of interface	which were constructed as a result of the subdivision of land in the immediate area.
"The Oaks" can be converted to apartments. Ku-ring-gai must keep its outstanding artefacts and houses for the benefit of Australia.	The Glen Cowell Heritage Assessment for the Oaks (February 2005) states that "consideration should be given to either listing this building as a local heritage item and retaining its use as a single residential unit, or redeveloping the property in such a way that the existing house will be retained intact with a higher density re-use of the site".
"The Oaks" has been recognised by the National Trust for its heritage significance. The house has great significance to Ku-ring-gai. A succession of distinguished Australians have owned and occupied The Oaks. The House is of great social and cultural significance.	"The Oaks" has high social significance as the home and surgery of a number of prominent Sydney Medical Practitioners from its construction in c1907 through to the death of the last Doctor in residence in 1982. The building also has social significance as a largely intact and highly visible example of the quality of building reflecting the social standing of the occupants within the suburb of Killara (contemporary community esteem).
"The Oaks" is a landmark historic property. Recognition of the properties significance is overdue. Heritage Office has recognised the significance of The Oaks. "The Oaks" requires statutory listing.	"The Oaks" is one of the few large mansions in a largely intact condition and in its original expansive gardens, still remaining along the Pacific Highway corridor through the suburb of Killara. The Glen Cowell Heritage Assessment recommends that "The Oaks" should be retained as a significant landmark element defining the major street entering the Killara Estates from the Pacific Highway.
Too much of Ku-ring-gai's heritage has been lost to date. Listing "The Oaks" will save part of Ku-ring-gai's history for future generations.	As alluded to in this submission, "The Oaks" has historical significance as a largely intact example of the type of building which reflects the evolving pattern of residential development within the suburb of Killara immediately preceding and following the opening of the Hornsby to Milson's Point Rail Line in 1910.
"The Oaks" is a magnificent building with a significant treed setting and known for its quality architecture. Contributes to the character of Ku-ring-gai.	"The Oaks" is considered to be of high significance for a number of reasons, the submission discusses two such reasons. Firstly, the site, including fence and gates, gardens, lawns and trees within the context of the streetscape. Secondly, the extant Oak tree on the North western boundary of the site which is possibly part of the original landscaping.
Strong support for heritage listing of The Oaks	All submissions received during the public exhibition period highlighted the strong community support for the listing of The Oaks in Schedule 7 of the KPSO.
Strong support for heritage listing of The Oaks	Refer to above comment.
Property displays rarity value and is of architectural significance. It is historically significant as the site of the first Wesleyan services on the North Shore.	In response to the stated 'rarity' value of "The Oaks" the Glen Cowell Heritage Assessment remarked that "the building has been identified as a rare combination of the brick Queen Anne Style with Art Nouveau detailing on the "horseshoe arch" verandah detailing".

FINANCIAL CONSIDERATIONS

The preparation, exhibition and assessment of Draft Local Environmental Plan (Heritage Conservation) No. 31 and 32 are covered by the Urban Planning budget.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Consultation has been undertaken with the Development & Regulation and Civic Management Department.

SUMMARY

Draft HLEP No. 31 was publicly exhibited. One submission was received during the exhibition period. While on exhibition, the case of *Mirvac Projects Limited v Ku-ring-gai Council* [2005] NSWLEC 162 (21 April 2005), was heard in the Land and Environment Court NSW. Roseth SC and Murrell C considered the issue of the proposed demolition of Interwar Building at 134-138 Eastern Road, Wahroonga ruling that the demolition go ahead. Given the determination of the case, it is recommended that Council abandon DHLEP31.

Draft HLEP32 was publicly exhibited. Submissions supporting the draft plan were received during the exhibition period and these have been assessed in this report. The submissions support the findings and recommendations made in the Glen Cowell Heritage Assessment for "The Oaks" in relation to the listing of the property as a heritage item in Schedule 7 (Heritage items) of the KPSO. The main issues raised in the public submissions expressed the architectural, social, aesthetic and landmark significance of the property to the suburb of Killara and the wider community. It is recommended that Council adopt DHLEP32 (**ATTACHMENT 6**) and submit it to the Minister for approval and gazettal.

RECOMMENDATION

- A. That Council adopts Draft (Heritage Conservation) Local Environmental Plan No.32 "The Oaks" 517 Pacific Highway, Killara, and submit the Draft Plan to the Minister with a report under Section 69 of the Environmental Planning and Assessment Act 1979 with request that the Plan be made.
- B. That Council notifies the NSW Heritage Office informing them of Council's decision.
- C. That Council notifies all affected residents and all people who made a submission of its decision.

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- D. That Council abandon Draft (Heritage Conservation) Local Environmental Plan No.31 (134-138 Eastern Road, Wahroonga) and the Department of Infrastructure Planning and Natural Resources be notified.
- E. That Council notifies all affected residents and all people who made a submission of its decision.

Louise O'Flynn
Heritage Planner

Antony Fabbro
Manager Urban Planning

Leta Webb
**Director Planning &
Environment**

Attachments: **Attachment 1 - Copy of Mirvac Projects Ltd v Ku-ring-gai Council [2005] NSWLEC 162 (21 April 2005).**
 Attachment 2 - Letter from NSW Heritage Office re IHO for 134-138 Eastern Road, Wahroonga.
 Attachment 3 - Letter from NSW Heritage Office re IHO for 517 Pacific Highway, Lindfield.
 Attachment 4 - Submission from Mirvac Projects Pty Ltd.
 Attachment 5 - Copy of submissions on DHLEP32.
 Attachment 6 - Copy of DHLEP32.

KU-RING-GAI RETAIL CENTRES STUDY

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

To present the findings of the Ku-ring-gai Retail Centres Study and seek endorsement from Council for a future retail hierarchy for Ku-ring-gai to be established through Stage 2 of the Residential Strategy.

BACKGROUND:

Hill PDA was engaged to undertake a study to enhance understanding of the retail and commercial sector within Ku-ring-gai as part of Stage 2 of the residential Strategy.

COMMENTS:

The study presents 3 options and recommends a preferred retail strategy for Ku-ring-gai. This promotes Gordon as a sub-regional centre, with the remaining centres retaining their existing functions within the retail hierarchy of Ku-ring-gai.

RECOMMENDATION:

That Council endorse the retail strategy Option C as recommended in the Ku-ring-gai Retail Centres Study and the extent of the expansion of Gordon as a sub-regional centre be identified as part of the town centre planning process for Gordon.

PURPOSE OF REPORT

To present the findings of the Ku-ring-gai Retail Centres Study and seek endorsement from Council for a future retail hierarchy for Ku-ring-gai to be established through Stage 2 of the Residential Strategy.

BACKGROUND

Council has identified the retail/ commercial centre of St Ives, Turramurra, Pymble, Gordon, Lindfield and Roseville as the focus of increased residential development under Stage 2 of the residential Development Strategy. These centres are to incorporate an appropriate mix of retail, commercial and residential activities that will provide a basis for on going economic viability, sustainability and vitality.

Land economists and consultants Hill PDA were engaged to undertake a study to enhance understanding of the retail and commercial sector within Ku-ring-gai. The findings and recommendations of this study will enhance Council's capacity to effectively undertake integrated planning of each centre and provide a direction for the future role and function and appropriate levels and mix of retail / commercial and leisure activity within the respective centres.

The study analyses the retail / commercial centres, assess their current function and performance and also provides directions and priorities for planning and future implementation measures to help Council best manage the centre for the benefit of local business and residents.

COMMENTS

A copy of the final Retail Centres Study by Hill PDA is included as **Attachment 1** to this report.

Objectives of the Retail Strategy

The Study establishes a set of key objectives for developing and evaluating a range of options for the planning and management retail in Ku-ring-gai . These objectives are:

- *Ensure residents have the widest possible range of shopping opportunities and commercial services;*
- *Provide quantity, quality and convenience for consumers;*
- *Provide for further growth in retail space to meet growth in demand generated by population growth;*
- *Protect the integrity and viability of existing centres to the extent that they continue to perform a useful community function;*
- *Protect current employment levels in retailing and hospitality industries for the residents of Ku-ring-gai and expand opportunities for further employment;*
- *Provide opportunities for local employment and start-up businesses for local residents; and*
- *Balance social, economic and environmental considerations and focus on local ESD principles including reduction in transport demand.*

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S02921 S04151
8 July 2005**Existing Retail Centres Hierarchy**

The Study analyses the current retail hierarchy in Ku-ring-gai in both a local and metropolitan wide context. This hierarchy is summarised in the table below.

Table 1 - Existing Retail Hierarchy

Hierarchy	General Size (sqm)*	Majors	No.	Names of Centres
Regional	More than 80,000	Myer and/or David Jones and at least one DDS**	Nil	
Sub-regional	40,000 – 80,000	Usually one or more DDS* *and two supermarkets	Nil	
District	20,000 – 40,000	Usually two supermarkets and possible DDS	2	Gordon*** and St Ives
Large Neighbourhood	10,000 – 20,000	One or two supermarkets	2	Turramurra and Lindfield
Small Neighbourhood	2,500 – 10,000	Usually one supermarket****	3	Wahroonga, Pymble and Roseville
Local	Less than 2,500	Mini-supermarket or no anchor tenant	16	South Turramurra, North Turramurra, St Ives Chase, East Lindfield, etc
Peripheral	Any size	Bulky goods retailers	Nil	

* Shop front space including non-retail commercial services such as banks and real estate agents

** DDS means discount department store – usually Big W, Target or Kmart

*** Note that Gordon is just short of 20,000sqm of space and has only one supermarket. It does however have a Harvey Norman store (usually found in a regional or sub-regional centre or peripheral cluster), Bunnings and Retravisson stores giving it a higher profile than a neighbourhood centre.

**** Note that not all neighbourhood centres have supermarkets including Pymble and Roseville

Significant feature of Ku-ring-gai's existing retail structure includes:

- There are no regional or subregional centres.
- Over 40% of household expenditure generated in Ku-ring-gai is spent in retail centres outside of Ku-ring-gai, mainly to regional centres such as Chatswood, Hornsby and Macquarie. This includes some expenditure on regular food and grocery shopping.
- St Ives is trading at twice the national average, Gordon and Lindfield at 30% above the national average and Turramurra 10% above the national average. This indicates a current undersupply of retail space in these centres.
- Roseville and Pymble are likely to be trading below the national average.

Demand for Retail Space

The study has undertaken an assessment of current and future demand for retail generated by Ku-ring-gai. Future demand is based on existing households in Ku-ring-gai as well as additional households that will be generated by LEP 194, LEP 200 and the Minister's targeted sites under SEPP53. The study does not take into consideration of any forecast population growth from Stage 2 of the Residential Strategy as these can not be determined until the planning for the various town centres has been finalised. As such the proposal for future development contained in the report are conservative and should be considered as minimum recommendations for expansion.

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The Study predicts that even without altering the existing retail hierarchy (and without adjusting the proportion of expenditure that escapes the LGA) growth in household expenditure will demand a further 50,000sqm of shop front floor space in Ku-ring-gai.

Should Council wish to provide a greater level of retail services for Ku-ring-gai residents and prevent some of the escape expenditure to retail centres in neighbouring LGAs then even more retail floor space could be accommodated in Ku-ring-gai. This should particularly cater for department store, clothing and bulky goods expenditure.

Options for Expansion

The study presents 3 options for a retail strategy for Ku-ring-gai. These are discussed below and summarised in **Table 2**.

[insert revised table 2 from final retail study]

Option 1 – Minimal expansion with no alteration to the retail hierarchy;

Under this option there would be no change in the existing retail hierarchy in Ku-ring-gai. It would provide a reasonable supply of retail space to meet current undersupply of floor space and rising demand. It does not redefine any of the retail centres. Both St Ives and Gordon would remain as district centres. Under this option it is still expected that a considerable level of escape expenditure to the regional centres in the neighbouring LGAs would occur.

The recommended level of expansion of the various centres under this option would be as follows:

Gordon	15,000sqm
St Ives	15,000sqm
Turramurra	4,000sqm
Lindfield	6,000sqm
Others	6,000sqm
TOTAL	45,000sqm

While this option will satisfy growth in demand to some extent, it does not fulfil the objectives of the strategy – namely to ensure that residents have the widest possible range of shopping opportunities and commercial services and to provide quantity, quality and convenience. There will be continued escape expenditure from Ku-ring-gai to the other LGAs and the associated costs of additional travel and car dependency.

Option 2 – Expand St Ives to a Sub-regional centre.;

Option 2 would see the reclassification of St Ives to a sub-regional centre of around 50,000 to 60,000sqm with additional recreational facilities such as a cinema complex (5,000sqm or more over and above the retail expansion). Its retail component would likely include one or possibly two discount department stores (DDSs), three supermarkets and around 150 to 200 specialty shops. This option would considerably enlarge St Ives trade area and enable considerable capture of escape expenditure, particularly in department store merchandise.

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The recommended level of expansion of the various centres under this option would be as follows:

Gordon	8,000 – 13,000sqm
St Ives	30,000 – 40,000sqm
Turramurra	4,000sqm
Lindfield	6,000sqm
Others	6,000sqm
TOTAL	55,000 – 65,000sqm

The major shortcoming of such a major expansion of St Ives into a sub-regional centre is availability of land supply, traffic congestion and parking constraints. These issues have been investigated in detail as part of the St Ives Centre Study. The retail study also points out that Option 2, to some extent, becomes self-defeating as increased congestion and parking problems results in a loss of trade as shoppers seek convenience.

Option 3 – Expand Gordon to a Sub-regional centre.

Under this option Gordon would be the sub-regional centre rather than St Ives with a retail area of around 50,000 to 60,000sqm and additional recreational facilities in such as a cinema complex (5,000sqm over and above the retail expansion). Its retail component is likely to include one or possibly two DDSs, two to three supermarkets and around 150 to 200 specialty shops. This option would considerably enlarge Gordon's trade area and would capture some escape expenditure – particularly with the addition of at least one DDS.

The recommended level of expansion of the various centres under this option would be as follows:

Gordon	30,000 – 40,000sqm
St Ives	8,000 – 13,000sqm
Turramurra	4,000sqm
Lindfield	6,000sqm
Others	6,000sqm
TOTAL	55,000 – 65,000sqm

The principle advantages with this option include Gordon's central location in the LGA and its position on the Pacific Highway and the railway line enjoying stronger public transport integration. Also, the expansion of Gordon to a sub-regional centre would be consistent with the state government's centres policy being considered as part of the Metropolitan Strategy.

The major constraints for growth in Gordon include the multiple land holdings and geographical and physical limitations. The capacity of Gordon to expand to the retail floor space targets will need to be examined in detail as part of the Gordon Town Centre planning process.

Sub Options

The study also identifies two further sub-options, being:

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- a) The provision of a peripheral retail centre for bulky goods. The study indicates that the Ku-ring-gai market could support approximately 20,000 to 30,000sqm for bulky goods and identifies the most appropriate location being between on the Pacific Highway between Gordon retail centre and Mona Vale/Ryde Road.

The feasibility of this sub-option would need to be investigated in more detail as part of the Gordon Town Centre planning process

- b) The provision of a factory outlet centre (around 10,000 to 15,000sqm), with the most appropriate location being in the sub-regional centre.

Once again the desirability and feasibility of this sub-option would need to be investigated in more detail as part of the Gordon Town Centre planning process (assuming Gordon is to be a sub-regional centre). The planning already conducted for St Ives indicates that there is a lack of capacity to accommodate such a function in St Ives.

- c) Containing the expansion in Turramurra and Lindfield and introducing supermarket based centres for Pymble and Roseville. Under this sub-option Turramurra and Lindfield would expand by no more than around 3,000sqm each whilst Pymble and Roseville would each have around 3,000sqm to 4,000sqm expansion – through introducing a supermarket based centre.

The desirability of this sub option would need to be investigated further as part of the detailed planning for each of these town centres.

Conclusion

The Retail Centres Study recommends Option C as the preferred retail strategy for Ku-ring-gai. This promotes Gordon as a sub-regional centre, with limited expansion of St Ives and the other remaining retail centres along the Pacific Highway/ rail corridor. This strategy is supported by the objectives of providing a greater retail choice for existing and future residents of Ku-ring-gai and is consistent with the objectives of the State Government's Metropolitan Strategy

It is noted that there may be some constraints to the expansion of Gordon to the extent recommended in the study. The ultimate growth that Gordon town centre can accommodate would need to be determined as part of the detailed town centre planning process for Gordon.

The recommendation not to pursue the expansion of St Ives as a sub-regional centre is supported by the findings of the town centre planning already undertaken for St Ives, which has identified significant constraints to growth, particularly resulting from Traffic and parking related issues.

CONSULTATION

The Retail Centres Study has included the findings of Council's householder surveys for St Ives, Turramurra, Gordon and Killara. This information was supplemented by telephone surveys conducted in the remaining suburbs for which household surveys have not been finalised or conducted.

FINANCIAL CONSIDERATIONS

The retail centres study was funded through the budget for Stage 2 of the Residential Strategy.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

The consultants conducting the Retail Centres Study have been involved with the detailed town centre planning conducted to date for St Ives and Turrumurra. This has involved staff from Planning and Environment, Technical Services, Community Services and Open Space.

SUMMARY

Hill PDA were engaged to undertake a study to enhance understanding of the retail and commercial sector within Ku-ring-gai. The findings and recommendations of this study will enhance Council's capacity to effectively undertake integrated planning of each centre and provide a direction for the future role and function and appropriate levels and mix of retail / commercial and leisure activity within the respective centres.

The Retail Centres Study recommends Option C as the preferred retail strategy for Ku-ring-gai. This promotes Gordon as a sub-regional centre, with limited expansion of St Ives and the other remaining retail centres along the Pacific Highway/ rail corridor. This strategy is supported by the objectives of providing a greater retail choice for existing and future residents of Ku-ring-gai and is consistent with the objectives of the State Government's Metropolitan Strategy.

Endorsement of Option C as preferred option required that Council accept that there will be one centre within the Ku-ring-gai Council area that is a sub-regional centre.

RECOMMENDATION

- A. That Council receive and note the Ku-ring-gai Retail Centres Study.
- B. That Council endorse the retail strategy Option C as recommendation in the Ku-ring-gai Retail Centres Study.
- C. That the extent of the expansion of Gordon as a sub-regional Centre be identified as part of the town centre planning process for Gordon.

Craige Wyse
Senior Urban Planner

Leta Webb
Director Planning & Environment

Attachments: Ku-ring-gai Retail Centres Study

ST IVES TOWN CENTRE PLANNING

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

To present to Council a summary of work undertaken to date for the planning of St Ives Town Centre area and to seek a Council resolution to prepare a Local Environmental Plan to rezone certain lands in and around the town centre and to prepare a Development Control Plan to set more detailed development controls for this land.

BACKGROUND:

The Minister has directed Council to prepare plans for additional housing in and around its town centres and to provide for retail and commercial activities to meet the needs of the local community.

COMMENTS:

Council has adopted and integrated place based approach to planning for St Ives. This will ensure that maximum community benefit is achieved from redevelopment. Studies have been prepared and extensive consultation has been undertaken with the community and other stakeholders to identify issues, to establish a vision for St Ives and to assess options for retail and commercial development, residential development, options for traffic management, community facilities and open space.

RECOMMENDATION:

That Council prepare a Local Environmental Plan and a Development Control Plan for St Ives Town Centre in line with the recommendations included in this report.

PURPOSE OF REPORT

To present to Council a summary of work undertaken to date for the planning of St Ives Town Centre area and to seek a Council resolution to prepare a Local Environmental Plan to rezone certain lands in and around the town centre and to prepare a Development Control Plan to set more detailed development controls for this land.

BACKGROUND

Stage 1 of Ku-ring-gai Council's Residential Strategy culminated with the Gazettal of Ku-ring-gai Local Environmental Plan (LEP) 194 on 28 May 2004, which rezoned land for medium density housing along the Railway / Pacific Highway corridor and around the St Ives centre. This rezoning was complemented by further rezoning of land for medium density under LEP 200.

In a letter dated 27 May, 2004 (**Attachment A**), the Minister Assisting the Minister for Infrastructure and Planning (Planning Administration) gave a direction (under section 55 *Environmental Planning and Assessment Act*) to Council to prepare an LEP in relation to areas in and around existing retail and commercial centres in the Rail / corridor and St Ives Centre as Stage 2 of its Residential Development Strategy. This requires Council to prepare plans for additional medium density housing, including shop top housing and re-evaluation of density controls on existing medium density zones. It also requires Council to provide for retail and commercial activities in town centre to cater for the needs of the local community. The direction gave Council 12 months to complete this task. However, the Minister has been provided with more realistic timelines which contemplate that the planning for the 6 centres of St Ives, Turramurra, Gordon, Pymble, Lindfield and Roseville will be completed by late 2006.

Because the Minister requires that density standards for development that falls within the scope of her Direction complement those in LEP 194, it is envisaged that the plans for the redevelopment of the town centres will provide for buildings of 4 to 6 storeys. This level of development is also consistent with what Council understands will be the level of development that will be set by the State Government's forthcoming Metropolitan Strategy.

Integrated Planning Approach

Council has commenced integrated place-based planning for the existing commercial retail centres along the Railway Corridor/ Pacific Highway and the St Ives Centre.

This process will not only focus on increasing opportunities for residential development in each centre as required by the Minister but will also seek to achieve identified social, economic, environmental and amenity objectives. The integrated planning approach will focus on improving the viability and liveability of each centre, improving traffic and parking, providing new open space (where appropriate), improving public domain, improving safety, improving accessibility of each centre etc. Parallel to this work Council and community facilities will be reviewed to identify opportunities for upgrading facilities and / or including new facilities.

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This approach also seeks to ensure that there is maximum community benefit derived from the redevelopment of the town centres.

St Ives Town Centre

Ku-ring-gai Council's Management Plan 2004-2005 has identified the commercial centre of St Ives for increased residential development. The centre is to incorporate an appropriate mix of retail, commercial, residential, community and open space activities that provide a basis for on going economic viability, sustainability and vitality of the centre.

The project is being run as an integrated planning exercise involving all departments of Council. Council staff are managing the core components of the project with specialist input from consultants as required.

The project will:

- Produce a DCP and LEP for St Ives Town Centre consistent with the community's values and vision, with requirements of LEP 194 and DCP 55 and in accordance with best practice planning principals and SEPP 65 and the NSW Residential Flat Design Code.
- Involve and effectively engage the Council, community and relevant stakeholders in the preparation of plans; and
- Following the exhibition of a draft DCP and LEP, review submissions and finalise of a suite of planning documents for adoption by Council, including new Section 94 plan, and plans for public domain, traffic and parking, community facilities etc.

COMMENTS

Considerable consultation and background research has been undertaken as part of the integrated planning for St Ives

Preliminary consultation

In order to ensure that planning for St Ives identifies issues, concerns and aspiration of the community and other stakeholders, a comprehensive approach to consultation has been pursued. The approach adopted seeks to gain a wide cross section of perspectives.

All households in St Ives and surrounding areas were sent a survey form in November – December 2004. Some 7300 surveys were sent out and 2400 responses were received. This is a response rate of about third, which is a very high response rate.

Survey contents included:

- Demographics – age group/ household size / time lived in St Ives
- Opinion on St Ives shops & business – good and bad points

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- Shopping location choices - for a range of some 25 products & services
- Opinion about St Ives – including quality of life / access / safety etc
- Sport & recreation choices – active / passive recreations / facilities used
- Planning for the future – improvements needed /further consultation links.

The findings of the survey were complemented with other activities to gain perspectives from sections of the community. This included a survey of shoppers who were not also residents, surveys and consultation sessions with youth (including students from St Ives High, Masada College and Anglican Youth), meetings with local residents groups (SIRAG and SIPA), three meetings with the elderly in retirement villages, a meeting with local retailers and businesses.

A report of the findings of the preliminary consultation has been prepared and has been previously supplied to Councillors. It is publicly accessible in the Library and on Council's website.

The findings also related to shopping behaviour and patterns have been considered by the consultants who prepared the Retail and Commercial Study. Other findings have been and continue to be considered in relation to traffic, parking, character of the area, recreational needs etc. Principles and Objectives for the St Ives town centre have been developed to respond to issues raised (see below).

The consultations indicate that trees, bushland, quality housing and open space were the main reasons why people choose to live in St Ives and that traffic and parking were the greatest issue in relation to the town centre area. The workshop with retailers and businesses indicated that they held similar views to the community but were also concerned that there be a balance between retail and commercial opportunities in the mall and the strip shopping areas and that there be opportunities for local people to set up businesses, particularly professional consulting rooms and that it is not negotiable.

A large number of respondents indicated that they felt that the amount of medium density development in the area was sufficient and that they did not wish to see more. Council is required to provide additional housing and further communication with residents will focus on this requirement.

Principles and Objectives for St Ives Town Centre

Council staff have developed a set of Objectives that reflect the key findings of the community survey particularly the issues identified in Q17 of the Household Survey.

1. To develop the village character of St Ives by:

- enhancing the role of St Ives Village Green Parklands as central to community life in St Ives;
- creating a positive relationship at the interface of the St Ives Village Shopping Centre and the Village Green Parklands;
- developing the interface as a lively urban environment with a mix of retail, commercial and community uses with direct access to the Village Green;

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- encouraging development that expands and enhances the public domain creating new public spaces and pedestrian linkages;
- encouraging development of public buildings that have a civic quality, are well located and provide for community needs;
- providing enhanced community facilities catering for local community needs; and
- encouraging neighbourhood design which supports personal safety and the development of communities.

2. *To protect and enhance the landscape character of St Ives by:*

- maintaining and enhancing the existing “leafy” character;
- protecting the existing tree canopy and remnant vegetation;
- retaining, replacing and supplementing significant trees on private land through the redevelopment process to replenish the canopy;
- relocating electricity wires and pylons underground;
- implementing a comprehensive street tree planting program; and
- protecting and enhancing existing and potential and landscape elements of significance.

3. *To protect the built heritage of St Ives by:*

- protecting and enhancing existing and potential heritage items and buildings

4. *To enhance St Ives’ economic role as a District Centre by:*

- encouraging a range of uses including retail, commercial, community services, entertainment and leisure activities;
- encouraging a variety of mixed use developments including housing to promote evening and weekend outdoor eating, cinemas, cafes, restaurants and entertainment and recreation venues to contribute to the liveliness of the centre;
- limiting the scale of growth to that of a District Centre not a regional centre such as Hornsby or Chatswood;
- promoting the growth of retail uses to service the needs of the (existing and future) local population;
- consolidating the St Ives Shopping Village as the retail core serving the district;
- developing the southern side of Mona Vale Road as a boutique retail area serving local residents (optional);
- encouraging the development of commercial floor space for medical services, professional services and other employment opportunities;
- encouraging the integration of home office uses with housing to provide street surveillance and after hour activity;
- retaining special uses such as schools, churches and other institutional uses within the town centre;
- consolidating new and upgraded community services and facilities close to the shopping centre (prioritise facilities serving the needs of local residents); and

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- developing and supporting the distinctive character and role of the traditional retail shops along Mona Vale Road.
5. *To prioritise pedestrian access and safety and improve traffic access, circulation and parking within and around the centre by:*
- developing a hierarchy of streets which focuses through traffic on the major roads that surround and bisect the centre and encourages pedestrian priority and low speed local traffic on the local streets;
 - introducing traffic modifications to streets to facilitate pedestrian safety and access, and public domain improvements;
 - introducing modifications to key intersections to improve traffic and pedestrian movements;
 - improving vehicular access and circulation within and around the centre;
 - enhancing pedestrian access across Mona Vale Road;
 - enhancing the ceremonial and historical character of Memorial Road;
 - reducing conflict for access to different activities / uses within the centre;
 - minimising impacts on traffic flow on main roads particularly Mona Vale Road;
 - minimising impacts of through traffic on residents, local traffic and pedestrians;
 - increasing car parking capacity of the main shopping centre in accordance with RTA guidelines;
 - improving service circulation, including loading docks. Loading docks are to provide discreet access and to minimise visual impact on the streetscape;
 - designing on site car parking and loading docks to be integrated with the overall site and building design; and
 - providing disabled parking and ensuring unobstructed paths of travel within the retail area and surrounds.
6. *To improve public transport access to and from the centre and to reduce car usage by:*
- providing a new transport interchange catering for buses, taxis, cycles and kiss and ride facilities within close proximity to the main centre;
 - providing more frequent bus services to local area, schools and shops and to Pymble & Gordon rail stations; and
 - providing new bus stops inconvenient locations.
7. *To enhance access to and within St Ives by walking and cycling by:*
- providing a hierarchy of pedestrian and cycle routes connecting local walkways to regional walking routes;
 - ensuring routes are permeable, legible, safe and accessible;
 - developing and improving the main pedestrian routes leading from the centre including pedestrian crossings, kerb ramps, footpaths, seta and lighting;
 - creating new through-site pedestrian linkages/arcades;
 - emphasising pedestrian priority with new traffic calming measures;

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- creating a new and more accessible pedestrian entrance to the main shopping centre;
 - enhancing pedestrian links to the shopping centre by providing new footpaths in residential streets;
 - integrate accessibility for the mobility impaired and for prams and strollers;
 - providing more pedestrian crossings and crossings for school children;
 - improving cycleway access within and around the centre and through the suburb; and
 - improving pedestrian facilities such as seats, lights, bike tracks around playgrounds.
8. *To develop a network of high quality parks and urban spaces catering for a range of needs by:*
- creating a new and attractive public meeting space in the centre functioning as a town square;
 - providing more passive recreation areas, including possible consolidation of smaller parks, to service the new population;
 - enhancing passive recreation opportunities within the village green (eg. new cycle and pedestrian paths, skating);
 - expanding and integrating “island” parks where possible;
 - improving the attractiveness, facilities and security in local parks;
 - expanding the role of St Ives Village Green for passive recreation and leisure;
 - providing facilities for youth and children;
 - retaining Acron Oval as a regionally significant venue for active recreation; and
 - exploring opportunities for relocating some sports to other areas of St Ives to relieve pressure on St Ives.
9. *To promote well designed buildings in St Ives by:*
- ensuring high standards of architecture and architectural character;
 - ensuring new buildings define and address streets and public spaces with active frontages;
 - ensuring new buildings are appropriately scaled to street widths and open spaces;
 - developing buildings which protect the amenity and enhance the safety of public and private spaces;
 - providing building setbacks where required to allow street tree planting and wider footpaths;
 - upgrading the physical condition of the existing retail strip outside the main shopping centre;
 - optimising the northern aspect and views over the St Ives Village Green for residential and retail uses;
 - ensuring new buildings are appropriately modulated and articulated to provide well proportioned facades;
 - integrate parking structures and servicing access without compromising street character, landscape or pedestrian amenity;
 - considering local context and environmental conditions;
 - ensuring new buildings provide an appropriate interface to the adjoining development in terms of design and scale; and

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- avoiding blank walls to the main streets.

10 *To promote sustainable design principles and objectives in the development and use of the built environment by:*

- ensuring all new building form and layout facilitates good solar access and natural cross ventilation (in accordance with ESD principles);
- ensuring best practice stormwater management including permeable surfaces for stormwater run off;
- reducing the use of impervious surfaces such as hard paved areas and driveways to minimise stormwater runoff;
- using porous paving for car parks and outdoor areas to maximise infiltration;
- minimising stormwater runoff and erosion during construction;
- integrating stormwater detention systems for new developments into consolidated landscape areas to encourage water storage / reuse;
- addressing the flooding problem in the area; and
- providing a landscape framework for the area in consideration of Council's biodiversity strategy.

Vision for St Ives

A workshop was conducted with residents to develop a Vision for St Ives town centre. A stratified sample of 50 residents who had responded to the household survey and who indicated a willingness to be part of workshops for the planning of St Ives were invited to a workshop at which survey results were presented in March 2005. This group was organized into 5 small-group round-table discussions to discuss what type of place they wanted St Ives to be in the future and to prepare a draft vision statement. The small groups reported to the larger group. From these visions, Council staff prepared a consolidated vision statement which was sent via email survey to the 50 workshop participants and to a further 150 household survey respondents. Results from this were then collated to create this final vision for St Ives:

Vision for St Ives

St Ives Village will have a strong sense of community, it will be safe, family-friendly and secure. The green, spacious, "high-forest" character of the area will be protected and enhanced through well-designed and appropriately scaled development

St Ives Village will meet the social needs of a diverse local population including families, youth, teenagers, children and the elderly by providing a range of activities including education, medical services, sports, entertainment and leisure.

The shops and offices on Mona Vale Road will service the day to day needs of residents as well as providing for local employment. The shops will be expanded and made more attractive, offering a distinctive local shopping experience, as a balance to the St Ives Village Shopping Centre. Access and parking at the rear will be improved as well as pedestrian links across Mona Vale Road.

St Ives Village Shopping Centre will be well appointed and provide for the needs of the local community by offering increased retail choice, opportunities for housing, offices and professional services however it will not grow to compete with the other major centres such as Chatswood or Hornsby.

The interface between St Ives Village Shopping Centre and St Ives Village Green will be improved to create a strong interaction between these two important places. The interface will become a focus for community facilities, events, celebrations, outdoor cafes and restaurants.

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The St Ives Village Green will be improved to cater for both active sports and passive recreation including walking, cycling, dog walking and children's play. The surrounding residential areas will be upgraded including underground powerlines, new and upgraded footpaths, street trees and new parks

St Ives Village will become more accessible particularly for pedestrians, pram walkers, people with disabilities, cyclists and public transport users. Vehicle access to the centre will be improved and more parking, with better access, will be provided.

STUDIES**RETAIL STUDY RECOMMENDATIONS FOR ST IVES**

The Ku-ring-gai Retail Centres Study prepared by Hill PDA recommends a retail strategy and hierarchy for Ku-ring-gai. A separate report in this business paper recommends that Council adopt option C as presented in that report. This recommends that Gordon would be developed as a sub-regional centre and St Ives retains its role as a district centre.

The retail study acknowledges that, whilst demand for retail floor space in St Ives is strong, traffic and parking issues remain a high constraint and if levels of expansion are too high it would potentially undermine the role of Gordon being developed as the sub-regional centre.

The study recommends that the retail expansion of St Ives should be contained to around 12,000sqm (15,000sqm absolute maximum) and preferably it should not have a discount department store (DDS) in the short-term – at least not until a DDS is established in Gordon. Furthermore St Ives should not have entertainment uses with large trade areas (such as cinema complex) as these uses should be located in the sub-regional centre at Gordon where integration with public transport is stronger.

Some expansion of St Ives Village shopping centre should be allowed to take advantage of potential traffic improvements and to provide opportunities to improve access and existing parking problems. Shop top housing may also improve the viability of addressing some of the current problems.

Objectives for St Ives Village include:

- Providing a better front address to Mona Vale Road;
- Integrating the indoor centre better with the strip retail along Mona Vale Road;
- Improving the pedestrian links from the Village Green area;
- Increasing car parking spaces;

The study also identifies the desirability of a neighbourhood scale centre in St Ives on the east side of Mona Vale Road, comprising a supermarket (2,500sqm to 3,500sqm) and around 10 to 15 specialty shops (1,000sqm to 1,500sqm). The location of such a centre around the existing shops on the Corner of Mona Vale Rd and Stanley Street and extending into the Eden Brae site would provide a more convenient retail choice for the expected growth in population on the eastern/southern side of Mona Vale Road. It would also have the benefit of alleviating some of the traffic pressures around St Ives Village shopping centre. With this option expansion of St

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Ives Village shopping centre should be contained to around 8,000sqm (10,000sqm absolute maximum).

TRAFFIC AND PARKING STUDY AND IMPLICATIONS

A traffic and parking study was commissioned to assess the current traffic and parking conditions and develop options to best manage future traffic generation through the St Ives Centre associated with the Stage 2 Residential Development Strategy. The study also modelled the impact on the road network likely to be generated from the residential redevelopment under LEP 194 and LEP 200.

Based on existing 2005 traffic conditions, the study found that intersections such as Mona Vale Road and Link Road, Link Road and Killeaton Street and Killeaton Street and Cowan Road experience excessive delays during certain peak traffic times.

The study also found that parking and traffic around the St Ives Village shopping centre is congested because there are insufficient car parking spaces and motorists are regularly observed circling the car parks to look for parking spaces. The parking for the St Ives Village shopping centre was calculated to be 150 to 200 parking spaces short of the required number of parking spaces based on the current floor area.

With the inclusion of all the proposed residential development under LEP 194 and 200, traffic modelling was undertaken to determine what the traffic generation from the new residential developments will have on the existing network. The major finding of this part of the traffic modelling was that the intersection of Memorial Avenue and Mona Vale Road will become critical and severe delays will be experienced unless new treatments are carried out to improve traffic flow at this intersection.

Under the current Section 94 plans, developers are only required to contribute funding for traffic improvements based on what additional traffic the sites contribute to the existing flow. This essentially equates to about 10% increase in traffic and therefore the balance of funds required for any improvements identified by the study will need to be funded by Council.

Details on what traffic and parking options to overcome the issues raised above are covered further in this report.

COMMUNITY SERVICES AND IMPLICATIONS

There is an increasing demand for a range of community facilities in the St Ives area that will continue for the next 5 to 10 years. The anticipated population growth in the area will place an additional strain on existing services and facilities.

The majority of facilities experience a high level of patronage and there is a significant under supply of community facilities space. The main factors restricting the performance of the existing facilities are:

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- facilities and buildings have dated internal configurations and are undersize for the current usage trends
- incompatibility of existing users/uses as a number of facilities are not purpose built
- insufficient Parking
- quality of facilities do not meet the expectations of new users
- building design limitations that do not allow for flexible or multipurpose use of facilities.
- Poor accessibility and inappropriate location of existing community facilities.

The range of services provided from Council owned facilities in St Ives include:

- Library Services – St Ives library
- Children's Services – St Ives Occasional Care, St Ives Early Childhood Health Centre
- Youth Services – St Ives Youth Centre
- Frail Aged Disability Services – Ku-ring-gai Neighbour Aid, Employment Services St Ives, Action for People with Disability Inc.
- Recreation/Leisure Services – Y.M.C.A. (adults, children and school holiday programs).
- Multicultural Services – Hornsby Ku-ring-gai Settlement Support Service, Ku-ring-gai Neighbourhood Centre (English language classes), Jewish Care
- Information Services – Ku-ring-gai Neighbour Centre
- Education – Hornsby Ku-ring-gai Community College, Alcoholics Anonymous
- Family Services – Ku-ring-gai Family Support Program (operating from the Ku-ring-gai Neighbourhood Centre premises)

Community Facilities

Many of the services located in Council facilities have outgrown their existing floor space allocation. Currently Council has 2,700sqm of floor space for community services. It is anticipated that to meet current and future demands for community space, approximately 4,500sqm to 5,000sqm would be required. The redevelopment and/or relocation of some of these facilities would provide the following benefits:

- i) significantly enhance the capacity of organisations to meet future demands for services;
- ii) increase the range of activities available for residents;
- iii) improve utilisation levels of facilities through provision of multi-purpose space;
- iv) increase partnership opportunities and attract new services into the area;
- v) improve the financial viability of provision of community facilities by Council;
- vi) enhance the compatibility of services/uses using Council facilities;
- vii) lead to planned and coordinated community facilities in response to identified community needs;
- viii) improve accessibility, parking and traffic flow.

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Public space for the community to meet is considered a basic prerequisite for community development. A sense of identification with an area and seeing it as “our community” is encouraged in a number of ways, an important one being shared activities carried out in a locality. Local community facilities both provide a home for existing groups, encourage the formation of new groups and provides a place for both to meet and integrate. Locally based groups are some of the key building blocks of community cohesion and often the focus of effective neighbourhoods. This is particularly true for an area likely to experience rapid population growth and new people moving into Ku-ring-gai who are not familiar with its history or local characteristics that are highly valued by its residents.

St Ives Library

A Library Facilities Study was conducted by Dr David Jones, from the Planning and Advisory Service, at the State Library of NSW, in July 2004. The study states:

“When considering the site requirements for library buildings over the next twenty years it is essential to examine trends which will have a major impact on the kinds of buildings which we need to provide for our communities, whether we construct new buildings, or extend or adapt existing buildings. Some of the trends which may be most applicable to Ku-ring-gai are outlined below, and some have been foreshadowed in the Library Review 2002. Strengthened programmes identified in that review, such as information literacy training, cultural programmes, study assistance, Friends’ and volunteers’ activities, facilities to attract and retain the interest of young people, resources for non-English speaking background people, all have space implications. All are consistent with Council’s Management Plan, in particular the provision of public space which addresses the information, cultural and recreational needs of the community.”

The study recommends the size of new library building at about 1,169 sq m, which is based on the following population projections:

St Ives catchment			
Planning precincts	2004	2009	2026
St Ives	18816	19357	20939
part Turramurra	3614	3781	4032
Total population	22430	23138	24971

Sq m required	1050	1083	1169
Current building	312	312	312
Shortfall/balance (sq m)	-738	-771	-857

Site for Library

The consultant believes that the logical site for a branch library for the St Ives catchment is within or immediately adjacent to the St Ives Shopping Village. There is a close association between shopping and library use and a location close to the St Ives Shopping Village would perform well against the People Places Siting criteria recommended by the State Library:

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- reasonably central to and readily accessible from all parts of the catchment
- potentially on a street front
- within or adjacent to a major shopping centre
- near bus routes
- adjacent to car parking
- close to other community facilities, including sport and recreation areas, community hall, scout and guide hall, youth centre and a skateboard park.

PLANNING OPTIONS

The preparation of design options or scenarios is an important part of the planning process whereby the community is given a number of viable alternatives that can be debated in terms of the advantages and disadvantages. All options took account community responses and vision and the planning principles and objectives and had input from staff across Council as well as Councillors and consultants involved in retail study, traffic study and urban design.

Land Use Options

Determining the appropriate amount and location of retail and commercial space is a key factor in setting options.

Currently there is approximately 20,000sqm of retail uses in St Ives Centre. This includes:

- Approximately 16,000sqm of retail in St Ives Shopping Village (The Mall).
- 4,000sqm within the Mona Vale Road strip shops on the corner of Stanley Street and Mona Vale Road and on the northern side of Mona Vale Road west of Memorial Avenue.
- Approximately 1,000sqm retail on the corner of Mona Vale Road and Shinfield Avenue in strip shops

Early advice from Hill PDA retail consultants indicated that the existing situation no longer meets community needs. This advice was incorporated into options for consultation purposes:

- St Ives Shopping Village one of the highest trading in Australia (\$ per sqm);
- St Ives not threatened by regional centres of Hornsby and Chatswood due to distances and traffic;
- Existing and future population generates demand for about 40,000 – 45,000sqm for retail plus additional commercial (Please note: this has now been revised to 35,000sqm in the final retail study).

Consultation with the community indicated that they do not want St Ives to grow to be an attractor to people outside the area nor do they want St Ives to become a major centre like Chatswood or Hornsby. Residents want a mix between the mall and strip shopping areas. Consultation indicates that residents are generally happy with the current mall – find the scale good, like quality, like concept, like the fact that it is small enough to feel that they get personal service.

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Views of local retailers and businesses were not greatly different to community. However, they point out that there is a shortage, particularly of space suitable for professional offices (medical etc.) and have concerns that a shortage will prevent local people from being able to set up local businesses.

All agree that the area around retail centre can be improved with better parking provision and traffic management, can be made more attractive and have good spaces want better cafes etc.

Four options were developed as described below (**Attachment C** – maps of 4 options):

Mixed Use Option A - Minimal expansion/new retail centre elsewhere

- Small increase in total retail to about 28,000sqm within St Ives Centre
- Small expansion of existing shopping mall of around 7,000sqm of retail to 23,000sqm.
- Existing strip shops on the corner of Mona Vale Road and Stanley Street retained and improved; and
- New supermarket based shopping centre created elsewhere in the retail catchment with about 15,000sqm of retail. Possible locations to be determined in consultation.
- New “shop-top” housing over retail to create mixed use zones

Mixed Use Option B1 - Option B1 Medium expansion/dispersed retail

- Overall increase in total retail to about 40,000sqm within St Ives Centre with two large centres on opposite sides of Mona Vale Road:
- Moderate expansion of existing shopping mall by about 7,000sqm of retail space to 23,000sqm
- Creation of new 17,000sqm supermarket based centre around the corner of Mona Vale Road and Stanley Street integrating existing strip shops;
- Approximately 5,000sqm of non-retail commercial for home office and professional services along Mona Vale Road.
- New “shop-top” housing over retail and commercial to create mixed use zones.

Mixed Use Option B2 – Medium expansion/dispersed retail

Overall increase in total retail to about 40,000sqm within St Ives Centre. Three centres along Mona Vale Road;

- Moderate expansion of existing shopping mall by about 11,000sqm of retail space to 27,000sqm
- New supermarket based shopping centre, of approximately 13,000sqm retail, on the corner of Mona Vale Road and Shinfield Avenue integrating existing strip shops.
- Retain strip shops on the corner of Mona Vale Road and Stanley Street
- Approximately 5,000sqm of non-retail commercial for home office and professional services along Mona Vale Road.
- New “shop-top” housing over retail to create mixed use zones.

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Mixed Use Option C - Consolidated expansion

Overall increase in retail to about 40,000sqm within St Ives Centre. One major centre with strip shops:

- Significant expansion of existing shopping mall to about 35,000sqm of retail (including existing strip shops)
- Strip shops on Mona Vale Road and Stanley Street retained;
- Additional non-retail commercial/office space created within The Mall
- New “shop-top” housing over retail to create mixed use zones.

Consultations on options

There was consultation with stakeholders and residents on options both in a workshop situation and by way of a staffed display for Festival on the Green.

Two workshops were held at which there was a presentation and small group discussion of options. All landholders of commercially zoned land in St Ives were invited to a workshop, 30 attended. A stratified sample of 50 residents from those who responded to the household survey were invited to a workshop for residents and businesses, together with representatives of 2 resident action groups and 4 business representatives from St Ives.

Option C is the preferred option from the community workshops with 5 of 7 groups supporting consolidation of the existing mall. However a number of groups still noted concerns. The disadvantages of this option were mainly seen to be the traffic and parking issues related to more shops and parking and the issue of monopolisation and the impacts on existing shops outside the mall.

Option A was not supported by the majority in any group. This is largely because of uncertainty as to a second location. Interestingly, most groups had suggestions for alternative sites for a new retail centre, the most common being the St Ives Shopping Plaza opposite Hassell Park on Mona Vale Road and Warrimoo Road.

Option B1 and B2 had support from 1 group each. B1 would be slightly more preferred with some uncertainty and some conditional support based on the type of linkages over Mona Vale Road. People seem to require an overhead bridge as a condition of supporting this option.

For the Festival on the Green, a Special Edition of St Ives News was prepared to hand to interested residents which set out the four options. There were also large display panels with staff available to explain the options to groups of residents. Prior to the Festival, invitations were e-mailed to some 900 residents who had provided email details in response to the household survey.

250 survey forms were issued to people who looked at the display and 110 were completed indicating preferences. The results show a preference for the consolidated expansion of new

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mixed use development (option C) around the existing mall and around Stanley Street (option B1), including Eden Brae

The results were:

- Option B1 is the first preference for the majority of respondents (approximately 42%)
- Option C is the second preference for the majority of respondents (approximately 36%)
- Option B2 and B1 are the second preference for the majority of respondents (approximately 57% and 34% respectively)

Traffic Options

Council also presented a series of traffic options for community comment at the Festival on the Green and at various other Forums.

The 4 possible identified improvements are:

1. New intersection with Mona Vale Road and the St Ives Village Shopping Centre.

This involves the addition of a new set of traffic signals with a right turn bay from Mona Vale Road into the shopping centre. The purpose of this new intersection is to have traffic enter the shopping centre directly off Mona Vale Road and free up the congestion at intersections with Mona Vale Road at Cowan Road and at Memorial Avenue.

This new intersection will need to be assessed by the Roads and Traffic Authority to ensure that peak traffic flows along Mona Vale Road are not adversely delayed by the new proposed intersection.

It is intended that the shopping centre traffic will be directed to a new underground car park in the shopping centre and traffic will also be allowed to exit the shopping centre onto Mona Vale Road in both directions.

The traffic modelling for this intersection based on an increased retail floor area of 10,000 square metres and additional residential development of approximately 480 new dwellings shows a satisfactory level of service.

This proposal is only relevant to Options B1, B2 and C as the funding for the traffic signals will need to be substantially funded by improvements to the St Ives Village Shopping Centre.

2. Improvements to Memorial Avenue and Mona Vale Road including the closure or partial closure of Rosedale Road.

With the additional traffic expected by the residential development in St Ives and the likely expansion of the shopping centre, it will be necessary to improve the capacity of the intersection of Mona Vale Road and Memorial Avenue. With the traffic likely to be generated from residential development under LEP 194, the modelling indicated poor levels of service at this intersection. This can be achieved by either the closure or partial closure of Rosedale Road

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between Porters Lane and Mona Vale Road. The closure will then allow for two (2) right turn lanes from Memorial Avenue into Mona Vale Road and the removal of the pedestrian phase from the southern side of the intersection.

The modelling indicated that the direct access from Memorial Avenue can be maintained as this will not increase the number of signal phases.

This will increase the capacity of the intersection because the traffic coming from Rosedale Road will be no longer using this intersection and the focus will be on the traffic coming from Memorial Avenue. Also, the removal of the pedestrian phase on the southern side of the intersection will allow free flow out of Memorial Avenue into Mona Vale Road.

The modelling indicated that the right turn lane from Mona Vale Road into Rosedale Road should be banned and traffic will need to travel to Stanley Street for access into this area of St Ives.

Traffic wishing to go to the north will be able to use Porters Lane and then onto Mona Vale Road. Traffic wishing to travel south will be able to access Mona Vale Road via the slip lane adjacent to Memorial Park. This will also be used to access the shopping centre through the new intersection with Mona Vale Road.

This option would be required for all town centre options.

3. Closure of Village Green Parade and Undergrounding of Car Park

The survey of residents indicated that the major concerns with the St Ives shopping area was the traffic and parking issues. The car parking for the shopping centre is deficient by approximately 200 car parking spaces and any expansion of the shopping centre will need to incorporate more car parking spaces. The undergrounding of the car park will assist in directing traffic to various exits at either the new traffic signals at Mona Vale Road or at Memorial Avenue.

The closure of Village Green Parade will allow for a pedestrian only environment and better entrance to the St Ives Village Green. Access to the centre will be by ramps with in only off Cowan Road and both entry and exit from Memorial Avenue.

As new residential development will be incorporated in the Stage 2 redevelopment, different access points will be created for the residential developments to keep this separated from the shopping centre and community facilities parking.

This is only proposed for Options B1, B2 and C.

4. Improvements to Killeaton Street and Link Road intersections.

The current intersection with Link Road and Mona Vale Road is heavily congested during all peak traffic conditions. While it might be desirable to close off the right turn opening in Mona Vale Road into Killeaton Street, this would involve the addition of another right turn bay in Mona Vale Road. The traffic modelling has showed that this would not achieve increased

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capacity at this intersection and therefore the cost involved in creating another right turn bay would not be warranted.

The traffic study is proposing to make Killeaton Street between Mona Vale Road and Link Road one way for west bound traffic and traffic proposing to travel north would be required to use the intersection of Link Road and Mona Vale Road with the creation of a double left turn lane. This treatment does not create additional pressure on the intersection as very little traffic use the left turn lane to head north. This treatment is intended to avoid the traffic conflicts at both Link Road and Mona Vale Road.

A new kerb landscaped blister arrangement will be constructed to direct traffic away from this section of Killeaton Street.

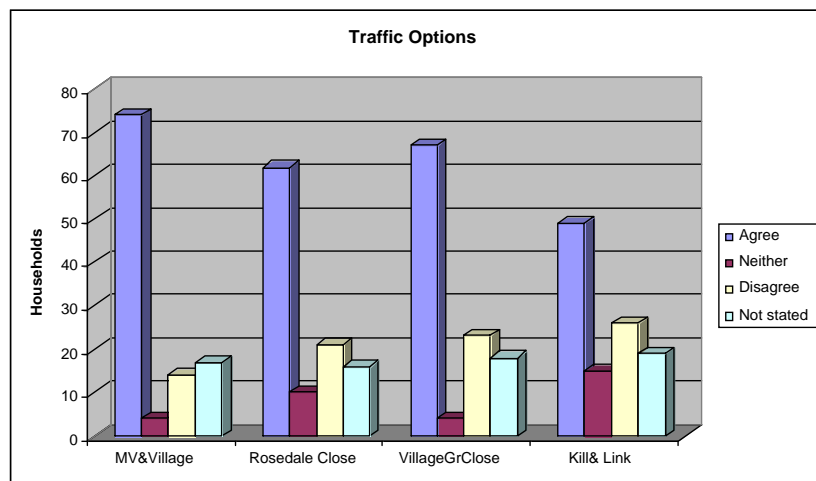
This treatment is proposed for all options.

Other minor changes may be proposed but this will be dependant on what preferred option is chosen and the likely traffic generation in Shinfield Avenue or Stanley Street. Further consideration is being given to a new access road off Mona Vale Road directly opposite Stanley Street to cater for increased traffic coming out of the new residential developments in this area.

A copy of the traffic modelling report is attached to this report as **Attachment B**.

Traffic survey outcomes

A survey form was handed out and people were asked to agree/neither/disagree with each traffic option. The results are that all options received strong support from the majority of respondents.



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12 July 2005**Assessment of Land use options**

Staff and consultants undertook a detailed evaluation of the four options A, B1, B2 and C in terms of community support, planning, urban design, traffic and retail outcomes

	Advantages	Disadvantages
Mixed Use Option A - Minimal expansion/new retail centre elsewhere	<ul style="list-style-type: none"> From retail point of view good idea to have another neighbourhood centre but finding a site is a problem. 	<ul style="list-style-type: none"> would result in virtually no improvements in the area due lack of investment for example improvements to the Village Green interface. no incentive to redevelop therefore the ability to provide additional housing will be limited, unless the level of residential is increased to provide adequate incentive. Council would have to find another location for a new centre - new centre would be car-based the community would continue to live with current issues and problems would not meet spirit of Minister's directive. limited availability of appropriate sites for new centre. All existing neighbourhood centres are small and constrained
Mixed Use Option B1 - Medium expansion/dispersed retail	<ul style="list-style-type: none"> Good levels of community support from surveys and workshops Includes Council lands Potentially provides improved pedestrian linkages from Stanley Street to Memorial Park integrated with community services potential to build area with strong civic role provide convenience retail centre with supermarket for 	<ul style="list-style-type: none"> medium to longer term option. May take 10 years plus to achieve vision. feasibility is an issue with multiple ownerships in Eden Brae timing and likelihood are the main disadvantages

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	Advantages	Disadvantages
	<p>people from south of Mona Vale Road, reducing traffic pressures on the north side</p> <ul style="list-style-type: none"> • neighbourhood centre providing day to day activities • two retail centres catering for two trade areas south and north. • New centre close to new LEP 194 sites • Will support existing retailers and strengthen role of strip shops • Significant public domain and open space benefits. Create open air central plaza as an alternative to the Village Green • probably best option for traffic • could provide areas with different character • Option B1 realistic in traffic terms 	
Mixed Use Option B2 – Medium expansion/dispersed retail	<ul style="list-style-type: none"> • creates an entrance to St Ives Town Centre from Mona Vale Road north bound • reinforces civic nature and the strip shop character of St Ives • new centre is closer to existing shopping Village than in B1 • potentially good pedestrian links between centres • Good feasibility. Discussions with land owners indicates there is a willingness to redevelop and an interest in mixed use zoning • Discussions with land owner with current DA indicates 	<ul style="list-style-type: none"> • the Shell service station may not be likely to move as it is in a good location - however it is not well placed in terms of town centre planning. Council staff need to speak to the owners about their future plans • no significant public domain advantages • creates 3 distinct centres like Turramurra • leaves Eden Brae isolated between 5 storey apartments and 4-5 storey shops. • no right turn from Shinfield Avenue. Therefore limited access from Mona Vale Road • low density residential on the other side of Shinfield Avenue

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	Advantages	Disadvantages
	<p>willingness to change to suit mixed use redevelopment which will improve interface with the petrol station</p>	<p>– poor relationship</p> <ul style="list-style-type: none"> • Not ideal in traffic terms because of limitations on the Shinfield Road intersection
Mixed Use Option C - consolidated expansion	<ul style="list-style-type: none"> • Only 1 or 2 ownerships and is more likely to happen. High probability in short term. • Consolidated box and DDS and 3rd supermarket will be an attraction or a magnet. • In retail terms it provides a “bigger retail offer”. • Will capture expenditure currently going to Hornsby/Chatswood • The centre will reach a critical mass and become a district or sub-regional centre offering residents greater choice and reduced need to travel elsewhere • Received good levels of community support from workshops and surveys 	<ul style="list-style-type: none"> • Monopolisation of retail • Strip shops may be lost • Impact on opportunities for local employment and locals being able to start up new businesses • Traffic impacts require the capacity to be capped to well below 35,000sqm of retail • The relationship to Gordon and the overall retail hierarchy must be considered. From a planning point of view it is preferable to have Gordon as the sub-regional centre if Council wishes to have a sub-regional centre • May suck the life out of Gordon...other examples on the central coast noted • Urban design issues • loss of strip shops on both sides. • Balance will be lost between north and south • Potential loss of “village” character • Community concerned about the proposal to increase the mall to such a degree • Testing of Option C by the traffic consultant indicates that the maximum possible expansion of the shopping Village is approximately 10,000sqm to 26,000sqm (not including the existing strip shops) Option C needs to be capped • This means a possible increase in car spaces from about 1000 to 1800

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12 July 2005**Staff recommendation: a hybrid option**

Each of above options provide some satisfactory outcomes in terms of what the community will support but have varying degrees of constraints such as land ownership, traffic, retail requirements, and economic feasibility etc. A hybrid option is therefore recommended which takes the best elements of all four of the options A, B1, B2 and C

The recommended option is:

- Total of around 35,000sqm of retail in St Ives which is a district centre scale;
- The St Ives Shopping Village be increased by a maximum of 10,000sqm to 28,000sqm of retail including the strip shops on Mona Vale Road;
- A new neighbourhood centre on Stanley Street (including Eden Brae) be created with a total of 7,000sqm of retail and commercial space including a new supermarket (3,000sqm), 15-20 new speciality shops (2,000sqm) and the existing strip shops (2,000sqm);
- Extra 5,000sqm capacity for retail shifted to Gordon;
- No limits for commercial offices and live-work accommodation (flexible zoning which is provided for by and development controls permitting units that can be adopted for either residential or commercial use);
- Mixed use “shop-top” housing over all retail areas in accordance with building envelope controls.

(Attachment D)

OTHER ISSUES**Eden Brae**

Option B1 as presented to consultation sessions and the hybrid option as recommended by staff both envisage that an area of land that is currently zoned residential 2(h) and known as Eden Brae will be rezoned for mixed use, permitting retail and commercial use in addition to residential use. The site has existing villas built around a privately owned street, Stanley Close.

The site has been identified as suitable because of its proximity to existing commercially zoned land, Council's community facilities. The site is also located adjacent to land which has been rezoned under LEP 194 to permit 5 storey flats and for which a development application for such development has recently been approved by Council. The adjacent commercial area falls within the direction of the Minister which would require that it be rezoned to permit shop top housing.

If Council adopts the hybrid option as recommended by this report, then Eden Brae would be rezoned to permit mixed use development ie retail/ commercial with residential above. If the site is not rezoned for this purpose, then it falls within the scope of the Minister's direction and is required to be considered for rezoning to permit medium density residential development compatible with the density requirements of LEP 194. As there is no planning reason why the site should not be rezoned for this purpose, if it is not rezoned for mixed use it should be rezoned for higher density residential.

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Council staff conducted a meeting for residents of Eden Brae to explaining planning options for St Ives on June 23. Following this, the residents held their own meeting and prepared a submission to Council indicating their preference that there be no rezoning of Eden Brae or the retail shops near Eden Brae. Their submission indicated that if the shops were to be rezoned, then they would like to have the whole of Eden Brae rezoned the same zoning as the shops. A copy of their submission is attached (**Attachment E**).

Open space zoning / Acquisition principles

In relation to the acquisition of open space to meet the needs of the future population of St Ives, both as a result of LEP 194 and any increases resulting from the town centre plan a number of preliminary options for potential open space acquisitions have been developed. In consultations to date support has been evident for all of the options presented. A number of further options have also been identified during presentations and discussions.

As the full extent of funds likely to be available from Section 94 is not certain it would be advantageous not to seek rezoning of specific land for future open space. Land acquired for open space does not need to have an open space zoning.

Rezoning may mean Council is compelled to purchase land at a point where Council does not have the funding available. Instead it is proposed that Council, once it has resolved its land acquisition strategy (listed as a KPI in the 2005/2006 Management Plan), could seek to enter discussions and negotiations with owners of appropriate sites at the appropriate market rate. The Acquisition Strategy will outline a series of principles by which open space purchases can be prioritised for action as funds are available.

New Public Places / Public Domain

Through a series of community consultation, a few key problems have been identified for St Ives Centre in relation to the public domain issue including:

- lack of passive recreation areas;
- lack of public spaces for social meeting;
- poor footpath condition;
- lack of outdoor café and dining.

The planning process for St Ives Centre will not only focus on increasing opportunities for residential development in the centre but will also seek to achieve identified social, economic, environmental and amenity objectives. These include identifying opportunities for improving pedestrian amenity, footpaths and streetscapes, and for providing new public spaces, such as town squares and parks, in and around the centre.

In response to the community needs, the Urban Design Consultant *Olsson & Associates Architects*, in conjunction with Landscape Architecture Consultant *Jane Irwin LA*, have prepared a concept plan (**Attachment F**) which proposes the following public domain improvements:

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- Improved public domain interface area between the St Ives Shopping Village and the Village Green by undergrounding the existing Council's car parks between them.
- Reconfiguration of Village Green Parade to give pedestrian priority.
- Upgrade of the Village Green.
- New town square with a strong community focus near the St Ives Shopping Village.
- New pedestrian plazas and outdoor dining with the closure of laneways.
- Reactivation of existing laneways with shops and the like.
- New public square to the west of Denley Lane.
- Improved public domain at the Old School site, corner of Rosedale Rd and Mona Vale Rd.
- Upgrade of Memorial Garden.
- Improved public domain and pedestrian linkage between the Old School site and the Memorial Garden with part closure of Rosedale Rd.
- Improved public domain at Eden Brae site.
- New and improved footpaths in and around the centre.
- New street tree planting.

These public domain improvements are likely to be implemented through the Section 94 Funding.

PROPOSALS FOR ZONING

Standard template or KPSO

In order to implement the recommended future development option for the St Ives Centre, Council is required to prepare a draft Local Environmental Plan.

DIPNR have announced that all local Councils within New South Wales are to have new local environmental plans in place within the next 3-5 years. All new plans will need to be consistent with state and regional strategic directions and will also need to comply with the standard local environmental plan template. The Standard LEP template is still being developed by DIPNR, with a draft template due to be released for a public comment period by the end of July.

It is proposed that the draft LEP for the St Ives Centre, and each subsequent town centre, be in the form of the draft standard LEP template. This would then form the basis of Ku-ring-gai's new LEP to be developed to cover the whole Council area over the next 5 years.

It is noted however, that there has been delays in the release of the LEP template. Discussions with DIPNR have indicated that any further delay in the release of the draft standard LEP template should not be used as an excuse to delay Council's exhibition of a draft LEP for the St Ives centre. Should the release of the draft standard LEP template be further delayed then Council should seek to exhibit a draft LEP for the St Ives Centre as an amendment to the KPSO, although this is undesirable.

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When a draft LEP for St Ives is brought back to Council for further consideration prior to exhibition it will be either in the form of the draft standard template or as an amendment to the KPSO, whatever is the most appropriate form at that time.

New mixed use zone

The recommended option for St Ives Centre proposes 2 new areas for mixed use development. The areas these are intended to apply are identified in **Attachment G**. As to whether there will be separate zones, will depend on the government's standard template.

1. Mixed Use - General

The new mixed use area will provide for the development of buildings with a mix of retail, commercial, community and residential uses. It is envisaged that such buildings would be between 4 to 6 storeys and take the form of 1 to 2 storeys of retail and/or commercial with 3 to 4 storeys of residential above.

2. Mixed Use – Non retail

This would be similar to that the mixed use – general area, however, it would not permit retail uses. The purpose of this area is to cater for the shortage of professional and commercial office space that is evident in St Ives, without creating dispersal in the provision of retail services.

Residential Zones

The current medium density residential zones including 2(d), 2(e), 2(f), 2(g) and 2(h), are to be reviewed under the Minister's directive. Some of these lands as identified in **Attachment G** are to be rezoned to permit medium density residential up to 5 storeys.

Attachment H identifies additional lands currently zoned 2(c) and 2(c2) which are to be rezoned to permit residential development up to 3 storey or 5 storeys respectively.

Residential Development

Consistent with the Minister's direction, it is recommended that all land that is currently zoned for commercial and retail development 3(a)-(A2) be rezoned to mixed use to permit shop top housing consistent with the density of LEP 194.

In addition it is recommended that the following additional areas be rezoned.

Mixed use residential and non-retail commercial:

- a) 167 to 186 Mona Vale Road from the corner of Shinfield Avenue east along Mona Vale Road. A mixed use zone recognizes that there are already several shops in the strip on the corner of Shinfield Avenue that are used for viable retail and commercial purposes and which may have existing use rights that would permit continuation of such uses in the event of redevelopment. The proposal slightly extends this area to include the area

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- between existing shops, up to and including the service station. The character will be more typical of traditional strip shops with minimal setbacks and awnings.
- b) 162 Mona Vale Road on the corner of Cowan Road. This area is currently occupied by an Anglican church and is zoned 2(d3). Changing the zone to allow mixed use will allow the continuation of such uses on the site if there were to be redevelopment. The character will be more typical of traditional strip shops with minimal setbacks and awnings.
 - c) 126 and 128 Rosedale Road; 169, 171 and 173 Rosedale Road; and 3 Porters Lane. These lands are currently zoned 2(d3). The intention is to allow professional office space on the ground floor of residential apartment buildings in these areas and associated car parking. The commercial space would be set within a garden setting typical of a 2(d3) zone.
 - d) 206, 208, 210 Mona Vale Road (including a Council car park); and 3, 5, 5A, 7 and 9 Memorial Avenue. These lands are currently zoned 2(d3). The intention is to allow professional office space on the ground floor of residential apartment buildings in these areas and associated car parking. The commercial space would be set within a garden setting typical of a 2(d3) zone.

Residential uses

The Minister's Directive requires Council to look at all existing medium density zones including 2d, 2e and 2h to determine which areas are appropriate for rezoning to higher densities. The following areas are recommended for rezoning to 5 storey medium density residential:

- a) Lots 1-24 Stanley Close (Eden Brae) – existing 2(h) zone impacted by adjoining 5 storey residential on Lynbarra Avenue to the south and future redevelopment of mixed use zone to the north. This area is recommended for rezoning for up to 6 storey mixed use development incorporating a neighbourhood shopping centre (Hybrid Option) or medium density development (Alternative Option) consistent with the density of LEP 194.
- b) “Rosedale”, 201 Mona Vale Road – existing SEPP 5 townhouse development currently zoned Residential 2(e) be rezoned to medium density 5 storey development to be consistent with adjoining zones.
- c) 5-9 Cowan Road – existing residential 2(h) medium density be rezoned to medium density up to 5 storey development to be consistent with adjoining lots to the south and east.

The following areas are not recommended for rezoning:

- a) The existing medium density zones within the block defined by Mona Vale Road, Link Road and Stanley Street (other than the interface sites noted below) are **not** recommended for rezoning so as to minimize future impacts on the Turpentine Forest Park

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Rationalizing zones

These lands do not sit with in the Ministerial Directive however they are recommended for rezoning to ensure compatible land use and to minimize potential impacts in the long term:

124, 126 and 128 Killeaton Street – 3 existing lots zoned 2(c) and 2(c2) require rationalization into a single medium density zone permitting development up to 3 storeys with consistent controls.

Interface sites

Council has identified 10 sites within St Ives Town Centre study area that are defined as interface sites. The following are recommended for rezoning to address potential impacts:

- a) 163 Rosedale Road – existing 2(c) rezoned to medium density 2- 3 storey development (along with 161 Rosedale Road);
- b) 165 Mona Vale Road (cnr Shinfield Ave) - existing 2(c) rezoned to medium density 5 storey development;
- c) 8 Shinfield Avenue (Pemberley Grove) – existing 2(c) zone occupied by SEPP 28 townhouse development recommended for rezoning to 5 storey medium density to be consistent with adjoining lots to the west and east.
- d) 12 Stanley Street, 16 Stanley Street and “The Tines” 18-22 Stanley Street – existing medium density development rezoned for medium density 5 storey development

Interface sites not considered appropriate for rezoning:

- a) Mobil Petrol Station 157 Mona Vale Road;
- b) 140 Killeaton Street – existing 2(c) not considered for rezoning due to isolation – would trigger further interface issues;
- c) 259 Mona Vale Road (Ivor Wyatt Reserve) – currently Council parkland zoned residential and not considered appropriate for rezoning;
- d) 26 and 28 Shinfield Avenue – not rezoned to protect residential character of Shinfield Avenue. Rezoning would trigger further interface issues.

Other key sites

A number of other key sites were considered during the planning process where the current zoning is no longer considered appropriate:

- a) Former Camellia Grove Nursery Site – currently zoned 2(c) given its location it has been recommended for medium density residential 2-3 storey development retaining parkland frontage to Mona Vale Road and elements of the former nursery. This is seen as

preferable to a commercial zoning.

- b) Commonwealth Bank of Australia Training site, 27 College Crescent – currently zoned Special Uses Training Centre. This zoning is restrictive and is recommended for medium density residential 2-3 storey development retaining large setback to Link Road to protect existing trees with setback controls to protect Bedes Forest. This zoning could still allow institutional uses such as a school if required.

Reclassification of Land Council Owned Land

A report has been prepared on the various property holdings within the St Ives Centre. The report includes details relating to the site's ownership, current leases, acquisition details and restrictions on the use of the land. To alter the current use, zoning or character, Council will need to proceed through a number of processes.

A copy of the report of Council's property holdings for St Ives is included as **Attachment I** to this report.

In order to deliver on the planning outcomes for the recommended option, there are currently a number of Council owned sites within the St Ives Centre that are affected by the proposed the recommended option. These sites are currently classified as community land under the Local Government Act.

Classification of 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*. Community land will ordinarily be land which is open to the public, 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 garages.

The purpose of the 'community land' classification is to identify council owned land which should be set aside for use by the general public. Community land cannot be sold by the council and can only be leased for certain purposes. There are a number of restrictions on the way councils can deal with community land:

- community land cannot be sold;
- a council can grant a lease over community land, but only for certain purposes which are authorised by the plan of management for the land;
- community land must be managed in accordance with a plan of management; and
- community land may only be dedicated as a public road where the road is necessary for enjoyment of the land.

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

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exhibition of the plan and consideration of submissions from members of the public. The plan must be made by the Minister for Infrastructure, Planning and Natural Resources.

In the case where reclassification of the land is carried out by an LEP it will also require a public hearing to be conducted under section 68 of the EP&A Act and section 29(1) of the Local Government Act. It is intended that the public hearing will be conducted during the public exhibition period of the DLEP.

It is Recommended that the following Council owned lands be Reclassified from “Community” to “Operational” land (Attachment I includes map, table and report):

- 176 Mona Vale Road, St Ives (Lot 103 DP 627012/Lot 105 DP629388)
- 261 Mona Vale Road, St Ives (Lot 31 DP19052)
- St Ives Shopping Centre Car park (Lot A DP 321567, Lot1 DP504794, Lots A& B DP336206, Lot 2 DP822373, Part lot1 DP420106, Lots B&C DP322331) includes the St Ives Library, Early Childhood Centre & Neighbourhood Centre (Part Lot 1 DP 420106, Lots B & C DP 322331).
- Car Park 208-210 Mona Ave Road St Ives (Lots 11 & 12 DP 29167)
- That the proposed sites to be reclassified from community to operational land be exhibited in accordance with the requirements of LEP s and Council land Best Practice Guideline (January 1997).
- That a public hearing in accordance with the relevant provisions of the Local Government Act 1993 be conducted as part of the reclassification.

Development Control Plan

A draft Town Centre Development Control Plan (DCP) template has been prepared for all 6 town centres in Ku-ring-gai, including St Ives Centre (**Attachment J**). However the overall structure and contents of this DCP may change subject to the draft DIPNR’s standard LEP template to be released by the end of July.

It is intended that the Town Centre DCP will provide a framework for future development in the St Ives Centre and progressively the other 5 centres. Part 1 of the DCP will typically outline the relevant statutory framework and requirements. Part 2 will set out a framework for the proposed controls and guidelines by specifying a series of urban strategies to help achieve the vision of St Ives.

The DCP template supports a place-based planning approach by providing guidance defining appropriate building types and developing place-specific building envelopes, development controls and guidelines. Part 3-4 of the DCP will include site-specific controls for the public domain areas and each individual block within the commercial core of St Ives Centre.

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The DCP specifically addresses and focuses on the mixed use development for St Ives. It will set broad parameters within which good design of mixed use buildings can occur by illustrating the use of development controls and consistent guidelines. The general development controls will be covered in Part 5 of this DCP and they are applicable to the mixed use development in five other town centres as well. It should be noted that the residential controls will be largely consistent with the controls in DCP 55.

Building Footprints / Envelopes

“A building envelope is not a building, but a three dimensional zone that limits the extent of a building in any direction. It defines the extent of the overall building zone in plan and section within which a future building can be located.” (*Residential Flat Design Code, p.22*)

Building envelopes can help:

- design the three dimensional form of an area;
- inform decisions about appropriate density for a site and its context;
- examine that the primary controls are coordinated and produce the desired outcome;
- test the economic feasibility of a proposal;
- communicate and illustrate the future bulk and distribution of new developments to applicants and designers.

Building envelopes set the appropriate scale of future development in terms of bulk and height in relation to the street layout and block and lot sizes in a particular location. They are appropriate for determining and controlling the desired urban form in town centres.

Council has commenced a place-based planning approach for the Town Centre Project. This is a different approach adopted by Council previously which, while taking account of design issues, was based on generic controls. It has been proven that generic controls do not yield the best results on all sites. Therefore site-specific envelope controls will be prepared to ensure acceptable outcomes and clarity about the standard of design excellence expected.

In relation to St Ives Centre, building envelopes will be shown in the block by block controls for each site within the commercial core. The envelopes will be designed in response to issues including existing lot sizes, relationship to adjacent buildings, the desired future character of the centre and street pattern and width, all of which vary throughout the centre.

Two examples of building envelope studies by other Councils are shown in **Attachment K**.

Calculation of development yield

Once more detailed plans are developed and prior to a draft LEP and DCP being brought back to Council for a resolution to exhibit, staff will calculate anticipated development yields for the residential component of the redevelopment based on building envelopes as proposed.

A consultant will also be engaged to calculate the feasibility to demonstrate that the controls as included in the draft documents are such that would give sufficient incentive to the redevelopment of land. The proposal will also be discussed with DIPNR staff.

CONSULTATION

This has been documented throughout the report.

FINANCIAL CONSIDERATIONS

All costs are met by the Department's operational and projects budgets.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

The integrated planning approach has ensured input from all Council departments throughout the project.

SUMMARY

Council has adopted an integrated planning approach to planning of the St Ives Centre and has embarked on a process of extensive community and stakeholder consultation to ensure that the requirements of the Minister's direction are met in a way which improves the amenity of the St Ives Centre and which maximises the benefits to the community of redevelopment.

This will ensure that existing problems, such as traffic and parking are addressed and new open space, public domain improvements and new and improved community facilities are provided and that current and future retail, commercial and local business and employment needs of the local community are met.

The first stage of implementation of plans for St Ives requires the preparation of a new LEP and a new DCP to guide future redevelopment of the centre.

The report provides an overview which sets out a preferred hybrid option for future development of retail and commercial activities and assesses other sites that are currently zoned for medium density development for suitability for rezoning for medium density development consistent with the provisions of LEP 194.

The report also identifies sites that interface sites that were rezoned under LEP 194 and which would benefit from rezoning to medium density and other sites which have special circumstances that make them suitable for rezoning to medium density and makes recommendations for their rezoning.

It also considers Council owned land and proposes that certain sites be reclassified from community to operational land to provide for more flexible use in the future consistent with plans for the town centre.

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The draft LEP and DCP will be brought back to Council for further resolution to exhibit the documents as presented. This report will outline further consultation strategies for the exhibition of these documents and will present plans for other aspects of planning for the St Ives town centre area, such as a public domain plan, traffic / parking management proposal, proposals for community facilities and open space so that these can be considered and, where appropriate included in a schedule of works for a section 94 plan and or for inclusion in future capital works schedules so that the overall vision for St Ives can be progressively achieved.

RECOMMENDATION

- A. That Council adopt the hybrid retail commercial option as shown in attachment D to guide future development of retail and commercial activity in St Ives.
- B. That Council prepare a draft LEP to rezone land for mixed use and medium density residential in the St Ives study area and notify the Department of its resolution under Section 54 Environmental Planning and Assessment Act.
- C. That Council notify relevant government agencies of its intention to prepare an LEP as required under Section 62 of the Environmental Planning and Assessment Act.
- D. That the draft LEP propose rezoning of the lands shown as either light blue or dark blue and edged with a dark line (including "Eden Brae" Lot 1-24 Stanley Close), on the map shown in attachment G for mixed use development permitting development of 4 to 6 storeys in accordance with the principles for mixed use set out in the Section headed "Proposals for Zoning".
- E. That the draft LEP propose the rezoning of the lands shown dark red and edged with a dark line on the map shown in attachment G to permit commercial and professional consultancy use, and associated parking.
- F. That the draft LEP rezone the following properties to permit medium density development up to 5 storeys consistent with the density in LEP 194:
 - 1. 201 Mona Vale Road, St Ives
 - 2. 5-9 Cowan Road, St Ives
 - 3. 165 Mona Vale Road, St Ives
 - 4. 8 Shinfield Avenue, St Ives
 - 5. 12, 16, 18-22 Stanley Street, St Ives
- G. That the draft LEP rezone the following properties to permit medium density development up to 3 storeys:
 - 1. 124, 126 and 128 Killeaton Street, St Ives
 - 2. 161 and 163 Rosedale Road, St Ives
 - 3. 27 College Crescent, St Ives Chase (also known as 327 Link road – former CBA Training Centre)

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4. 238-240 Mona Vale Road, St Ives (formerly known as Camelia Grove Nursery)
- H. That the draft LEP propose reclassification of the following sites from community land to operational land:
1. 176 Mona Vale Road, St Ives (Lot 103 DP 627012/Lot 105 DP 629388).
 2. 261 Mona Vale Road, St Ives (Lot 31 DP 19052)
 3. St Ives Shopping Centre Car park (Lot A DP 321567, Lot 1 DP 504794, Lots A & B DP 336206, Lot 2 DP 822373, Part lot1 DP 420106, Lots B & C DP 322331) includes the St Ives Library, Early Childhood Centre & Neighbourhood Centre (Part Lot 1 DP 420106, Lots B & C DP 322331).
 4. Car Park 208-210 Mona Ave Road St Ives (Lots 11 & 12 DP 29167)
- I. That the Draft LEP be exhibited in accordance with the requirements of LEPs and *Council Land Best Practice Guideline* (January 1997).
- J. That a public hearing be conducted as part of the LEP exhibition in accordance with the relevant provisions of the Local Government Act 1993.
- K. That Council prepare a draft DCP for the St Ives Town Centre in accordance with the table of contents shown in **Attachment J** to provide more detailed development controls. This DCP is to incorporate the vision statement for St Ives, the principles and objectives as set out in this report and set site specific building envelopes.
- L. In relation to the properties known as Eden Brae that there be provisions in either the LEP or the DCP requiring that the site be amalgamated and redeveloped as a whole.
- M. That prior to being placed on exhibition that the draft LEP and draft DCP be brought back to Council to further resolve to exhibit the documents as presented to Council.
- N. That Council prepare a public domain concept plan for the St Ives Centre, an action plan for traffic and parking management, proposals for community facilities and other proposals for a schedule of works for inclusion in a draft Section 94 Plan.
- O. That Council obtain economic feasibility assessment by a suitably qualified consultant to test the proposed controls in the LEP and DCP for land rezoned for mixed use and or medium density development.

Janice Bevan
Director
Community Services

Steven Head
Director
Open Space

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Greg Piconi
Director
Technical Services

Leta Webb
Director
Planning and Environment

Attachments:

- Attachment A - Minister's letter and direction dated May 2004.**
- Attachment B - Traffic and Parking Study**
- Attachment C - Land use option maps**
- Attachment D - Recommended land use options**
- Attachment E - " Eden Brae" letter from secretary**
- Attachment F - Public domain concepts**
- Attachment G - Mixed use zones / residential zones**
- Attachment H - residential zones**
- Attachment I - reclassification map, summary table and report "Review of Council Property Holdings for the St Ives Town Centre"**
- Attachment J - DCP contents page**
- Attachment K - Building envelope**
- Attachment L - The St Ives News - June 2005**



Minister for Juvenile Justice
Minister for Western Sydney
Minister Assisting the Minister for
Infrastructure and Planning (Planning Administration)

Councillor Adrienne Ryan, Mayor
Ku-ring-gai Municipal Council
818 Pacific Highway
Gordon NSW 2072

Our ref: S95/01707

Dear Councillor Ryan

I refer to previous correspondence and to the draft Local Environmental Plan submitted to the Director-General, Department of Infrastructure, Planning and Natural Resources under Section 68(4) of the Environmental Planning and Assessment Act 1979 (the Act).

Following consideration of all of the relevant issues, I have made the Plan under Section 70 of the Act. As provided in Section 70(1)(a)(ii) and (8) of the Act some alterations have been made to the draft Plan.

These alterations are of significance for State or regional environmental planning having regard to the achievement of the objectives of State Environmental Planning Policy No. 53 – Metropolitan Residential Development. The LEP as gazetted will establish controls that will provide opportunities for a variety of housing types in areas that are well located in terms of transport and other infrastructure and services. It forms part of the Government's strategy for the Greater Metropolitan Region by promoting a more compact city, improving access between jobs, housing and services and promoting equity in access opportunities.

The finalisation of LEP 194 has enabled me to grant Council an exemption from the provisions of SEPP 53 – Metropolitan-Residential Development for the area covered by the LEP. This represents a major step forward in Council's acceptance of its partnership with the State Government in providing for the appropriate level and form of housing for the changing needs of Sydney's population.

I am also aware of Council's concerns relating to the misuse of the dual occupancy provisions of SEPP 53. In this regard I have directed the Department to investigate the need to amend the State Policy to ensure that the original intention of the dual occupancy provisions are realised in Ku-ring-gai.

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The alterations to the draft Plan include:

- The LEP contains only one medium density zone. The basic premise of the plan is that maximum redevelopment potential can only be realised when allotments are amalgamated. This allows for issues associated with 'interface' development such as overshadowing, privacy and possible impact on heritage items to be properly addressed.
- Special Areas have been included within the Residential (d3) Zone. Council has been previously advised that the development controls applying to the medium density housing zone should apply equally to the Special Areas. The decision to remove the requirement to prepare Special Area plans has been taken to provide clarity and certainty. The reasons for suggesting these areas as Special Areas could be adequately dealt with at the development application stage of the planning and development process.
- Part of the area known as Special Area No. 1 has been removed from the medium density zone as it was considered that much of this area is generally unsuitable for medium density housing.
- Some development standards have been identified in the LEP as Non Discretionary Development Standards pursuant to clause 79C (6) (b) of the Environmental Planning and Assessment Act 1979. This provision has been included to ensure, as far as possible, that the built form outcomes anticipated by the LEP, can actually be achieved. It does not limit Council's ability to determine the most appropriate urban design solutions in its consideration of development proposals.
- The Masterplan provisions have been removed from the draft plan. This has been done having regard to the findings of the planning taskforce review of the role of Masterplans. Although Government is yet to make a final decision on the taskforce findings, the Department's preliminary advice to Councils is that Masterplan provisions in LEPs will no longer be supported in these types of circumstances. Councils instead should rely on the existing components of the Act to achieve the desired planning outcomes.
- The development standards relating to set backs and site coverage have been amended and the provision requiring the topmost floor of a residential flat building to be within a precise plane has been removed. These provisions, as submitted in the draft plan, were overly restrictive and did not allow design flexibility.
- On advice from the Heritage Office:
 - 1) Certain provisions have been added to the Plan. An objective of the Plan now ensures that regard is had to the impact of development on any heritage item in the vicinity of the development. There is also a requirement that at the development application stage, Council consider a statement which describes the extent to which a residential flat building would have on nearby heritage items.

- 2) Three sites have been removed from the plan - the Uniting Church at Roseville, No. 10 Woniara Avenue, Wahroonga and 10 Cecil Street, Gordon.
- 3) Council is encouraged, in its consideration of future development proposals in the 2(d3) zone, to consider the feasibility of the adaptive reuse of existing substantial two storey buildings such as those that exist at No. 31 Tryon Road, Lindfield and No. 1A Stanhope Road, Killara.

Going Forward

There is a need for Council to take a strategic view in relation to the future provision of housing in Ku-ring-gai. The opportunity should now be taken to refocus Council's resources in relation to Stage 2 of its Residential Housing Strategy. For example, there are a number of important areas within the spine which appear to be appropriate for increased housing density in the form of "shop top" housing. Retail and commercial areas are in need of revitalisation and sites which have for some considerable time been zoned for medium density housing could be revisited with a view to making the achievable density more economically viable. All of this could be achieved with little or no loss of residential amenity.

I am aware of the progress Council has made in its consideration of draft LEP 200 and although it was not legally possible to include additional sites within the final form of LEP 194, it is within the context of this draft LEP that Council is strongly encouraged to examine additional areas as outlined above.

The scope of this new work will, of course, have resource implications for Council and I am aware of the need to balance this exercise with Council's ongoing commitment to improving its delivery of service to its community. Nevertheless, there is also an expectation that this new Stage 2 of the RDS will be delivered within a reasonable timeframe.

With this in mind I am directing, pursuant to section 55 of the Environmental Planning and Assessment Act 1979, that Council prepare an LEP in relation to the areas covered by draft LEP 200 and to submit that Plan by 30th August 2004. This timeframe is considered reasonable given the progress already made by Council in relation to this Plan.

The Council is also directed pursuant to section 55 of the Act to prepare an LEP in relation to areas in and around the existing retail and commercial areas within the rail/road corridor in Ku-ring-gai. The draft plan should include opportunities for medium density housing in the form of "shop top" housing and should also include a revaluation of the density controls in the existing medium density zones. Opportunities for redevelopment will exist in these areas if regard is had to the controls now in place in LEP 194.

This draft LEP may include some of the neighbourhood centres identified in Stage 2 of Council's RDS. In these areas, outside the corridor, more appropriate forms of housing such as villa and townhouse development may also be considered if Council is of the view that this form of housing is needed to fulfil a particular market.

I would prefer not to direct a specific timeframe in relation to the completion of this LEP. However, I do expect that the necessary statutory and technical processes will be completed within 12 months. In this regard I have asked the Department to monitor Council's progress and to report to me when the process has reached a stage of advancement where I can consider excluding the remainder of Ku-ring-gai local government area from SEPP 53.

My Directions to Council are enclosed.

To assist Council in this project I would look favourably on a request by Council for funding under the Planning Reform Funding Program. I strongly encourage Council to apply through the Department for the allocation of these funds.

In conclusion, I was greatly encouraged by our recent meeting at which you stressed the benefits of providing appropriate housing choice for all generations in Ku-ring-gai and the frank and open discussion we had regarding the planning issues for your community.

I am pleased that LEP 194 has now been completed and that both the State Government and Council can look forward to renewed cooperation in future projects which will provide much needed housing in the most accessible areas of Ku-ring-gai. I am sure that you share my confidence that future LEPs will greatly assist in this goal.

Yours sincerely



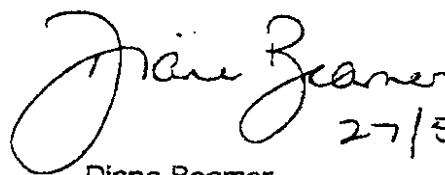
The Hon. Diane Beamer MP

DIRECTION UNDER SECTION 55

I the Minister Assisting the Minister for Infrastructure and Planning, in pursuance of section 55(1) of the Environmental Planning and Assessment Act 1979 (the 'Act'), direct Ku-ring-gai Council:

- (a) to perform all of its functions under Division 4, Part 3 of the Act, to prepare a draft local environmental plan for the areas identified in Ku-ring-gai draft Local Environmental Plan 200 as exhibited by Council.
- (b) to exercise its functions under Division 4, Part 3 of the Act, in relation to the preparation of the draft local environmental plan, in accordance with the principles set out in Schedule A;
- (c) to include in the draft local environmental plan provisions which achieve or give effect to the principles, aims and objectives specified in Schedule A; and
- (d) to submit the draft local environmental plan to the Director-General of the Department of Infrastructure, Planning and Natural Resources under section 68 of the Act by 30th August 2004.

Dated at Sydney this 27 day of May 2004


27/5/04
Diane Beamer
Minister Assisting the Minister
for Infrastructure and Planning

Schedule A**Principles**

To encourage the provision of housing that will broaden the choice of building types and locations available in the housing market and to make more efficient use of existing infrastructure and services.

Aims

To rezone land to facilitate the development of multi-unit housing and increase housing choice.

Objectives

To include provisions which allow for the redevelopment of land for multi-unit housing and which comply with the development standards for number of storeys, site coverage, landscaping and building set backs contained in Ku-ring-gai LEP 194

DIRECTION UNDER SECTION 55

I the Minister Assisting the Minister for Infrastructure and Planning, in pursuance of section 55(1) of the Environmental Planning and Assessment Act 1979 (the 'Act'), direct Ku-ring-gai Council:

- (a) to perform all of its functions under Division 4, Part 3 of the Act, to prepare a draft local environmental plan for areas in close proximity to the railway line and Pacific Highway and the St Ives Centre which are zoned Residential "D", "E" "F" and "H" and 3(a) and 3(b) under Ku-ring-gai Planning Scheme Ordinance.
- (b) to exercise its functions under Division 4, Part 3 of the Act, in relation to the preparation of the draft local environmental plan, in accordance with the principles set out in Schedule A;
- (c) to include in the draft local environmental plan provisions which achieve or give effect to the principles specified in Schedule A; and
- (d) to submit the draft local environmental plan to the Director-General of the Department of Infrastructure, Planning and Natural Resources under section 68 of the Act within 12 months of the date of this Direction

Dated at Sydney this 27 day of May 2004



Diane Beamer
Minister Assisting the Minister
for Infrastructure and Planning

Schedule A**Principles**

- 1. To encourage the provision of housing that will broaden the choice of building types and locations available in the housing market and to make more efficient use of existing infrastructure and services.
- 2. To revitalise the existing retail/commercial areas.

Aims

- 1. To rezone land to facilitate the development of multi-unit housing and increase housing choice particularly in the form of "shop-top" housing
- 2. To improve the development standards so as to encourage the redevelopment of land in the existing multi-unit housing zones

Objectives

- 1. To include provisions which allow for the redevelopment of land for multi-unit housing consistent with the development standards contained in LEP 194
- 2. To provide for retail and commercial activities to cater for the local community and to implement housing density standards which compliment those contained in LEP 194

DRAFT

OPTIONS AND TRAFFIC MODELLING

**ST IVES TOWN CENTRE
& ADJOINING PRECINCTS**

Ref. 25024r2

July, 2005

Prepared By

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INTRODUCTION

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The following information is intended as a summary of existing and future traffic conditions, service levels and intersection constraints following the assessment of land use options B1, C and Part B1 and C combined and is prepared for discussion purposes only for Council's meeting on 19 July, 2005.

1.0 EXISTING TRAFFIC CONDITIONS

Existing peak hour traffic volumes at key intersections within and bordering the St Ives Study Area are shown on **Figures 1, 2 and 3** attached.

Intanal and Scates traffic (simulation) models have been utilised to evaluate existing AM, PM and Saturday peak hour study area traffic conditions for the key intersections and the outcome of these traffic models are collated in Table 1 below.

TABLE 1

ST IVES TRAFFIC STUDY SCATES & INTANAL MODELLING FOR EXISTING 2005 TRAFFIC CONDITIONS

Intersection	Existing Control	AM Peak			PM Peak			Saturday Peak		
		LS	AVD	HMD	LS	AVD	HMD	LS	AVD	HMD
Killeaton Street / Cowan Road	Priority	B	10	26	F *	246	400	F *	460	913
Killeaton Street / Memorial Avenue	TCS	B	21	-	B	22	-	-	-	-
Killeaton Street / Link Road	Priority	F *	54	123	B	11	17	-	-	-
Cowan Road / Village Green Parade	Priority	A	4	4	A	4	4	A	4	5
Cowan Road / Car Park Exit	Priority	-	-	-	A	5	6	A	7	7
Memorial Avenue / Village Green Parade	Priority	A	4	6	A	5	7	A	5	7
Link Rd / Stanley St / Horace St	Roundabout	A	7	12	A	5	11	A	5	10
Stanley St / Lynbara Ave	Priority	A	3	6	A	3	6	A	2	6
Rosedale Rd / Porters Lane	Priority	A	4	6	A	4	6	A	4	6
Shinfield Ave / Rosedale Rd	Priority	A	4	7	A	4	8	A	4	7
Mona Vale Road / Cowan Rd/ Shinfield Ave	TCS	A	11	-	A	11	-	A	7	-
Mona Vale Rd / Memorial Ave	TCS	B	27	-	B	23	-	A	4	-
Mona Vale Road / Stanley St	TCS	A	2	-	A	3	-	B	13	-
Mona Vale Road / Link Road	TCS	E *	68	-	B	26	-	B	15	-

Where: LS Level of Service
 AVD Average Vehicle Delay in seconds
 HMD Highest Movement Delay in seconds

* Indicates sites requiring capacity / operational improvements now

NB. Killeaton Street with Cowan Road and Link Road can readily be improved with traffic signals.

For simplicity, traffic service levels are best utilised as an indication of existing traffic conditions and / or intersection performance. An interpretation of the six traffic service levels A to F is as follows:

1. Level of Service (LS)

LS	Traffic Signals and Roundabouts	Average Vehicle Delay in Seconds
A	Good	0-14
B	Good with minimal delays and spare capacity	15-28
C	Satisfactory with spare capacity	29-42
D	Satisfactory but operating near capacity	43-56
E	At capacity and incidents will cause excessive delays	57-70
F	Unsatisfactory and requires additional capacity	>70
LS	Give Way and Stop Signs	Highest Movement Delay (in Seconds)
A	Good	0-14
B	Acceptable delays and spare capacity	15-28
C	Satisfactory	29-42
D	Near capacity and accident study required	43-56
E	At capacity and requires other Control Delays Mode	57-70
F	Unsatisfactory and requires other Control Mode	>70

2. Average Vehicle Delay (AVD)

The AVD provides a measure of the operational performance of an intersection. For intersections controlled by traffic signals or a roundabout, satisfactory intersection performance is achieved where:

- the TOTAL average delay of the intersection is less than 70 secs; and
- no individual movement through the intersection experiences a delay greater than 120 secs.

For intersections controlled by GIVE WAY or STOP signs, satisfactory intersection performance is achieved where no individual movement (Highest Movement Delay) through the intersection experiences a delay greater than 40 secs.

3. Highest Movement Delay (HMD)

Highest Movement Delay is the Highest average delay for any movement at an intersection. It is useful for determining the delay for minor movements at intersections controlled by Stop/Give Way signs or roundabouts.

1.1 Interpretation of Modelling Output

Table 1 indicates that traffic service levels E or F exist at:

Killeaton Street and Cowan Road for the PM and Saturday Peaks

This is primarily caused by the conflict ratio between the westbound thru vs the eastbound right turn movement on Killeaton Street. This can be rectified by capacity improvements and signals at the location.

Killeaton Road and Link Road for the AM Peak

This is an indication of the conflicts between westbound through and eastbound right turn movements in Killeaton Street. This can also be rectified by traffic signals or reducing (AM) traffic volumes at this location.

Mona Vale Road and Link Road for the AM Peak

This is a multi phase intersection (i.e. double diamond operation) and the traffic service level is due to a combination of capacity constraints and competing traffic demands, i.e. cross traffic vs thru traffic and multiple right turn operation.

1.2 LEP 194 Approved Development

Notwithstanding, LEP 194 has already approved the development of a further 1,929 medium density residential dwellings resulting in +1,157 vehicle trips in the AM / PM peak hours (based on RTA Traffic Generation Guidelines) as shown by precinct block in **Figure 4** and revised traffic flow volumes in **Figures 1A, 2A and 3A** attached.

The resultant impacts on existing traffic service levels in the study area are shown in Table 2 overleaf.

TABLE 2

ST IVES TRAFFIC STUDY
SCATES & INTANAL MODELLING FOR EXISTING 2005 TRAFFIC
CONDITIONS + LEP 194 TRAFFIC

Intersection	Proposed Control	AM Peak			PM Peak			Saturday Peak		
		LS	AVD	HMD	LS	AVD	HMD	LS	AVD	HMD
Killeaton Street / Cowan Road	TCS	B	15	27	B	17	-	C	36	-
Killeaton Street / Memorial Avenue	TCS	B	21	-	B	22	-	13	17	-
Killeaton Street / Link Road	TCS	A	12	-	A	12	-	A	10	-
Cowan Road / Village Green Parade	Priority	A	4	4	A	4	4	A	4	5
Cowan Road / Car Park Exit	Priority	-	-	-	A	5	6	A	7	7
Memorial Avenue / Village Green Parade	Priority	A	4	6	A	5	7	A	5	7
Link Road / Stanley Street / Horace Street	Roundabout	A	7	12	A	5	11	A	6	10
Stanley Street / Lynbara Ave	Roundabout	A	7	13	A	5	9	A	6	11
Rosedale Road / Porters Lane	Priority	A	4	5	A	5	6	A	5	6
Shinfield Avenue / Rosedale Road	Priority	A	4	8	A	4	9	A	4	9
Mona Vale Road / Cowan Road/ Shinfield Avenue	TCS	B	17	-	B	20	-	A	11	-
Mona Vale Road / Memorial Avenue	TCS	C	36	-	F*	646	-	A	9	-
Mona Vale Road / Stanley Street	TCS	A	9	-	E*	68	-	B	19	-
Mona Vale Road / Link Road	TCS	F*	77	-	D	46	-	C	30	-

Where: LS Level of Service
 AVD Average Vehicle Delay in seconds
 HMD Highest Movement Delay in seconds

* Indicates sites requiring capacity / operational improvements now

NB. Killeaton Street with Cowan Road and Link Road can readily be improved with traffic signals.
 Stanley Street with Lynbara Street will require roundabout control

Quite clearly existing traffic service levels are forecast to deteriorate further at all sites, but in particular at Memorial Avenue, Stanley Street and Link Road with Mona Vale Road. This will require further traffic management and / or capacity improvements.

The Stage 2 schedule of proposed traffic and intersection improvements is shown in **Figure 5** and gives indicative SCATES modelling for Mona Vale Road as follows:

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TABLE 3

**ST IVES TRAFFIC STUDY
SCATES MODELLING FOR MONA VALE ROAD
EXISTING 2005 TRAFFIC CONDITIONS + LEP 194 TRAFFIC
AND TWO NEW INTERSECTIONS**

Intersection	Proposed Control	AM Peak		PM Peak		Saturday Peak	
		LS	AVD	LS	AVD	LS	AVD
Mona Vale Road / Cowan Road/ Shinfield Avenue	TCS	A	14	A	6	A	8
Mona Vale Road / New Shopping Centre Access	•TCS	A	3	A	6	A	8
Mona Vale Road / Memorial Avenue	TCS	C	33	F*	515	A	13
Mona Vale Road / Stanley Street	TCS	A	2	D	44	B	16
Mona Vale Road / Link Road	TCS	E*	62	D	52	B	20
Mona Vale Road / Killeaton Street	•TCS	A	3	A	4	A	2

NB. This only assumes 50% of the total LEP 194 traffic generation accessing or crossing over Mona Vale Road.

* Indicates site capacity / operational improvements required

• Indicates new TCS intersection

Traffic improvements can be expected at Cowan Road, Stanley Street and Link Road but quite clearly traffic service levels are forecast to deteriorate further at Memorial Avenue with Mona Vale Road. This will require further traffic management and / or capacity improvements.

TABLE 4

**ST IVES TRAFFIC STUDY
SCATES MODELLING FOR MONA VALE ROAD
EXISTING 2005 TRAFFIC CONDITIONS + LEP 194 TRAFFIC
AND TWO NEW INTERSECTIONS
PLUS MEMORIAL AVE AS A “TEE” INTERSECTION**

Intersection	Proposed Control	AM Peak		PM Peak		Saturday Peak	
		LS	AVD	LS	AVD	LS	AVD
Mona Vale Road / Cowan Road/ Shinfield Avenue	TCS	B	14	A	9	A	10
Mona Vale Road / New Shopping Centre Access	•TCS	A	3	A	8	A	10
Mona Vale Road / Memorial Avenue	•TCS	B	26	B	26	A	9
Mona Vale Road / Stanley Street	TCS	A	3	D	42	B	18
Mona Vale Road / Link Road	TCS	E*	59	D	52	B	20
Mona Vale Road / Killeaton Street	•TCS	A	3	A	4	A	2

NB. This only assumes 50% of the total LEP 194 traffic generation accessing or crossing over Mona Vale Road.

* Indicates site capacity / operational improvements required

• Indicates new TCS intersection or modified layout.

NB. Further traffic improvements can be expected at Memorial Avenue with Mona Vale Road as a Tee junction. Rosedale Road can still be kept open for southbound traffic from Mona Vale Road and Memorial Avenue and the right turn from Mona Vale Road into Memorial Avenue is retained, refer Tables 3 and 4, but the right turn from Mona Vale Road to Rosedale Road must be banned to reduce the complexity of the existing signal phasing,.

2.0 LAND USE OPTIONS

As we now understand:

2.1 Option B1 Proposes

- Overall increase in total retail to about 40,000m² within St Ives Centre.
 - (i) St Ives Mall increased by about 7,000m² of retail space from 16,000m² to 23,000m² (with car parking for 1,400 vehicles).
 - (ii) New 17,000m² supermarket based shopping centre on the corner of Mona Vale Road and Stanley Street integrating existing strip shops (with car parking for 1,000 vehicles).
 - (iii) Approximately 5,000m² of non-retail commercial for home office and professional services along Mona Vale Road (with car parking for a further 150 vehicles).
 - (iv) New “shop-top” housing over retail and commercial to create mixed use zones, i.e:
 - (a) +180 medium density residential dwellings at Stanley Street; and
 - (b) +300 medium density residential dwellings above the Mall.
 - (v) +98 additional medium density residential dwellings in precincts I, J & P.

The likely additional design hour traffic volumes commensurate with this option are:

	Use	Design Hour Trips	
		Thursday Evening veh/hr	Saturday veh/hr
(i)	+7,000m ² of retail space	+ 413 trips	+ 525 trips
(ii)	+17,000m ² of supermarket base shopping	+ 885 trips	+ 1125 trips
(iii)	+5,000m ² of office/ commercial/professional services	+ 100 trips	+ 50 trips
(iv)(a)	+180 dwellings (Precinct N)	+ 99 trips	+ 80 trips
(iv)(b)	+300 dwellings (Precinct L)	+ 165 trips	+ 132 trips
(v)	+98 dwellings (Precincts I, J & P)	+ 54 trips	+ 43 trips

2.2 Option C Proposes

- Overall increase in retail to about 40,000m² within St Ives Centre:
 - (i) St Ives Mall increased to about 35,000m² of retail (including existing strip shops with car parking for 2,100 vehicles);
 - (ii) Strip shops on Mona Vale Road and Stanley Street retained;

- (iii) Additional non-retail commercial / office space created within The Mall with car parking for a further 150 vehicles;
- (iv) New “shop-top” housing over retail to create mixed use zone.
 - (a) +180 medium density residential dwellings at Stanley Street; and
 - (b) +580 medium density residential dwellings above the Mall
- (v) +333 additional medium density dwellings in precincts F, I, J & Q.

The likely additional design hour traffic volumes commensurate with this option are:

	Use	Design Hour Trips	
		Thursday Evening veh/hr	Saturday veh/hr
(i)	+15,000m ² of retail space	+ 690 trips	+ 915 trips
(ii)	Existing strip shops retained	No increase	No increase
(iii)	5,000m ² of office/ commercial space	+ 100 trips	+ 50 trips
(iv)(a)	+180 dwellings (Precinct N)	+ 99 trips	+ 80 trips
(iv)(b)	+580 dwellings (Precinct L)	+ 319 trips	+ 255 trips
(v)	+333 dwellings (Precincts F, I, J & Q)	+ 183 trips	+ 145 trips

2.3 Preferred Option (part Options B1 and C) Proposes:

- Total retail area in St Ives maximum 35,000m² (5,000m² transferred to Gordon)
 - (i) The shopping mall increases by 10,000m² and capped at 26,000m² + strip shops along northern side of Mona Vale Road = total 28,000m² (with car parking for 1,650 vehicles);
 - (ii) Stanley Street / Mona Vale Road (Option B1) area becomes supermarket based convenience centre with 3,000m² supermarket, 2,000m² new speciality shops + existing strip shops on Mona Vale Road (2,000m²) = total 7,000m² (with car parking for 410 vehicles);
 - (iii) Approximately 5,000m² of non-retail commercial for home office and professional services along Mona Vale Road (with car parking for a further 150 vehicles);
 - (iv) New “shop-top” housing over retail and commercial to create mixed use zones:
 - (a) +180 medium density residential dwellings at Stanley Street; and
 - (b) + 300 medium density residential dwellings above the Mall.
 - (v) +333 additional medium density dwellings in precincts F, I, J & Q.

The likely additional design hour traffic volumes commensurate with this Option are:

	Use	Design Hour Trips	
		Thursday Evening veh/hr	Saturday veh/hr
(i)	+10,000m ² of retail space	+ 590 trips	+ 750 trips
(ii)(a)	+ 3,000m ² (SM)	+ 465 trips	+ 441 trips
(ii)(b)	+2,000m ² (SS)	+ 92 trips	+ 214 trips
(iii)	5,000m ² of office/ commercial / professional services	+ 100 trips	+ 50 trips
(iv)(a)	+180 dwellings (Precinct N)	+ 99 trips	+ 80 trips
(iv)(b)	+300 dwellings (Precinct L)	+ 165 trips	+ 132 trips
(v)	+333 dwellings (Precincts F, I, J & Q)	+ 183 trips	+ 145 trips

3.0 TRAFFIC MODELLING

The SCATES traffic modelling to assess the traffic implementation of the three land use options on the critical Mona Vale Road intersections indicates post development traffic service levels and outputs as follows:

3.1 Option B1 Output

TABLE 5

**ST IVES TRAFFIC STUDY
SCATES MODELLING FOR MONA VALE ROAD
EXISTING 2005 TRAFFIC + LEP 194 TRAFFIC
PLUS OPTION B1 TRAFFIC
AND MEMORIAL AVE AS A "TEE" INTERSECTION**

Intersection	Proposed Control	AM Peak		PM Peak		Saturday Peak	
		LS	AVD	LS	AVD	LS	AVD
Mona Vale Road / Cowan Road/ Shinfield Avenue	TCS	B	26	E*	59	A	13
Mona Vale Road / New Shopping Centre Access	•TCS	A	3	B	17	A	19
Mona Vale Road / Memorial Avenue	•TCS	B	26	B	17	A	10
Mona Vale Road / Stanley Street	TCS	A	4	F*	81	E*	64
Mona Vale Road / Link Road	TCS	E*	70	F*	70	B	24
Mona Vale Road / Killeaton Street	•TCS	A	3	A	4	A	2

Where: LS Level of Service
AVD Average Vehicle Delay in seconds

- * Indicates site capacity / operational improvements required
- Indicates new TCS intersection or modified layout.

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3.2 Option C Output

TABLE 6

**ST IVES TRAFFIC STUDY
SCATES MODELLING FOR MONA VALE ROAD
EXISTING 2005 TRAFFIC + LEP 194 TRAFFIC
PLUS OPTION C TRAFFIC
AND MEMORIAL AVE AS A "TEE" INTERSECTION**

Intersection	Proposed Control	AM Peak		PM Peak		Saturday Peak	
		LS	AVD	LS	AVD	LS	AVD
Mona Vale Road / Cowan Road/ Shinfield Avenue	TCS	B	16	C	39	C	36
Mona Vale Road / New Shopping Centre Access	•TCS	A	5	B	23	B	21
Mona Vale Road / Memorial Avenue	•TCS	C	30	C	33	A	11
Mona Vale Road / Stanley Street	TCS	A	4	D	48	B	19
Mona Vale Road / Link Road	TCS	E*	74	D	50	C	29
Mona Vale Road / Killeaton Street	•TCS	A	3	A	4	A	2

Where: LS Level of Service
AVD Average Vehicle Delay in seconds

- * Indicates site capacity / operational improvements required
- Indicates new TCS intersection or modified layout.

3.3 Options Part B1 & C Output

TABLE 7

**ST IVES TRAFFIC STUDY
SCATES MODELLING FOR MONA VALE ROAD
EXISTING 2005 TRAFFIC + LEP 194 TRAFFIC
PLUS PART OPTION B1 & C TRAFFIC
AND MEMORIAL AVE AS A "TEE" INTERSECTION**

Intersection	Proposed Control	AM Peak		PM Peak		Saturday Peak	
		LS	AVD	LS	AVD	LS	AVD
Mona Vale Road / Cowan Road/ Shinfield Avenue	TCS	B	17	D	42	A	12
Mona Vale Road / New Shopping Centre Access	•TCS	A	2	B	19	A	13
Mona Vale Road / Memorial Avenue	•TCS	C	30	C	30	A	11
Mona Vale Road / Stanley Street	TCS	B	21	D	44	C	41
Mona Vale Road / Link Road	TCS	E*	62	D	53	C	29
Mona Vale Road / Killeaton Street	•TCS	A	3	A	4	A	2

Where: LS Level of Service
AVD Average Vehicle Delay in seconds

- * Indicates site capacity / operational improvements required
- Indicates new TCS intersection or modified layout.

3.4 Summary of Output Findings

For any of the 3 option models to derive acceptable performance indicators Memorial Avenue and Mona Vale Road needs to be, primarily, a tee junction although Rosedale Road can be open for one way southbound traffic flows excluding the right turn from Mona Vale Road. Unfortunately the part closure of Rosedale Road has a significant influence on the Stanley Street intersection particularly for the right turn in and exit flows from Stanley Street.

- 3.4.1 Option B1** - Places unacceptable demands on Cowan Road in the Monday to Friday PM peak and on Stanley Street and Link Road in the Monday to Friday PM and Saturday peaks and is therefore not supported by the traffic modelling.

Notwithstanding, Link Road will still require further capacity improvements.

- 3.4.2 Option C** – Offers better performance indicators than Option B1 at other sites mainly because it does not load Stanley Street with an unacceptable volume of additional traffic (i.e. no retail / commercial traffic). However Link Road still requires further capacity improvements.

But sensitivity testing of the new shopping centre access road indicates that the right turn bay may overflow thereby blocking westbound traffic in Mona Vale Road during Monday – Friday PM peak and / or weekends.

- 3.4.3 Option B1 & C** – Offers better performance indicators than Option B1 and marginally higher average vehicle delays in the PM and Saturday peak at key sites over Option C.

But sensitivity testing of the right turn bay at Stanley Street indicates the right turn bay is likely to overflow impeding eastbound through traffic during the weekday PM peak and on weekends.

4.0 CONCLUSIONS

The existing Mona Vale Road (RTA) SCATS System is already constrained with very little spare capacity in peak times under existing traffic conditions.

The overlay of LEP 194 residential traffic volumes will severely impact on peak hour traffic service levels at Memorial Avenue, Stanley Street and Link Road.

However with the various intersection improvements shown in **Figure 5** opportunities can be created to facilitate limited further retail, office / commercial and residential growth within the Study Area and in particular, the precincts either side of Mona Vale Road.

For this to occur two critical intersection improvements are essential:

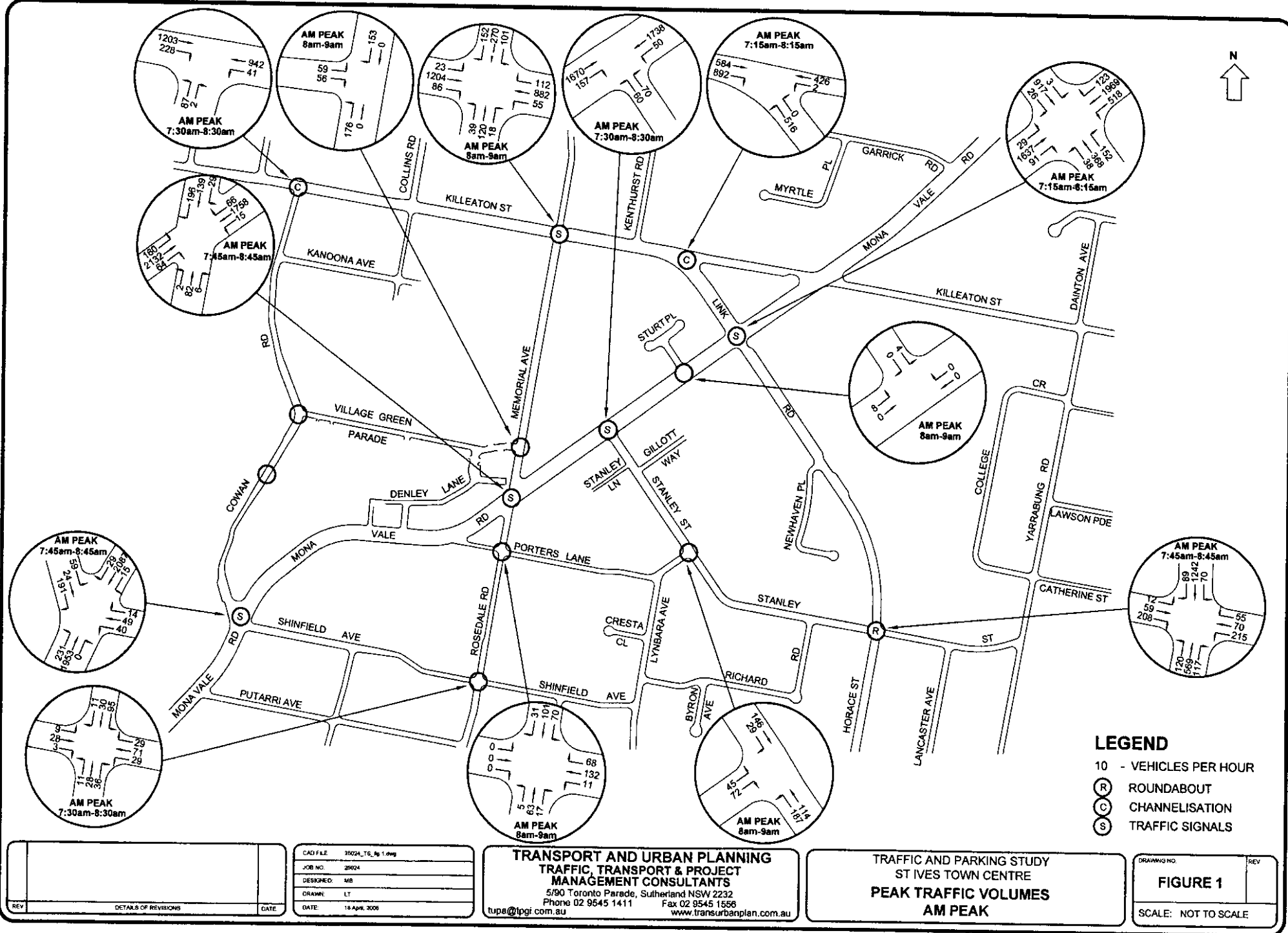
- A new shopping centre access road from Mona Vale Road; and
- The complexity of the Memorial Avenue / Rosedale Road intersection with Mona Vale Road must be improved. This is best achieved by the part closure of Rosedale Road to all egress traffic movements and banning the eastbound right turn into Rosedale Road from Mona Vale Road. Unfortunately this action will exacerbate further traffic demands at Stanley Street and Mona Vale Road limiting any future major non-residential re-development opportunities in the precinct bounded by Mona Vale Road, Rosedale Road, Porters Lane and Stanley Street.

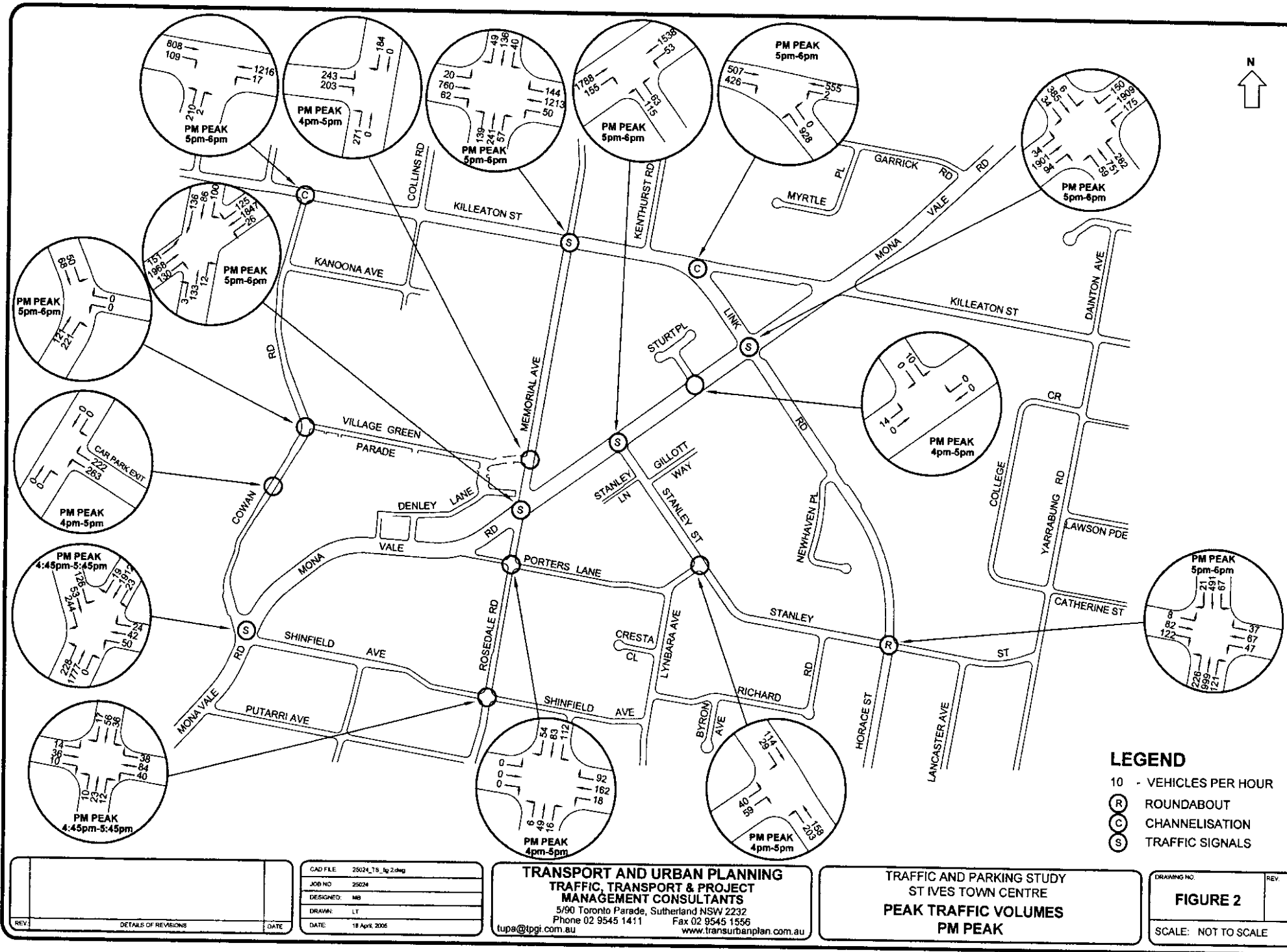
The provision of a new access intersection to the Village Mall and improved car parking provisions from Mona Vale Road will reduce some existing traffic demands on Cowan Road, the Village Green and Memorial Avenue. However this relief may be short lived with an increase in retail / commercial floor space and associated car parking in the Village Mall together with significant roof top residential redevelopments.

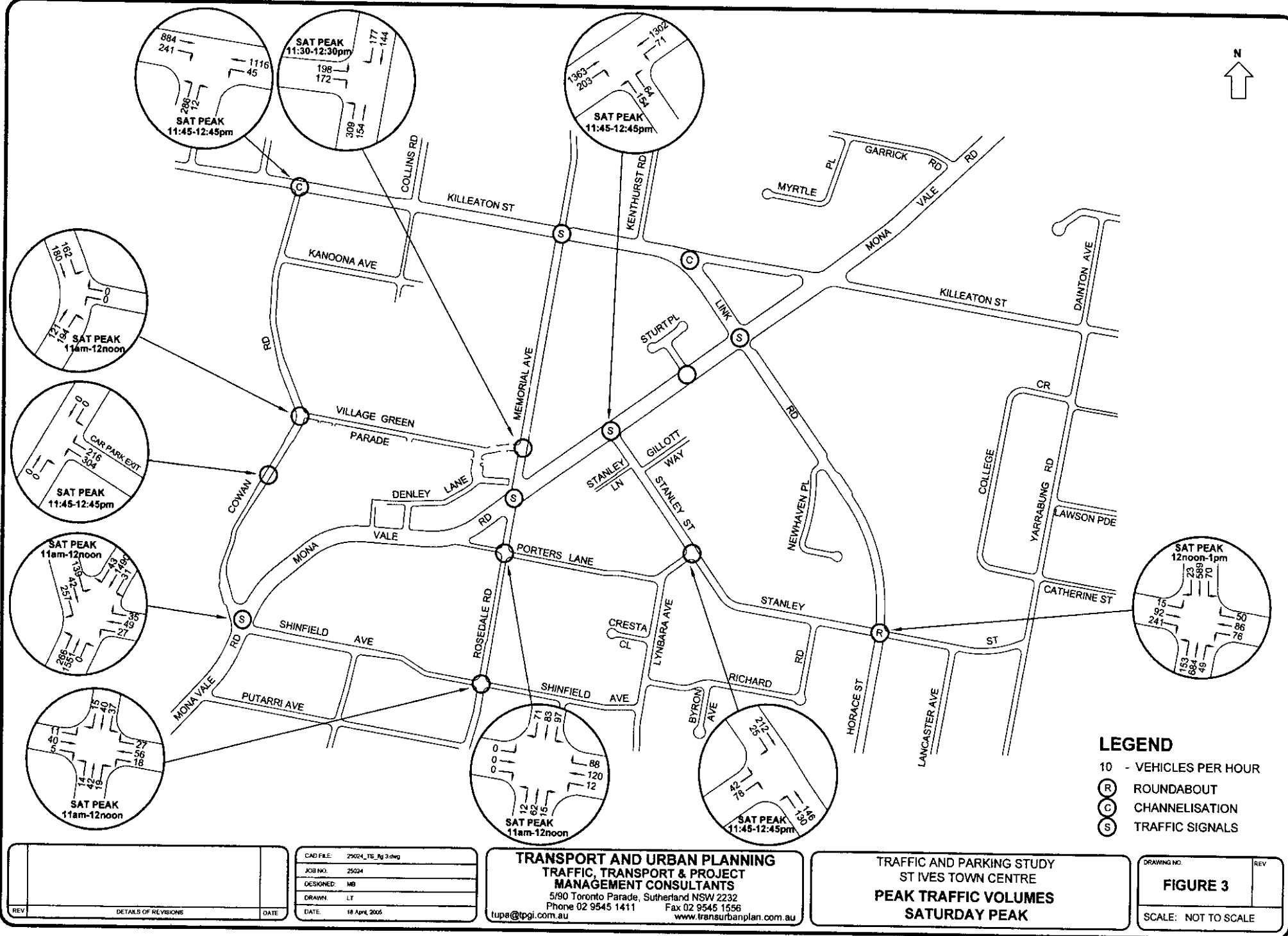
It is therefore suggested that an alternate compromise option be considered as follows:

- (i) The shopping mall increases by 10,000m² and capped at 26,000m² + strip shops along northern side of Mona Vale Road = total 28,000m² (with car parking for 1,650 vehicles);
- (ii) Strip shops on Mona Vale Road and Stanley Street retained and allowed to redevelop without an increase in existing floor area;
- (iii) Additional non-retail commercial / office space created within The Mall with car parking for a further 150 vehicles;
- (iv) New “shop-top” housing over retail and commercial to create mixed use zones:
 - (a) +180 medium density residential dwellings at Stanley Street; and
 - (b) + 300 medium density residential dwellings above the Mall.
- (v) +333 additional medium density dwellings in precincts F, I, J & Q.

This option minimises the retail / commercial traffic impacts on Stanley Street and accommodates the proposed additional retail, office / commercial and residential demands put forward in Options B1 and C.



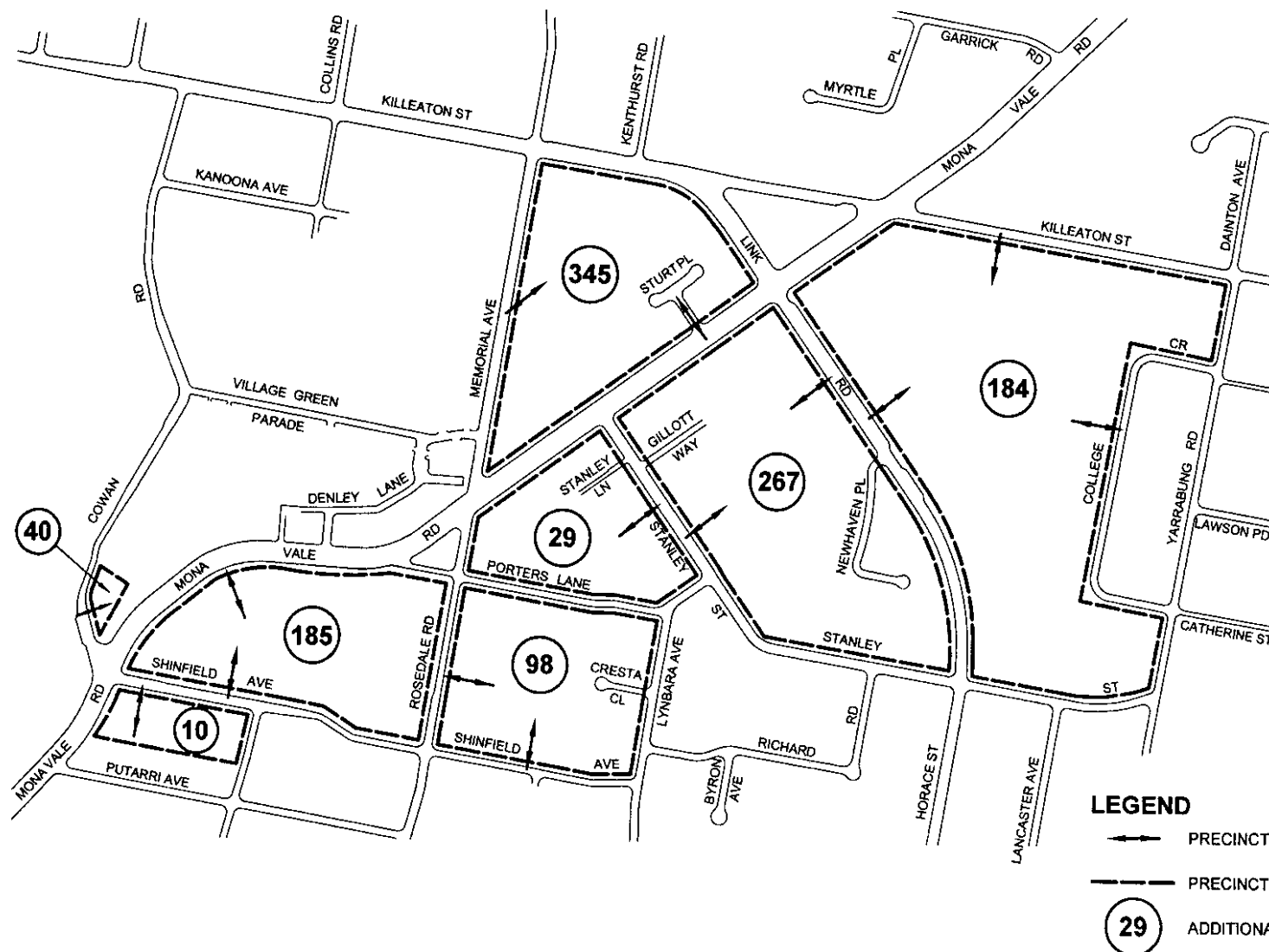




NOTES

ASSUMPTIONS

1. AM / PM SPLIT OF 80 / 20 OUTBOUND / INBOUND.
2. 50% OF ALL TRAFFIC ONTO OR ACROSS MONA VALE ROAD.



LEGEND

- PRECINCT ENTRY AND EXIT POINTS
- PRECINCT BOUNDARY
- ADDITIONAL TRAFFIC VOLUMES

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REV	DETAILS OF REVISIONS	DATE

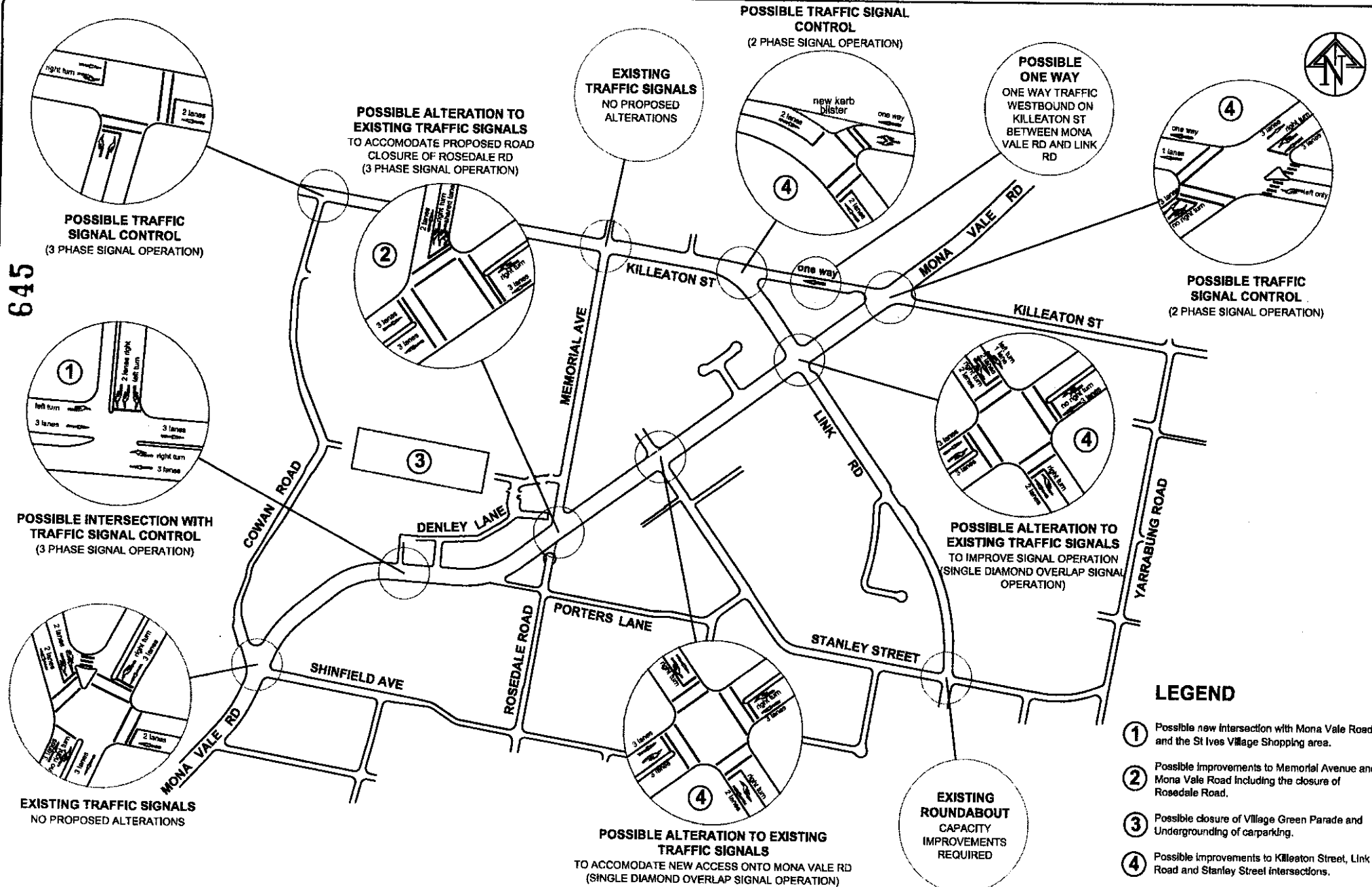
CAD FILE	25024_TS_bg 3.dwg
JOB NO.	25024
DESIGNED	MB
DRAWN	LT
DATE	10 April, 2005

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TRAFFIC AND PARKING STUDY
 ST IVES TOWN CENTRE
LEP 194 ADDITIONAL PRECINCT TRAFFIC
AM AND PM PEAK

DRAWING NO.	REV
FIGURE 4	
SCALE: NOT TO SCALE	

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REV	DETAILS OF REVISIONS	DATE

CAD FILE:	25024_TS_Ng 5.dwg
JOB NO.	25024
DESIGNED:	MB
DRAWN:	LT
DATE:	14 June 2005

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TRAFFIC & PARKING STUDY-ST IVES TOWN CENTRE
STAGE 2 TRAFFIC OPTIONS

DRAWING NO.	REV.
FIGURE 5	
SCALE: NOT TO SCALE	

RETAIL/MIXED USE OPTION A

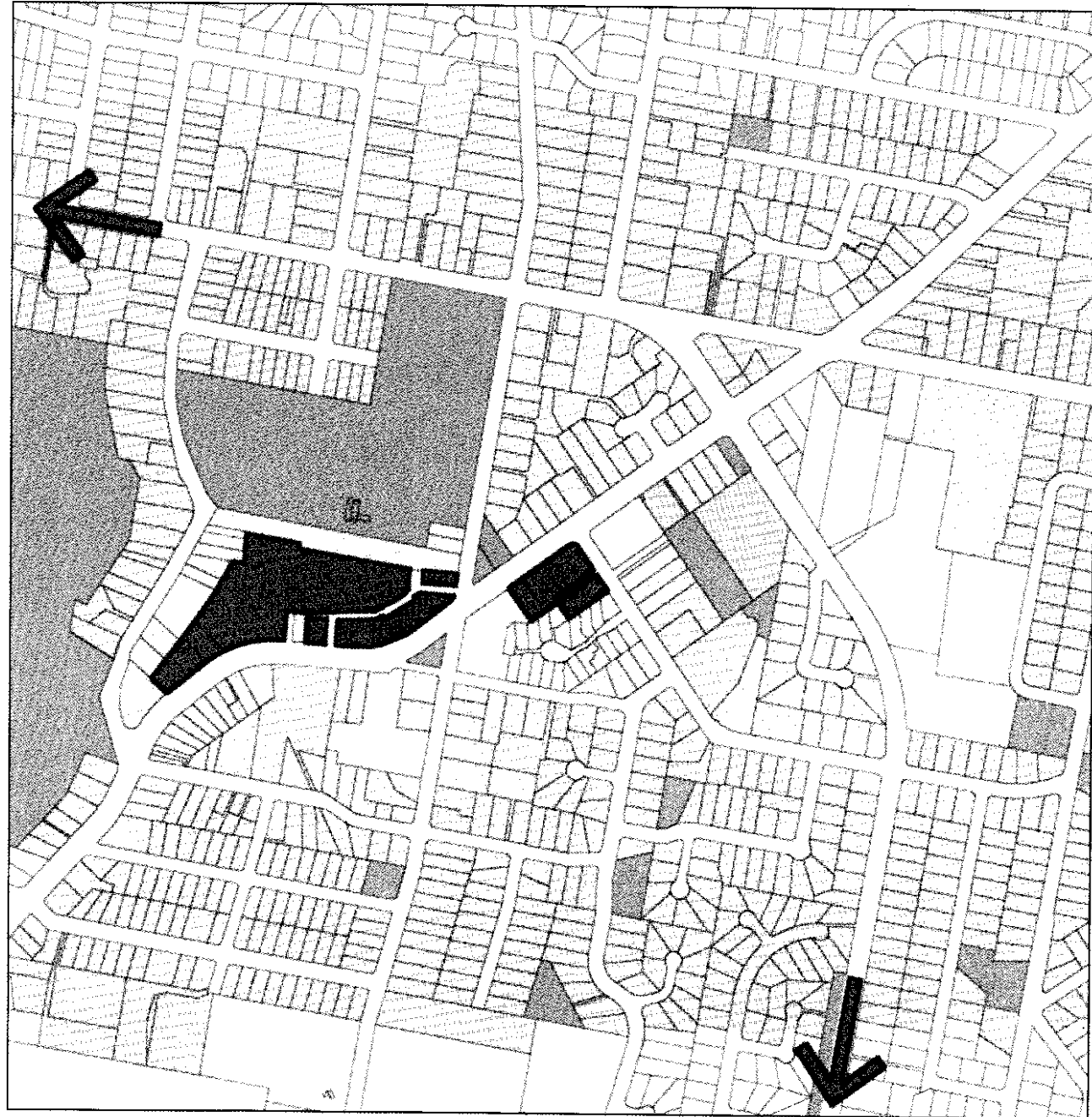
New mixed use zone
in line with DIPNR directive.
Retail incorporating
residential over.

Village Centre 23,000sqm
*(16,000 existing +
7,000 DDS)*

South Side 5,000sqm
(5,000 existing)

Total Retail 28,000sqm

Commercial in mall



RETAIL/MIXED USE OPTION B1

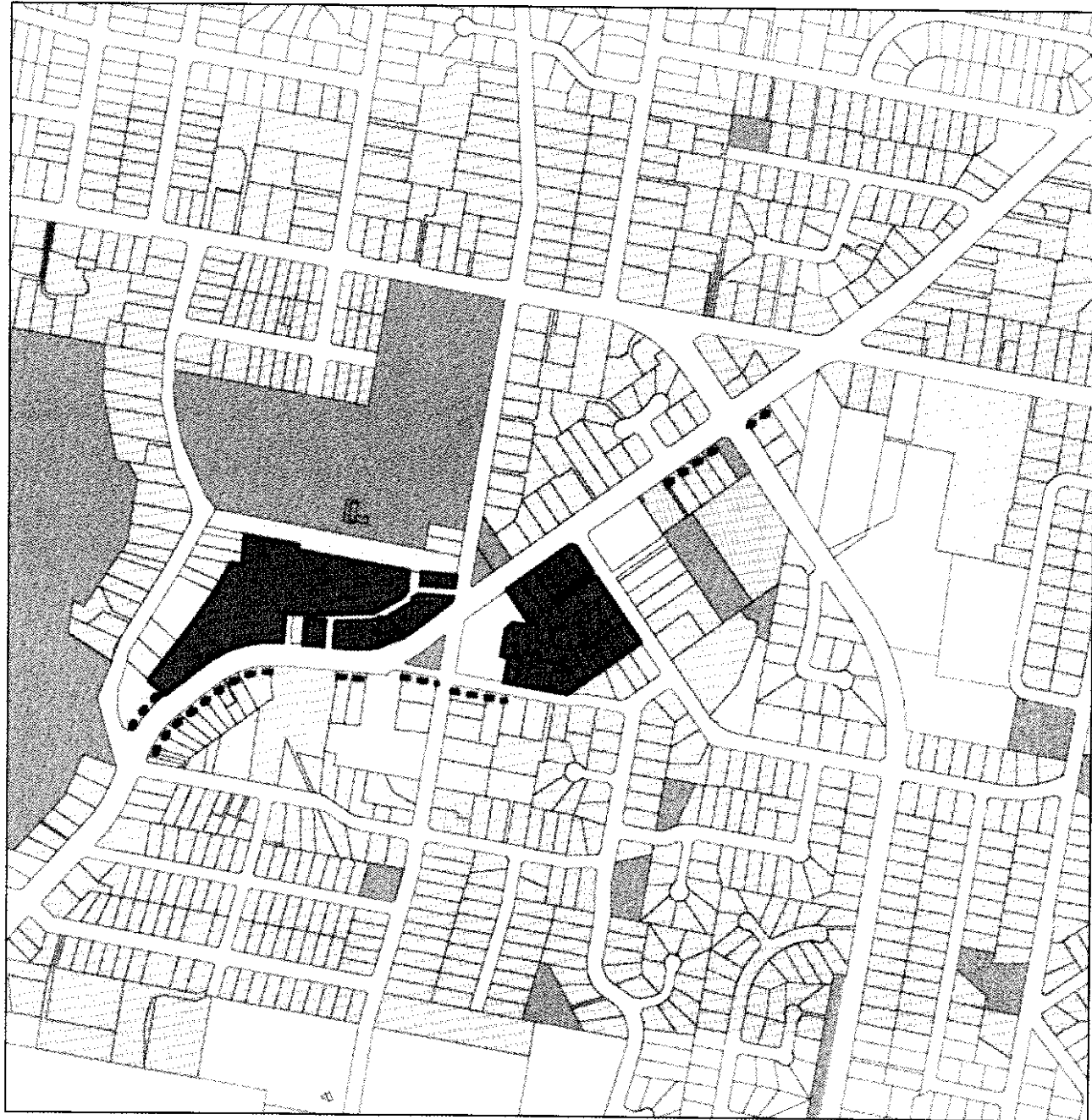
New mixed use zone
in line with DIPNR directive.
Retail incorporating
residential over.

Village Centre 23,000sqm
*(16,000 existing +
7,000 DDS)*

South Side 17,000sqm
*(5,000 existing +
12,000 new)*

Total Retail 40,000sqm

Strip Commercial 4,000sqm



RETAIL/MIXED USE OPTION B2

New mixed use zone
in line with DIPNR directive.
Retail incorporating
residential over.

Village Centre 27,000sqm

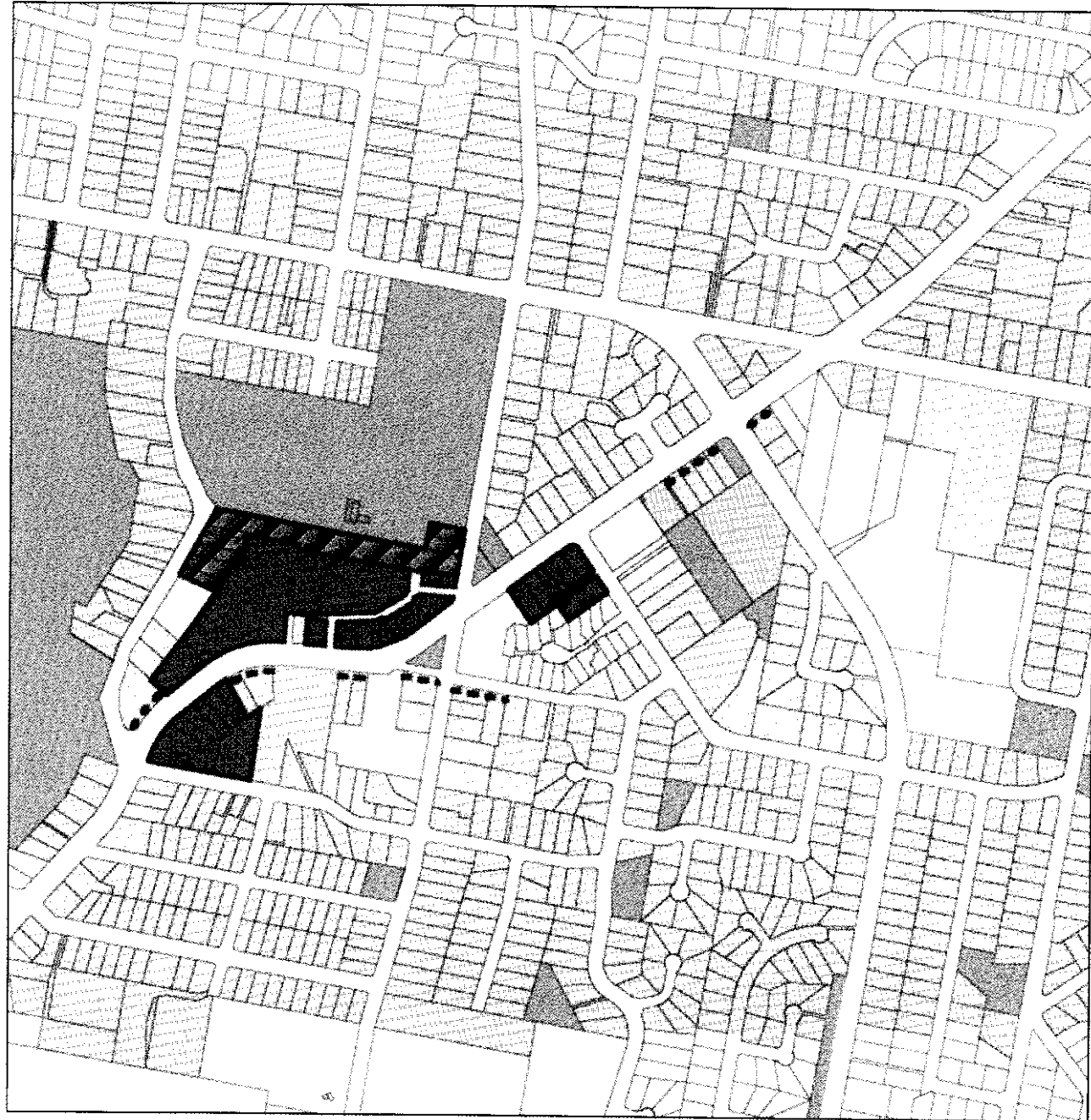
*(16,000 existing +
7,000 DDS +
4,000 specialty)*

South Side 13,000sqm

*(5,000 existing +
8,000 new)*

Total Retail 40,000sqm

Strip Commercial 4,000sqm



RETAIL/MIXED USE OPTION C

New mixed use zone
in line with DIPNR directive.
Retail incorporating
residential over.

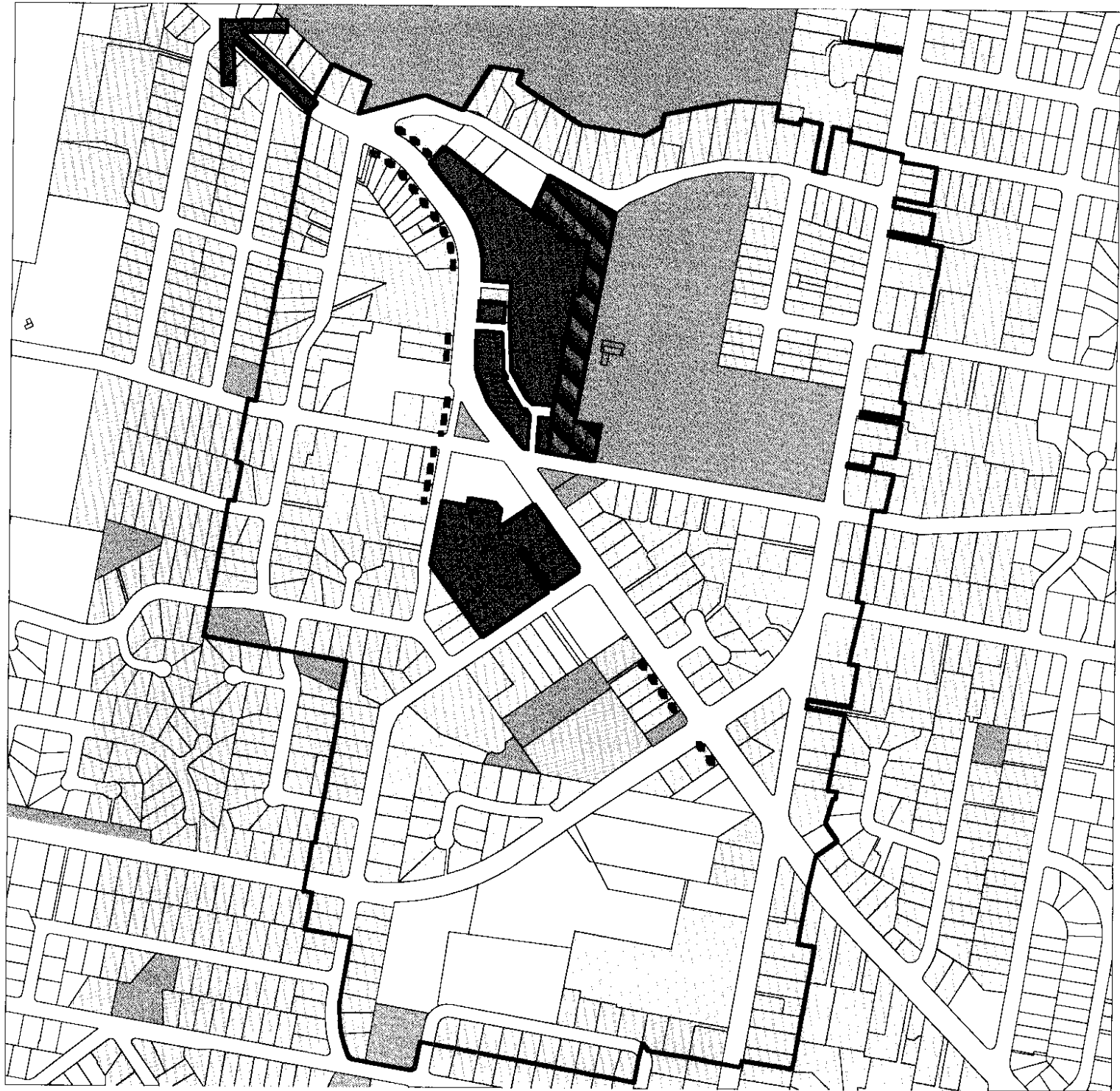
Village Centre 35,000sqm
*(16,000 existing +
7,000 DDS +
12,000 specialty)*
South Side 5,000sqm
(5,000 existing)
Total Retail 40,000sqm

Commercial in mall



650

ATTACHMENT D
RECOMMENDED
OPTION -
HYBRID



NEIGHBOURHOOD ASSOCIATION D.P. NO. 285276

EDEN BRAE, STANLEY CLOSE, ST. IVES

8 Stanley Close
St Ives, N.S.W. 2075

29 June 2005

The General Manager
Ku-ring-gai Council
818 Pacific Highway,
GORDON, N.S.W. 2072

Dear Sir,

Re : Planning for the St. Ives Town Centre

At a meeting held with Council Officers on Thursday 23 June 2005 at the Ku-ring-gai Community Groups Centre Meeting Room (Mona Vale Road and Rosedale Road, St. Ives) the residents of "Eden Brae" (Stanley Close, St. Ives) were asked to consider the four options proposed for the St. Ives retail and commercial areas and to make a submission to Council thereon.

At a meeting of residents held today the following propositions were agreed to by the majority of "Eden Brae" residents :

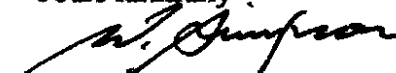
1. **The majority of residents would prefer no rezoning of the Eden Brae complex.**
2. **The majority of residents would prefer no rezoning of the Shops on Mona Vale Road between Rosedale Road and Stanley Street and the Tile Shop building in Stanley Street.**

The reasons for these no rezoning preferences are summarised on the attached pages.

3. **Should Council persist with the concept of rezoning the Mona Vale Road/Stanley Street shops for development the preference of the Eden Brae residents would be to have the whole of the "Eden Brae" complex rezoned to the same zoning as the Mona Vale Road/Stanley Street shops.**

The residents are of the very strong view that a condition of the rezoning of "Eden Brae" is that all properties must be included in any development proposal. The object of this proposition is to avoid some properties being purchased for development leaving others untouched. We rely on Council Officers and Councilors to ensure "Eden Brae" residents interests in this regard are protected.

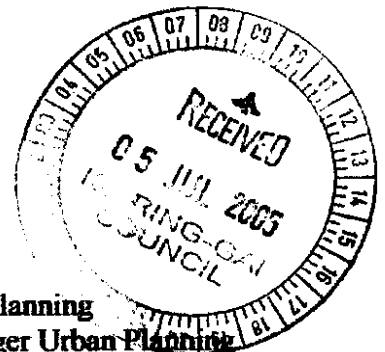
Yours faithfully



Walter Simpson
Secretary

Copies to : All Councilors
All Eden Brae Residents

Leta Webb - Director Planning
Antony Fabbro - Manager Urban Planning



NEIGHBOURHOOD ASSOCIATION D.P. NO. 285276

EDEN BRAE, STANLEY CLOSE, ST. IVES

PLANNING FOR THE ST. IVES TOWN CENTRE

"EDEN BRAE" RESIDENTS REASONS FOR NO REZONING OF THE MONA VALE ROAD/STANLEY STREET SHOPS AND THE "EDEN BRAE" COMPLEX.

A. There are many alternate strategies and sites which can be rezoned which will avoid the parking, traffic, accessibility, amenity and safety issues which will result from the rezoning of these properties. In particular the continuing development of the main retail mall shopping centre in St Ives appears to be a more appropriate strategy for the following reasons :

- (i) the infrastructure is already in place for a major shopping centre
- (ii) there is adequate area for expansion
- (iii) expansion and development of this retail site including commercial and residential development of between 4 and 6 storeys will have minimal impact on surrounding residential areas
- (iv) Vehicle and pedestrian access and egress to/from this site can occur on 3 roads (Mona Vale Road, Memorial Avenue and Cowan Road)
- (v) the underground parking opportunities are unlimited
- (vi) the Village green open space area and the possible closure of Village Green Parade compliments a high density neighbouring shopping centre
- (vii) Shoppers preference is for a one stop shopping centre

B. The traffic congestion resulting from any rezoning and subsequent development of the Mona Vale Road/Stanley Street shops will exacerbate the traffic issues already identified on Mona Vale Road by the "Traffic Study St Ives Town Centre" report dated June 2005. The additional traffic impact resulting from the 2(d)3 five story residential flat developments on the south side of Mona Vale Road will be significant. Mixed Use Option A New retail Expansion Elsewhere (e.g. North Turramurra) has the distinct advantage of spreading the traffic issues away from the St Ives retail/commercial centre.

C. The rear access to these properties is only accessible by the narrow Stanley Lane (incapable of two way traffic) off/onto busy Stanley Street and through a Council car park off a very narrow and already very busy Porters Lane, which already services the Community Centre, the YMCA and two restaurants as well as the Mona Vale Road strip shops. The safety of children coming and going from the YMCA constantly, especially during school holidays, would be safeguarded by non rezoning.

D. Any development of these properties will impinge on the privacy and sunlight of Eden Brae residences which were approved by Ku-ring-gai Council and a Land & Environment Court determination 10 years ago.

E. Rezoning of the main St Ives Shopping Centre complex will provide all of the requirements of residents and the Mona Vale Road/Stanley Street shops in their existing configuration will be adequate for servicing the day to day needs of residents for a long time into the future.

F. The impact of any further development of the Mona Vale Road and Stanley Street shops on residents of Stanley Street, Stanley Close, Lynbarra Avenue, Porters lane and Rosedale Road is totally unacceptable to residents of these streets.

G. The St Ives News distributed by Ku-ring-gai Council in June 2005 stated "St Ives residents strongly feel that St Ives retail and commercial centre should be a village." Four to six storey buildings do not fit with this strongly held view.

H. The majority of residents of Eden Brae are over 60 years old. They purchased in Eden Brae because it was an "ideal development for an aging population suitably located" (Ku-ring-gai Council papers approving the Eden Brae development in 1993). The residents planned to spend their retirement years living in Eden Brae continuing their lives free of stress of high rise development surrounding them, trusting this single level, low maintenance, medium density housing would enable them to remain independent and not rely on nursing homes for care.

I. No directives as to the extent of development of any site from the NSW Government has been received by Ku-ring-gai Council. Council are not obligated to rezone all identified sites.

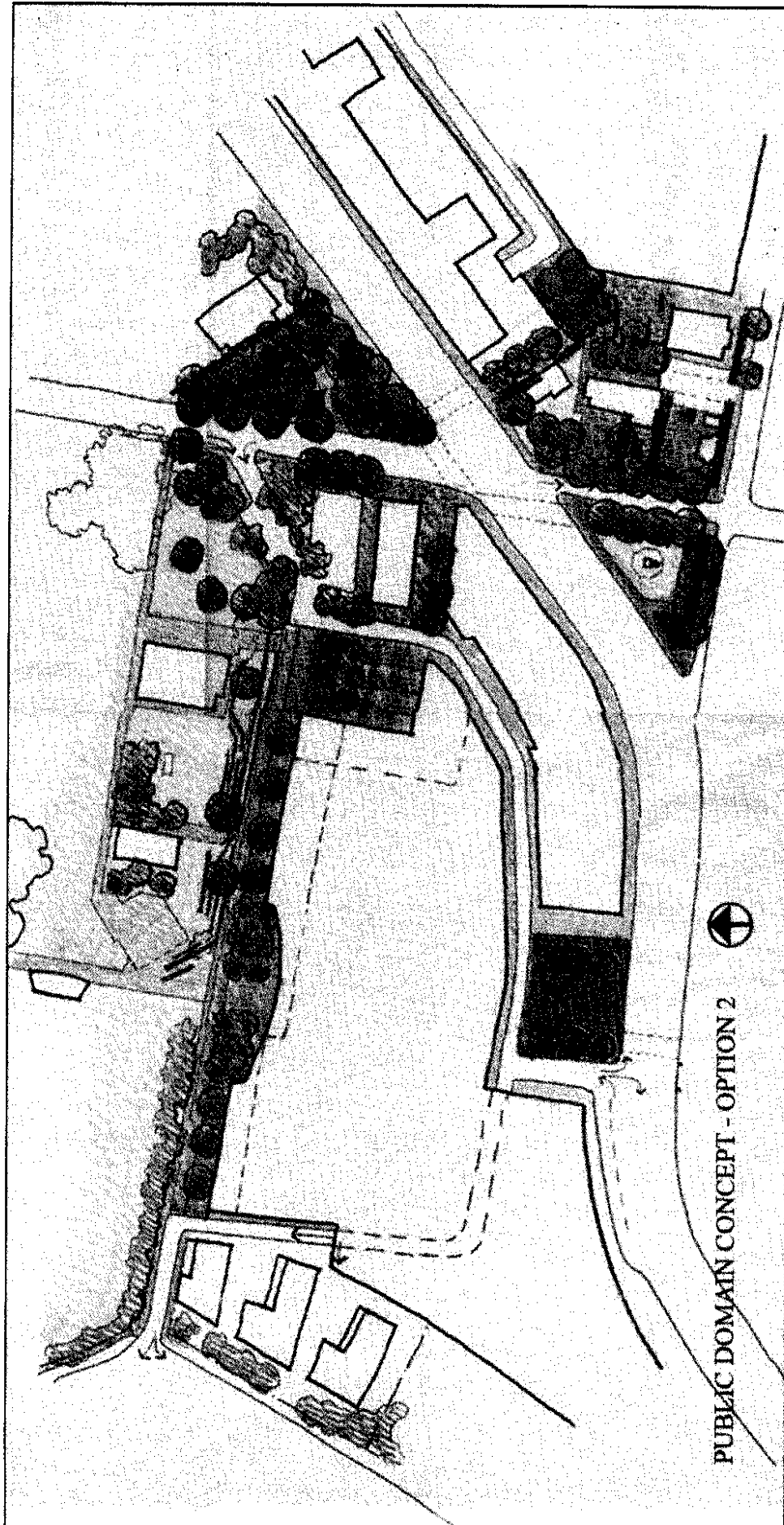
J. The current two storey plus attic zoning with mixed retail and commercial is ideally suited to the Mona Road and Stanley Street landscape. The development of the old Post Office site, the Bakery/Video shop on the corner of Mona Vale Road and Stanley Street and the Tile shop in Stanley Street are good examples of village style shops and commercial premises which is the overwhelming preference of all St Ives residents' replies to Council's survey. There is no need to rezone these properties.

K. To be practical it would be extremely difficult for a developer to persuade 22 Torrens title owners to sell no matter how Eden Brae is zoned.

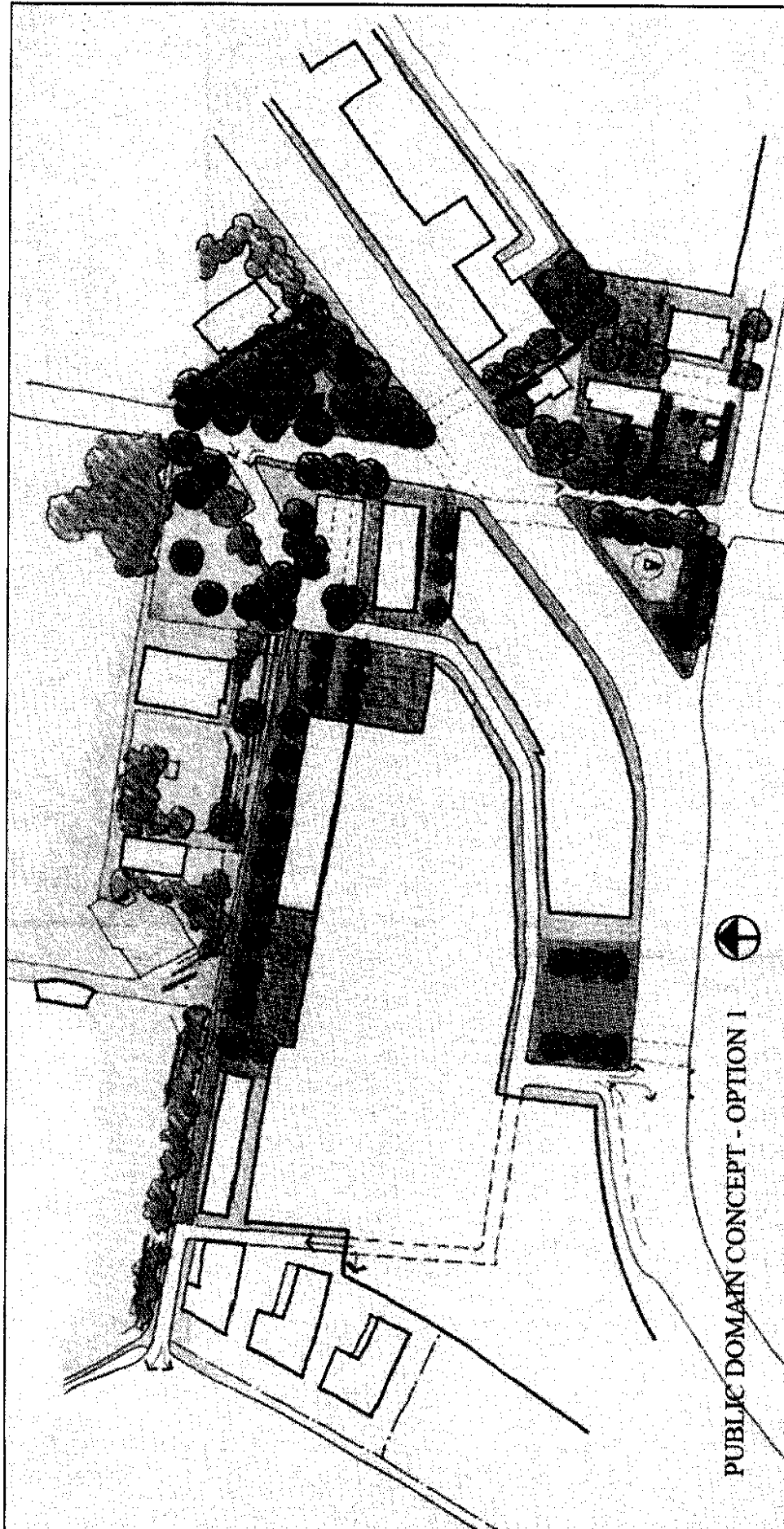
L. There has been massive residential development in North Turramurra in recent years and much more is under construction. Because there is no major supermarket in that area the residents have to drive to St. Ives Village Shopping Centre to access these facilities. This is a major contributor to the current traffic and parking problems in St. Ives. Both centres would gain substantial benefits from the development of a major supermarket in North Turramurra.

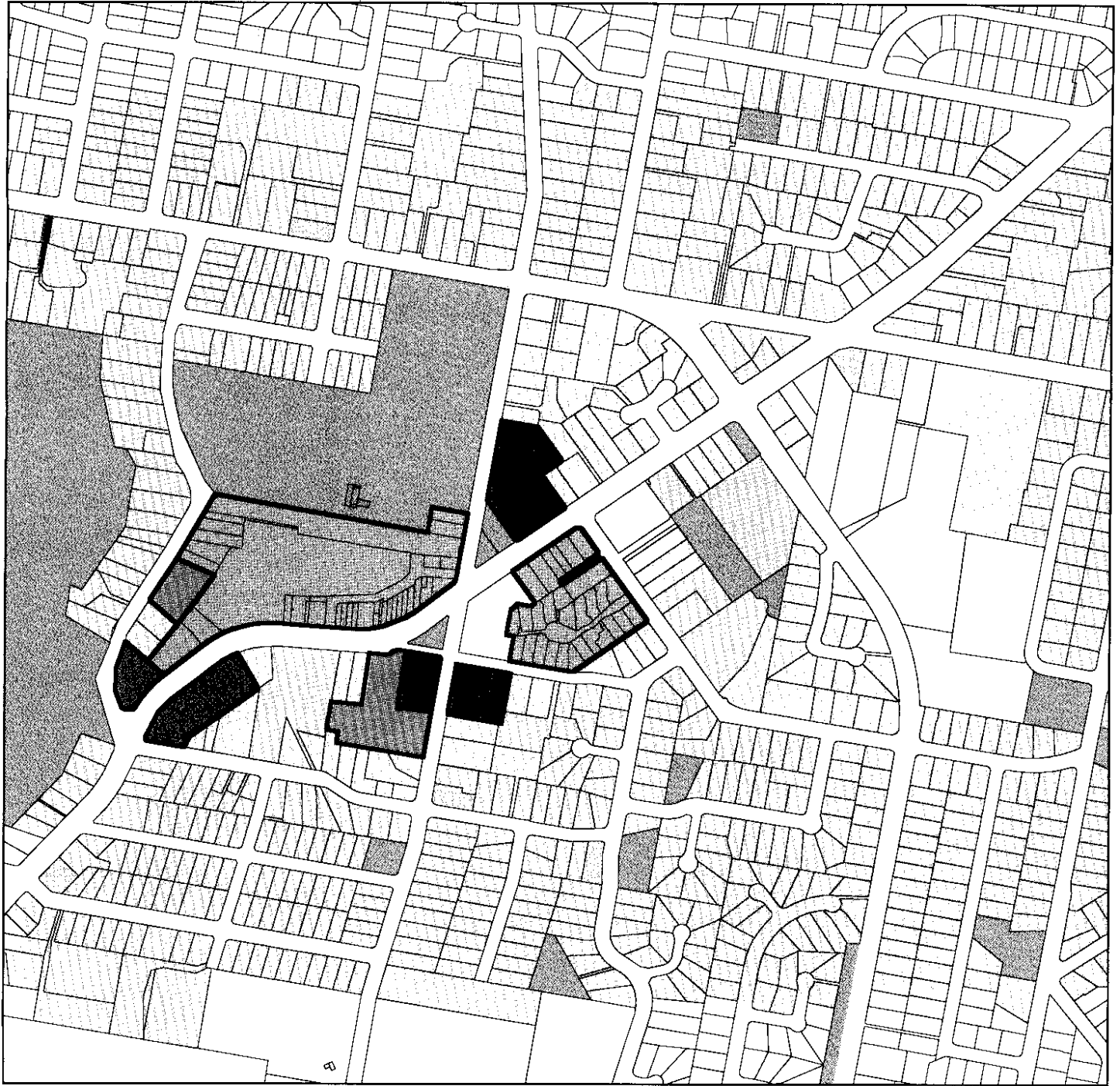
M. Recent development approvals show that Council considers a 5 storey residential development of 49 flats requires 84 car spaces. If a level of retail/commercial development is added at least 100 car spaces would be required. To then provide for customer parking a total of 4 levels of basement car parking would be required. This would add to traffic delays, congestion and pollution problems.

654



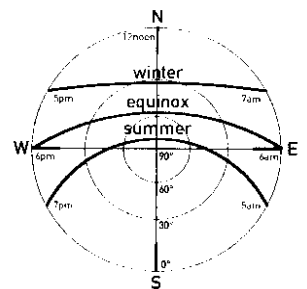
PUBLIC DOMAIN CONCEPT - OPTION 2

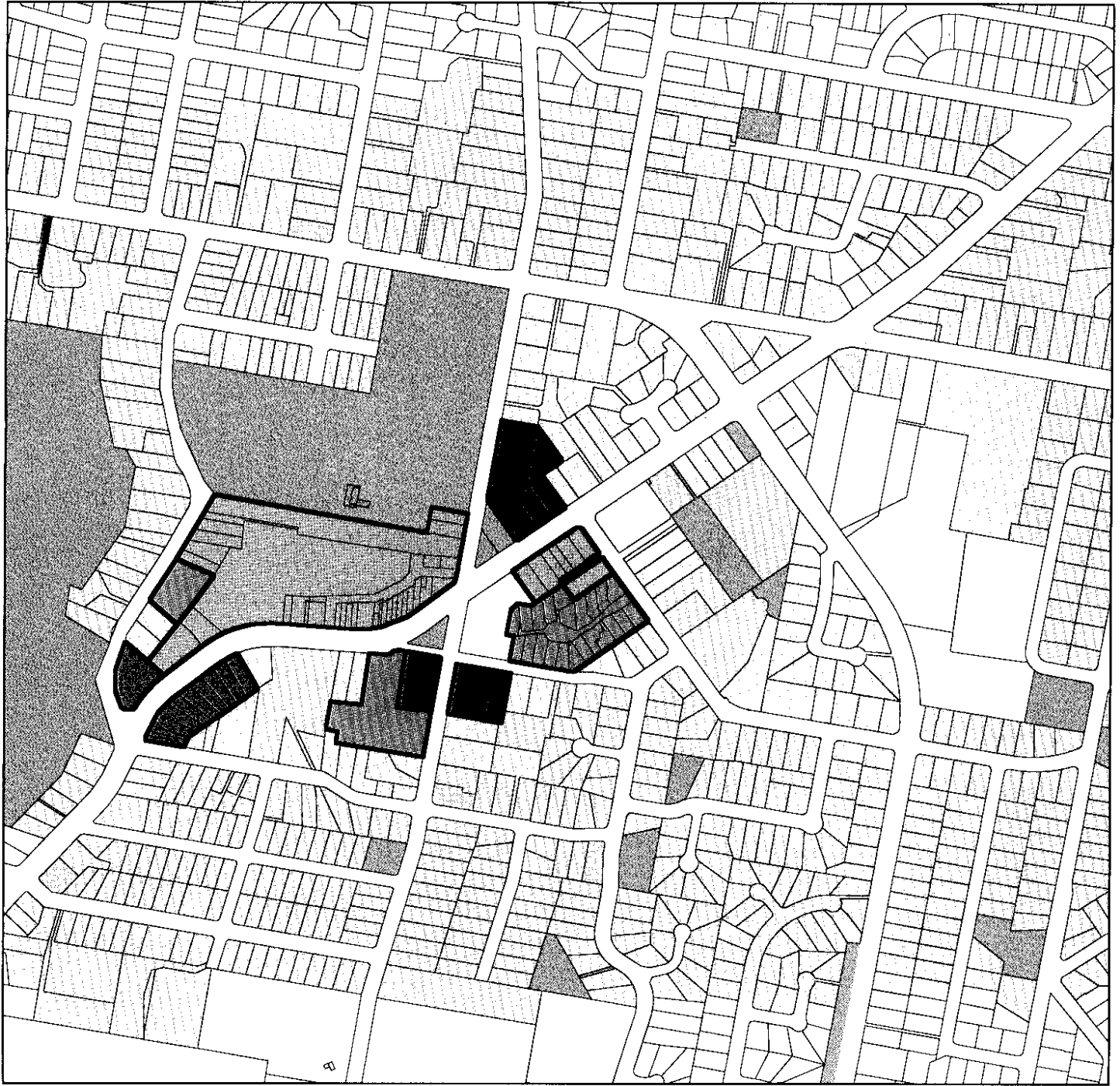




LEGEND

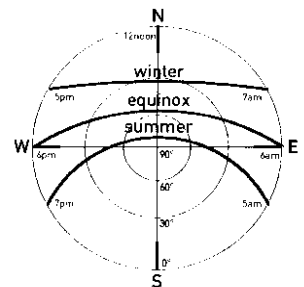
LAND TO BE REZONED TO MIXED USE

LAND TO BE REZONED TO MIXED USE
WITH NON-RETAIL USELAND CURRENTLY Z(d3) TO BE ZONED TO
ALLOW COMMERCIAL USE AT GROUND
LEVELLAND TO BE REZONED TO PERMIT MEDIUM
DENSITY RESIDENTIAL UP TO 5 STOREYS

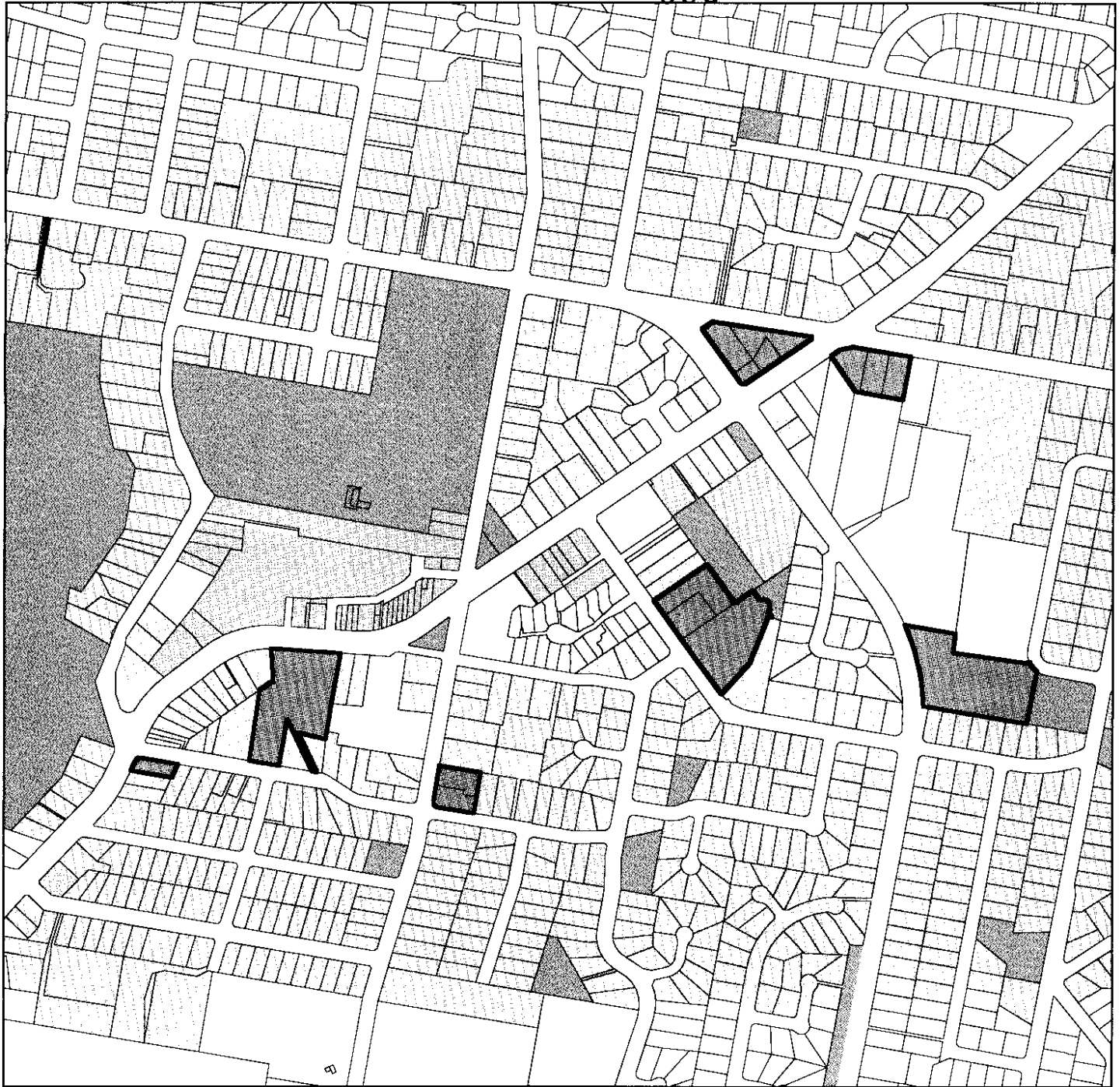


LEGEND

LAND TO BE REZONED TO MIXED USE

LAND TO BE REZONED TO MIXED USE
WITH NON-RETAIL USELAND CURRENTLY 2(d3) TO BE ZONED TO
ALLOW COMMERCIAL USE AT GROUND
LEVELLAND TO BE REZONED TO PERMIT MEDIUM
DENSITY RESIDENTIAL UP TO 5 STOREYS

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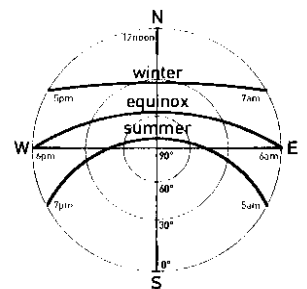


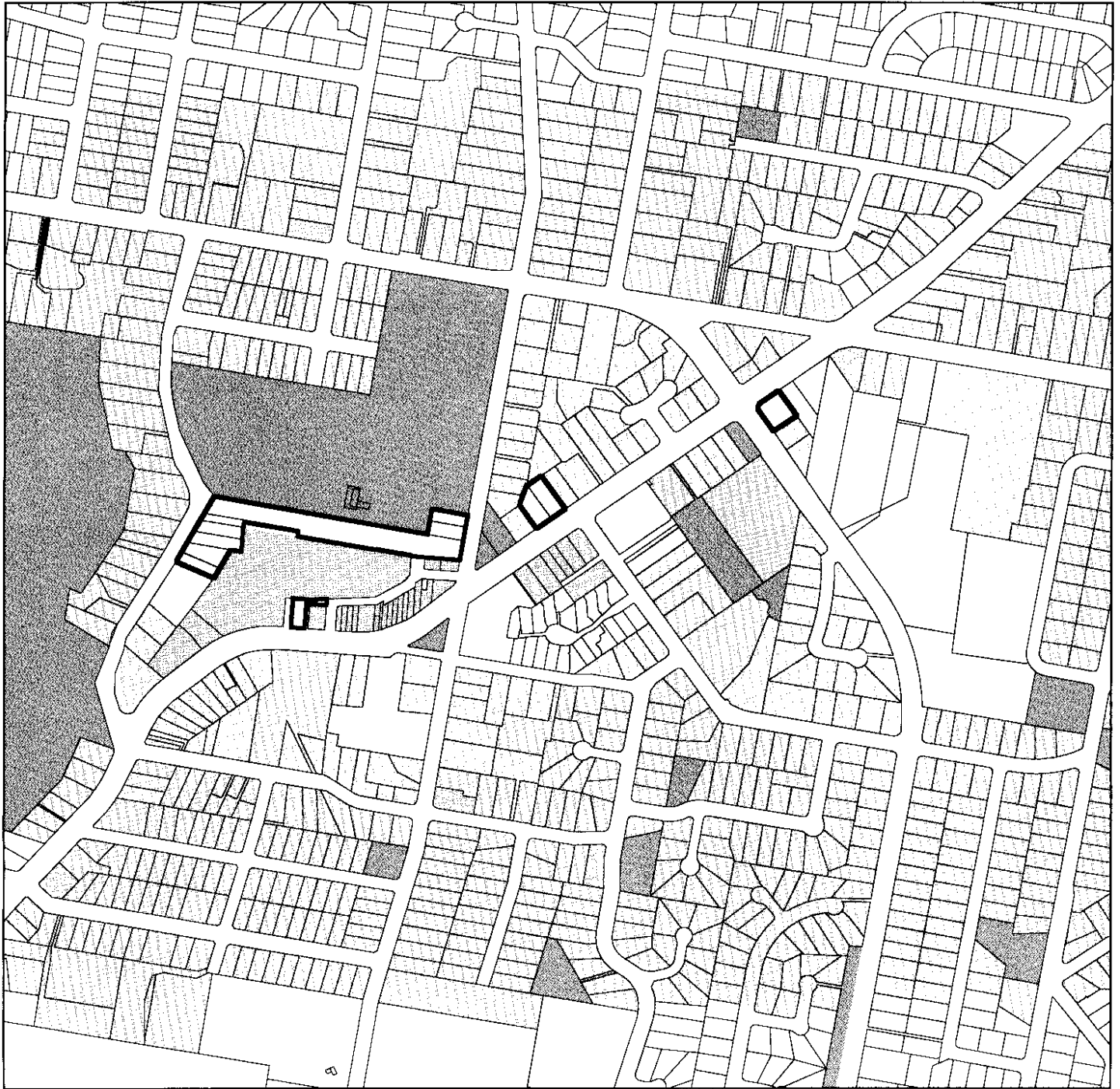
LEGEND

LAND TO BE REZONED TO PERMIT MEDIUM
DENSITY RESIDENTIAL UP TO 5 STOREYS



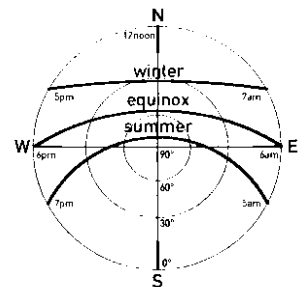
LAND TO BE REZONED FOR 2-3 STOREY
MULTIUNIT HOUSING





LEGEND

LAND TO BE RECLASSIFIED FROM
COMMUNITY TO 'OPERATIONAL'



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DATE	DESCRIPTION	ISSUE
000000	PRELIMINARY	A
1:5000@A1 1:5000@A3	0 25 50 75 100 125m	JOB NORTH

PROJECT
URBAN DESIGN STUDY
ST IVES TOWN CENTRE
FOR KU-RING-GAI COUNCIL

DRAWING TITLE RECLASSIFICATION					
DATE	DRAWN	CHECKED	PROJECT NO	DRAWING NO	ISSUE
JUL 05	MZ	RQ	0412	Mxx	A

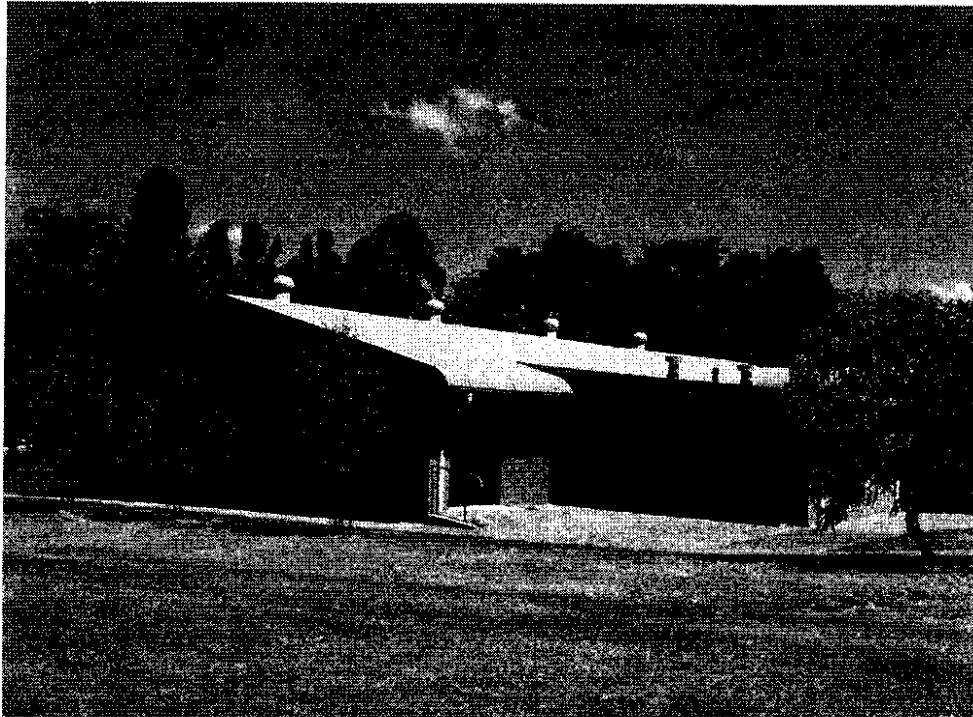
SUMMARY TABLE – Re-Classification Council Community Land to Operational Land

Location/Reference	Description	Current Zone KPSO	Area	Summary of Reasons for Re-classification
176 Mona Vale Road, St Ives Carpark	Lot 103 DP 627012 Lot 105 DP 629388	Business 3(a) - (A2) retail	803m ²	This site provides a key potential access way to main shopping centre
St Ives Shopping Centre Carpark	Lot A DP 321567 Lot 1 DP 504794 Lot A & B DP 336206 Lot 2 DP 822373 Pt Lot 1 DP 420106 Lots B & C DP 322331	Part Business 3(a) – (A2) Retail and Part shown uncoloured in KPSO	13748.5m ²	Re-classify to facilitate integration with St Ives Village Green. Potential re-development sites with new/relocated underground parking, community facilities and potential retail/commercial and residential uses.
Contained in above				
Early Childhood Centre and Neighbourhood Centre 166 Mona Vale Road St Ives And St Ives Library 166 Mona Vale Road, St Ives	Part Lot 1 DP 420106 Part Lot 1 DP 420106	Business 3(a) – (A2) Retail Business 3(a) – (A2) retail	420m ² 378m ²	
208 – 210 Mona Vale Road St Ives Carpark (St Ives triangle)	Lots 11 and 12 DP 29167	Residential 2(d3)	2091m ²	This site has already be rezoned Residential 2(d3) under the KPSO. A residential use in the longer term is considered appropriate.
261 Mona Vale Road St Ives Occasional Child Care	Lot 31 DP 719052	Residential 2(d3)	1317m ²	This site has already been rezoned Residential 2(d3). In the longer term relocation of the Child Care Centre to an alternate location. A residential use is considered appropriate.

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ST IVES TOWN CENTRE



REVIEW OF COUNCIL'S PROPERTY HOLDINGS

July 2005

St Ives shopping centre is considered to be a more modern style shopping centre, particularly with the relatively recent upgrades to the St Ives Village Shopping Centre. Mona Vale Road is the major arterial road through the area and is heavily trafficked.

The car park at the rear of the St Ives Village Shopping Centre services the shopping centre, park and community facilities and is well utilised mainly by the shoppers. Access in and out of the shopping centre is generally congested and improved traffic flow management is required.

One of Council's Branch Libraries is located in the shopping centre area and the feasibility report indicated that the library floor area should be three times the current size to service the future needs of the area. The Early Childhood Centre and the Neighbourhood Centre are also located in the St Ives Village shopping centre.

Located adjacent to the St Ives Village Green are several community facilities such as the St Ives Community Centre and the Scout and Girl Guides Hall.

The St Ives Village Green provides for a number of sporting activities and is well used by the community and sporting groups.

A number of community facilities and restaurants exist on the site of the Old School Building with a number of the buildings being heritage listed. These facilities provide for a number of community groups and activities.

Future planning of the area has been carried out as part of Stage 2 of the Residential Development Strategy. The planning takes into consideration what facilities are required and what is the best way to manage traffic in and around the area. Also, parking is always in high demand and proposals need to be considered on the best way to expand the parking in the area and how this can be funded.

The Occasional Child Care building is located on land that has been rezoned to residential 2(d3) under LEP 194 and Council has resolved to find an alternative child care facility in the immediate area to replace this facility if the site is to be redeveloped.

Included in the following pages is a map of the St Ives area showing the location of each of the Council's facilities and land holdings. Also, included is a description of each of the facilities, their current uses and proposed future needs. Any redevelopment of any of the sites will need to be considered as part of the Integrated Planning process taking into account any restrictions, leases, covenants and funding used to acquire the land.

~~663~~



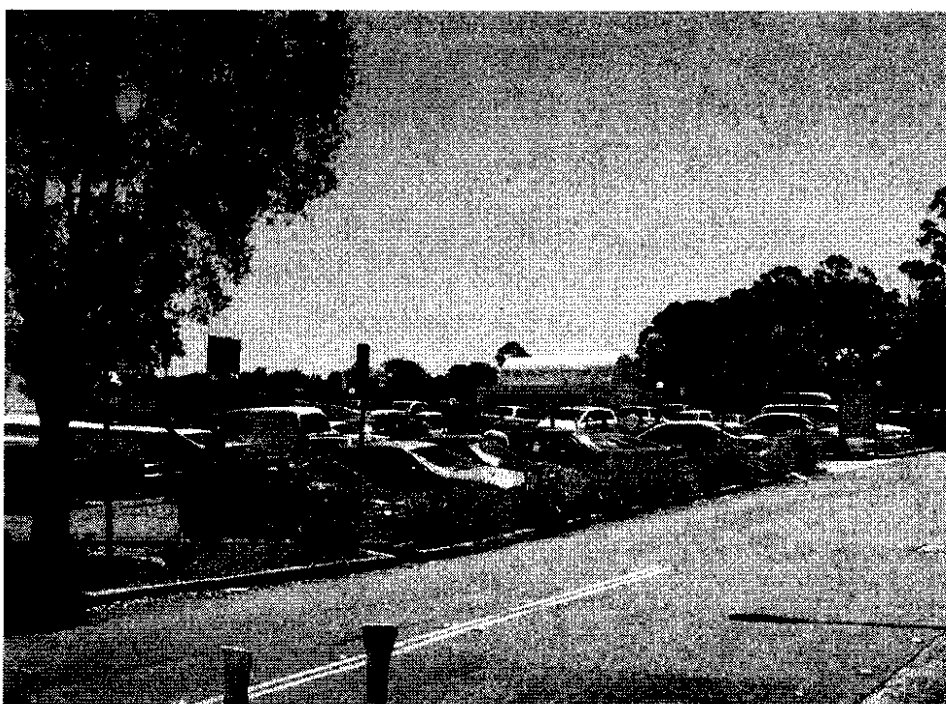
3.1 St Ives Village Car Park – (Map Reference No. 22)

Background

664

The St Ives Village Car Park is located at the rear of the St Ives Village Shopping Centre and extends from Cowan Road to Memorial Avenue. The car park is adjacent to the privately owned car park for the St Ives Village shopping centre. The car park is an at grade car park whilst the shopping centre provides a multi level car park. The car park provides for 2 hours free parking during business hours.

The car park is well utilised and considered to be insufficient for all the user needs including sporting clubs that use the St Ives Village Green. The car park is essentially used by the patrons of the St Ives Village Shopping Centre. Access in and out of the car park is available from both Cowan Road and Memorial Avenue. Congestion occurs regularly in both Cowan Road and Memorial Avenue.



Site Characteristics

The car park land is classified as Community Land and zoned Business 3(a) – (A2) Retail Services. The site area is 13,748 square metres. The land is owned by Council and used for business centre and sporting uses parking. The car park operates under a Plan of Management adopted by Council.

The Council car park provides for 290 car parking spaces for the public and a recent survey showed that the utilisation rate was 97% with approximately 13% of vehicles parking longer than the allotted time.

Process of Acquisition

The following land parcels exist on the site

Lot C DP 322331; Lot B DP 322331; Lot 1 DP 420106; Lot 2 DP 822373; Lot A DP 336206; Lot B DP 336206; Lot 1 DP 504794 and Lot A DP 321567.

Lot A DP 336206, Lot B DP 336206, Lot 1 DP 504794, Lot A DP 321567 – dedicated to Council at no cost as a requirement of development consent conditions for public car parking, access & municipal purposes. Subject to deed of trust (refer below).

Lot C DP 322331, Lot B DP 322331 - transferred to Council at no cost as a requirement of development consent conditions for public car parking. Subject to deed of trust (refer below).

Lot 1 DP 420106 – acquired 28/6/1960

Lot 2 DP 822373 – remainder of lane after road closure

Source of Funding

The car park was acquired by Council as part of a dedication associated with the development of the St Ives Village shopping centre for the purpose of providing public car parking.

Restrictions on Use

The following restrictions relate to the site:

- Community Classified Land with associated Plan of Management.
- Subject to Deed of Trust- Lot A DP 336206, Lot B DP 336206, Lot 1 DP 504794, Lot A DP 321567
- Subject to Deed of Trust 19101(registered caveat) - Lot C DP 322331, Lot B DP 322331
- Subject to Deed of Trust 19101 (registered caveat) - Lot 1 DP 420106, Lot 2 DP 822373
- Easement for support
- Lease expiring 31/12/2007

Declaration of Trust 19101 – that the land with the exception of the portion thereof occupied by the building and further alteration, enlargement, rebuilding or extension thereof shall be held by it for the purposes of parking of motor vehicles & other vehicles by members of the public. That Council declares that the building and any other future alteration, enlargement, rebuilding or extension thereof shall henceforth be held by the Council for the use as a baby health centre and/or library and/or such other public purposes as it shall deem fit and that the land with the exception of the portion thereof occupied by the building and any future alteration, enlargement, rebuilding or extension thereof shall be and shall henceforth be held by Council for the purposes of the parking of motor vehicles & other vehicles by members of the public at all times, subject to such ordinances, conditions, regulations and/or By-Laws that do now or at any future time apply to buildings or lands within the boundaries of the Municipality held for the respective purposes for which the said building and the said land are hereinbefore respectively to be held.

A drainage easement exists on the site and a Dedication of Trust No. 19101 exists on the land indicating that the land be used for car parking purposes by members of the public.

Heritage Impacts

There are no heritage impacts on the site.

Redevelopment Options

Potential exists to rezone the site to allow mixed residential and commercial with a stratum level car park for public use. The land was acquired for car parking purposes and provided the number of parking spaces currently provided for public car parking remains, there are no other impediments on the site. However, legal advice will be required to determine the restrictions on the site based on the requirements of the trust.

Reclassification of land from Community to Operational required through LEP process. The reclassification of the land does not remove any Trusts, caveats etc and land can be reclassified with all Trusts, caveats & restrictions remaining attached to the land.

LEP without removal of Trusts, Caveats etc will ensure that the original intent of the dedication of land remains in place and any development of the land will need to meet the limitations of the Trust, caveats etc.

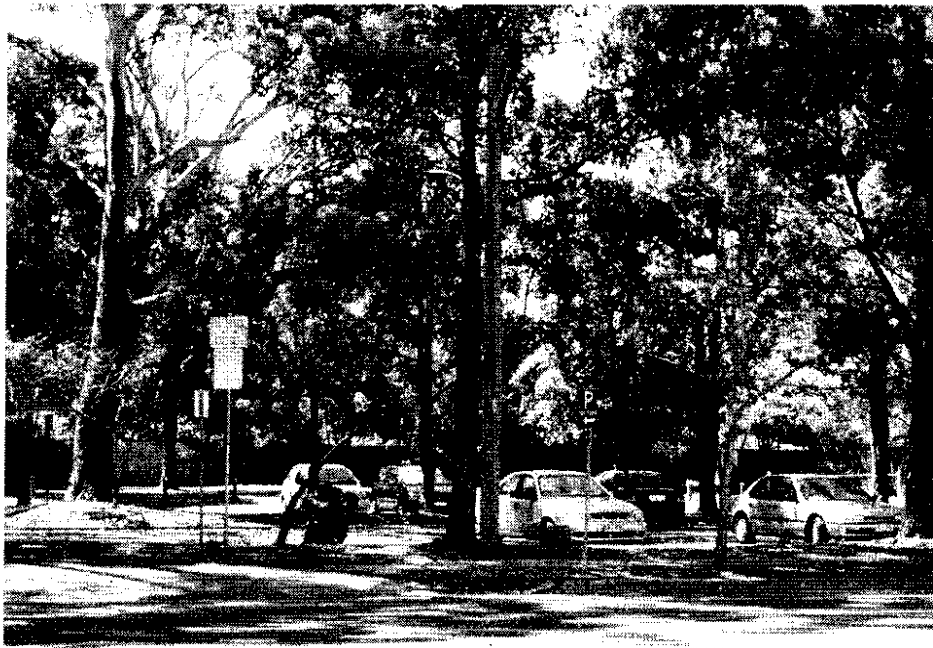
To remove Trusts, Caveats & restrictions on the land the Governor's consent must be sought prior to submitting the LEP to the Minister (DIPNR).

3.2 Mona Vale Road Car Park – (Map Reference No. 23)

Background

The car park is located at 208–210 Mona Vale Road, St Ives. The car park is used as an additional car park for the commercial centre but it is not well used, as it is remote from the shopping centre. The car park is an at grade car park and provides for 2 hours free parking during business hours.

Access in and out of the car park is available from Mona Vale Road and is diagonally opposite Stanley Street.



Site Characteristics

The car park land is classified as Community Land and zoned Residential 2(d3) under LEP 194. The site area is 2,091 square metres. The land is owned by Council and used for business centre and public parking.

Process of Acquisition

The current lot and DP details are as follows:

Lot 11 DP 29167

Lot 12 DP 29167

The car park was acquired by Council for the purposes of a car park under a Deed of Agreement (LD4606) following a resumption of a road.

Source of Funding

Funding used to acquire the site was from general revenue.

Restrictions on Use

The land is free of trusts and the reasons for resumption of the land are being investigated.

The land is classified as community land and will require reclassification if the land is to be used for any other purpose other than community purposes.

Heritage Impacts

There are no heritage impacts on the site.

Redevelopment Options

Potential exists to incorporate the site into redevelopment of the area known as the St Ives triangle to allow mixed commercial/residential with a stratum level car park for public use. There are no encumbrances on the site and Council can redevelop the site currently for residential development under the provisions of LEP 194.

Reclassification of land from community to operational will be required if the area is to be sold for other uses. The reclassification of the land does not remove any Trusts, caveats etc and land can be reclassified with all Trusts, caveats & restrictions remaining attached to the land.

LEP without removal of Trusts, Caveats etc will ensure that the original intent of the dedication of land remains in place and any development of the land will need to meet the limitations of the Trust, caveats etc.

To remove Trusts, Caveats & restrictions on the land the Governor's consent must be sought prior to submitting the LEP to the Minister (DIPNR).

3.3 Rotary Park – (Map Reference No. 24)

Background

Rotary Park is located at the corner of Mona Vale Road and Memorial Avenue, St Ives. The park is essentially a woodlot which allows for passive recreation and improves the appearance and amenity of the area.

The park provides seating and access to the shopping centre and St Ives Village Green.



Site Characteristics

The park land is classified as Community Land and zoned Open Space 6(a). The site area is 2,068 square metres. The land is heavily treed and owned by Council and used for passive recreation.

The site provides valuable open space within a heavily trafficked environment.

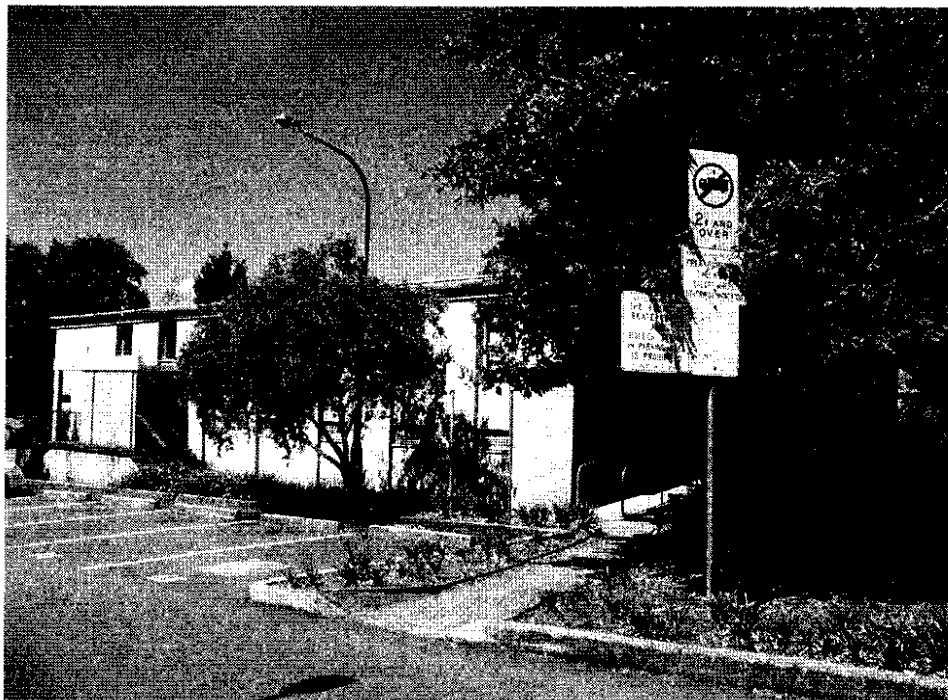
The site is to remain as a park.

3.4 Ku-ring-gai Community Groups Recreation Centre - Y.M.C.A. Building – (Map Reference No. 25)

Background

The former St Ives Public School Assembly Hall is located at 4 Porters Lane St Ives and is used by the Y.M.C.A. of Sydney who operates a range of recreational and educational services and programs. The building is considered to be heritage listed.

The YMCA currently occupies the building under a three (3) year option which ceases in 2007.



Site Characteristics

The building is located on land that is classified as Community Land and zoned Residential 2(d3) under LEP 194. The site area is 1,317 square metres. The building is owned by Council and used for community purposes under the Community Groups Centre and Car Park Plan of Management adopted in March 1996.

Council receives an annual rent of \$8,912 under the 90% rebate scheme.

Process of Acquisition

The building was acquired by Council as part of the old school site.

In 1989 the Department of Education advised that the St. Ives Public School was surplus to its requirements. Subsequently, after negotiation with the Department and the State Property Services Group, Council resolved to purchase part of the former St. Ives Public school site in 1990.

The former St. Ives Public school and grounds were purchased by Council using funding made available from Car Parking funds held by the St. Ives Local Fund and pre plan Section 94 Car park contribution funds.

Restrictions on Use

The building is currently leased to the Y.M.C.A. until December 2007. The future use of the site will depend on the whether the building is heritage listed.

The building and surrounds are situated on community land and reclassification of the land from community land to operational land would be required if Council wishes to redevelop the land or sell the land.

Heritage Impacts

The only buildings with heritage listing under the Ku-ring-gai Planning Scheme Ordinance are the "Old school building" and the "Headmasters Cottage". The YMCA building and the two storey school building are not listed in the KPSO.

Redevelopment Options

Potential exists to rezone and redevelop the site to allow mixed residential and commercial use in association with the adjoining car park.

3.5 St Ives Occasional Child Care Centre – (Map Ref. No. 26)

Background

The Occasional Child Care Centre is located at 261 Mona Vale Road, St Ives and is used as an occasional child care centre for children of ages from birth to five (5).

The building is currently operating under a three (3) year option and ceases in 2007.

The site has recently been rezoned to residential under LEP 194. Council has resolved to utilise any funds from the sale of the site, should Council wish to sell the site, to provide a child care centre within the St Ives shopping area. The building is an older style building and is essentially a converted residential property. There is limited car parking available on the site.



Site Characteristics

The land that the building is located is classified as Community Land and zoned Residential 2(d3) under LEP 194. The site area is 1,317 square metres. The land and building is owned by Council and used for child minding purposes under a lease which expires in 2007.

Council has resolved to provide a new child care centre should the site be sold and used for residential purposes under its current zoning.

The building is an older style residential building and not purposely built for child care. The centre does not offer full time child care. Council receives an annual rent of \$3,760 under a 90% rebate.

Process of Acquisition

The building was acquired by Council – Legal Document 5525 refers. The lot and DP details are Lot 31 DP 719052.

Source of Funding

Funding used to purchase the site was obtained through general revenue.

Restrictions on Use

There is currently a five year lease to the St Ives Occasional Care Services which expires on 30th September 2007. Also, as Council resolved to provide a new child care facility to replace this building, it will need to be built before the site can be sold for residential development.

The building and surrounds are situated on community land and reclassification of the land from community land to operational land would be required if Council wishes to redevelop the land or sell the land.

Heritage Impacts

The building is not heritage listed.

Redevelopment Options

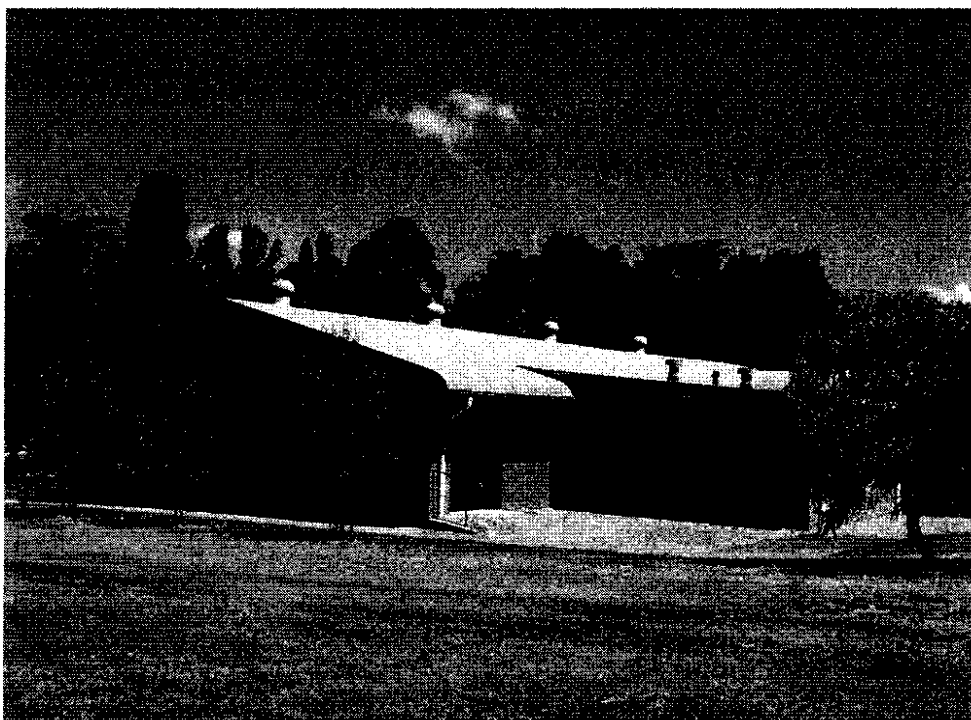
Potential exists to redevelop the site to allow for residential or mixed residential and commercial. However, an alternative location will be required for a new child care facility within the St Ives town centre. A new building will need to be built and operational before this area can be redeveloped.

3.6 St Ives Community Centre – (Map Reference No. 27)

Background

The St Ives Community Centre is located at the rear of the St Ives Village Shopping Centre and close to Memorial Avenue adjacent to the St Ives Village Green area. The Community Centre is used for a number of community and commercial purposes and also operates the St Ives Youth Centre and the Fitz Café.

The building is well utilised by the community and considered to be suitable for most of the users. The building is in good condition and considered to be a good community resource. Access to the building is available from the car park off Memorial Avenue but users have to compete with shopping centre users.



Site Characteristics

The building is located on land classified as Community Land and zoned Recreation Existing 6(a). The site is 682 square metres. The building and land is owned by Council and used for community purposes. The site operates under the Generic Community Halls and Meeting Rooms Plan of Management adopted in October 2000.

This area is included in the area identified under the Integrated Planning for the mixed residential commercial rezoning.

Process of Acquisition

The building is constructed on the St Ives Village Green and used for community purposes.

Source of Funding

675

Funding used to purchase the site was obtained through general revenue. Land was resumed from three parties in 1946 for the purpose of improvement and embellishment and consequently the community centre was constructed for this purpose.

Restrictions on Use

There is an electricity easement on the site but there are no other restrictions on the site.

Heritage Impacts

The building is not heritage listed.

Redevelopment Options

Redevelopment of the site and the building will depend on the planning options considered by Council. However, the building is considered to be in reasonable condition and meets the community needs.

3.7 Ku-ring-gai Community Groups Centre – (Map Ref. No. 28)

Background

676

The Ku-ring-gai Community Centre is an old school building located at 177 Rosedale Road, St Ives at the intersection of Mona Vale Road and Rosedale Road. The building is an old school building and the old class rooms are used by various community groups. The building is heritage listed.

The community centre and other facilities on the site are supported by a public car park. The building is in reasonable condition for an old school building and serves a useful purpose for the various community groups who hold licences at the centre and provide various services to the community.



Site Characteristics

The building is located on land that is classified as Community Land and zoned Special Uses 5(a) – Municipal Purposes. The site area is 831 square metres. The land is owned by Council and used for community purposes. The site operates under the Community Groups Centre and Car Park Plan of Management adopted in March 1996.

The building is used by various groups such as Alcoholics Anonymous, Action for People with Disability, Hornsby Ku-ring-gai Community college, Jewish Care and the Lorna Hodgkinson Sunshine Home with the lease expiring in January 2005. Each group has expressed an in taking up the three year option for extending the lease. Council receives \$20,340 per annum for the lease of this building to the various groups.

The building is a heritage item and it not intended to examine options for redeveloping the site. The building provides for a number of community groups.

The building was acquired by Council as part of the old school site.

In 1989 the Department of Education advised that the St. Ives Public School was surplus to its requirements. Subsequently, after negotiation with the Department and the State Property Services Group, Council resolved to purchase part of the former St. Ives Public school site in 1990.

Source of Funding

The former St. Ives Public school and grounds were purchased by Council using funding made available from Car Parking funds held by the St. Ives Local Fund and pre plan Section 94 Car park contribution funds.

Restrictions on Use

The building is currently leased to a number of community groups.

The building and surrounds are situated on community land.

Heritage Impacts

The building is heritage listed under the Ku-ring-gai Planning Scheme Ordinance.

Redevelopment Options

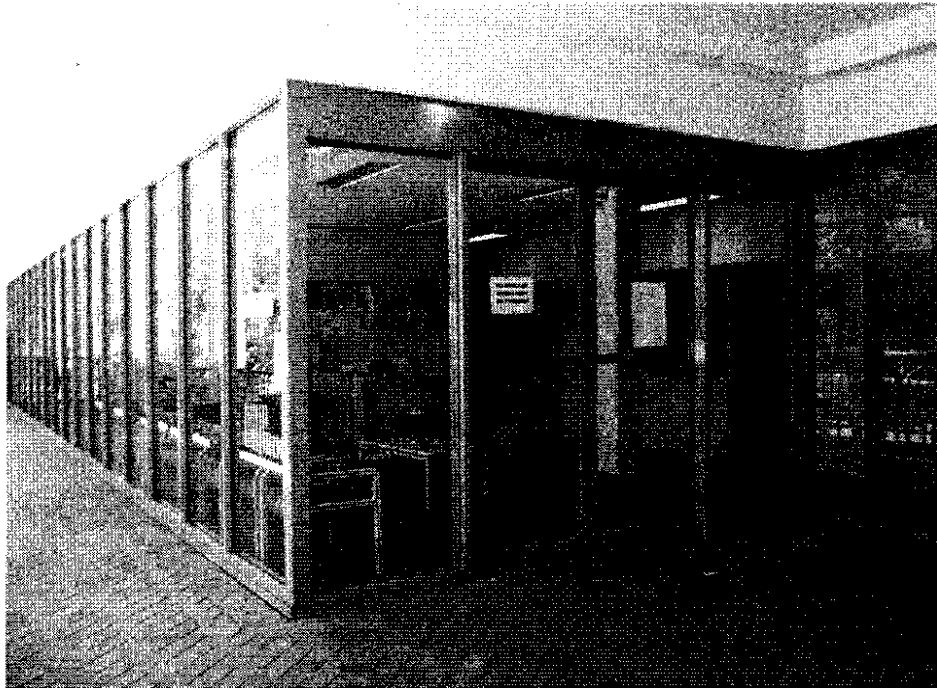
It is not proposed to change the current use of the building.

3.8 Ku-ring-gai Neighbourhood Centre Complex – (Map Reference No. 29)

Background

The building is located at the rear of the St Ives Village Shopping Centre and is occupied by the Ku-ring-gai Neighbourhood Centre and the St Ives Early Childhood Centre. The facility is used for early childhood nursing and other community activities.

The centre is adjacent to the St Ives Village Shopping Centre car park and the building is incorporated in the shopping centre and adjacent to the St Ives Branch Library. The building is in good condition and serves a useful purpose for the various community groups.



Site Characteristics

The building is located on land located at the rear of the shopping centre and is classified as Community Land and zoned Business 3(a) – (A2) Retail Services. The building area is 420 square metres. The building is owned by Council under a declaration of Trust and Deed and used for community purposes. The site operates under the Generic Community Halls and Meeting Rooms Plan of Management adopted in October 2000. The building is currently occupied under a three year option of the original lease and expires in 2007. Council currently receives an annual rent of \$1,498 for the centre.

Process of Acquisition

The building was constructed as part of the St Ives Village Shopping Centre and dedicated to Council for community purposes

Source of Funding

The building was dedicated to Council as part of the reconstruction of the St Ives Village shopping centre. Council owns the site under a caveat and declaration trust. Legal documents LD 2824 and LD 2771 refers.

Restrictions on Use

The building is currently leased to the Neighbourhood Centre which expires on 31st December 2007.

Declaration of Trust 19101 may apply to this building.

Heritage Impacts

The building is not heritage listed.

Redevelopment Options

Redevelopment of the site and the building will depend on the planning options considered by Council. However, the building is considered to be in reasonable condition and meets the community needs and it is unlikely that any additional area is required for the users of the building. Any redevelopment of the centre will require a similar size building.

3.9 St Ives Library – (Map Reference No. 30)

Background

The St Ives Library is located at the rear of the St Ives Shopping Centre Village. The facility is adjacent to the Early Childhood Centre. The St Ives Library is a small branch library and the library feasibility study assessed the library as being a third of the size required to serve the future needs of the community.

The building is in good condition and reasonably well equipped.



Site Characteristics

The building is located on land located at the rear of the shopping centre and is classified as Community Land and zoned Business 3(a) – (A2) Retail Services. The building area is 378 square metres. The building is owned by Council under a declaration of Trust and Deed and used for community purposes.

Process of Acquisition

The building was constructed as part of the St Ives Village Shopping Centre and dedicated to Council for community purposes

Source of Funding

The building was dedicated to Council as part of the reconstruction of the St Ives Village shopping centre. Council owns the site under a caveat and declaration trust. Legal documents LD 2824 and LD 2771 refers.

Restrictions on Use

The building is currently used as a library but the Library needs study indicated that the library size needs to be at least 1000 square metres.

Declaration of Trust 19101 may apply to this building.

Heritage Impacts

The building is not heritage listed.

Redevelopment Options

Redevelopment of the site and the building will depend on the planning options considered by Council. However, the building is considered to be in reasonable condition but is not of sufficient size to meet the future library demands. A new library of a size greater than 1000 square metres is required to meet the future needs of the community.

3.10 St Ives Pre-School – (Map Reference No. 31)

Background

The St Ives Pre-School Kindergarten is located at 29 Garrick Road, St Ives and is used to provide education and care for children predominantly from 3 to 5 years old. The tenants are currently operating under the five year option of the original lease of 1996 and therefore the lease ceases in 2006.

The building is in reasonable condition however some repairs are required to equipment.



Site Characteristics

The building is located on land that is classified as Community Land and zoned Residential 2(c). The building area is 1,546 square metres. The building is owned by Council and operates under a lease to the St Ives Pre-School Kindergarten.

The building was acquired by Council in May 1961 and there are no encumbrances on the site.

The building is outside the area identified under the planning for the Stage 2 residential development strategy and it is not intended to examine future redevelopment options for the building or the site.

3.11 Groups Centre Historic Classroom – (Map Reference No. 32)

Background

The Groups Centre Historic Classroom is located on the site of the old St Ives School and is currently leased for the purpose of a restaurant and known as the Il Travitoria Restaurant.

The building is an old heritage listed building and considered to be in a reasonable condition.



Site Characteristics

The building is located on land located in the old school grounds and is classified as Community Land and zoned Special Uses 5(a) – Municipal Purposes. The building area is 327 square metres. The building is owned by Council and is heritage listed. The current lease operates until December 2007.

This building was acquired by Council as part of the old school site.

The encumbrances relate to the heritage listing and funding used to acquire the building and land was obtained through a business centre levy fund.

As the building is heritage listed it is not intended to redevelop the site.

3.12 Respite Care Centre – (Map Reference No. 33)

Background

The Respite Care Centre is located at 349 Mona Vale Road, St Ives and is currently leased to the Spastic Centre of NSW.

Site Characteristics

The site is classified as Operational Land and zoned Residential 2(c). The site area is 1,429 square metres. The land is owned by Council and in 1995 the building was leased to the Spastic Centre of NSW for a period of 45 years, expiring in 2040 for a minimal rental of \$1 per annum. There is also a 20 year option associated with the agreement which effectively restricts the use of the premises to a respite care centre until 2060.

The building is located outside the area identified for Stage 2 of the Residential Development Strategy and due to the long term lease arrangement, consideration will not be given to redeveloping the site or changing the use of the site.

3.13 Old School Car Park – (Map Reference No. 34)

Background

The car park is located at 207 Mona Vale Road, St Ives. The car park is used for public and community purposes and is reasonably well utilised. The car park is an open car park and provides for 2 hours free parking during business hours with various designated space for community and business uses. The car park provides for 69 car parking spaces with a 2 hour time limit during business hours. A recent survey indicated that the car park is utilised 75% of the time with 30% of the cars staying beyond the allotted time.

Access in and out of the car park is available from Porters Lane.



Site Characteristics

The car park land is classified as Community Land and zoned Special Uses 5 2(a) Municipal Purposes. The site area is 3,337 square metres. The land is owned by Council and used for business centre, community centre and public parking.

The land was acquired by Council through a business centres levy funding when Council acquired the school site from the State Government.

Process of Acquisition

The land was acquired by Council as part of the old school site.

In 1989 the Department of Education advised that the St. Ives Public School was surplus to its requirements. Subsequently, after negotiation with the Department and the State Property

Services Group, Council resolved to purchase part of the former St. Ives Public school site in 1990.

Source of Funding

The former St. Ives Public school and grounds were purchased by Council using funding made available from Car Parking funds held by the St. Ives Local Fund and pre plan Section 94 Car park contribution funds.

Restrictions on Use

The car park area is situated on community land and reclassification of the land from community land to operational land would be required if Council wishes to redevelop the land or sell the land.

Heritage Impacts

The car park area is not heritage listing but may form part of the curtilage for the heritage listed buildings such as the “Old school building” and the” Headmasters Cottage”.

Redevelopment Options

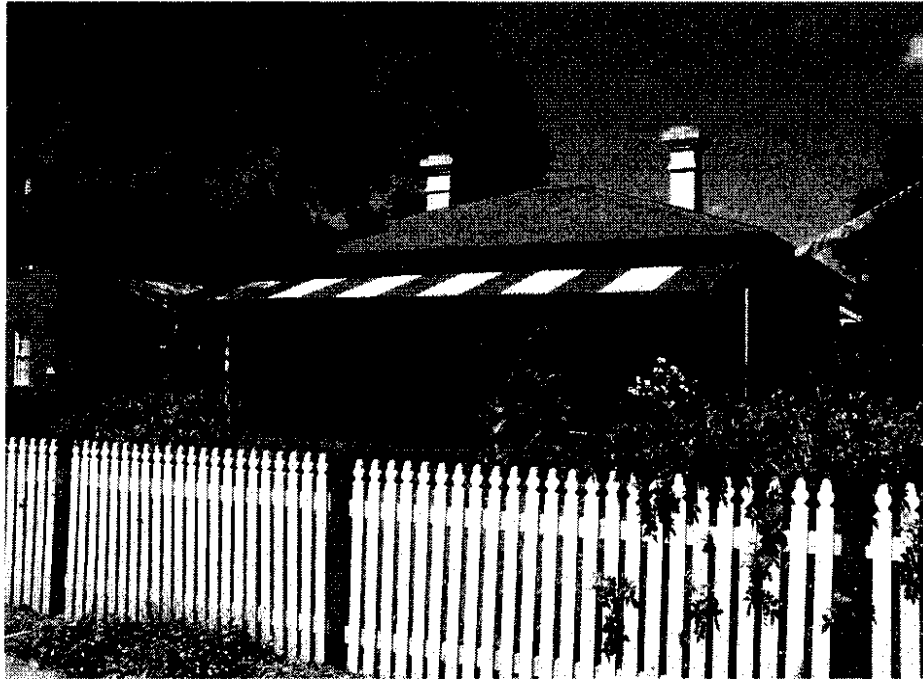
Potential exists to rezone and redevelop part of the car park to allow mixed residential and commercial use.

3.14 Headmasters Cottage – (Map Reference No. 35)

Background

The Headmasters Cottage is the old residential building for the Headmaster of the old school. The building is currently leased as a restaurant. The building is located at 175 Rosedale Road, St Ives.

The building is an old heritage listed building and considered to be in a reasonable condition.



Site Characteristics

The building is located on land located in the old school grounds and is classified as Community Land and zoned Special Uses 5(a) – Municipal Purposes. The building area and land is 808 square metres. The building is owned by Council and is heritage listed.

The building is heritage listed and funding used to acquire the building and land was from a business centres levy when Council acquired the old school site off the State Government.

It is not intended to redevelop the site and the building is to remain in tact because of its heritage significance.

Process of Acquisition

The building was acquired by Council as part of the old school site.

In 1989 the Department of Education advised that the St. Ives Public School was surplus to its requirements. Subsequently, after negotiation with the Department and the State Property Services Group, Council resolved to purchase part of the former St. Ives Public school site in 1990.

Source of Funding

The former St. Ives Public school and grounds were purchased by Council using funding made available from Car Parking funds held by the St. Ives Local Fund and pre plan Section 94 Car park contribution funds.

Restrictions on Use

The building is currently leased and operates as a restaurant.

The building is situated on community land.

Heritage Impacts

The building is heritage listed under the Ku-ring-gai Planning Scheme Ordinance.

Redevelopment Options

Due to the heritage listing and current use it is not proposed to redevelop the site and change the use of the building.

3.15 St Ives Bowling Club – (Map Reference No. 36)

Background

The St Ives Bowling Club is located at 100 Killeaton Street, St Ives and currently leased to the Bowling Club.

Access in and out of the Bowling Club is available from Killeaton Street.



Site Characteristics

The car park land is classified as Community Land and zoned Recreation Existing 6(a). The land is owned by Council and used for recreational purposes for lawn bowls.

The land is owned by Council but the Bowling Club constructed the building, greens and car park.

The site could be used for further open space if the Bowling Club is no longer able or interested in continuing its operations.

3.16 St Ives Memorial Park – (Map Reference No. 37)

Background

The park is located at 203 Mona Vale Road, St Ives. The park is for passive recreation only and a memorial to those who died and served in the wars is located on the site.

The park is located on the corner of Mona Vale Road and Rosedale Road, St Ives is heavily treed thus providing a pleasant environment in a busy shopping centre.



Site Characteristics

The park is classified as Community Land and zoned Residential 2(d3) under LEP 194. The site area is 2,091 square metres. The land is owned by Council and used for passive recreation.

The site provides valuable open space within a heavily trafficked environment.

The site is to remain as a park and has significance in its dedication to those who served and died in the world wars.

No changes are proposed for this site apart from the possible expansion of the park due to the possible part closure of Rosedale Road.

3.17 St Ives Village Green – (Map Reference No. 38)

Background

The St Ives Village Green is located between Memorial Avenue and Cowan Road St Ives. The park is extensively used by sporting bodies and other residents for both active and passive recreation. There is a new play ground constructed in the park which extremely well utilised and also a skate park for the youth.

The park provides for valuable open space and is also used for major community events.



Site Characteristics

The park is classified as Community Land and zoned Recreation Existing 6(a). The site area is 19,979 square metres. The land is owned by Council and used for sporting and other recreational activities.

The site provides valuable open space for the St Ives area and is a regional facility for a number of sporting activities.

No changes are proposed for the park.

3.18 Car Park – (Map Reference No. 39)

Background

The car park is located at 176 Mona Vale Road, St Ives. The car park is used as an additional car park for the commercial centre. The car park provides for 44 car parking spaces with a 2 hour time limit during business hours. A recent survey indicated that the car park is utilised 90% of the time with 40% cars staying beyond the allotted time.

Access in and out of the car park is available from Mona Vale Road and is diagonally opposite Stanley Street.



Site Characteristics

The car park land is classified as Community Land and zoned Business 3(a) – (A2) Retail Services. The site area is 803 square metres. The land is owned by Council and used for business centre public parking.

Process of Acquisition

The car park was acquired by Council for the purposes of a car park under a Deed of Agreement (LD5139) in June 1987.

Lot 103 DP 627012 – appears to be dedicated to Council from the shopping centre in the 1960's and possibly as part of a development consent condition.

Lot 105 DP 629388 – was acquired from BP Australia Ltd on 6/3/1987 as part of a land swap and development condition.

Funding used to acquire the site was from State Commemorative Grant of \$400,000.

Restrictions on Use

- Community Classified Land
- Lot 103 DP 627012 - Subject to Deed of Trust 19101(registered caveat) - ROW appurtenant to the land above
- Lot 105 DP 629388 – ROW appurtenant to the land above.
- LD 2825 refers to a declaration of trust on part of the car park.

Declaration of Trust 19101 – that the land with the exception of the portion thereof occupied by the building and further alteration, enlargement, rebuilding or extension thereof shall be held by it for the purposes of parking of motor vehicles & other vehicles by members of the public. That Council declares that the building and any other future alteration, enlargement, rebuilding or extension thereof shall henceforth be held by the Council for the use as a baby health centre and/or library and/or such other public purposes as it shall deem fit and that the land with the exception of the portion thereof occupied by the building and any future alteration, enlargement, rebuilding or extension thereof shall be and shall henceforth be held by Council for the purposes of the parking of motor vehicles & other vehicles by members of the public at all times, subject to such ordinances, conditions, regulations and/or By-Laws that do now or at any future time apply to buildings or lands within the boundaries of the Municipality held for the respective purposes for which the said building and the said land are hereinbefore respectively to be held.

Heritage Impacts

None

Redevelopment Options

Reclassification of land from Community to Operational would be required through an LEP process. The reclassification of the land does not remove any trusts or caveats and land can be reclassified with all trusts, caveats & restrictions remaining attached to the land.

LEP without removal of trusts or caveats etc will ensure that the original intent of the dedication of land remains in place and any development of the land will need to meet the limitations of the trust or caveats.

To remove trusts, caveats & restrictions on the land, the Governor's consent must be sought prior to submitting the LEP to the Minister for Planning.

Potential exists to incorporate the site into redevelopment of the area as part of the improved access into the St Ives Village shopping centre. The details of the requirements of the trust will need to be further examined.

PART 1: 1a-PRELIMINARY	Part 2: URBAN OBJECTIVES & STRATEGIES	Part 3: PUBLIC DOMAIN CONTROLS	Part 4: PRIMARY DEVELOPMENT CONTROLS	Part 5: GENERAL DEVELOPMENT CONTROLS
1.1 Name of this DCP 1.2 Commencement Date 1.3 Land affected by this DCP 1.4 Consistency of DCP with the EP&A Act 1979 1.5 Purpose of the Plan 1.6 General Aims of the Plan 1.7 Which Applications does this DCP apply to? 1.8 Relationship to SEPP 65 and NSW Residential Flat Design Code 1.9 Relationship to Planning Instruments and Other Plans 1.10 How to Use the DCP Design Objectives and Controls	ST IVES TOWN CENTRE 2.1 Vision Statement 2.2 Objectives for the Town Centre 2.3 Urban Strategies (with plans & diagrams) 2.3.1 Public Open Spaces & Facilities <ul style="list-style-type: none"> Open space network / biodiversity corridor Community services & facilities 2.3.2 Street Character & Hierarchy <ul style="list-style-type: none"> Landscape framework Vehicle network & parking 2.3.3 Public Transport & Access <ul style="list-style-type: none"> Public transport & commuter parking Pedestrian & cycle network 2.3.4 Building Character & Scale <ul style="list-style-type: none"> Activities & uses Building massing Heritage & significant elements 	ST IVES TOWN CENTRE 3.1 Public Open Spaces (with plans, sections & perspective sketches) 3.1.1 Parks & Pocket Parks 3.1.2 Urban Plazas & Squares <ul style="list-style-type: none"> uses Landscape character Park furniture Lighting Public artworks Others... 3.2 Streets & Public Access (with plans, sections & perspective sketches) 3.2.1 Primary Streets 3.2.2 Secondary Streets 3.2.3 Service Lanes 3.2.4 Through Block Pedestrian Connections 3.2.5 Residential Streets <ul style="list-style-type: none"> Adjoining building uses Building setbacks Carriageway Footpaths Landscape character / Street tree planting Street furniture Lighting Overhead wiring Others... 	ST IVES TOWN CENTRE 4.1 Site Amalgamation (with plan) 4.2 Building Density (with plan) 4.3 Building Heights (with plan & sections) 4.4 Building Alignment / Setbacks (with plan & sections) 4.5 Awnings & Colonnades (with plan) 4.6 Active Street Frontages (with plan) 4.7 Block by Block Controls for Mixed Use Precinct (with plans, sections, 3D modelling & possible perspective sketches) 4.7.1 Building Uses & Ground Floor Activities 4.7.2 Building Heights 4.7.3 Building Setbacks 4.7.4 Building Depth & Separation 4.7.5 Deep Soil Zones & Private Open Space 4.7.6 Vehicle Access & Parking 4.7.7 Others...	5.1 Building Forms & Elements 5.1.1 Building Articulation <ul style="list-style-type: none"> Facades & Articulation Ground Floor Building Articulation Corner Building Articulation Roof Forms Materials & Finishes 5.1.2 Awnings & Colonnades 5.1.3 Signage & Advertising 5.2 Site & Building Amenity 5.2.1 Outdoor Living <ul style="list-style-type: none"> Private & Communal Open Space Landscape Design 5.2.2 Internal Amenity & Security <ul style="list-style-type: none"> Ceiling Heights & Room Sizes Internal Circulation Storage 5.2.3 Visual & Acoustic Privacy 5.2.4 Natural Ventilation & Solar Access <ul style="list-style-type: none"> Building Depth Natural Ventilation Solar Access Sun Shading 5.2.5 Adaptability & Accessibility <ul style="list-style-type: none"> Adaptable Housing Access for People with Disabilities Apartment Mix & Sizes 5.3 Site & Building Performance 5.3.1 Design of Flexible Buildings 5.3.2 Energy Efficiency 5.3.3 Building Materials 5.3.4 Water Conservation 5.3.5 Stormwater Management 5.3.6 Waste Management 5.4 Vehicular Access & Parking
1b- DEFINITIONS	TURRAMURRA TOWN CENTRE GORDON TOWN CENTRE PYMBLE TOWN CENTRE ROSEVILLE TOWN CENTRE LINFIELD TOWN CENTRE	TURRAMURRA TOWN CENTRE GORDON TOWN CENTRE PYMBLE TOWN CENTRE ROSEVILLE TOWN CENTRE LINFIELD TOWN CENTRE	TURRAMURRA TOWN CENTRE GORDON TOWN CENTRE PYMBLE TOWN CENTRE ROSEVILLE TOWN CENTRE LINFIELD TOWN CENTRE	694

Public Domain Manual

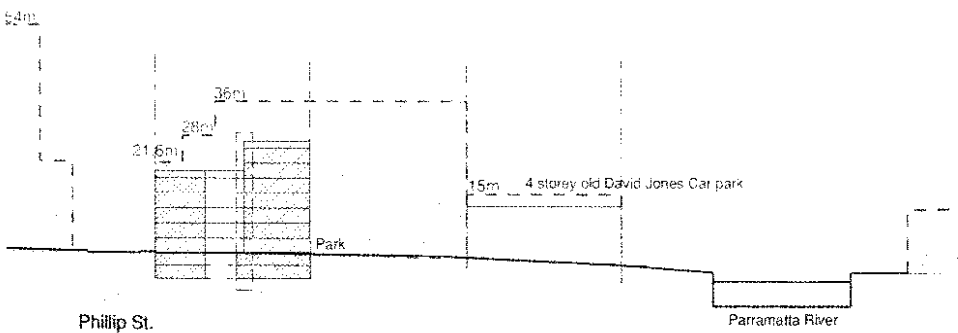
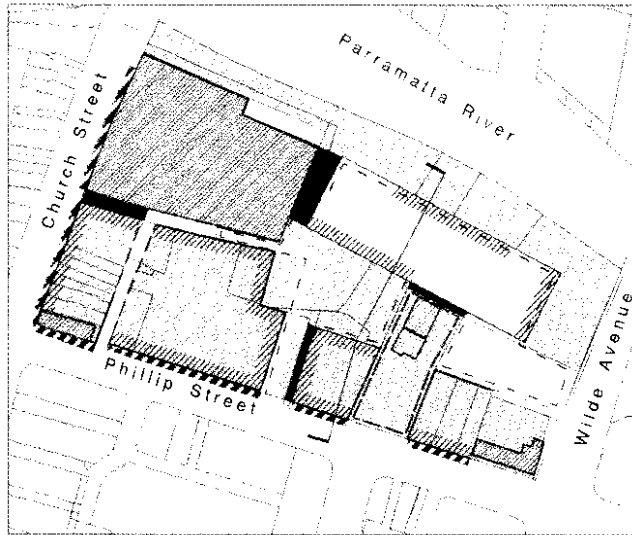
Town Centre Style Guide

Key Blocks

Commentary

The following principles are illustrated:

- The atrium building type is promoted here as an appropriate model for development. This model is suitable for deeper block particularly where multiple build-to alignments are required.



City Edge: Phillip St - Parramatta River

13.7 Block 4 South of the River

This large block located within the Parramatta City Edge Zone, is characterised by the Council owned carpark and the David Jones Department store, both with frontages to the river.

Objective

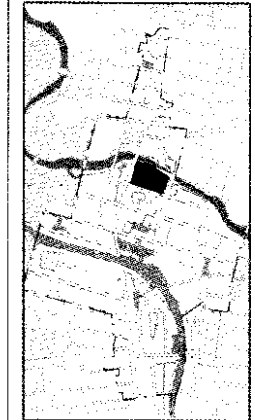
- To provide active frontages to all primary frontages including Parramatta River.
- To improve pedestrian amenity and access to the river.

Controls

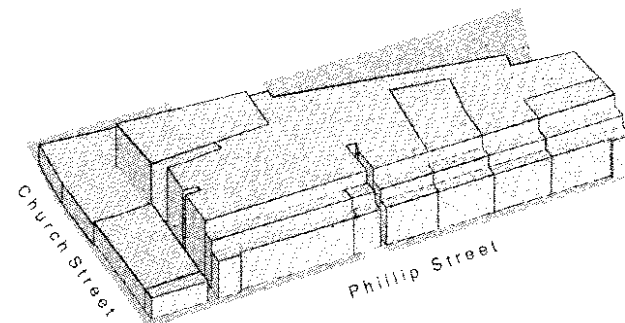
- Provide barrier free access, and multiple connections to the river foreshore, from Church Street to Wilde Avenue.
- Preserve the small scale building context for Church Street heritage items and identified contributory buildings.
- Reflect the small scale built context of heritage items in Church Street.
- Retain and reinforce existing laneways to provide rear access to service properties with primary street and river frontages.
- Provide landscaped open space to the centre of the block to facilitate through site pedestrian connectivity and pedestrian amenity.
- A public domain project could incorporate uses such as childcare facilities and sports facilities edging the river.

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page 109



Block 4



695

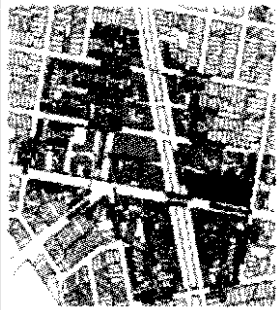
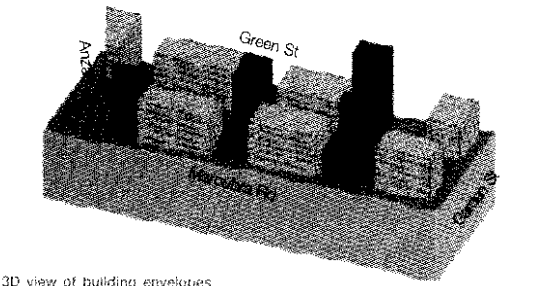
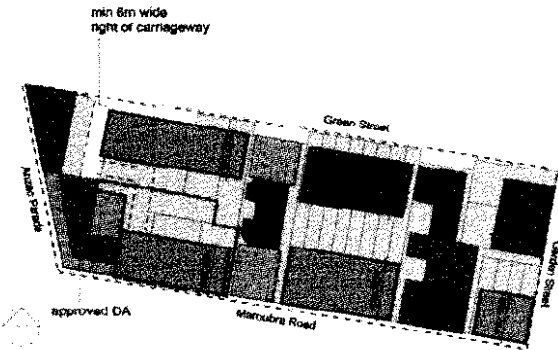
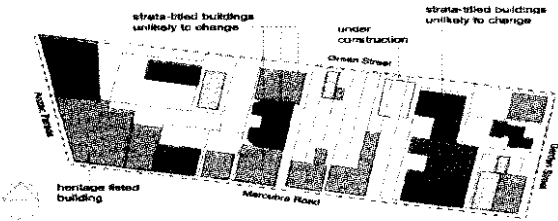
SREP 28 Envelopes

Parramatta City Centre
Development Control Plan 2001

ATTACHMENT K

PART 3 DEVELOPMENT CONTROLS

3.2.8 Block 8

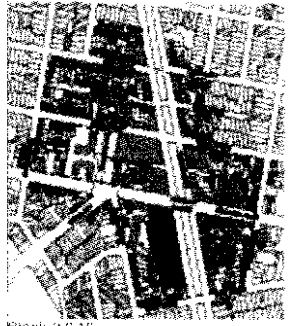
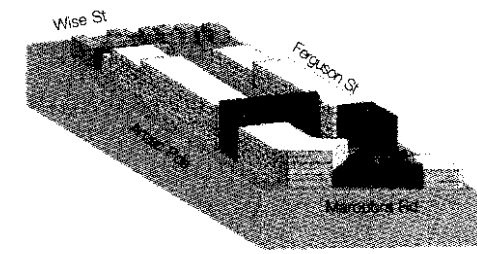
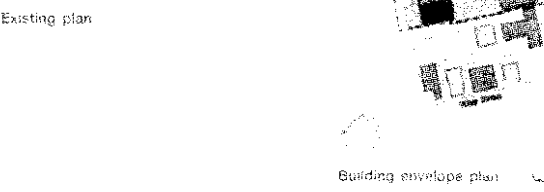
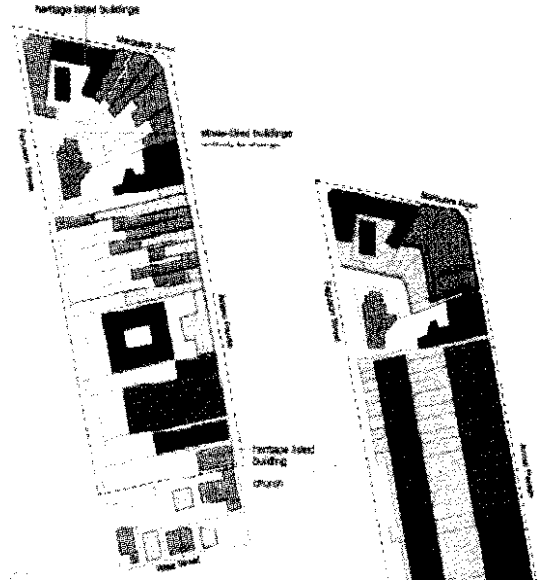


Block 3.2.8

- Key
- 1 storey
 - 2 storeys
 - 3 storeys
 - 4 storeys
 - 5 storeys
 - 6 storeys
 - 7 storeys
 - 8 storeys
 - 9 storeys and above
 - town centre boundary
 - proposed building envelope
 - proposed building envelope if amalgamation occurs
 - preferred development parcel
 - deep soil zone
 - open space
 - strata-titled buildings unlikely to change/approved DA's in S-C
 - proposed buildings in S-C
 - buildings outside town centre boundary in S-C

PART 3 DEVELOPMENT CONTROLS

3.2.10 Block 10



Block 3.2.10

- Key
- 1 storey
 - 2 storeys
 - 3 storeys
 - 4 storeys
 - 5 storeys
 - 6 storeys
 - 7 storeys
 - 8 storeys
 - 9 storeys and above
 - town centre boundary
 - proposed building envelope
 - proposed building envelope if amalgamation occurs
 - preferred development parcel
 - deep soil zone
 - open space
 - strata-titled buildings unlikely to change/approved DA's in S-C
 - proposed buildings in S-C
 - buildings outside town centre boundary in S-C

Traffic Study St Ives Town Centre

Special Festival on the Green Traffic Supplement

June 2005

A traffic study is being undertaken for the St Ives Town Centre in association with the planning for Stage 2 of the residential strategy for St Ives commercial area.

Key Findings to date

1. Traffic congestion occurs at a number of intersections with Mona Vale Road in the morning and afternoon peak traffic periods, and also on Saturday mornings with the shopping centre traffic.
2. The parking and traffic around the St Ives Village shopping centre is congested because there are insufficient car parking spaces, and motorists are regularly observed circling the car parks looking for parking spaces. The study found that there are currently 150 to 200 parking spaces short of the required number based on the current floor area for the St Ives Shopping Village.
3. Traffic modelling was undertaken to determine what effect the traffic generation from the new residential developments (2d3 zoning) will have on the existing network. The major finding is that the intersection of Memorial Avenue and Mona Vale Road will become critical and severe delays will be experienced unless new treatments are carried out to improve traffic flow at this intersection.

The study examined what traffic improvements could be made to the area and ways in which developer contributions could be made by increased development.

Main Identified Improvements

1. New intersection with Mona Vale Rd and the St Ives Village Shopping Centre

This involves the addition of a new set of traffic signals with a right turn bay from Mona Vale Road into the shopping centre. The purpose of this new intersection is to have traffic enter/exit the shopping centre directly off Mona Vale Road and free up the congestion in Cowan Road and Memorial Avenue.

This new intersection will need to be assessed by the Roads and Traffic Authority to ensure that peak traffic flows along Mona Vale Road are not adversely delayed by the new proposed intersection.

2. Improvements to Memorial Ave and Mona Vale Rd including the closure of Rosedale Rd

With the additional traffic expected as a result of residential development in St Ives and the likely expansion of the shopping centre, it will be necessary to improve the capacity of the intersection of Mona Vale Road and Memorial Avenue. This can be achieved by the closure of Rosedale Road between Porters Lane and Mona Vale Road. The closure will then allow for two (2) right turn lanes from Memorial Avenue into Mona Vale Road and the removal of the pedestrian phase from the southern side of the intersection.

The closure will allow for significant open space benefits including the extension of Memorial Park to meet up with the community facilities adjoining the Headmaster's Cottage.

3. Closure of Village Green Parade and Undergrounding of Car Park

The survey of St Ives residents indicates that the major concern with the shopping area is traffic and parking. The car parking for the shopping centre is deficient by approximately 200 car parking spaces and any expansion of the shopping centre will need to incorporate more car parking spaces. The undergrounding of the car park will assist in directing traffic to various exits at either the new traffic signals at Mona Vale Road or at Memorial Avenue. Vehicle access to the car parks will be by ramps with in only off Cowan Road and both entry and exit from Memorial Avenue.

The closure of Village Green Parade will allow for a pedestrian only environment and better entrance to the St Ives Village Green.

4. Improvements to Killeaton Street and Link Road intersections.

The current intersection with Link Road and Mona Vale Road is heavily congested during all peak traffic conditions.

The traffic study is proposing to make Killeaton Street between Mona Vale Road and Link Road one way for west bound traffic and traffic proposing to travel north would be required to use the intersection of Link Road and Mona Vale Road with the creation of a double left turn lane. This treatment does not create additional pressure on the intersection as very little traffic use the left turn lane to head north. This treatment is intended to avoid the traffic conflicts at both Link Road and Mona Vale Road.

The St Ives News

Special Festival on the Green Edition

June 2005

Planning for St Ives An Introduction

698

Last year the NSW Government asked Ku-ring-gai Council to prepare plans for extra housing options in and around our main commercial centres: St Ives, Turramurra, Gordon, Pymble, Roseville and Lindfield.

New residential and commercial developments in these centres are expected to be between four and six storeys.

In developing these plans, Council wants to ensure residents get maximum community benefit from any redevelopment. We are doing this by examining issues like parking, traffic, accessibility, amenity and safety, as well as considering the need for new public spaces and facilities.

As part of this process we are undertaking extensive community consultation to find out what residents think about their local centres.

This newsletter has been written to keep you up-to-date with the St Ives planning process.

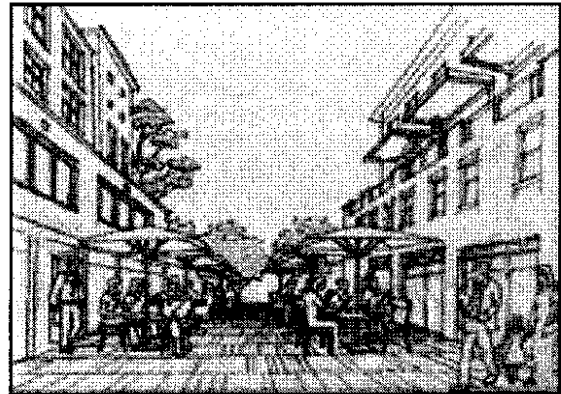
What's happened so far?

Initial Consultation

Late last year all 7,300 households in St Ives were sent questionnaires asking them what they like about St Ives, where they shop, and what changes they would like to see. More than 2,300 replies were received - a fantastic response.

The information and feedback received from these questionnaires has been invaluable to the planning process. You can read the results yourself at St Ives Library or download them from Council's website.

The questionnaire has been complemented with smaller surveys and consultations with local residents' groups, shoppers, retirement village residents, young people, retailers, local business owners and landholders.



Architect's impression of possible improvements in Durham Avenue towards Mona Vale Road

Professional Advice

Council has engaged a number of consultants to advise and assist with planning:

- A consultant with expertise in **retail and commercial planning** is preparing a report proposing a strategy for the level and type of retail and commercial space required in each centre to meet current and future needs.
- A **traffic consultant** is analysing current traffic and parking issues and will model planning options to recommend improvements.
- An **urban design consultant** is working on options for location of open space, commercial and residential development and community facilities.
- A **landscape architect** will be developing design options for public domain including open space, footpaths, plantings, street furniture etc.

As part of its planning, Council is also reviewing its **community facilities**, including St Ives Library, to identify possible improvements.

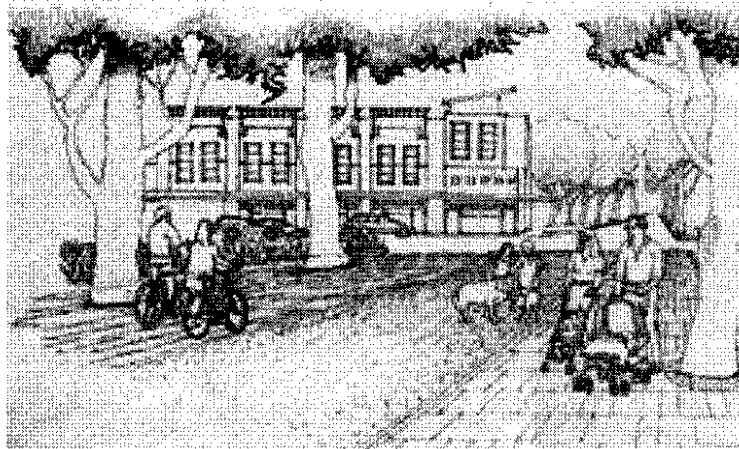
A VISION FOR ST IVES

From among those who completed the household questionnaire, Council invited a stratified sample of 50 residents to participate in a workshop to prepare a **Vision for St Ives**. The work of this group was synthesised and emailed to a further stratified sample of 150 people, also drawn from those who responded to household surveys.

One of the key messages to emerge was that residents strongly felt the St Ives retail and commercial area should be a village. The community's vision is set out below.

Note: Reference in the Vision Statement to St Ives Village is a reference to the whole retail and commercial area, not just the retail mall shopping centre within St Ives.

Architect's impression of possible improvements at the intersection of Rosedale Road and Mona Vale Road



VISION STATEMENT

Visions from the Community

St Ives Village will have a strong sense of community, it will be safe, family-friendly and secure. The green, spacious, "high-forest" character of the area will be protected and enhanced through well-designed and appropriately scaled development.

St Ives Village will meet the social needs of a diverse local population including families, youth, teenagers, children and the elderly by providing a range of activities including education, medical services, sports, entertainment and leisure.

The shops and offices on Mona Vale Road will service the day to day needs of residents as well as providing for local employment. The shops will be expanded and made more attractive, offering a distinctive local shopping experience, as a balance to the St Ives Village Shopping Centre. Access and parking at the rear will be improved as well as pedestrian links across Mona Vale Road.

St Ives Village Shopping Centre will be well appointed and provide for the needs of the local community by offering increased retail choice, opportunities for housing, offices and professional services however it will not grow to compete with the other major centres such as Chatswood or Hornsby.

The interface between St Ives Village Shopping Centre and St Ives Village Green will be improved to create a strong interaction between these two important places. The interface will become a focus for community facilities, events, celebrations, outdoor cafes and restaurants.

The St Ives Village Green will be improved to cater for both active sports and passive recreation including walking, cycling, dog walking and children's play. The surrounding residential areas will be upgraded including underground powerlines, new and upgraded footpaths, street trees and new parks.

St Ives Village will become more accessible particularly for pedestrians, pram walkers, people with disabilities, cyclists and public transport users. Vehicle access to the centre will be improved and more parking, with better access, will be provided.

Land-use options

The preliminary assessment of the retail and commercial consultant indicates the existing St Ives retail and commercial area is insufficient to meet the current and future needs of residents. The extent of any expansion would depend on the overall retail strategy for St Ives. The consultant's final report is expected in late June 2005.

St Ives shopping precinct currently has about 20,000m² of retail space. Future needs could be up to 40,000m². Each option will include additional housing.

There are **four (4) options** for achieving this:

Option A – Minimal expansion with new centre elsewhere

Small expansion where there is currently retail and commercial premises and provision of a second, smaller, retail area elsewhere in the catchment.

Option B1 - Medium expansion - dispersed

Some expansion to all existing areas with a larger commercial area around the corner of Mona Vale Road and Stanley Street

Option B2 - Medium expansion - dispersed

Some expansion to all existing areas with a larger commercial area around the corner of Mona Vale Road and Shinfield Ave

Option C - Consolidated expansion

Maintain all existing areas but consolidate most expansion around the existing mall shopping centre.

When Council conducted consultations with landowners, local businesses and residents selected from those who responded to the household survey, participants were asked their views on each option as well as other possible initiatives for open space, residential development and traffic changes.

The display at the St Ives Village Green provides an opportunity for residents to learn more about the options and comment on them.

Moving Forward

The results of this consultation will be presented to Council with a recommendation that draft plans be prepared incorporating a preferred option.

Before the report is prepared, the full retail strategy for Ku-ring-gai will need to be assessed and the traffic consultants will need to model traffic and parking consequences. These studies plus feedback from residents, retailers and landowners will inform the final recommendations to Council.

Once the draft plan for St Ives is prepared, a further opportunity to provide feedback will be provided through broad ranging consultations.

Keep in touch

If you have any comments on the planning for St Ives, the options presented or the vision statement please send them to:

kmc@kmc.nsw.gov.au

or write to:

The General Manager, Ku-ring-gai Council
818 Pacific Highway Gordon 2072 and mark them "St Ives Planning".

Watch Council's website for further information:

www.kmc.nsw.gov.au



COUNCIL

General Inquiries

8.30am-5.00pm 9424 0770

After Hours Emergency 9424 0888

Telephone Typewriter (TTY)
9424 0875

Email: kmc@kmc.nsw.gov.au

Website: www.kmc.nsw.gov.au

Fax: 9424 0880

Location:

818 Pacific Highway, Gordon

Council Chambers Level 3

Customer Service Centre Level 4

Parking available behind the building,
enter from Dumaresque St.

Postal Address:

Locked Bag 1056
PYMBLE NSW 2073

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English

This document contains important information and news. If you do not understand it, please call the Telephone Interpreter Service on 131 450 and ask them to phone 9424 0888 on your behalf to contact Ku-ring-gai Council. Working hours: Monday to Friday, 8.30am to 5.00pm.

Chinese

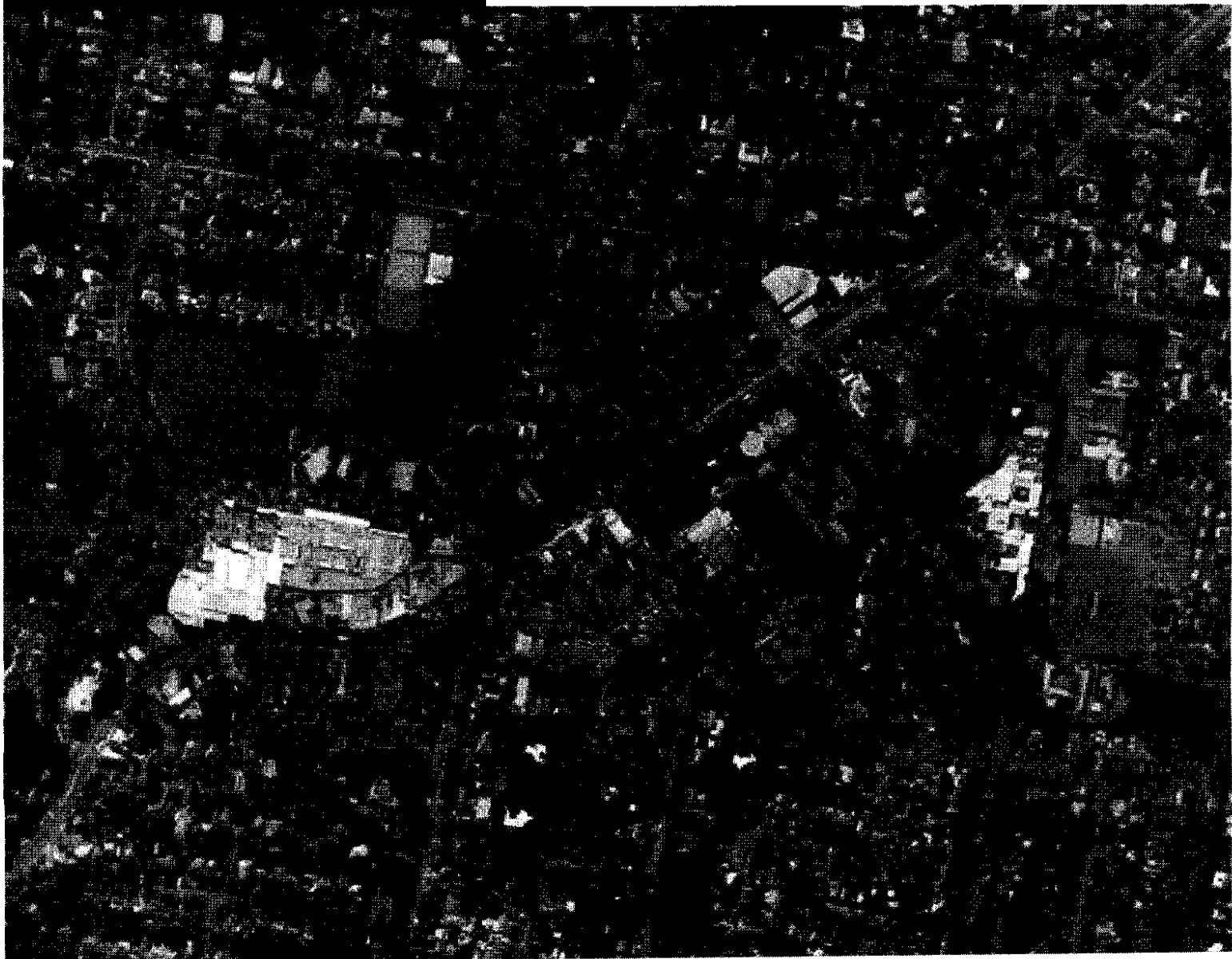
這文件內有重要的資料或最新消息。如果您看不懂，請撥電 131 450 給“電話傳譯服務”(Telephone Interpreter Service)，請他們替您致電 9424 0888 聯絡高靈階(Ku-ring-gai) 市政府。辦公時間：星期一至五，上午8時半至下午5時。

Japanese

この書類には重要な情報または伝達事項が含まれています。万一内容が理解できない場合は、電話通訳サービス(131 450)にて通訳を依頼し、クーリング・ガイ・カウンシル(9424 0888)に代わりに電話をかけてもらってください。営業時間：月曜日から金曜日、8.30am-5.00pm

Korean

이 문서 안에는 중요한 정보나 뉴스가 있습니다. 당신이 그 내용을 이해하지 못하시면 전화 통역 서비스(Telephone Interpreter Service)의 전화번호 131 450으로 전화하신 후, 서비스 요원이 당신을 대신해 9424 0888로 전화하여 쿠링가이 시의청과 통화하도록 요청하십시오. 시의청의 근무시간은 월요일에서 금요일 오전 8시 30분에서 오후 5시까지입니다.



FIVE YEAR FOOTPATH PROGRAM 2005 TO 2010

EXECUTIVE SUMMARY

PURPOSE OF REPORT:	To seek Council's approval of a Five Year Rolling New Footpath Program for the years 2005 to 2010.
BACKGROUND:	On 30 April 2002, Council adopted a ranking criterion for new footpaths where no formed footpath previously existed. Since that time Council has allocated approximately \$370,000 per annum in its budgets which has resulted in the construction of almost 10.5 kilometres of new footpaths.
COMMENTS:	<p>A proposed New Footpath Program for 2005-2006 and Draft New Footpath Rolling Program for 2006-2010 have been prepared for Council approval.</p> <p>The footpath priority list has been reviewed to include all streets within 500 metres of railway stations and the St Ives shopping centre and within 300 metres of suburban shops. Paths on both sides of all streets with more than 5,000 vehicles per day have also been added to the list together with projects which were requested or petitions received by residents.</p> <p>Footpaths that adjoin properties affected by LEP 194 or known pending development sites and those in Town Centre Study areas have not been included in the program, as footpaths in these areas will be constructed as a condition of consent.</p>
RECOMMENDATION:	That Council adopts the 2005-2006 New Footpath Program and the 2006-2010 program as a draft rolling program.

PURPOSE OF REPORT

To seek Council's approval of a Five Year Rolling New Footpath Program for the years 2005 to 2010.

BACKGROUND

On 30 April 2002, Council adopted a ranking criterion for new footpaths where no formed footpath previously existed. At that time only 32% of the Ku-ring-gai area has formed footpaths and Council had approximately \$12 million in its list of requested footpaths based on requests from residents dating from the 1970's.

Since that time, Council has allocated approximately \$370,000 per annum in its budgets which has resulted in the construction of almost 10.5 kilometres of new footpaths.

COMMENTS

Earlier footpath programs were based on a list of paths requested by residents, with many of the requests dating from the 1970's. Using data obtained from the Pavement Management System, it has been possible to map all existing footpaths in the Municipality. It became apparent that many streets close to railway stations and shops with significant pedestrian and vehicular traffic had no footpath, yet no requests were received.

Since then the list has been reviewed to include all streets within 500 metres of railway stations and the St Ives shopping centre and within 300 metres of suburban shops regardless of whether of not a request had been made. Paths on both sides of all streets with more than 5,000 vehicles per day have also been added together with projects which were requested or petitions received by residents in the past year.

All projects added to the list have been prioritised in accordance with Council's criteria adopted in 2002.

With these additions, the estimated cost of all works on the list of proposed footpaths has grown from \$12 million in 2002 to \$17.4 million. The annual budget allocation has increased from \$365,000 to \$378,200 over the same period.

Following the gazettal of LEP 194, it is now proposed to condition new development approvals with the provision of new footpaths. Consequently, the program has been reviewed to remove these sites from the list, together with paths adjoining other known proposed major developments. Footpaths where the topography makes construction impractical or too costly have also been removed.

Council funds its cycleway projects from the Footpath Program. The RTA has advised that Council will receive the following cycleway grants in 2005-2006 which must be matched by Council:

Item 14

S02627
27 May 2005

Kissing Point Road, Turramurra - \$50,000

Extend existing cycleway northerly from existing at Wattle Place towards Turramurra Railway Station.

Ryde Road, West Pymble - \$50,000

Widen narrow cycleway southerly from Yanko Road towards De Burghs Bridge.

Consequently, the value of new works nominated for the 2005-2006 program has been increased by \$100,000.

The attached proposed 2005-2010 Five Year Rolling New Footpath Program is based on available funding for 2005-2006 and likely future allocations of \$370,000 per annum.

Some projects that were included in the 2004-2005 Program that have not been completed will be included in a proposed carry-over list that will be reported to Council separately.

CONSULTATION

Consultation has been undertaken in the form of response to residents by letter. Further consultation will take place prior to construction.

FINANCIAL CONSIDERATIONS

An amount of \$378,200 is has been allocated in the Ku-ring-gai Council Management Plan 2005-2009 for the construction of new footpaths in 2005-2006. A further \$100,000 is available from RTA grants, making a total of \$478,200 for the 2005-2006 Footpath Program.

This does not include the amount allocated for the Business Centres which will be the subject of a further report.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Council's Finance and Business Section has been consulted in relation to the funding of the program.

SUMMARY

Prior to 2002, footpath programs were based on a list of paths requested by residents. On 30 April 2002, Council adopted a ranking criterion for new footpaths where no formed footpath previously existed. Subsequently, Council has annually adopted a New Footpath Program for the current year and a Draft New Footpath Program for the following four years based on those criteria.

Item 14

S02627
27 May 2005

All existing footpaths in the Municipality have been mapped using data from the Pavement Management System. Many streets close to railway stations and shops with significant pedestrian and vehicular traffic have no footpath. These have been included in the current Program, together with footpaths on both sides of streets with more than 5,000 vehicles per day.

Footpaths which rank highly, but adjoin properties affected by LEP 194 or known pending developments and those in Town Centre Study areas have been removed from the current program, as have those considered too costly or impractical to construct.

RECOMMENDATION

That Council adopts the 2005-2006 New Footpath Program and the 2006-2010 program as a draft rolling program.

Roger Guerin
Manager Design & Projects

Greg Piconi
Director Technical Services

Attachments: Proposed 2005-2010 Rolling New Footpath Program

FIVE YEAR ROAD PROGRAM

EXECUTIVE SUMMARY

PURPOSE OF REPORT:	To seek Council's approval of the five year rolling works program for 2005/2006.
BACKGROUND:	On 3 July 2001 the Minister for Local Government approved Council's application for a special rate levy to increase funding of road infrastructure rehabilitation works. This has increased the value of the annual Road Rehabilitation and Refurbishment Program to \$4,328,600. This amount includes grants from the NSW State Government of \$103,200 under the RTA Repair Program and from the Federal Government of \$465,000 under the Roads to Recovery Program.
COMMENTS:	A proposed five year rolling roads program has been prepared for Council approval to the value of \$4.328 million.
RECOMMENDATION:	That Council adopts the proposed 2005/2006 Road Program and draft 2006/10 Rolling Roadworks Program as attached in Appendix A.

PURPOSE OF REPORT

To seek Council's approval of the five year rolling works program for 2005/2006.

BACKGROUND

On 3 July 2001 the Minister for Local Government approved Council's application for a special rate levy to increase funding for road infrastructure rehabilitation works. Council resolved in August 2004 to apply for an extension of the Infrastructure Levy commencing in 2006/07.

The Infrastructure Levy provided approximately \$1.6 million per annum for five (5) years which is indexed over time.

In 2001/02 Council resolved to commit \$4 million to road works and this amount was to be indexed annually. Hence the current indexed figure for road works is \$4,328,600.

Council's Management Plan has indicated that \$4,328,600 has been provided for road works under the Capital Works program. This amount includes grants from the NSW State Government of \$103,200 under the RTA Repair and Enhancement Program and from the Federal Government of \$465,000 under the Roads to Recovery Program. However, after formulation of the budget, Council was advised of the new amount of funds available under the Roads to Recovery Program.

This program does not take into account the additional grant for regional road works received from the RTA in June 2005. However, \$110,000 from this program is required to fund a portion of Council's share for the works deferred in Minnamurra Avenue, Pymble.

Council has adopted in the Management Plan, an allocation of \$4,328,600 that is made up of the following funding sources.

PROGRAM	Grant Funded	Council Funded	Total
RTA Repair Program	\$103,200	\$103,200	\$206,400
Infrastructure Levy		\$1,767,000	\$1,767,000
Rehabilitation Program		\$1,890,200	\$1,890,200
Roads To Recovery	\$465,000		\$465,000
Total	\$568,200	\$3,760,400	\$4,328,600

COMMENTS

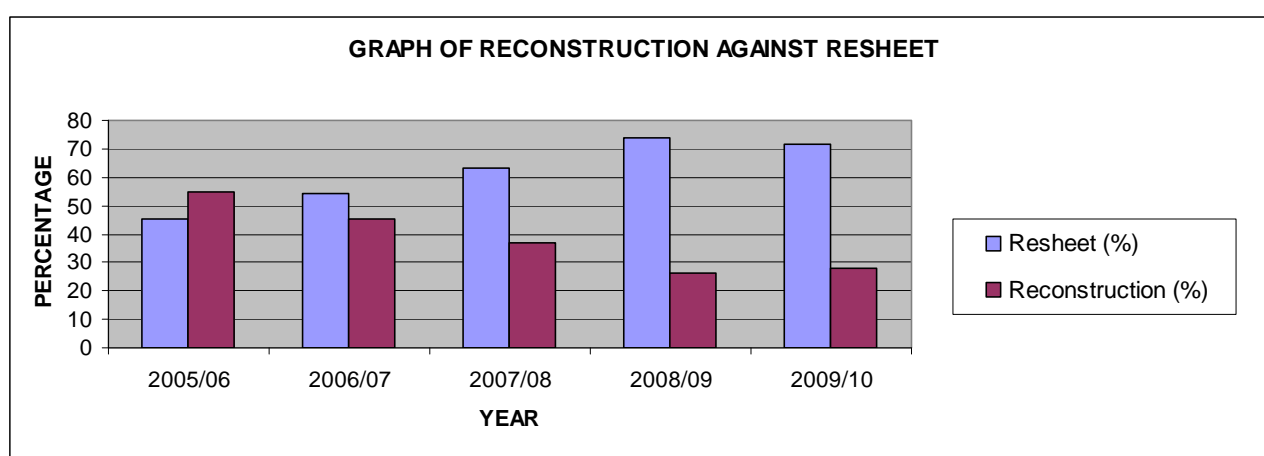
Attached as **Appendix A**, is a copy of the proposed Five Year Rolling Road Program that has been determined using Council's SMEC Pavement Management System.

The condition of the pavement has been assessed by visual assessment of the road surface against various distress criteria. Pavement testing has also been carried out to determine the sub-grade strengths. The result of these tests confirmed that typical sub-grade strength allows for a typical pavement life span of 12 years subject to heavy traffic conditions.

This criterion along with the traffic data is entered into the Pavement Management System along with the annual budget amounts and the program assesses the priorities based on the criteria. Based on the Pavement Management System, Council requires a minimum of \$4.5 million per annum to bring its road assets up to a satisfactory standard over a fifteen year period.

The Pavement Management System provides information on the optimal timing to carry out the mix of resurfacing and reconstruction works.

Below is a graph showing the funding distribution for rehabilitation and resurfacing (resheeting) works based on the annual allocation of approximately \$4.3 million per annum:



Tenders for the supplying and laying of asphaltic concrete were called by NSROC on behalf of Council and were closed on 22 June 2005. A separate report will be submitted to Council to advise on the primary supplier to Council for 2005/06. Following adoption of the proposed Five Year Rolling Works Program, tenders will be called for stabilisation works and reconstruction work.

Rehabilitation works on Regional Roads that are funded on a dollar for dollar basis under the RTA's Repair Program is shown separately in **Appendix A**. The 2005/2006 Repair Program was approved by the RTA and adopted by Council on 26 April 2005. Funding for the Regional Road works proposed for future years will be subject to assessment by the RTA based on Council's submission and the benefit cost ratios. Additional to this, heavy patching works will be carried out on other Regional Roads using the Block Grant funding.

Council was recently provided with an additional grant of \$275,000 from the RTA and this was matched by Council from Block Grant funding and deferral of works in Minnamurra Avenue, Pymble. Council was provided these additional funds due to other Councils not being able to carry their Regional road works. A similar request will be sent to the RTA for 2005/06 as this Council has demonstrated that it can undertake the works at short notice.

CONSULTATION

Residents will be notified by letterbox drop prior to any works being carried to allow for comments and address any concerns raised by residents.

FINANCIAL CONSIDERATIONS

Funds are available in accordance with the adopted Ku-ring-gai Council Management Plan 2005-2009 from a combination of grants, infrastructure levy and Council funding as shown in the above table.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

The Finance and Business section was consulted in the preparation of this report.

SUMMARY

The purpose of this report is to seek Council's approval to adopt the 2005/06 and the draft 2006/2010 road rehabilitation rolling works program based on the available funding.

The program has been assessed using the SMEC Pavement Management System. However, consideration was also given to any roads that are adjacent to likely future developments under LEP 194 and the targeted sites and these roads were deferred as conditions of consent may require upgrade of the roads.

Public utility authorities are notified of Council's five year road program seeking comment on any utility upgrade program. Energy Australia have advised of a proposed upgrade plan for the Lindfield and Roseville area but this does not impact on any of the roads in the next two year's program.

The five year Rolling Works Program assists with future planning, designs and communication with residents on the likely timing of works. It should be noted that while Council has completed a number of roads over the last four years but there is still approximately 180 kilometers of roads that are rated as unsatisfactory or failed.

RECOMMENDATION

That Council adopts the proposed 2005/2006 Road Program and the draft Five Year Rolling Road Works Program as attached in **Appendix A**.

Alexx Alagiah

Pavements & Assets Engineer

Roger Guerin

Manager Design & Projects

Greg Piconi

Director Technical Services

Attachments: Appendix A 2005/06 Road Program and Draft 2006/10 Rolling Road Works Program

ROAD NAMING SQUADRON COURT & BREVET AVENUE LINDFIELD

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

To report on the proposal to name two roads in the new Lindfield subdivision running off Bradfield Road as 'Squadron Court' and 'Brevet Avenue.'

BACKGROUND:

A request was received from the developers of the new sub-division adjacent to Bradfield Road and the CSIRO site for the naming of new streets in the sub-division. The site was a former RAAF establishment and therefore, it was considered appropriate to name the new streets with air force references.

COMMENTS:

The street names suggested by the applicants of the sub-division site are 'Squadron Court' and 'Brevet Avenue'.

RECOMMENDATION:

That Council names the new roads off Bradfield Road into the Lindfield subdivision as 'Squadron Court' and 'Brevet Avenue' and that notices be published in a local newspaper and the NSW Government Gazette.

PURPOSE OF REPORT

To report on the proposal to name two roads in the new Lindfield subdivision running off Bradfield Road as 'Squadron Court' and 'Brevet Avenue.'

BACKGROUND

The matter was reported to Council in March 2005 but was deferred to provide further details of the naming for the intersecting road in the sub-division.

The developer was contacted to provide an additional name for the other road in the sub-division as the previous suggestion of naming the whole road network as 'Squadron Court' was not considered suitable for the intersecting road. The site was a former RAAF establishment and therefore, it was considered appropriate to name the new streets with air force references.

COMMENTS

The project managers and owners of the site wrote to Council suggesting the names for the internal roads to be 'Squadron Court' and 'Brevet Avenue'.

The new subdivision at Lindfield has 29 lots and the new roads will service all lots. A copy of the sub-division plan and the proposed street names is attached to this report.

Under Section 162.1 of the Roads Act 1993, Council is the road naming authority. If Council resolves to adopt the names suggested, 'Squadron Court' and 'Brevet Avenue', Section 162.1 of the Roads Act 1993 requires publication of the new names in a local newspaper and in the NSW Government Gazette. Council is also required to advise Australia Post, the Registrar General, the Surveyor General and the Geographical Names Board.

The proposed street names do not conflict with any other existing road names in the Ku-ring-gai area.

CONSULTATION

Council has consulted with Australia Post, the Registrar General, Surveyor General, Geographical Names Board and advertised the proposed street names in the Public Notices section of the North Shore Times.

During the advertising of the proposed street names, Council received correspondence from Mr Ian Brothers of Grenfell, NSW who has a historical interest in the CSIRO site and the old Bradfield Camp. Street names suggested by Mr Brothers were passed on to the CSIRO for consideration.

The developer was also referred to Council's Reference Librarian and the Ku-ring-gai Historical Society.

No objections have been received to the naming of 'Squadron Court' and 'Brevet Avenue' following the advertising.

Following Council resolution, the adopted street names need advertising in the local newspapers and the Government Gazette.

FINANCIAL CONSIDERATIONS

Minor costs are associated with this request such as the provision of street signs and administration work. The developer will be required to fund the installation of the new street signs.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

The Department of Planning and Environment has been consulted in this process and Finance and Business Development will be advised of the new details following approval by Council.

SUMMARY

Council has been asked to approve the names of 'Squadron Court' and 'Brevet Avenue' for the roads within the new subdivision at Lindfield. No objections have been received from Australia Post, the Registrar General, Surveyor General, Graphical Names Board and the public.

RECOMMENDATION

- A. That Council names the new streets off Bradfield Road into the Lindfield subdivision as 'Squadron Court' and 'Brevet Avenue'.
- B. That a notice of the new street names be published in a local newspaper and the NSW Government Gazette.
- C. That Council informs Australia Post, the Registrar General, Surveyor General and the Geographical Names Board of the new street names.

Robert Happ
Technical Support Officer

Roger Guerin
Manager Design & Projects

Greg Piconi
Director Technical Services

Attachments: Street Name Plan

26 TO 30 MARIAN STREET - EXTINGUISHMENT OF STORMWATER DRAINAGE EASEMENT

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

To consider a request by the applicants of 26 -30 Marian Street, Killara to relocate the Council stormwater pipeline and extinguish the Council drainage easement over the subject property.

BACKGROUND:

On 24 May 2005, Council granted Development Application No. 1243/04 for a construction of a five storey residential flat building at 26-30 Marian Street, Killara.

Granting was subject to the one stormwater drainage pre-commencement condition.

COMMENTS:

Properties at 28 and 30 are currently burdened by a 1.22 metre wide drainage easement, which contains a 750mm diameter stormwater pipe.

The applicant proposes to abandon the pipe within the site and install a new 750mm diameter pipe around the property frontage within the road reserve.

RECOMMENDATION:

That council grant approval for the extinguishment of the easement subject to conditions under recommendations A – C of this report.

PURPOSE OF REPORT

To consider a request by the applicants of 26 -30 Marian Street, Killara to relocate the Council stormwater pipeline and extinguish the Council drainage easement over the subject property.

BACKGROUND

A deferred commencement approval was granted by Council on 24 May 2005 to the applicant, Marian Street Pty Ltd for DA No.1243/04 comprising a five storey residential flat building at, Lots 1 & 2 DP 378243, and lot 5 DP3100770 known as 26 – 30 Marian Street, Killara.

Granting of the development was subject to one pre-commencement condition:

“SCHEDULE A

1. *In order to activate the consent, the Applicant shall obtain a resolution from Kuring-gai Council that it will consent to the extinguishment of the existing Council easement(s) for drainage which currently burden the subject property. As the easement for drainage will no longer be required over the subject site (pipes are to be re-diverted in the frontage road reserve), approval is not required to re-create easements for drainage on the subject property. Councils Technical Services department will be responsible for preparing the necessary report to Council regarding the extinguishment of the existing easement burdening the site, subject to payment of the adopted fee for the preparation of such reports.*

The applicant has submitted stormwater plans and details, drawing number 342820, Sheets 1 - 6 of 6, Revision 0, dated June 2005, prepared by AFCE Environment and Building.

COMMENTS

Properties at 28 and 30 Marian Street are currently burdened by a 1.22 metre wide drainage easement which contains a 750mm diameter stormwater pipe, shown on location plan as **Attachment 1**. Stormwater is collected in road pits in Marian Street and is conveyed via this pipe work to the drainage system within 2 Caithness Street downstream adjoining the subject development, and then across the public road.

Proposal

The applicant proposes to abandon the existing pipe within the site and divert the drainage system fully around the property within the road reserve to Caithness Street downstream as shown on Drainage plans as **Attachment 2**. Modification to the drainage system comprises:

- A new 750mm diameter pipe along the Marian street fronting the northern boundary, across the road intersection, then south along Caithness Street to the road pit outside No.1.

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- Provision of three new intermediate road pits and reconstruction of two existing pits associated with the pipeline to divert stormwater around the subject site.

Assessment of easement and stormwater drainage proposal

Extinguishment of the existing easement is contingent on the satisfactory design of the proposed stormwater relocation and its approval under the Roads Act.

From a site inspection, the drawing plans were assessed in terms of constraints by site conditions and drainage system hydraulics. Relocation of associated pit and pipe works in the road reserve area is considered advantageous by assisting Council in terms of future maintenance and access requirements. Overall, the design plans are considered satisfactory with amendments to be made in red ink and noted below by exception:

- i. Replacement of lids to Pit 1 & 2 with lockable light weight equivalent lids to ensure future OH&S requirements for lifting and maintenance.
- ii. Provision of a baffle in Pit 5 to improve pit hydraulics from high lateral flows introduced by the new 750mm pipeline.
- iii. Relocation of pit 4 approximately 8metres upstream. The existing pit location conflicts with the driveway access off Caithness Street into 24 Marian Street.
- iv. Provision of concrete benching in all pits to re-direct flow and improve pit hydraulics.

Additional inspection was undertaken of Schedule B, General conditions in terms of addressing construction of the trunk drainage works. This was found to be addressed satisfactorily, noting in particular key conditions;

- Condition 51 – requirement for thrust boring in the vicinity of specified trees.
- Condition 57 – DCP47 requirements for site drainage
- Condition 59 – Stormwater control for overland flowpath without detriment to downstream property
- Condition 75 – Staging of trunk drainage works. In particular these conditions note:

Staging of trunk drainage diversion works must take place in the following sequence:

1. *Ku-ring-gai Council approves through resolution the extinguishment of the Council drainage easement through the site (in accordance with schedule A condition).*
2. *Applicant prepares construction detail drainage plans for the new drainage line in the frontage road reserve, to Council specifications.*
3. *Plans reviewed, approved and stamped by Council Technical Services department prior to commencement of **any** works within site and prior to issue of the Construction Certificate by the Principal Certifying Authority. Plan assessment and inspection fees paid to Council.*
4. *The Council approved drainage works in the road reserve are completed by Applicant in accordance with terms of Council Roads Act approval and prior to commencement any works within the site. The existing operating Council drainage line through the site is maintained during pipe laying works in road reserve.*

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5. *The Council drainage line traversing site is decommissioned and new drainage line in road reserve made operative.*
6. *Applicant may commence works in site to remove the decommissioned Council drainage system, subject to Principal Certifying Authority approval.*

However, concern was raised by Technical Services that the resolution for the extinguishment may entitle the applicant to remove the easement and existing pipeline prior to installation and operation of the new Council drainage line. Council's Corporate Lawyer has advised that the resolution itself does not action the extinguishment, but provides for the delegated authority required for the signatures and seal by Council.

It would however be prudent in Council's interests that the extinguishment be subject upon satisfactory completion of Condition 75 above, parts 4 and 5 under Schedule B, General conditions.

Stormwater runoff from road pits fronting 585 Pacific Highway is also conveyed downstream via a 375mm pipeline through to the 750mm diameter pipeline contained within 2 Caithness Street. As such, pipework within these properties are to be retained and upon removal of the redundant pipeline within 28 and 30 Marian Street, provide an inlet structure for overland flows at the downstream connection as provided in condition 59 of Schedule B accordingly.

CONSULTATION

Technical Services has contacted AFCE Environment and Building in relation to plan amendments.

FINANCIAL CONSIDERATIONS

Drainage works associated with the relocation and connection to the Council drainage system, including the extinguishment of the easement burdening the site, benefit the applicant only. As such all costs for any survey, legal and construction should be borne by the applicant.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Technical Services have consulted with the Engineering Assessment Unit from Environment and Regulatory Department in relation Schedule B conditions concerning trunk drainage conditions and staging of works.

SUMMARY

A deferred commencement approval was granted by Council on 24 May 2005 for DA No.1243/04 comprising a five storey residential flat building at 26 – 30 Marian Street, Killara with one pre-commencement condition in relation to stormwater drainage.

Drawing plans No.342820, Sheets 1 - 6 of 6, Revision 0, dated June 2005, prepared by AFCE Environment and Building were assessed and are considered satisfactory with minor amendments.

Stormwater pipes are proposed to be diverted and contained fully in the road reserve area of Marian Street and Caithness Street. The 1.22 metre wide easement for drainage burdening 28 & 30 Marian Street is not required and should therefore be extinguished, with the existing pipeline contained within it removed from the site, with an inlet structure provided as per condition 59 of Schedule B.

RECOMMENDATION

- A. That Council grants approval to extinguish the existing drainage easement burdening lots 1 & 2 DP 378243, known as 28 & 30 Marian Street (the Site) subject to:
 - i. Satisfactory prior completion, by the applicant and at no cost to Council, of the drainage works in Marian Street and Caithness Street shown on drawing plan 342820, Sheets D1 - D6, Revision 0, dated June 2005 by AFCE Environment and Building, and as amended. These works are to be undertaken and completed in accordance with conditions of the approval to be obtained pursuant to Section 138 of the Roads Act, and prior to commencement of any works within the Site pursuant to the approval in Development Application 1243/04; and
 - ii. following the completion of the works described in (i), the Council drainage line traversing the Site being decommissioned and new drainage line in road reserve made operative at a time approved by the Director Technical Services.
- B. That authority be given to the General Manager and Mayor to affix the common Seal of the Council to the instrument for release of the easement.
- C. That costs associated with the extinguishment of the said Easement and Council approved drainage works in the road reserve by the Applicant in accordance with terms of Council Roads Act approval for drainage be at the Applicant expense.

Ian Taylor
Manager Support Services

Greg Piconi
Director Technical Services

Attachments: **1. Locality Plan**
 2. Drainage plan

PROPOSED ADDITIONAL SITES FOR ADVERTISING AND NON-ADVERTISING BUS SHELTER LOCATIONS

EXECUTIVE SUMMARY

PURPOSE OF REPORT:	To report on requested and identified additional sites for advertising and non-advertising bus shelters and to seek approval for public consultation.
BACKGROUND:	<p>On 29 June 2004 Council resolved to select Adshel as the preferred tenderer for the supply, installation and maintenance of bus shelters in Ku-ring-gai for a period of 15 year term. Both advertising and non-advertising bus shelters have been installed in an accelerated program throughout the LGA in the past year.</p> <p>The report also recommended potential locations of additional sites be reported back to Council.</p>
COMMENTS:	<p>A total of 13 additional shelter sites have been requested and identified by Council and Adshel comprising a mix of advertising and non-advertising bus shelters.</p> <p>Subject to approval, a public consultation process is required as part of the next stage of implementation.</p>
RECOMMENDATION:	That community consultation be undertaken for the additional sites and the outcome of the consultation be reported back to Council.

PURPOSE OF REPORT

To report on requested and identified additional sites for advertising and non-advertising bus shelters and to seek approval for public consultation.

BACKGROUND

At a meeting on 29 June 2004, Council resolved to accept the Tender from Adshel for the design, supply and maintenance of advertising and non-advertising bus shelters. As part of the resolution it was also recommended:

“That a further report be brought back to Council within the next 12 months on the potential locations of additional sites”

Advertising and non-advertising bus shelters have been installed in an accelerated program throughout the LGA in the past year, and upfront payments negotiated and received by Council.

COMMENTS

Since approval and installation of these shelters under the tender, Council has received requests for additional bus shelters and as well, has identified additional potential sites at existing bus stops locations. A list of requested and identified sites showing the intended shelter type is shown on Table 1.0 below, with locations of all sites shown on locality plans as **Attachment 1**. Advertising types have been allocated to sites on main roads only.

Table 1.0 Requested and identified sites

Site No.	Site Location	Remarks	Proposed shelter type
1	O/s 370 Mona Vale Rd, S/O Kitchener St, St Ives	R, 1.55(1)	Advertising
2	West side Mona Vale Rd, N/O Palm Street, St Ives	R, 1.70(1)	Advertising
3	Near 103 Collins Rd, St Ives	R, 1.50(1), (2)	Non-Advert
4	Mudies Rd, O/s southern boundary 7 Bass Pl, St Ives	R, 1.50(1), (2)	Non-Advert
5	O/s 145 Kissing Point Rd, opp. Wattle Pl, Turramurra	R, 2.30(1), (2), (3)	Non -Advert
6	Opp. 1 Nicholson Ave, St Ives	R, 1.50(1), (2)	Non-Advert
7	O/s 145 Ryde Rd, W/O Nadene Pl, Pymble	I, 1.70(1)	Advertising
8	West side Pacific Highway, S/O Provincial Rd, Lindfield	I, 1.70(1)	Advertising
9	East side Archbold Rd, N/O Earl St, Roseville	I, 1.30(1)	Advertising
10	O/s 10 Clive St, Roseville	R, 1.70(1)	Advertising
11	East side Pacific Highway, N/O Ravenswood Ave, Gordon	I, 1.70(1)	Advertising
12	O/s 640 Pacific Highway, opp. Powell St, Killara	I, 1.70(1)	Advertising
13	Fox Valley Road, O/s Sydney Adventist Hospital	I, 1.5 (1)	Advertising

Notes:

R denotes requested: **I** denotes identified

(1) Shelter setback from kerb shown in metres, based on site measurements and shelter type.

(2) Possible rear entry configuration

(3) No kerb and guttering fronting bus stop site. Distance based on clearance to edge of bitumen.

Above sites were all subject to inspection and measurement to verify that proposed shelter types could be accommodated in the footway area and adequate setback achieved. The minimum setback required is 1.2 metres, with 1.50 metres or greater desirable.

Future resident consultation will be required for individual sites with a further report back to Council on the feedback before installation is considered.

At the meeting on 29 June 2004, Council also resolved to endorse the modification of ASF non-advertising shelters (developer funded) where appropriate. Modification of ASF non-advertising shelters to advertising shelters will be only carried out on sites on main roads, where a minimum setback and sight visibility can be achieved. Currently, four sites exist on main roads with a further two ASF shelters proposed. Of these, up to four possible sites are suitable, and are to be replaced with advertising shelters, with the existing ASF shelters relocated to non-advertising sites indicated in Table 1.0.

CONSULTATION

Technical Services has received calls and letters from residents requesting bus shelters as well as holding site inspections with Adshel for other identified locations.

FINANCIAL CONSIDERATIONS

Supply of additional shelters is subject to Adshel's Schedule of Rates under the Tender. The amount of revenue per annum payable to Council for additional shelters containing advertising is dependant of the purchaser of the shelter:

1. where Council will be responsible for the Capital cost to supply and install the advertising shelter, rates are identical with current advertising shelters.
2. where Adshel will be responsible for the Capital cost to supply and install the advertising shelter, then amount is subject to timing of installation relative to the years remaining under the contract term. Council has undertaken a contract term of 15 year period

Rates are also subject to adjustment based on the Consumer Price Index. Where Council is the purchaser of the capital, the likely additional revenue based on these sites is approximately \$79,000 per annum or more than \$1,108,800 over the remaining life of the contract.

Additional costs would be expected for sites associated with the modification of ASF non-advertising to advertising. Expenses are subject to quotation on application.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Not applicable

SUMMARY

On 29 June 2004, Council resolved to accept the Tender from Adshel for advertising and non-advertising bus shelters. Council also resolved to bring back a further report to Council on the potential locations of additional sites, and to endorse the modification of ASF non-advertising shelters where appropriate.

A total of 13 additional requested and identified sites for bus shelter is listed in Table 1.0, comprising 9 advertising and 4 non-advertising types. Sites were inspected and measured to verify shelter fit and the minimum setback of 1.2 metres met. A desirable setback of 1.5metres or greater was achieved in all but one case.

Subject to approval of the listed sites in Table 1.0, resident consultation will be undertaken for each site with a report being brought back to Council on the feedback before installation is considered.

Financially, Council will obtain further revenue for each advertising shelter installed. The amount of revenue per year is described in Adshel's Schedule of Rates under the Tender, and is dependant on the purchaser of the capital and installation date.

RECOMMENDATION

That Council endorses the locations for additional advertising and non-advertising bus shelters for further public consultation.

Ian Taylor
Manager Support Services

Greg Piconi
Director Technical Services

Attachments: Location Maps

IMPLEMENTATION OF BANNING OF SMOKING AT SPORTING VENUES

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

In accordance with Council's resolution of 19 October 2004, "that staff prepare a report on the implementation of the banning of smoking at sporting venues and public places" this report outlines Council's actions to date and actions proposed.

BACKGROUND:

An important element of Council's role is advocating better public health. With regard to smoking, Council's existing policies and legislative requirements provide for a smoke free environment within Council buildings and facilities. Health organisations are urging a stronger stance regarding smoking bans in public places not yet covered by legislation.

COMMENTS:

That Council adopts a policy position regarding smoking utilising appropriate signage and that stakeholder groups such as sporting clubs, be encouraged to adopt voluntary codes prohibiting smoking within Council open space areas, supported and enforced by peer pressure where groups deem this desirable.

RECOMMENDATION:

That Council supports the implementation initiatives to ban smoking as recommended at the end of this report.

PURPOSE OF REPORT

In accordance with Council's resolution OF 19 October 2004, "that staff prepare a report on the implementation of the banning of smoking at sporting venues and public places" this report outlines Council's actions to date and proposal.

BACKGROUND

Council resolved on 31 May 2004 for staff prepare a report outlining the possible steps that Council could take to ban smoking at sporting venues and in public places. Council on 19 October 2004 resolved:-

- A. That Council support a ban on smoking within 10 metres of all children's play areas under Council's care.
- B. That Council support a ban on smoking at all Council playing fields, sporting grounds and West Pymble Pool and that all future leases and hirings will reflect this policy.
- C. That staff prepare a report on implementation of these bans.
- D. That Council require that all events run or sponsored by Council be smoke free.
- E. That Council place the matter on the NSROC agenda for discussion and comment and identification of future consistent approaches to this issue across the Northern Suburbs Region.

COMMENTS

A number of matters resolved by Council on 19 October, 2004 have either been implemented or were already in operation.

Correspondence has been forwarded to NSROC requesting the matter be placed on the agenda for discussion at a future meeting.

Council already includes provisions banning smoking in buildings owned or managed by Council in the Open Space "Conditions of Hire – Netball, Courts/Ovals/Sportfields and other designated areas" for seasonal hirers. These conditions must be signed by the club prior to seasonal booking allocations being confirmed. The requirement is also included within leases and licenses of open space areas.

Open Spaces 'Special Event Booking Guidelines' and 'Guidelines for small events in Parks, Gardens, Sportsgrounds and St Ives Showground' have had the following condition added:- *"smoking is banned at all Council playing fields, sporting grounds and within 10 metres of all children's play areas under Council's care"*.

In addition, a reminder will be added to all booking confirmation letters, advising event organisers of the smoking ban and their responsibility to self-manage and encourage people attending their events to support Council's ban on smoking application.

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The existing Fee Waiver application from has been amended to include as a requirement, *“the event must be run and advertised as ‘smoke free’.*

Actual enforcement of these bans will be difficult to implement. In discussion with Council’s regulatory staff, signage will need to be added to many areas subject to this ban. Signage will more likely assist in deterring smokers through peer pressure. Resources are generally unavailable for proactive policing and requests to attend sites where the policy is being breached will need to be prioritised with other demands on the time of regulatory staff.

In order to provide signage advising Council’s policy, the following approach is proposed to be utilised.

All existing timber routed park signs will be fitted with 100 – 150mm panels (Attachment 1). 4 – 500 signs will be required at an approximate cost of \$1,000 - \$1,500, plus fitting. Funding is proposed from the 2005/06 Park Development Capital Works Program.

Specifically for playgrounds, signage has been prepared (Attachment 3) that will be fixed to galvanised posts that are used to house the existing “no dogs” signage. A number of playgrounds also do not have “no dogs” signage in place. Approximately 100 – 120 signs will be required as some playgrounds will require multiple signs. The cost will be approximately \$7,000 - \$10,000 for this signage and it is proposed that it is being funded from the 2005/06 Playground Capital Works Program.

Attachment 4 displays new regulatory signage that will be implemented as signage is replaced or when substantial upgrades are undertaken. This signage will cost approximately \$150 per sign and includes a message prohibiting smoking in areas so designated by Council’s resolution. These signs will be funded by Council’s capital works program or recurrent funds as appropriate.

New entrance signage detailing facility rules will include the statement “Council supports a no smoking policy at this venue” will be installed at West Pymble Pool prior to its re-opening in September 2005, and will be funded out of the 2005/2006 recurrent budget.

CONSULTATION

The implementation of Council’s ban on smoking at sporting venues and public places was discussed at the Parks, Sport and Recreation Reference Group (PSRRG) February 2005 meeting. The minutes of this meeting were reported to Council on 22 March 2005.

This matter was discussed at the Parks, Sport and Recreation Reference Group February 2005 meeting, to ascertain endorsement to the reprioritisation of resources to support the implementation of banning of smoking at sporting venues and public places with regulatory signage. The Reference Group recommended that the principle of a no smoking ban be supported as a policy position and that implementation be achieved through education and by individual codes, where each code deems appropriate. A number of sport representatives, whilst supportive of this position advised this matter was not identified as an issue for their code.

FINANCIAL CONSIDERATIONS

The cost of installation of signage as proposed in this budget will be approximately \$10,000 - \$12,000 and will be sourced from the Park Development Program within Open Space Capital budgets. Funding for other signage will occur as part of ongoing management cost associated with open space sourced through recurrent budgets, or alternatively, as part of specific capital upgrades.

Other costs are mostly related to staff time. Regulatory Services advise there is little scope for resourcing of proactive management of the matter.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Open Space consulted with Development and Regulation Department in the preparation of this report.

SUMMARY

Implementation of Council's ban on smoking includes a number of measures. Signage conditions of lease and hire, amendments to Council's fee waiver and education for user groups have been proposed for implementation. Resourcing the enforcement of Council's position will be difficult, given competing demands on the resources of regulatory staff. Consequently, much of Council's initiative will need to be viewed as creating community pressure not to smoke in those areas addressed by the policy.

RECOMMENDATION

That Council receive and note the implementation of smoking bans in designated Open Space areas.

Carol Harper
Open Space Bookings Liaison Officer

Amanda Colbey
Manager Parks, Sport and Recreation

Steven Head
Director of Open Space

Michael Miocic
Director Development & Regulation

Attachments:

- 1. Proposed 'No Smoking' Signs for Sportsgrounds and Parkland.**
- 2. Proposed 'No Smoking' Signs for Playgrounds.**
- 3. Proposed 'No Smoking' Signs for Playgrounds.**
- 4. Proposed revised Regulatory signs with 'No Smoking' message.**

OPEN SPACE CAPITAL WORKS PROGRAM AND ENVIRONMENTAL LEVY PROJECTS 2005/2006

EXECUTIVE SUMMARY

PURPOSE OF REPORT:	To recommend to Council the Open Space Capital Works Program following adoption of Council's 2005-2009 Management Plan, including projects funded by the Environment Levy.
BACKGROUND:	Over the past several years Council has implemented an Open Space Capital Works program to improve the quality of community open space. The projects identified address all specific asset types found within Council's Open Space network, including environmental works.
COMMENTS:	The application of funds addressed prioritised projects for the majority of Council's Open Space assets. With the approval of the environmental levy, expenditure is also proposed for all projects as adopted by Council.
RECOMMENDATION:	That funds for the 2005/06 Open Space Capital Works Program & Environmental Levy Projects 2005/06 be authorised.

PURPOSE OF REPORT

To recommend to Council the Open Space Capital Works Program following adoption of Council's 2005-2009 Management Plan, including projects funded by the Environment Levy.

BACKGROUND

Table 1 below outlines each program as adopted:

Program	05/06 Adopted Budget
Golf Course Improvement Levy	\$250,000
Canopy Replenishment & Enhancement	\$120,000
Swimming Pool Refurbishment	\$350,000
Tennis Court Refurbishment & Development	\$62,000
Park Development	\$200,000
Sportsfield Refurbishment & Development	\$675,000
Playground Refurbishment & Development	\$150,000
Catchment Management	\$150,000
Catchment Analysis	\$100,000
Environmental Levy Projects	\$1,760,000

In April 2002 Council adopted a prioritisation process relating to the expenditure of capital works funding for the majority of its asset classes. The 2005/2006 program represents the fourth year of implementation of these capital improvement programs. Additionally in 2005/2006 Council will undertake the first of a seven year program of projects to be funded through the environmental levy.

This report outlines expenditure recommendations relating to each of the program areas and includes anticipated carry forwards, confirmed and pending grants and other revenue sources as appropriate.

COMMENTS

An outline of each program and program financials is provided below.

Golf Course Improvement Program

Funds for this program are sourced from a levy that applies to green fees paid by course users.

The single most critical issue facing the golf courses is water for irrigation. Restrictions on the use of water will be a permanent feature of golf course management for Council in the future.

Accordingly it is proposed that this year's program will focus on finalising designs, obtaining approvals and undertaking a tender process in order to prepare for the construction of sustainable

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watering systems for Council's courses. Any funds from this levy which are not utilised each financial year are transferred back to the Levy Reserve.

Initial costing has identified that the cost of an irrigation system sourcing water from treated effluent is approximately \$1,200,000 per course. Due to likely changes at North Turramurra as part of the construction of the North Turramurra Recreation Area, Gordon Golf Course is the preferred location to commence works.

A grant application has been submitted to the Australian Water Fund to deliver harvested stormwater and treated effluent to the golf course. The project is expected to take two years to complete. Funds are required for detailed project design, approval, tender and construction. A further report to Council to undertake a tender is anticipated in the third quarter of this financial year. Further expenditure will be reported to Council.

Project Financials – Golf Course Improvement Levy	
Adopted Budget	\$250,000
Preliminary design & expression of interest	\$50,000

Sportsground Improvement Program

In 2002 Council identified that funding of \$320,000 per annum for a fifteen year period would be required to undertake the necessary works on Council's sportsground assets.

To ensure that Council's expenditure provides the highest value to users and the asset, a prioritisation model was adopted by Council in 2002 and has guided Council's expenditure to date. The 2002 sportsground prioritisation process identified Bannockburn as the highest priority followed by Barra Brui. The playing field at Bannockburn was reconstructed and new floodlights installed in 2003 and the spectator area and surrounds improved in 2004. Stage 1 works at Barra Brui involved the upgrade of the floodlighting and Stage 2 involving the reconstruction of the field and installation of a stormwater collection and recycling system is currently under construction. In addition to the projects identified as highest priority, the remediation and reconstruction of Queen Elizabeth Reserve is currently being undertaken to ensure that this highly needed facility is returned to use as early as possible. Tenders for the work at Queen Elizabeth Reserve close on 18 July 2005 and the remediation work is expected to commence in August 2005 following recommendation of a preferred tenderer to Council.

A number of issues have arisen and conditions changed since the development and adoption of the original sportsground prioritisation process including; the steady increase in the level of use of a number of fields, the drought conditions in 2003/2004 and the resultant ongoing water restrictions and the adoption of the new Section 94 plan which identifies additional sources of funding for a number of specific locations. In response to these changes, staff in consultation with the Parks, Sport and Recreation Reference Group have revised the original process. A copy of the 2005 Revised Sportsground Capital Works Prioritisation Process with the changes identified and the revised list of locations in order of priority are included in Attachment 1(a and b). It should be noted that some improvisation of works scheduling will need to occur over the next 5 years due to multiple funding sources including Section 94, Works of Direct Community Benefit and

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Environmental Levy funds. Attachment 5 outlines an indicative program that can be compared to the prioritisation model that takes into account funding availability from the different sources.

During 2005/2006, works will involve the completion of the implementation of the sustainable water project at Barra Brui Oval and the completion of the remediation of Queen Elizabeth Reserve.

In accordance with the requirements of the 2005/2006 Management Plan, forward planning will also be commenced during this financial year for future projects.

On 23 June 2005 the Parks, Sport and Recreation Reference Group recommended that the following projects and tasks be undertaken during the next two financial years, consistent with the prioritisation model.

- 2005/2006 Program
 - Complete Queen Elizabeth Reserve and Barra Brui Sportsground
 - Complete design and tender for Lindfield no. 2
 - Commence concept and planning for Auluba
- 2006/2007 Program
 - Implement construction at Lindfield no. 2
 - Complete tender for Auluba and commence works
 - Commence design and tender for Lofberg
 - Commence design and tender for Comenarra

Project Financials	
Carry forward (approximately)	
Queen Elizabeth Reserve	\$300,000
Barra Brui	\$150,000
Adopted Budget	\$675,000
Anticipated expenses	
Queen Elizabeth Reserve	\$620,000
Barra Brui	\$300,000
Amenity upgrades (subject to further Report to Council)	\$200,000
Total Anticipated Expenses	\$1,125,000

Swimming Pool Refurbishment

As reported to Council on 28 June 2005, Stage 3 of the 5 year upgrade to West Pymble Pool involves the provision of a new 50 metre pool gas heating system. These works are currently being implemented and will be complete prior to the pool re-opening for the 2005/2006 swimming season in September 2005.

Stage 4 involves the upgrade of the 50 metre pool, plant room and water treatment works. On 28 June 2005 Council resolved to undertake a tender for selection of suitably qualified persons or organisations to implement Stage 4 at the conclusion of the 2005/2006 swimming season.

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A further report will be referred to Council to consider tender submissions and associated funding implications during November 2005.

The cost of Stages 3 and 4 will exceed available funds in the 2005/2006 financial year. To address this, works for Stage 4 will commence at the conclusion of the 2005/2006 swimming season and will carry over into the 2006/2007 financial year. The works will be completed prior to the 2006/2007 swimming season commencing in September 2006.

Additionally, in accordance with Council's Management Plan, the pool feasibility study will progress to include the development of concept plans for improved aquatic leisure facilities during 2005/2006.

Project Financials - Swimming Pool Refurbishment	
Adopted Budget	\$350,000
Anticipated Expenditure on Pool Refurbishment to 30 June 2006	\$300,000
Anticipated Expenditure on continuation of feasibility study	\$50,000
Total anticipated expenditure to 30 June 2006	\$350,000

Tennis Court Refurbishment

In 2002 a business strategy to arrest this slide was developed which identified a range of facility developments, improved management and marketing of the courts, as necessary actions to arrest the depreciation of the assets and to improve the return to Council from this asset. The falls in income from the courts have levelled out over the past 2 years.

Due to other priorities in the Open Space asset improvements program, and a shift in focus to the operation and marketing of the tennis court business Council has reduced the funds for capital improvements on tennis courts from \$150,000 per annum to \$62,000 for the 2005/2006 financial year.

Assessment criteria for a prioritisation process for physical works to the existing courts was adopted by Council in 2002 and projects identified in the business plan have been assessed against the model, and undertaken over the last two financial years. Projects identified for 2005/2006 include the installation of root barriers and resurfacing of the courts in Warrimoo Avenue. Court 3 at Warrimoo Avenue has been closed for 2 years as a result of root damage and courts 1 and 2 are now showing signs of similar damage. These courts are floodlit and therefore it is high priority to get all 3 courts resurfaced and upgraded to a safe and suitable standard.

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Other works identified for next year are surface upgrades at Kent Road and Richmond Park.

Project Financials – Tennis Court Refurbishment	
Adopted Budget	\$62,000
Expenditure	\$62,000
Re-open Court No. 3 and undertake surface upgrade and root barriers at Warrimoo Avenue Courts	
Surface upgrade Kent Road	
Surface upgrade Richmond Park	
Total	\$62,000

Playground Refurbishment and Development

Following assessment and reporting to Council in 2002 a 10 year Playground Replacement Strategy was adopted including a \$150,000 per annum program of playground upgrades. A proactive approach, based on playground distribution, play quality and equipment compliance, enabled development of criteria for assessment of playgrounds/locations to prioritise improvement works. Attachment 2 (a & b) details the assessed priorities for 2005/06 and 2006/07 for forward design purposes.

Identified priorities for expenditure in the 2005/06 year include the completion of a new playground at Barra Brui, St Ives, and the refurbishment of existing playgrounds at Warrimoo Oval, Sir Robert Menzies Park, City View Park, and Queen Elizabeth Reserve.

Project Financials – Playground Refurbishment	
Adopted Budget	\$150,000
Total Available Funds	\$150,000
Anticipated Expenditure	
Barra Brui Playing Field (new playground) *	\$15,000
Warrimoo Oval	\$35,000
Sir Robert Menzies Park	\$35,000
City View Park	\$25,000
Queen Elizabeth Reserve	\$40,000
Total	\$150,000

* Funds required for completion of Barra Brui playground.

Park Development

Council maintains in excess of 250 developed parks. A process of asset inspection, recording and valuation is nearing completion which will assist greatly in the development of future prioritised works programs. \$200,000 per annum is directed towards park development.

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Park Development funds are utilised for the following:

- Improvements at locations where playground upgrades are being undertaken to achieve a more co-ordinated response to the playground program.
- Upgrade of off leash areas as per Council's prioritised model.
- Embellishment of district and regional parks and particularly to leverage Metropolitan Greenspace Grant funding.
- Additionally, funds are proposed to be allocated in the 2005/06 financial year to the installation of signage advising of smoking bans at Council's playground and sportsfields.

Projects Financials – Park Development	
Adopted Budget	\$200,000
Confirmed and pending grant	\$45,000
Anticipated Total available budget	\$245,000

Proposed projects include the following:

St Ives Showground Conservation Management Plan & Stage 1 works (includes carry forward of grant funds) and on-going ground works	\$45,000
New signage for Parks (no smoking and regulatory signage)	\$15,000
Bicentennial Parks Stage 4 - riparian works, access and pathways.	\$45,000
Embellishment of Queen Elizabeth Reserve after completion of remediation works; playground, cycle track (stage 1) , barbeque, picnic furniture and fencing, subject to DSR grant)	\$65,000
Off-leash areas Barra Brui Oval St Ives, Queen Elizabeth Reserve and Toolang Sportsground, St Ives (in accordance with Council's off leash area prioritisation process)	\$45,000
Park Improvements to support playground program and amenities program.	\$30,000
Total Anticipated Expenditure	\$245,000

Canopy Replenishment Program

This program focuses on retaining the leafy character of the local government area, establishing bio-linkages, improving landscape and streetscape character and increasing indigenous canopy trees in areas adjacent to threatened species and endangered communities. Over 9,000 "advanced trees" have already been planted as part of this program. In 2003 Council adopted a five year prioritised planting program which included open space areas.

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This year's program will continue to engage new "tree nurturers" as well as initiate activities to maintain the interest of existing volunteers. As per Attachment 3 (a & b), planting is proposed in approximately 100 streets and open space areas. A target of 4,500 trees planted is proposed for this year's program. As reported to Council on 24 August 2004, the commencement of planting for this year's program has been changed to be launched on National Tree Day on 31 July 2005 and should take 4 months to complete. Planting identified for the 2006/07 financial year will be propagated during the current financial year.

Project Financials – Canopy Replenishment	
Adopted Budget	\$120,000
Anticipated Expenditure	\$120,000

Catchment Management

The catchment management program will finalise the construction of a stormwater harvesting project at Barra Brui. Along with providing water for irrigation, the project will also reduce stormwater pollutants to the downstream bushland, reduce the peak flows affecting the creek and lessen the impacts of run-off from the sportsfield. This project will form a pilot for the water sensitive urban design projects as identified through our catchment planning and analysis projects.

Complementing this project is a grant from the Environmental Trust to undertake bush regeneration and native planting around the Oval and surrounds. This grant of \$86,000 was awarded to Council in early 2005.

Other projects to be completed in 2005 will be the NSW Stormwater Trust handbook for preparing integrated Stormwater Plans (funded by the NSW Stormwater Trust).

Project Financials – Catchment Management	
Adopted Budget	\$150,000
Anticipated Carry Forward	\$50,000
Confirmed grants	\$15,000
Total anticipated expenditure	\$215,000

Funds are also used as leverage to win grants such as Metropolitan Greenspace Grants at Bicentennial and Echo Point Parks, and DIPNR Sydney Harbour Foreshore Access Improvement at Echo Point Park.

Catchment Analysis

This program area will finalise the Lane Cove North and South Local Catchment Plans, commenced in November 2004. The finalisation of these plans will complete the hydraulic and water quality modelling for the whole of the LGA in turn enabling Council to strategically plan for the implementation of flooding, water quality and integrated water cycle management projects. The balance of funds will be used to re-analyse the drainage network to update Council's on-site detention and retention policies (linked to DCP 47 - Water Management).

Project Financials – Catchment Analysis	
Adopted Budget	\$100,000
Anticipated Carry Forward	\$79,470
Total Available Funds	\$179,470
Anticipated Expenditure	\$170-185,000

Natural Area Management

The Natural Area Capital Works Program is funded by external grants. Projects determined by funding bodies include:

- Restoration and rehabilitation of the old quarry site at the end of Clissold Road - \$54,000 – Funded by – Department of Infrastructure, Planning & Natural Resources.
- Regeneration of bushland surrounding Barra Brui Oval - \$86,000 - (refer to Catchment Management section). Funder – NSW Environmental Trust.
- Co-ordination of the State's Weedbuster Week - \$24,000 - Funder - NSW Department of Agriculture and Fisheries.

Applications awaiting determination by funding bodies:

- Walking track upgrade and picnic facilities at Echo Point. Sydney Harbour Foreshore Grants.
- Walking track upgrade linking Seven Little Australians Track to Echo Point – Metropolitan Greenspace Grants.
- Face to Face- bushland interface education Stage 2 – NSW Government Enviro Trust
- Bush Sculpture Walk – The Myer Foundation
- Creek restoration at The Glade – NSW Government Enviro Trust

Project Financials – Natural Areas Management	
Adopted Budget	\$0
Anticipated Carry Forward	\$0
Confirmed Grants	\$46,350
Potential Grants	\$105,000
Total Available Funds	\$151,350
Anticipated Expenditure	\$70,000

Forward Design Program

Given the increasing complexity of many individual projects and a number of Section 94 and Environmental Levy funded projects to be implemented in coming years, the 2005/06 Management Plan requires the initiation of a forward design program for Open Space Capital Works. Initially it is proposed that forward design will concentrate on projects identified for the 2006/07 financial year in each prioritised program. Where the forward design program requires resources

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above existing employee costs, outside those within Open Space budgets, they have been identified as recommendations within this report.

Environmental Levy Program

In June 2005, the Minister approved Council's application for a special rate variation to fund a separate environmental program. Attachment 4 lists individual projects and budget.

All projects for 2005/06 are as publicly exhibited and as resolved by Council on 14 June 2005. The only exception is the location for the first major stormwater harvesting project which involves swapping Lindfield Memorial Oval (previously proposed for 2007/08) with The Glade (2005/06 \$50,000 and 2006/07 \$153,000). This variation enables a better integration to the revised sportsfield capital works program. Lindfield Memorial Oval is higher on the sportsground priority program (as proposed to Council in this report). The efficacy of project management and minimisation of impacts on user groups will benefit from the co-ordinated implementation of these programs.

Expressions of interest from members of the Community will be sought to assist in the delivery and review of the environmental levy, as per the submission to the Department of Local Government and as supported by Council. A report to Council on the initiation of these committees is anticipated in September, 2005. That report will also recommend an approach and terms of reference for the community grants program.

Project Financials – Environmental Program 2005/06

Adopted Budget	\$1,760,000
Project Expenditure	
Water Sensitive Urban Design	
- Stormwater harvesting	\$50,000
- Integrated Drainage	\$120,000
Water & Catchments	
- Creek restoration and maintenance	\$285,000
- Gross pollution Control Maintenance	\$55,000
Biodiversity	
- bushland regeneration & revegetation	\$230,000
- Urban biodiversity	\$25,000
Community Partnerships	
- community volunteer programmes	\$100,000
- community grants	\$100,000
Recreation	
- walking track sites	\$100,000
Fire Management	
- bushfire prone lands mapping	\$80,000
- fire trails	\$250,00
Regulation & Enforcement	\$150,000
- dumping, encroachment & noxious weeds	

Communication	\$80,000
- quarterly newsletters, committees and general promotion	
Monitoring & Evaluation	\$20,000
- fire and weed inspectorial programme	
- biodiversity mapping & aerial / satellite canopy mapping	\$35,000
- survey, research & programme evaluation	\$60,000
Anticipated Expenditure	\$1,760,000

CONSULTATION

Council's various prioritisation processes have been developed following consultation with major stakeholders including Council's Parks, Sport and Recreation Reference Group and the Bushland, Catchment and Natural Areas Reference Group. The Environment Levy has been the subject of extensive consultation and a further report to Council in September will recommend the terms of reference and membership of consultative committees as per Council's submission to the Minister.

FINANCIAL CONSIDERATIONS

Council has allocated funds of \$3,667,000 towards open space capital works programs for the 2005/2006 financial year, including catchment analysis and catchment works and the Environmental Levy. All projects identified within this report are carry forwards and pending grants will be separately reported to Council.

Accounts will be created to allow discreet monitoring of all levy projects. End of year financial reporting will include input from the audit committee to be established in accordance with Council's adopted budget for 2005/06 and the requirements for Council's 10 year financial model.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Finance and Business Development and Technical Services have assisted with information in the preparation of this report.

SUMMARY

Council has committed to substantial programs of capital works to both maintain the value of the community's Open Space Assets and to improve the level of amenity for the community provided by these assets. Prioritisation models have been established for most asset classes which have been utilised in the development of the various programs. Expenditure of funds identified in the Environmental Levy will steadily address significant issues facing Ku-ring-gai's environment.

RECOMMENDATION

- A. That the projects as outlined in this report and attachments form the projects for the 2005/06 Open Space Capital Works and Environmental Levy Programs.
- B. That forward design commence for those projects identified in this report for 2006/07 programs.
- C. That matching funds for Council's contribution to walking track upgrades from Echo Point to Moores Creek and from 7 Little Australians to Eastern Road be allocated as outlined in the Environmental Levy program, should the Metropolitan Greenspace and Sydney Harbour Foreshore Access Grant Applications be successful.

Morven Cameron
Sport & Recreation Planner

Peter Davies
Manager Sustainability & Natural Areas

Amanda Colbey
Manager Parks Sport & Recreation

Steven Head
Director Open Space

Attachments:

- 1 (a & b) 2005 revised Sportsground Capital Works Prioritisation Process.**
- 2 (a) Capital Works Priorities**
- 2 (b) Proposed design for 2006/07**
- 2 (c) Playground Priorities 2005/06**
- 3 (a & b) Proposed Planting**
- 4 Environmental Levy Projects 2005/06**
- 5 Draft Sportsfield Program**

NOTICE OF MOTION

27 RICHMOND AVENUE & 400 MONA VALE ROAD, ST IVES

Notice of Motion from Councillor L Bennett dated 11 July 2005.

I move:

- "A. That with respect to 27 Richmond Avenue St Ives, Council adopts Draft (Heritage Conservation) Local Environmental Plan No 29 and submit the draft Plan to the Minister with a report under Section 69 of the Environmental Planning and Assessment Act with a request that the Plan be made.
- B. That with respect to 400 Mona Vale Road St Ives, Council adopts Draft (Heritage Conservation) Local Environmental Plan No 29 and submit the draft Plan to the Minister with a report under Section 69 of the Environmental Planning and Assessment Act with a request that the Plan be made.
- C. That Council notifies the NSW Heritage Council informing them of Council's decision.
- D. That Council notifies all affected residents and all people who made a submission of its decision."

RECOMMENDATION

That the above Notice of Motion as printed be adopted.

Laura Bennett
Councillor for St Ives Ward

NOTICE OF MOTION

TREATED PINE AT CHILDCARE CENTRES

Notice of Motion from Councillor L Bennett dated 11 July 2005.

I move:

- "A. That a report be brought to Council on the extent of treated pine equipment at Childcare Centres including consideration of the health implications and costs of replacement.
- B. That the report cover all Childcare Centres which operate on Council-owned land."

RECOMMENDATION

That the above Notice of Motion as printed be adopted.

Laura Bennett
Councillor for St Ives Ward