



**ORDINARY MEETING OF COUNCIL
TO BE HELD ON TUESDAY, 20 SEPTEMBER 2005 AT 7.00PM
LEVEL 3, COUNCIL CHAMBERS**

A G E N D A

**** ** ***

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 6 September 2005

Minutes numbered 362 to 380

MINUTES FROM THE MAYOR

PETITIONS

REPORTS FROM COMMITTEES

Minutes of Ku-ring-gai Traffic Committee

File: S02110

Meeting held 25 August 2005

Minutes numbered KTC15 to KTC17

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 1 & 3 Salerno Place, St Ives - Four (4) Lot Residential Subdivision of Land 1
& Demolition of Tennis Court & Swimming Pool

File: DA 918/04

Ward: St Ives

Applicant: Mr D Sandig

Owner: Mr D Sandig

To determine development application No 918/04, which seeks consent for the Torrens Title subdivision of one lot into four allotments.

Recommendation:

Approval

GB.2 23 Newhaven Place & 36 to 42 Stanley Street, St Ives - Demolition of 30
Existing Structures & Construction of Two Residential Flat Buildings
Comprising 82 Units & 142 Basement Car Spaces & Landscaping

File: DA239/05

Ward: St Ives

Applicant: Finpac Investments 88 Pty Ltd

Owner: Finpac investments 88 Pty Ltd

To determine Development Application No 239/05 which seeks consent for the demolition of existing structures, the construction of a residential flat building providing 82 dwellings, including basement parking and landscaping.

Recommendation:

Approval

GB.3 1203 to 1209 Pacific Highway, Turramurra - Demolition of Existing Structures & Construction of a Residential Flat Building Containing 15 Apartments, Basement, Car Parking & Associated Landscaping 101

.
File: DA 113/05

Ward: Wahroonga

Applicant: Northeast Homes

Owner: Tony, Maha, Raymond, Samira, Behara and Aida El-Hage

To determine development application No.113/05, which seeks consent for amalgamation of 2 lots, demolition of 2 dwellings and outbuildings and construction of residential flat building containing 15 apartments, basement, carparking for 27 cars and landscape.

Recommendation:

Refusal

GB.4 49 Telegraph Road, Pymble - Additions & Alterations Plus Carport & Driveway 154

.
File: DA642/05

To allow Council to consider an independent Heritage Impact Statement prepared for Council by Jennifer Hill of Architectural Projects Pty Ltd, on the proposed development at 49 Telegraph Road.

Recommendation:

Approval

GB.5 Minutes of Companion Animals Committee 244

.
File: S03449

To submit minutes of the meeting of the Companion Animals Advisory Committee held on 11 August 2005 for the information of Council.

Recommendation:

That the minutes of the Companion Animals Advisory Committee meeting held on 11 August 2005 be received and noted.

GB.6 Ku-ring-gai Centenary 250

.
File: S02646

To provide Council with a draft program of events and projects for Ku-ring-gai's Centenary in 2006.

Recommendation:

That Council proceeds with the publication of a book detailing 100 years of local government in Ku-ring-gai, commences planning for the events listed in this report and associated costs be deferred to the Finance Committee for discussion.

GB.7 4 to 12 Babbage Road, Roseville - Licence to Kindergarten Union Children's Services 255

.
File: P33559

For Council to consider the granting of a Licence to the Kindergarten Union (KU) Children's Services to operate the former Chase Kindergarten from the East Roseville Community Hall.

Recommendation:

That subject to public notification and development application approval, Council grants a 5 year licence to Kindergarten Union Children's Services, as per the conditions detailed in this report.

GB.8 Ku-ring-gai Access Advisory Committee 261

.
File: S02116

To provide Council with the Minutes of the Ku-ring-gai Access Advisory Committee of 23 June 2005.

Recommendation:

That the Minutes of the Ku-ring-gai Access Advisory Committee of 23 June 2005 be received and noted.

GB.9 Draft Financial Statements for the Year ended 30 June 2005 269

.
File: S03611

To present to Council the Draft Annual Financial Statements for the year ended 30 June 2005 for certification and referral to Council's external auditors, Spencer Steer.

Recommendation:

That Council receive, certify and refer the Draft Financial Statements for the year ended 30 June 2005 to Council's external auditors Spencer Steer.

GB.10 Representation on Community Committees/Organisations 273

.

File: S02355

For Council to make appointments to community committees/organisations.

Recommendation:

That Council make appointments to community committees/organisations as required and that the community committees and organisations be informed of Council's representatives.

GB.11 2nd Trans-Tasman MainStreet Conference 276

.

File: S02217

To advise Council of the Trans-Tasman MainStreet Conference 2005.

Recommendation:

That any interested Councillors advise the General Manager if they wish to attend the 2nd Trans-Tasman MainStreet Conference.

GB.12 Investment Cash Flow & Loan Liability as at 31 August 2005 279

.

File: S02722

To present to Council the Investment allocation and the performance of funds, monthly cash flow and details of loan liability for August 2005.

Recommendation:

That the summary of Investments, daily cash flows and loan liability for August 2005 be received and noted.

GB.13 Generic Plan of Management for Parks 287

.
File: S03358

To report the results of the exhibition and public comment period of the Draft Plan of Management for Parks to Council.

Recommendation:

That the Draft Generic Plan of Management for Parks be adopted, and that notification of the adoption of the plan be undertaken consistent with the requirements of Section 40(2A) of the Local Government Act 1993.

GB.14 Street Tree Refurbishment - Barton Crescent, Wahroonga 318

.
File: 88/05113/04

To report on the proposed street tree refurbishment process for Barton Crescent Wahroonga following Council's resolution of 26 July 2005 that no further action be taken until a report is submitted to Council.

Recommendation:

That Council receives and notes this report.

GB.15 Bushland, Catchments & Natural Areas Reference Group Minutes of Meeting of 15 August 2005 324

.
File: S03448

To bring to the attention of Council the proceedings from the Bushland, Catchments and Natural Areas Reference Group meeting held on Monday 15 August 2005

Recommendation:

That the Minutes of the Bushland, Catchments and Natural Areas Reference Group meeting held on 15 August 2005 be received and noted.

GB.16 Open Space Strategy 334

.
File: S04028

To report the results of the public exhibition period of the Draft Open Space Strategy to Council.

Recommendation:

That the Draft Open Space Strategy as amended be adopted by Council.
That reference be made to the actions and priorities identified in the Open Space Strategy document during preparation of future planning documents as outlined in the report.

GB.17 Draft Plans of Management for Community Land 341

.
File: S04468

To determine a timetable for the preparation of Plans of Management for Community Land.

Recommendation:

That the Draft Plans of Management outlined in the body of this report be prepared and reported to Council.

GB.18 IPART Decision on Street Lighting Pricing 347

.
File: S02249

To inform Council of the Independent Pricing and Regulatory Tribunal (IPART) decision on street lighting pricing and the financial impact on Council of the decision.

Recommendation:

That funding for the increase in street lighting charges in an amount of \$67,000 be considered at the first quarter budget review for 2005/06.

GB.19 Building Maintenance Program - 2005/2006 353

.
File: S02533

To advise Council of the proposed building maintenance program for 2005/2006 and the draft 2006/2010 program.

Recommendation:

That the 2005/2006 building maintenance program and the draft 2006/2010 building maintenance program be adopted.

EXTRA REPORTS CIRCULATED AT MEETING

MOTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN

NM.1 Kokoda Trail Memorial Project

373

File: S02092

Notice of Motion from Councillor N Ebbeck dated 12 September 2005.

I am in receipt of a letter from the Chair of the Kokoda Trail Memorial Project, Mr Greg Hodgson requesting Council to waive the fee for the preparation and advertising of the road closure associated with the proposed opening of the memorial on Sunday, 20th November 2005.

It is understood from Mr Hodgson that the memorial ceremony will be dedicated and opened by General Peter Cosgrove recently retired chief of the Australian Defence Force.

I move that:

"Council's fee for the preparation of the road closure and Traffic Management Plan in an amount of \$1100 be waived for this opening ceremony".

BUSINESS WITHOUT NOTICE - SUBJECT TO CLAUSE 14 OF MEETING REGULATION

QUESTIONS WITHOUT NOTICE

INSPECTIONS COMMITTEE - SETTING OF TIME, DATE AND RENDEZVOUS

*** ** **

Environmental Planning & Assessment Act 1979 (as amended)

Section 79C

1. Matters for consideration - general

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

a. The provisions of:

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

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

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

DEVELOPMENT APPLICATION

SUMMARY SHEET

REPORT TITLE:	1 AND 3 SALERNO PLACE, ST IVES - FOUR (4) LOT RESIDENTIAL SUBDIVISION OF LAND AND DEMOLITION OF TENNIS COURT AND SWIMMING POOL
WARD:	St Ives
DEVELOPMENT APPLICATION N^o:	918/04
SUBJECT LAND:	1 and 3 Salerno Place, St Ives DA 918/04DA 918/04
APPLICANT:	Mr D Sandig
OWNER:	Mr D Sandig
DESIGNER:	Ingham Planning Pty Ltd
PRESENT USE:	Two residential dwellings
ZONING:	Residential 2C
HERITAGE:	No
PERMISSIBLE UNDER:	Ku-ring-gai Planning Scheme Ordinance
COUNCIL'S POLICIES APPLICABLE:	KPSO, Subdivision Code, DCP 38
COMPLIANCE WITH CODES/POLICIES:	No
GOVERNMENT POLICIES APPLICABLE:	SEPP 1, SEPP 55
COMPLIANCE WITH GOVERNMENT POLICIES:	Yes
DATE LODGED:	6 Sept 2004
40 DAY PERIOD EXPIRED:	16 October 2004
PROPOSAL:	Four (4) lot residential Subdivision of land and demolition of tennis court and swimming pool
RECOMMENDATION:	Approval

Item 1

DEVELOPMENT APPLICATION N^o 918/04
PREMISES: 1 & 3 SALERNO PLACE, ST IVES
PROPOSAL: FOUR (4) LOT RESIDENTIAL SUBDIVISION
OF LAND AND DEMOLITION OF TENNIS
COURT AND SWIMMING POOL
APPLICANT: MR D SANDIG
OWNER: MR D SANDIG
DESIGNER: INGHAM PLANNING PTY LTD

PURPOSE FOR REPORT

To determine development application No 918/04, which seeks consent for the Torrens Title subdivision of one lot into four allotments.

The matter has been called to full Council by Councilor Hall.

EXECUTIVE SUMMARY

Issues:

- Allotment size
- Allotment width

Submissions: Six submissions received

Land & Environment Court Appeal: N/A

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 0918/04

- Application lodged 6 September 2004.
- Further information letter sent 29 September 2004 requesting:
 - verification of plans to be assessed.
- Information received 1 October 2004 from applicant satisfying Council's request.
- NSW Rural Fire Services required a condition for a 60 metres asset protection zone on 27 October 2004.
- NSW Rural Fire Services re-evaluated proposal and prepared to grant a bush fire safety authority with no specific conditions on the 28 February 2005.

Item 1

- Further information provided by applicant as regards compliance of the two existing houses relative to the requirements of DCP 38 on 8 June 2005.

THE SITE AND SURROUNDING AREA

The site

Zoning:	Residential 2C
Visual Character Study Category:	1945-1968
Lot and DP Numbers:	Lot 12 in DP 809321 Lot 11 in DP 812106
Area:	4,334m ²
Heritage Affected:	No
Bush Fire Prone Land:	Yes
Endangered Species:	No
Urban Bushland:	No
Contaminated Land:	No

The subject allotment is legally described as Lot 12 in D.P. 809321 and lot 11 in D.P. 812106. The total site has an area of 4,334m². 1 Salerno Place (Lot 12) has an area of 1,396m² and 3 Salerno Place (Lot 11) has an area of 2,938 m². The site is located on the northern side of Salerno Place, close to its intersection with Greenhill Crescent. The site is broadly rectangular in shape, with a moderate cross fall from north to south. The site has frontage to Salerno Place, measuring 69.9m. The eastern boundary of the site has a length of 38.7 metres, widening to between 43 and 60 metres in the central portion of the site, then reducing to 40 metres along the western side of the site, adjoining an existing access handle to lots 9 and 10 in DP 812108.

Each existing allotment contains a single storey dwelling and swimming pool, with vehicular access from Salerno Place. Lot 11, also contains a tennis court. The site, particularly the portion within Lot 11, is elevated above Salerno Place and drains by gravity to Council's storm water system in the street. There are no significant trees on the land, apart from one mature eucalypt, which will not be affected by the proposed subdivision, or future indicative building platforms.

Surrounding development:

The subject site is located in a residential area which primarily contains detached single dwelling houses constructed since the 1950's, including a number of newer residences constructed over the last 10 years. Adjoining development is described as follows:

- Adjoining to the west is a two storey brick dwelling known as No 11 Salerno Place, This dwelling is separated from the development site by an access handle servicing battleaxe properties to the north of No 3, being Nos 9 and 7 Salerno Place. On the western side of No 9 and 11 Salerno Place, is the nearby Terramerragal bushland public reserve.
- On the opposite, lower southern side of Salerno Place, are a mix of one and two storey detached dwellings.

Item 1

- Adjoining to the north are two storey brick detached dwellings, with frontages to Greenhill Crescent, and a newly completed dwelling with access via the existing battleaxe handle extending to the western end of Salerno Place.
- Adjoining to the east are two dwellings fronting Greenhill Crescent. The southern-most of these is on a corner allotment with frontage to both Greenhill Crescent and Salerno Place.

THE PROPOSAL

Consent is sought for subdivision of two existing allotments into four new Torrens title lots of approximately equal area and to demolish an existing tennis court and swimming pool on Lot 11. It is proposed to retain the two existing dwellings within the boundaries of two of the proposed allotments (Lots 2 and 4) and create two additional allotments, each designed to accommodate a future dwelling. Construction of these future dwellings would be subject to separate development applications after title has been issued. Each of the proposed allotments is described as follows:

Lot 1

Proposed Lot 1 is an irregular shaped allotment that would occupy the site of the existing tennis court and part of the pool area of No. 3 Salerno Place. This allotment is proposed to have an area of 1,036m², with vehicular access off the adjoining access handle directly adjacent to Salerno Place or via the same access handle but on the western side of the site, further from Salerno Place. Lot 1 will have a 10.2 metres frontage to Salerno Place, widening to 19.7 metres, parallel with the proposed front building alignment. An indicative building platform of 280m² is available on Lot 1, which would accommodate a future dwelling capable of compliance with Council's DCP38.

Lot 2

Proposed Lot 2 is an irregular shared allotment that will contain the existing residence at No 3 Salerno Place. This allotment is proposed to have a total area of 1,201m² with vehicular access utilising the existing driveway off Salerno Place. A right-of-way is proposed over the front portion of the existing driveway which will extend across the front portion of proposed Lot 3. Lot 2 will have a frontage of 12.775 metres to Salerno Place, widening to 18 metres at the prescribed 12.2 metres setback line from Salerno Place.

Lot 3

Proposed Lot 3 is an irregular shaped allotment that would occupy the lawn and garden area between the existing residences at Nos 1 and 3 Salerno Place. This allotment is proposed to have a total area of 853 m² with vehicular access utilising a new driveway to be constructed off the existing driveway and footpath crossing from Salerno Place. Part of the existing driveway will be shared with proposed Lot 2 by way of a right-of-way for Lot 2. Lot 3 will have a frontage of 13.585 metres to Salerno Place. The allotment widens to between 14.5 metres at the prescribed 12.2 metres setback line from Salerno Place, attaining a width of at least 25 metres in the rear year. An indicative building platform of 250m² is available on Lot 3 to accommodate a future dwelling capable of complying with DCP No. 38.

Item 1

Lot 4

Proposed Lot 4 is an irregular shaped allotment that will contain the existing dwelling and swimming pool at No.1 Salerno Place. This allotment is proposed to have a total area of 1,224m² and will utilise the existing vehicular access. Lot 4 will have a frontage of 32.25 metres to Salerno Place, with a western side boundary at least 900 mm clear of the existing dwelling.

CONSULTATION - COMMUNITY

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

- | | | |
|----|---------------------------|------------------------------|
| 1. | <i>S M McNamee</i> | <i>27 Greenhill Crescent</i> |
| 2. | <i>J & C Forbes</i> | <i>7 Salerno Place</i> |
| 3. | <i>G & A Raspass</i> | <i>12 Salerno Place</i> |
| 4. | <i>A & L Cardenas</i> | <i>16 Salerno Place</i> |
| 5. | <i>David Young</i> | <i>23 Greenhill Crescent</i> |
| 6. | <i>H & V Ling</i> | <i>11 Salerno Place</i> |

The submissions raised the following issues:

An additional 2 lots will create a burden on an already limited street for parking.

Each lot will be able to sustain a dwelling and parking for at least 2 vehicles. Salerno Place and Greenhill Crescent are of sufficient width to accommodate on-street visitor parking in this suburban area.

The proposed subdivision is out of character with the existing dwellings and will change the streetscape forever.

The subject site is well suited to residential infill subdivision, providing two additional large dwelling sites. This form of development is far more compatible with the surrounding residential environment than a more intensive dual occupancy development of the existing allotments. The proposed subdivision will provide two new dwelling sites, with their own ample garden area and street frontage, without adversely impacting on neighbours. All necessary urban services are available on the land, including electricity, drainage, telephone, water and sewerage. The land contains level building sites free from hazards such as flooding, soil contamination and land slip. No significant trees are required to be removed.

The development will result in a more efficient use of land and create additional opportunities to construct houses in a garden setting, consistent with the character of St Ives. In particular, the subdivision character proposed will enable retention of the existing residences on lot 11, a building dating to the 1950's, which is considered a positive element in the streetscape. A subdivision design fully compliant with the lot area and width development standards would require demolition of this dwelling.

Item 1

The streetscape impact of any new dwellings would be assessed when DAs for such structures are lodged.

Our family home will be devalued as the size of the adjoining properties are reduced in size.

The effect of any proposed development on adjoining or surrounding property values is not a valid planning consideration under s79C of the Environmental Planning and Assessment Act.

The subdivision will reduce the lot sizes of all properties on the northern side of Salerno Place and the new lots will be well below Council's subdivision requirements.

The proposed subdivision requirements (KPSO and Subdivision code) for each lot are as follows:

Subdivision requirements:	Lot No:	Compliant:
• Site area: 929m ² (min)	Lot 1: 1,036m ²	YES
	Lot 2: 1,201m ²	YES
	Lot 3: 853m ²	NO
	Lot 4: 1,244m ²	YES
• Site width: 18.0m (min) at a distance of 12.2m from the street alignment	Lot 1: 19.7m	YES
	Lot 2: 18.0m	YES
	Lot 3: 14.5m	NO
	Lot 4: 35.25m	YES

As seen in the above table, Lots 1, 2 and 4 comply with Council's minimum lot size and site width. Lot 3 is the only lot which is non-compliant at 76 m² or 8.2% less than the minimum lot size and 3.79m or 20.7% less than the minimum site width. A SEPP No 1 objection has been lodged with the application. A fully compliant application would be possible, subject to the demolition of the existing dwelling at Lot No. 4. This dwelling is a good example of the building form of the 1950's, which has contributed to the attractive character evident in St Ives. The house can be retained and a further two lots can be established, subject to the minor non-compliance of the area and width of proposed Lot 3. This is discussed in detail further in the report.

Proposed Lot 1 is in a high risk bushfire-threatened area. The addition of a further building on proposed Lot 1 increases the risk of spreading fire to the surrounding houses in that the current open space area between the existing houses on proposed lots 1 and 3 are eliminated.

The site is not subject to a significant direct bush fire threat (see comments from RFS) with the closest future dwelling being located at least 40 metres clear of the narrow strip of bushland located to the west, in Terramerragal Reserve.

Item 1

CONSULTATION - WITHIN COUNCIL

Engineering

Council's Engineering Assessment Team Leader, Robin Howard, has commented on the proposal as follows:

"The proposal is to subdivide two existing lots (lot 11 of DP 812106 and lot 12 of DP 809321) into 4 lots (proposed lots 1, 2, 3 and 4). The site was inspected on 20/10/04.

All of the proposed lots are traversed by an easement to drain water which runs parallel to the kerb alignment in Salerno Place, offset approximately 3 metres from the frontage boundary alignment of each proposed lot. Associated within this easement is a drainage line which appears to be 600mm in diameter based on Council's 1:2000 series maps.

Vehicular access to the existing dwelling on lot 11 is provided from Salerno Place over a curved driveway traversing the bank. Vehicular access to the existing Lot 12 is provided directly (perpendicular) from Salerno Place.

Under the proposal, future vehicular access to each of the proposed lots is demonstrated in the following manner:

- ***Proposed Lot 1*** is shown accessed from Salerno Place over the access driveway handles of existing Lots 9 and 10. A right of carriageway which currently benefits existing Lot 11 (burdening Lots 9 and 10 of DP 812106) exists over these two access driveway handles. As this right of carriageway for existing lot 11 will transfer to the proposed lot 1 at the time of subdivision, proposed vehicular access to Lot 1 over existing Lots 9 and 10 would be acceptable in a legal sense. The indicative building platform shown for proposed lot 1 would require a driveway to be cut into the existing retaining wall in this location. Excavation up to approximately 1 metre would be required. From an engineering sense, there is no objection to the proposed method of gaining vehicular access to proposed Lot 1. These driveway access works may be carried out when a future development takes place on the lot.
- ***Proposed Lot 2*** will contain the existing dwelling on existing Lot 11. The dwelling is to remain under the proposal and vehicular access will remain unaltered. At the time of subdivision, a right of carriageway will need to be created to benefit proposed Lot 2 and burden proposed lot 3 (**Condition No. 30**).
- ***Proposed Lot 3*** is to be accessed by excavating a new driveway behind the existing driveway serving the existing dwelling on existing Lot 11. Excavation will be through the existing retaining bank, of up to approximately 1 metre in depth.
- ***Proposed Lot 4*** is to retain the existing dwelling and vehicular access will remain unaltered.

Item 1

*Where driveways are to be excavated into the existing bank (to be undertaken when future development occurs on the proposed lots), some attention will need to be given to the existing Council drainage line traversing the affected lots. The depth of the drainage line will need to be ascertained to ensure driveway loading will not impact upon the pipe. This is something for consideration when future DA's are lodged on the subdivided lots and can be supported in principle at subdivision stage based on the indicative driveway levels provided by the applicant. It is apparent that suitable provision for vehicular access can be provided for each of the proposed lots (**Condition No 31**).*

Development on each of the proposed lots will be able to drain directly to the Council drainage system in Salerno Place, without the need for easements across intervening lots. Drainage provisions on proposed lots to be developed can be imposed when development occurs on those lots in the future.

*Any structures which will fall across proposed common boundaries should be demolished (e.g. the pool on existing Lot 11 to be divided between proposed Lots 1 & 2). This does not include driveways, drainage infrastructure or the like which are to be covered by the necessary legal instruments on the linen plan (**Condition No 31**).*

*The proposed subdivision of 2 existing lots into 4 is supported, subject to conditions of consent (**refer Conditions 7-11, 30-36**)".*

Landscaping

Council's Landscape and Trees Assessment Team Leader, Ian Francis, raised no objection, subject to conditions being imposed (**refer Conditions 5 and 6**).

CONSULTATION - OUTSIDE COUNCIL

NSW Rural Fire Services (RFS)

The RFS commented on 28 February 2005 as follows:

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

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

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

Item 1

STATUTORY PROVISIONS**State Environmental Planning Policy No 55 - Remediation of Land**

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

Sydney Regional Environmental Plan No 20 - Hawkesbury-Nepean River

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

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

The proposed development meets the general strategies of the SREP. A condition is recommended to control runoff and sediment from the site during construction (**refer Condition 16**).

Ku-ring-gai Planning Scheme Ordinance (KPSO)

Development Standard	Proposals Numeric Compliance	Complies
Site Area: 4,334m ²		
Subdivision for dwelling houses		
• Site area: 929m ² (min)	Lot 1: 1,036m ²	YES
	Lot 2: 1,201m ²	YES
	Lot 3: 853m ²	NO
	Lot 4: 1,244m ²	YES
• Site width: 18.0m (min) at a distance of 12.2m from the street alignment	Lot 1 : 19.7m	YES
	Lot 2 : 18.0m	YES
	Lot 3 : 14.5m	NO
	Lot 4 : 35.25m	YES

Lots 1, 2 and 4 comply with Council's minimum allotment size and minimum site width development standards specified in the KPSO as seen above. Lot 3 does not comply with Council's minimum allotment size and minimum site width development standard specified in the KPSO.

SEPP 1 objection - Subdivision requirements

- Site area and width**

The proposal does not comply with the minimum allotment size and width development standard specified in s58B(c)(i) the KPSO. Proposed Lot 3 will have a site area of 853m²,

Item 1

where the development standard specifies a minimum allotment size of 929m². Furthermore, the proposed lot has a site width of 14.5 metres, where the development standard specifies a minimum width not less than 18 metres at a distance 12.2 metres from the street alignment. The applicant has submitted a SEPP 1 objection.

- **Purpose of the development standard**

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

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

“The primary purposes of the minimum area and allotment width standards of Clause 58B of the KPSO are to maintain the low density, treed garden setting of the residential areas of Ku-ring-gai. Large wide allotments facilitate the provision of ample open space around dwellings for lawns, gardens and trees so that these elements, rather than buildings, dominate the townscape of Ku-ring-gai’s suburbs, including St Ives.

Clause 60C(2) of the KPSO prescribes that the maximum built-upon area of a residential allotment shall not exceed 60% of site area. In the case of a complying allotment of 929 m², this would result in an un-built area of at least 371.6 m². This indicates that in the context of the planning controls, a landscaped area of 371.6m² is considered sufficient for a minimum sized complying allotment.

An important requirement relating to the subdivision standard is the need to provide allotments of sufficient 850-1000m² with the provision of 5 canopy trees capable of achieving a height of 13 metres. The subdivision design allows sufficient space for 1 canopy tree in the front setback, 1 in the north-east corner of the rear yard, and 3 in the north-west corner of the rear yard. It is considered that lot 3 has sufficient area to accommodate Council’s canopy tree requirements.

The subdivision design includes a generously provided building platform (250m²) for Lot 3 which enables a one or two story dwelling, of a size and character typical of the area, to be constructed on the site in conformity with the requirements of Council’s residential DCP 38. The building platform is setback a minimum 12 metres from Salerno Place frontage and more than 75% of this building platform is located in that part of the allotment which has a depth of at least 18 metres. For the most part, only the future garage and dwelling entry would encroach into that part of the allotment that has a width of less than 18 metres. The building platform is also set further back than the existing dwellings on the adjoining allotments (proposed Lots 2 and 4).

The indicative building platform, as proposed, will provide generous setbacks to side boundaries, including that portion of the land where lot width is less than 18 metres. In this location, side setbacks are at least 2.5 metres on the western side and 3 to 5 metres

Item 1

on the eastern side of the land. These setbacks allow ample opportunity for planting side boundary screen landscaping. Proposed lot 3 has an average width behind the front building line, of more than 23 metres.

Any future dwelling on Lot 3 can be readily designed to avoid shadow and privacy impacts on neighbouring properties. This is assisted by the north-south orientation of the allotment, and ample side setbacks, which allow for privacy screen plantings along the boundaries. The driveway has been designed so that it is shared with the adjoining proposed Lot 2 and in so doing, allows for vehicles to enter and leave the site in a forward direction."

It is considered that the requested variations to minimum allotment area and width for Lot 3 are minor and will have no material effect on the character or amenity of the area, nor conflict with Council's objectives for residential development, as detailed in Schedule 9 of the KPSO.

It has been demonstrated that an adequate area of soft landscaping for gardens, lawns and trees can be provided and that a house design for the site which would comply with DCP 38 is achievable.

- ***Is compliance unreasonable or unnecessary?***

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

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

Application of the development standards in this case would not result in the most appropriate subdivision design, having regard to the benefits of the retaining the existing dwelling on the existing Lot 11 nor would it contribute to the achievement of the objectives of section 5(a)(i) and (ii) of the EPA Act, particularly in relation to the orderly and economic development of the land. In the circumstances, it is recommended that the requested variations to the Clause 58B(c)(i) minimum allotment area and width standards for one allotment, being proposed Lot 3, be supported.

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

- ***Is application consistent with the aims of the policy set out in clause 3?***

For the reasons stated above the application is consistent with Clause 3 of SEPP 1 and the objects specified in section 5 (a)(i) and (ii) of the Act.

Item 1

The proposed non-compliance will not adversely impact on the streetscape and landscape amenity of the surrounding residential zone nor will it generate adverse effects in relation to stormwater flows. Accordingly, the SEPP 1 objection has merit and compliance with the development standard is unreasonable and unnecessary and it is considered that granting of development consent would be consistent with the aims and objectives set out in Clause 3 of SEPP 1.

- Aims and objectives for residential zones**

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

POLICY PROVISIONS**Subdivision Code**

COMPLIANCE TABLE		
Development Standard	Proposals Numeric Compliance	Complies
Site Area: 4,334m ²		
Subdivision		
<ul style="list-style-type: none"> Site area: 929m² (min) 	Lot 1: 1,036m ² Lot 2: 1,201m ² Lot 3: 853m ² Lot 4: 1,244m ²	YES YES NO YES
<ul style="list-style-type: none"> Site width: 18.29m (min) at a distance of 12.2m from the street alignment 	Lot 1: 19.7m Lot 2: 18.0m Lot 3: 14.5m Lot 4: 35.25m	YES NO NO YES

Subdivision:

- Site area**

The non-compliance with the minimum site area and minimum site width requirement for Lot 3 has been assessed under the KPSO provisions above. It is considered that a SEPP 1 objection can be supported. There will not be an undue impact on soft landscaping or residential character and sufficient area of appropriate dimension is provided for the four lots, to enable the construction of dwellings that could be reasonably expected to meet the objectives and policies of Schedule 9 of the KPSO and the design requirements of Development Control Plan 38.

Item 1

KU-RING-GAI RESIDENTIAL DESIGN MANUAL - DEVELOPMENT CONTROL PLAN NO. 38

An assessment is made of the compliance of the lots which contain the two existing houses (Lot 2 and Lot 4) relative to all the requirements of DCP 38

Proposed Lot 2 (existing house at 3 Solerno Place)

The DCP 38 assessment is as follows:

COMPLIANCE TABLE		
Development Control	Proposals Numeric Compliance	Complies
Site Characteristics		
Site Area = 1,201m ²		
The site is on the high side of the road		
The site has a land slope more than 20 ⁰ across the site = NO		
The Visual Character category for the site is 1945-68		
Section 5: Design Elements		
5.1 Streetscape:		
Building Setbacks (s.5.1.3)		
• Front Setback: 12m	6.4 to 10m	NO (Existing)
• Side Setback: Ground Floor: 1.5m(min)	2.0m	YES
• Rear Setback: 14m(min)	12m	YES
Front Fences (s.5.1.5)		
• An absence of front fences	No front fence	N/A
Side & Rear Fences (s.5.1.5)		
• Height (behind building line): 1.8m (max)	1.8m	YES
5.2 Building Form:		
FSR (s.5.2.1) 0.34:1 (408sqm max)	0.3:1	YES
Height of Building (s.5.2.2)		
• 2 storey (max) and 7m (site <20 ⁰ slope)	1 storey & 2.7m	YES YES
Building Height Plane (s.5.2.3) 45 ⁰ from horizontal at any point 3m above boundary	complies	YES
First Floor (s.5.2.4)		
• FSR: < 40% total FSR	Single storey	N/A
Roof Line (s.5.2.6)		
• Roof Height (5m – single storey) (3m – two ⁺ storey)	3m	YES

Item 1

COMPLIANCE TABLE		
Development Control	Proposals Numeric Compliance	Complies
• Roof Pitch 35 ⁰ (max)	28 ⁰	YES
Built-Upon Area (s.5.2.7) 52% (624.5m ²) (max)	37% (456m ²)	YES
Unrelieved wall length (s.5.2.8) 12m (min)	10m	YES
Solar Access (5.2.11) 4h solar access to adjoining properties between 9am to 3pm	4hours to dwelling and adjoining properties	YES
Energy Efficiency (5.2.12) Thermal Assessment Score 60%	4 stars	YES
External Noise Sources (s.5.2.13) 14m Setback to main roads or 40dba compliance	Not a main road	N/A
Cut & Fill (s.5.2.15) • max cut 900mm	400mm	YES
5.3 Open Space & Landscaping:		
Soft Landscaping Area (5.3.3) 48% (576m ²) (min)	61% (732m ²)	YES
Tree Replenishment (s.5.3.6) 7 Trees Required	12 trees provided	YES
Landscaping Cut & Fill (5.3.7) • max cut or fill 500mm relative to natural ground • no cut & fill within 2m of boundary	400mm	YES YES
Useable Open Space (s.5.3.8) Min depth 5m and min area 50m ²	Depth 7m Area 150m ²	YES
5.5 Access & Parking:		
No. of Car Parking Spaces (s.5.5.1) 2 spaces behind building line	2 spaces behind building line	YES
Size of Car Parking Space (s.5.5.2) 10.8m x 6.2m	11m x 6.2m	YES
Driveway Width (s.5.5.6) 3.5m	5.4m	NO Existing

The existing house at 3 Salerno Place (proposed Lot 2) complies with the requirements of DCP 38, except in the following areas:

1. Building line (front setback)

A minimum of 12 metres for a single storey dwelling on the high side of the street is or prevailing setback pattern on this side of the street. The setback of the subject dwelling ranges from 6.4metres to 10 metres. This is consistent with the prevailing setback pattern for this side of the street. Front setbacks on this side of the street range from 5.3 metres to 9.5 metres. The dwelling already exists and the front setback is not altered by the subdivision proposal.

Item 1

2. Driveway width

A maximum driveway width should be 3.5 metres. However, the existing driveway width is 5.4 metres at the footpath crossing. The driveway also serves as the pedestrian access. The driveway already exists and is not altered by the proposed subdivision.

Proposed Lot 4 (existing house at 1 Solerno Place)

The DCP 38 assessment is as follows:

COMPLIANCE TABLE		
Development Control	Proposals Numeric Compliance	Complies
Site Characteristics		
Site Area = 1,244m ²		
The site is on the high side of the road		
The site has a land slope more than 20° across the site = NO		
The Visual Character category for the site is 1945-68		
Section 5: Design Elements		
5.1 Streetscape:		
Building Setbacks (s.5.1.3)		
<ul style="list-style-type: none"> Front Setback: 12m 	9.5m	NO (existing)
<ul style="list-style-type: none"> Side Setback: Ground Floor-East side: 1.5m(min) or 9% of site width for sites wider than 20 metres. 	As proposed Lot 4 has an average width of 31.3 metres, this implies a side setback of 2.8 metres. The actual setback of the house on the east side is 2.6 metres and at the front and 1.6 metres at the rear of the house.	YES
<ul style="list-style-type: none"> Side Setback: Ground Floor-West side: 1.5m(min) or 9% of site width for sites wider than 20 metres. 	As proposed Lot 4 has an average width of 31.3 metres, this implies a side setback of 2.8 metres. The actual setback of the house on the west side is 1.4 metres.	NO
<ul style="list-style-type: none"> Rear Setback: 14m(min) 	18m	YES
Front Fences (s.5.1.5)		
<ul style="list-style-type: none"> An absence of front fences 	No front fence	N/A
Side & Rear Fences (s.5.1.5)		
<ul style="list-style-type: none"> Height (behind building line): 1.8m (max) 	1.8m	YES

Item 1

COMPLIANCE TABLE		
Development Control	Proposals Numeric Compliance	Complies
5.2 Building Form:		
FSR (s.5.2.1) 0.34:1 (422sqm max)	0.25:1	YES
Height of Building (s.5.2.2) • 2 storey (max) and 7m (site <20° slope)	1 storey & 2.7m	YES YES
Building Height Plane (s.5.2.3) 45° from horizontal at any point 3m above boundary	complies	YES
First Floor (s.5.2.4) • FSR: < 40% total FSR	Single storey	N/A
Roof Line (s.5.2.6) • Roof Height (5m – single storey) (3m – two+ storey) • Roof Pitch 35° (max)	3m 28°	YES YES
Built-Up Area (s.5.2.7) 52% (646m ²) (max)	38.5% (480m ²)	YES
Unrelieved wall length (s.5.2.8) 12m (min)	10m	YES
Solar Access (5.2.11) 4h solar access to adjoining properties between 9am to 3pm	4hours to dwelling and adjoining properties	YES
Energy Efficiency (5.2.12) Thermal Assessment Score 60%	4 stars	YES
External Noise Sources (s.5.2.13) 14m Setback to main roads or 40dba compliance	Not a main road	N/A
Cut & Fill (s.5.2.15) • max cut 900mm	300mm	YES
5.3 Open Space & Landscaping:		
Soft Landscaping Area (5.3.3) 48% (597m ²) (min)	62% (770m ²)	YES
Tree Replenishment (s.5.3.6) 7 Trees Required	14 trees provided	YES
Landscaping Cut & Fill (5.3.7) • max cut or fill 500mm relative to natural ground • no cut & fill within 2m of boundary	300mm	YES YES
Useable Open Space (s.5.3.8) Min depth 5m and min area 50m ²	Depth 10m Area 200m ²	YES
5.5 Access & Parking:		
No. of Car Parking Spaces (s.5.5.1) 2 spaces behind building line	2 spaces behind building line	YES
Size of Car Parking Space (s.5.5.2) 10.8m x 6.2m	11m x 6.2m	YES

COMPLIANCE TABLE		
Development Control	Proposals Numeric Compliance	Complies
Driveway Width (s.5.5.6) 3.5m	5.5m	NO Existing

The existing house at 1 Salerno Place (proposed Lot 4) complies in all respects with the requirements of DCP 38, except as regards the following two issues:

1. Building line (front setback)

A minimum of 12 metres for a single storey dwelling on the high side of the street is or prevailing setback pattern on this side of the street. The setback of the subject dwelling is 9.5 metres. This is consistent with the prevailing setback pattern for this side of the street. Front setbacks on either side have set-backs of 5.3 and 6.4metres. The dwelling already exists and the front setback is not altered by the subdivision proposal.

2. Side setback – East

The proposed Lot 4 has an average width of 31.3 metres. This implies a side setback of 2.8 metres (as this lot width is irregular, the average lot width is used for the calculation) The actual setback of the dwelling on the east side is 2.6 metres at the front and 1.6 metres at the rear of the dwelling. The house already exists and the east-side setback is not altered by the proposed sub-division.

3. Side setback –West

The proposed Lot 4 has an average width of 31.3 metres. This implies a side setback of 2.8 metres (as this lot width is irregular, the average lot width is used for the calculation) The setback of the Dwelling on the west side of the proposed Lot 4 is 1.4 metres. There is minimal change (none at the level of the house façade) as a consequence of the proposed subdivision and there is no material environmental impact arising from the minor change.

4. Driveway width

A maximum driveway width should be 3.5 metres. However, the existing driveway width is 5.5 metres at the footpath crossing. The driveway already exists and is not altered by the proposed subdivision.

Section 94 Plan

The subject site contains two dwellings. Accordingly, a S94 contribution is applicable in respect of two additional allotments. The development attracts a section 94 contribution of \$64,648.00 (2 x \$32,324.00), which is required to be paid by **Condition No 29**.

Item 1

LIKELY IMPACTS

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

SUITABILITY OF THE SITE

The site is suitable for the proposed development.

ANY SUBMISSIONS

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

PUBLIC INTEREST

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

ANY OTHER RELEVANT MATTERS CONSIDERATIONS NOT ALREADY ADDRESSED

There are no other matters for consideration.

CONCLUSION

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

RECOMMENDATION:

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

THAT the Council, as the consent authority, is of the opinion that the objection under *State Environmental Planning Policy No. 1 – Development Standards* to clause 58B(c)(i) of the Ku-ring-gai Planning Scheme Ordinance is well founded. The Council is also of the opinion that strict compliance with the development standard is unreasonable and unnecessary in the circumstances of this case. There will not be an undue impact on landscaping or residential character and sufficient area of appropriate dimension is provided for both lots to enable the construction of a dwelling that could be reasonably expected to meet the objectives and policies of Schedule 9 of the KPSO and the design requirements of Development Control Plan 38.

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 0918/04 is consistent with the aims of the Policy, grant development consent to DA 0918/04 for subdivision of two allotments into four, including demolition of the tennis court and swimming lot on Lot 11 at 1 and 3 Salerno Place, St Ives, for a period of two (2) years from the date of the Notice of Determination subject to the following conditions:

Item 1

GENERAL CONDITIONS

1. The development must be carried out in accordance with plan numbered 29747A03.DWG Sheet 1 of 1 and 29747A05 sheet 1 of 1, dated 8 June 2004, drawn by Degotardi, Smith and Partners, received by Council on the 6 September 2004 and endorsed with Council's approval stamp, except where amended by the following conditions:
2. The works set forth in the plans and specifications and approved under this consent, once commenced, shall be completed within two (2) years from the date of commencement.
3. For the purpose of ensuring the compliance with the terms of the approval, an approved copy of the plan and this Consent and Construction Certificate shall be kept on site at all times.
4. The submission of the approved plans to Sydney Water, before any work is commenced to ensure that the proposed structure meets that Authority's By-Laws. Failure to submit these plans before commencing work will render the owner liable to a penalty and may result in the demolition of work.
5. A Tree Preservation Order exists within the Ku-ring-gai Council area whereby the removal, lopping or destruction of any tree exceeding 5.0 metres in height or 4.0 metres in canopy spread (except where exempt as defined under Council's Tree Preservation Order) without prior written consent of Council is prohibited.
6. The applicant shall ensure that at all times during the demolition period no activities, storage or disposal of materials shall take place beneath the canopy of any tree protected under Council's Tree Preservation Order.
7. 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 Council's Water Management Development Control Plan 47, available in hard copy at Council and on the Council website.
8. 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.**
9. 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

Item 1

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.

10. 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.
11. 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.
12. For the purpose of safety and amenity of the area, no building materials, plant or the like are to be stored on the road or footpath without the written approval being obtained from the Council beforehand. The pathway shall be kept in a clean, tidy and safe condition during demolition operations. Council reserves the right, without notice, to rectify any such breach and to charge the cost against the applicant/owner/builder, as the case may be.
13. 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.
14. The demolition is to be carried out in accordance with the guidelines contained in Australian Standard 2601-1991: The Demolition of Structures.
15. 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.
16. Erosion control measures shall be provided on demolition sites to prevent the siltation of watercourses and drainage systems.
17. Dust control measures shall be taken on all demolition sites so as to avoid a nuisance to adjoining properties and harm to the environment.

Item 1

- 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.
18. A temporary construction exit and sediment trap to reduce the transport of sediment from the site onto public roads shall be provided before demolition commences.
 19. 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.
 20. All combustible material shall be removed from the site on a daily basis. Material shall not be burnt on the site.
 21. Materials salvaged from a demolition may be stored on site provided they are non combustible, neatly and safety stockpiled and not likely to become a harbourage for vermin.
 22. Trees and vegetation on a site shall not be disturbed except with the approval of the Council.
 23. A sign must be erected in a prominent position on any work site on which work involved in the demolition of a works is being carried out:
 - a. stating that unauthorised entry to the work site is prohibited, and
 - b. showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.

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

This clause does not apply to:

- a. building work carried out inside an existing building, or
- b. building work carried out on premises that are to be occupied continuously (both during and outside working hours) while the work is being carried out.

Item 1

24. All demolition materials of value for re-use either on-site or elsewhere, shall be separated and made available for re-cycling.

CONDITIONS TO BE COMPLIED WITH PRIOR TO WORK COMMENCING

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

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

27. 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.
28. The Infrastructure Restorations Fee calculated in accordance with the Council's adopted schedule of Fees and Charges is to be paid to the Council prior to any earthworks or demolition commencing. The applicant or builder/developer will be held responsible for and liable for the cost any damage caused to any Council property or for the removal of any waste bin, building materials, sediment, silt, or any other article as a consequence of doing or not doing anything to which this consent relates. "Council Property" includes footway, footpath paving, kerbing, guttering, crossings, street furniture, seats, litter bins, trees, shrubs, lawns mounds, bushland, and similar structures or features on road reserves or any adjacent public place. Council will undertake minor restoration work as a consequence of the work at this site in consideration of the "Infrastructure Restorations Fee" lodged with the Council prior to the release of the Construction Certificate. This undertaking by the Council does not absolve the applicant or Builder/developer of responsibility for ensuring that work or activity at this site does not jeopardise the safety or public using adjacent public areas or of making good or maintaining "Council property" (as defined) during the course of this project.
29. 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.

Item 1

TOTAL CONTRIBUTION FOR THIS DEVELOPMENT OF TWO (2) ADDITIONAL ALLOTMENTS IS CURRENTLY \$64,648.00. The amount of the payment shall be in accordance with the Section 94 charges as at the date of payment. The charges may vary at the time of payment in accordance with Council's Section 94 Contributions Plan to reflect changes in land values, construction costs and the consumer price index.

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

1. Community Facilities (If Seniors Living \$412.07)	\$1,117.76
2. Park Acquisition and Embellishment Works - St Ives	\$6,574.28
3. Sportsgrounds Works	\$1,318.32
4. Aquatic / Leisure Centres	\$27.82
5. Traffic and Transport	\$150.28
6. Section 94 Plan Administration	\$100.04

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

OCCUPANCY RATES FOR DIFFERENT DWELLING SIZES

Small dwelling (under 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	1.3 persons

30. Prior to release of the linen plan/issue of the subdivision certificate, the applicant shall create all burdens including but not limited to drainage easements, easements for services and rights-of-carriageway, as required. A registered surveyor is to certify, prior to release of the linen plan/issue of the subdivision certificate, that all existing interallotment drainage lines, services and/or driveways are fully contained within the proposed burdens and/or that future provision of such are fully covered by the proposed burdens. Alternatively, where the surveyor is of the opinion that no interallotment easements or rights-of-carriageway are required, then certification to this effect must be submitted to the Principal Certifying Authority (PCA).
31. 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 and other burdens/benefits as required. Ku-ring-gai Council must be named as the authority whose consent is required to release, vary or modify the same.

Item 1

32. Prior to release of the linen plan/issue of the subdivision certificate, any infrastructure within the road reserve along the frontage of the subject site or within close proximity which has been damaged as a result of construction works on the subject site must be fully repaired to the satisfaction of Council's Development Engineer and at no cost to Council.
33. 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. 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.
34. For endorsement of the linen plan/issue of the subdivision certificate, the applicant shall submit an original plan of subdivision plus six (6) copies, suitable for endorsement by Council. The following details **must** be submitted with the plan of subdivision and copies:
 1. The endorsement fee current at the time of lodgement,
 2. The 88B Instruments plus six (6) copies,
 3. All Surveyor's and/or Consulting Engineer's certification(s) required under this consent,
 4. The Section 73 (Sydney Water) Compliance Certificate for the subdivision.Council will check the consent conditions on the subdivision. Failure to submit the required information will delay endorsement of the linen plan, and may require payment of rechecking fees. Plans of subdivision and copies must not be folded and Council will not accept bonds in lieu of completing subdivision works.
35. Any permanent structures across common boundaries are to be demolished unless the necessary burdens are created. Prior to issue of the subdivision certificate a registered surveyor shall certify that no permanent structures exist across common boundaries unless covered by the necessary burdens on title. This certification must be submitted with the application for the subdivision certificate.
36. Prior to release of the linen plan/issue of the subdivision certificate, the provision of separate underground electricity, gas, Telstra, sewer and water services, or appropriate conduits for the same, shall be provided to each allotment. A suitably qualified and experienced engineer or surveyor is to provide certification that all new lots have ready underground access to the services of electricity, gas, phone, sewer and water as locally available.

Item 1

S Segall
Executive Assessment Officer

S Cox
Team Leader
Development Assessment – Central

M Prendergast
Manager
Development Assessment Services

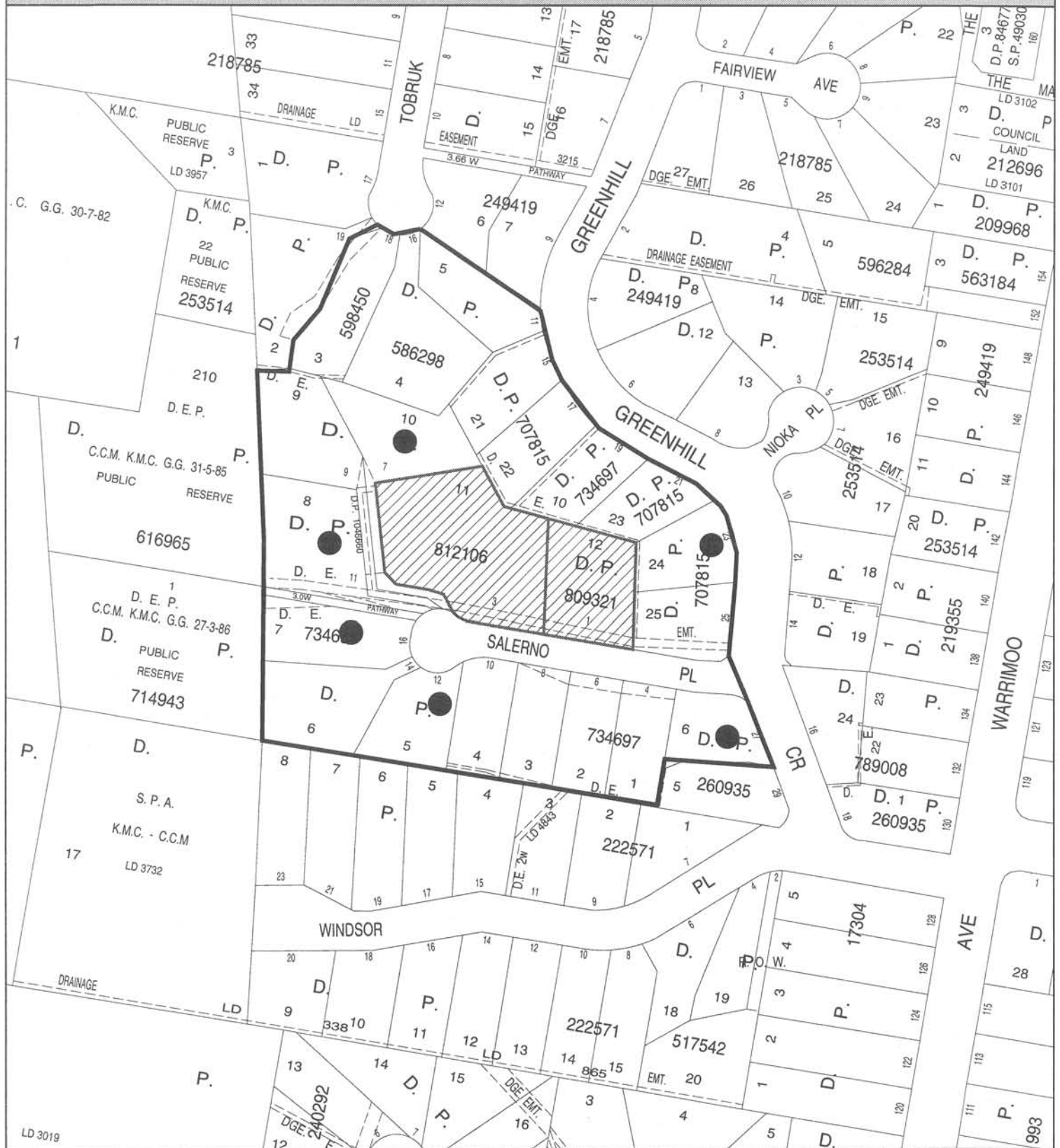
M Miocic
Director
Development & Regulation

Attachments: **Location Sketch - 532317**
 Zoning Extract - 532318
 Survey Plan - 532320
 Subdivision Plan - 532323
 Subdivision Plan with Building Platforms - 532324

LOCATION SKETCH

1 - 3 Salerno Place, ST IVES CHASE NSW

DEVELOPMENT APPLICATION No 0918/04



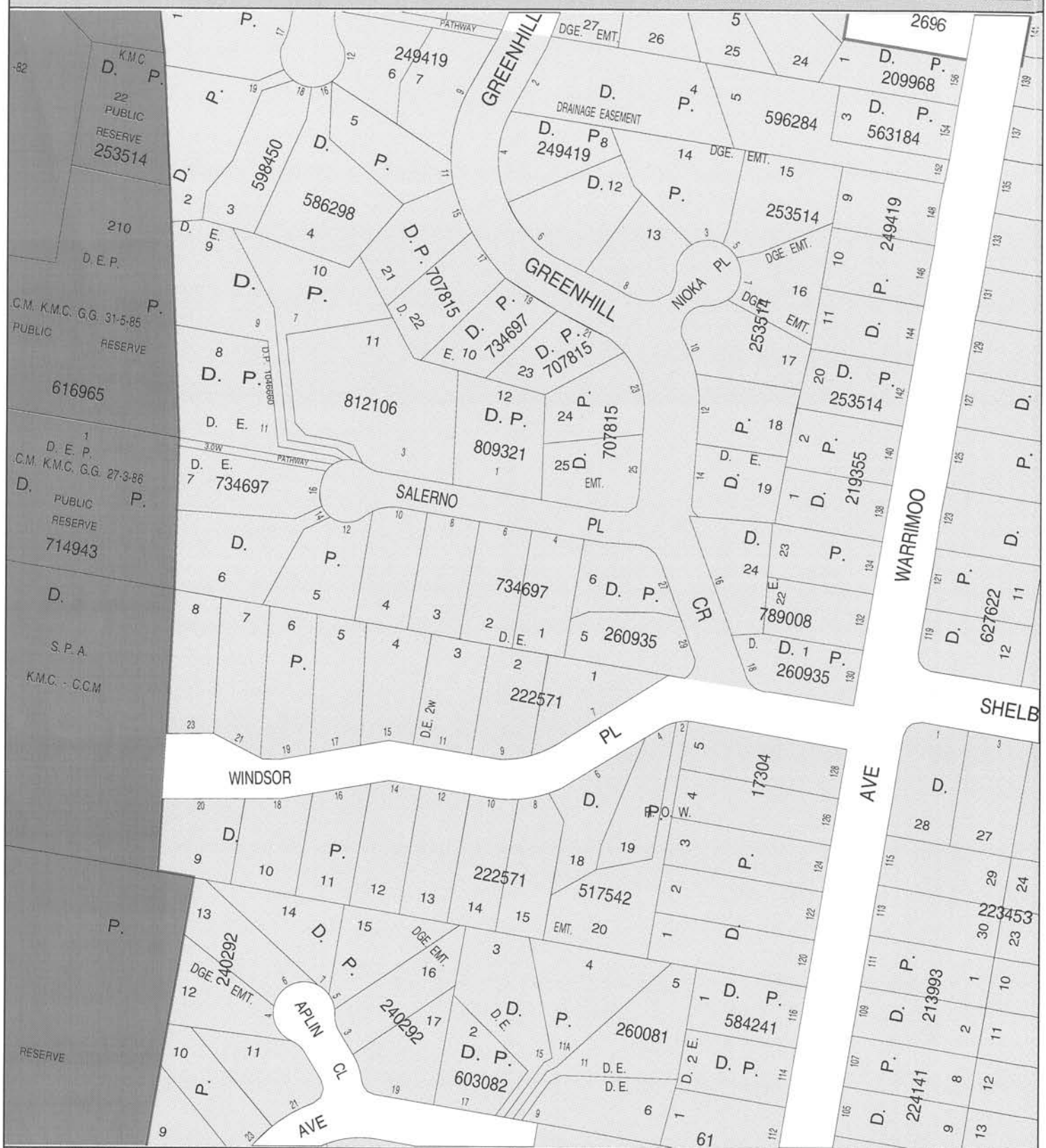
Scale : 1:2000

04-05-2005

- | | | | |
|--|--------------|--|-----------------|
| | AGREEMENT | | PETITION |
| | OBJECTION | | SUBMISSION |
| | SUBJECT LAND | | CIRCULATED AREA |



SALERNO PLACE ST IVES



04-05-2005

Scale = 1:2000

- RECREATION EXISTING 6(a)
- 2(c) RESIDENTIAL 2(c)
- SCH SPECIAL USES 5(a) (Schools etc)



NOTES

- THREE ZONES ARE ESTIMATED ONLY
- DETAILS ON THIS PLAN HAVE BEEN PREPARED FOR THE PURPOSE OF OBTAINING APPROVAL IN CONNECTION WITH THE PERMIT. THIS PLAN SHOULD NOT BE USED FOR ANY OTHER PURPOSE.
- SERVICE DETAILS SHOULD BE CONFIRMED WITH THE RELEVANT AGENCIES PRIOR TO BEGINNING DESIGN & PRIOR TO ANY CONSTRUCTION.
- THIS PLAN HAS BEEN PREPARED FOR THE EXCLUSIVE USE OF DAVID SANDOZ.
- THE POSITION OF SURVEYED DATA HAS BEEN INDICATED AND SHOWN WITH APPROPRIATE ACCURACIES; IF CLEARANCES TO BOUNDARIES OR OTHER FEATURES ARE CRITICAL, AND DIMENSIONS ARE NOT SHOWN FURTHER SURVEY MAY BE REQUIRED.
- BOUNDARIES ARE APPROXIMATE AND WILL REQUIRE FURTHER DEFINITION.
- BEARING AND DISTANCES OF BOUNDARIES ARE BY TITLE ONLY, WITH BEARINGS RELATED TO MAGNETIC NORTHERN.
- COPYRIGHT © EDGARDOT SMITH & PARTNERS SURVEYS 2003
- NO PART OF THIS SURVEY MAY BE REPRODUCED, STORED IN A RETRIEVAL SYSTEM OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF THE COPYRIGHT OWNER EXCEPT AS PERMITTED BY THE ACT OF PARLIAMENT.

ANY PERMITTED DOWNLOADING, ELECTRONIC
STORAGE, DISPLAY, PRINT, COPY OR REPRODUCTION
OF THIS SURVEY SHOULD CONTAIN NO ALTERATION
OR ADDITION TO THE ORIGINAL SURVEY.

THIS NOTICE MUST NOT BE ERASED.

THIS NOTICE MUST NOT BE ERASED.

HORIZONTAL DATUM:
CO-ORDINATE SYSTEM: SITE

MARKS ADOPTED:

VERTICAL DATUM:

DATUM: A.H.D.
 B.M. ADOPTED: P.M. 10601
 R.L. 158.916
 SOURCE: S.C.I.M.S.

A	FINAL ISSUE
---	-------------

REV.	AMENDMENTS	DATE
------	------------	------

CLIENT:

DAVID SANDIG

PLAN
OF EXISTING DETAIL AND LEVELS
LOT 12 IN D.P. 809321 &
LOT 11 IN D.P. 812108
No.1 & 3 SALERNO PLACE
ST IVES



Degotardi, Smith & Partners
Consulting Surveyors
Established 1937
Incorporating Morrow & Young

11/19-23 Bridge Street
Pymble NSW 2073
Telephone: (02) 9440 1100
Facsimile: (02) 9440 1055
DX 8720 Gordon
E-mail: surveys@degotardi.com.au



ON QUALITY
OF WORKING LIFE

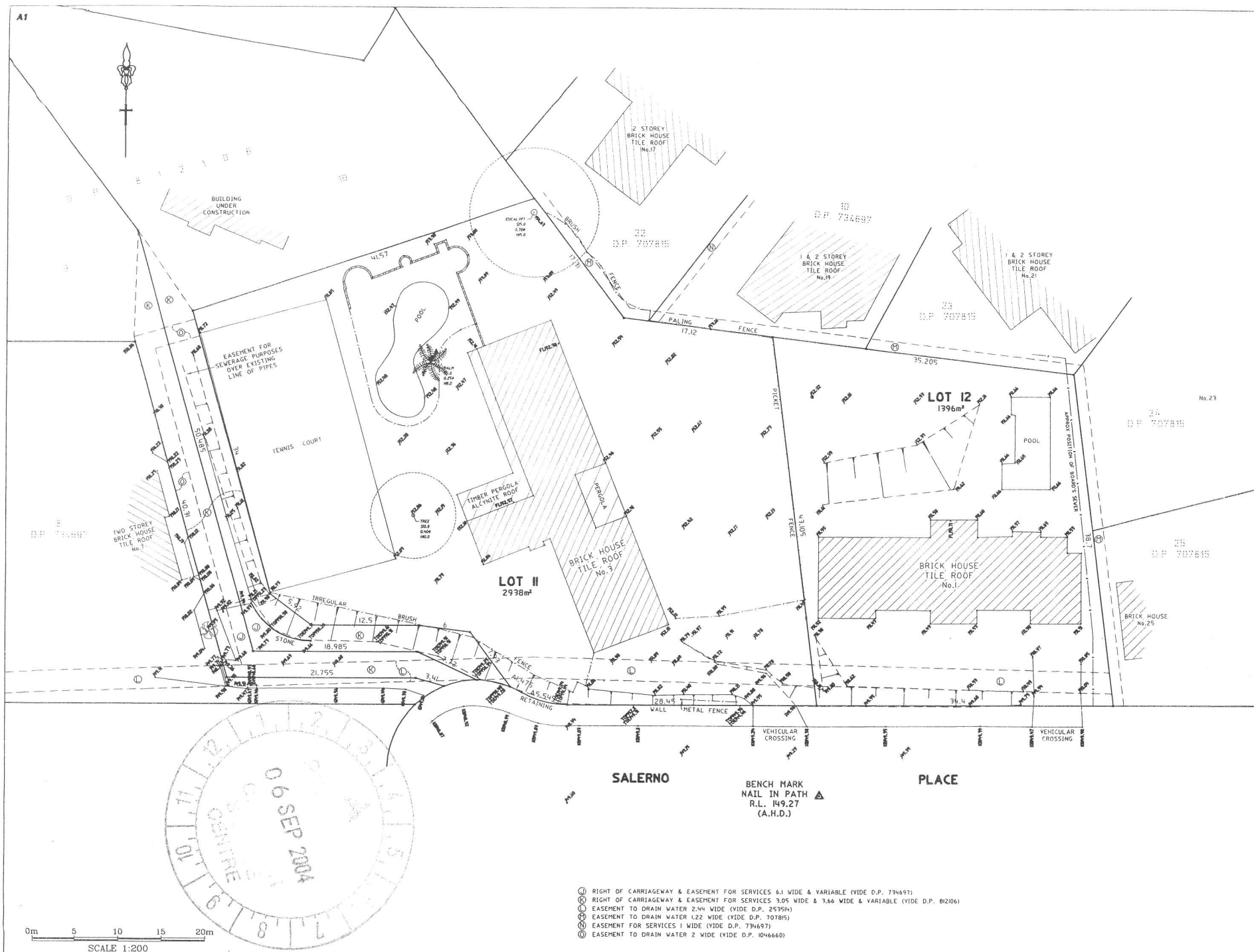
L.G.A. KU-RING-GAI

SHEET 1 OF 1

SURVEYED GG	DRAWN GH	CHECKED GG	APPROVED
		SCALE	DATE

SURVEY REFERENCE 29747	SCALE 1:200	DATE 8/6/04
---------------------------	----------------	----------------

DRAWING NUMBER	REV.
29747A02.DWG	A



- (J) RIGHT OF CARRIAGEWAY & EASEMENT FOR SERVICES 6.1 WIDE & VARIABLE (VIDE D.P. 734697)
(K) RIGHT OF CARRIAGEWAY & EASEMENT FOR SERVICES 3.05 WIDE & 3.66 WIDE & VARIABLE (VIDE D.P. 812106)
(L) EASEMENT TO DRAIN WATER 2.44 WIDE (VIDE D.P. 259514)
(M) EASEMENT TO DRAIN WATER 1.22 WIDE (VIDE D.P. 707815)
(N) EASEMENT FOR SERVICES 1 WIDE (VIDE D.P. 734697)
(O) EASEMENT TO DRAIN WATER 2 WIDE (VIDE D.P. 1046660)

A1

NOTES

- * TREE SIZES ARE ESTIMATES ONLY
- * DETAILS ON THIS PLAN HAVE BEEN PREPARED FOR THE PURPOSE OF OBTAINING APPROVAL IN PRINCIPLE TO SUBDIVIDE ONLY, AND SHOULD NOT BE USED FOR ANY OTHER PURPOSE.
- * SERVICE DETAILS SHOULD BE CONFIRMED WITH THE RELEVANT SERVICE AUTHORITY DURING DESIGN & PRIOR TO ANY CONSTRUCTION.
- * THIS PLAN HAS BEEN PREPARED FOR THE EXCLUSIVE USE OF DAVID SANDIG.
- * THE POSITION OF SURVEYED DATA HAS BEEN LOCATED AND IS SHOWN TO TOPOGRAPHIC ACCURACIES. IF CLEARANCES TO BOUNDARIES OR OTHER FEATURES ARE CRITICAL AND DIMENSIONS ARE NOT SHOWN FURTHER SURVEY MAY BE REQUIRED.
- * BOUNDARIES ARE APPROXIMATE AND WILL REQUIRE FURTHER DEFINITION.
- * BEARING AND DISTANCES OF BOUNDARIES ARE BY TITLE ONLY WITH BEARINGS RELATED TO MAGNETIC MERIDIAN.
- * COPYRIGHT © DEGOTARDI SMITH & PARTNERS SURVEYORS 2003
- * NO PART OF THIS SURVEY MAY BE REPRODUCED, STORED IN A RETRIEVAL SYSTEM OR TRANSMITTED IN ANY FORM, WITHOUT THE WRITTEN PERMISSION OF THE COPYRIGHT OWNER EXCEPT AS PERMITTED BY THE COPYRIGHT ACT 1968.
- * ANY PERMITTED DOWNLOADING, ELECTRONIC STORAGE, DISPLAY, PRINT, COPY OR REPRODUCTION OF THIS SURVEY SHOULD CONTAIN NO ALTERATION OR ADDITION TO THE ORIGINAL SURVEY.
- * THIS NOTICE MUST NOT BE ERASED.

HORIZONTAL DATUM:

CO-ORDINATE SYSTEM: SITE

MARKS ADOPTED:

VERTICAL DATUM:

DATUM: A.H.D.
 B.M. ADOPTED: P.M. 10601
 R.L. 158.816
 SOURCE: S.C.I.M.S.

A	FINAL ISSUE	28/06/04
REV.	AMENDMENTS	DATE

CLIENT:
 DAVID SANDIG

PLAN
 OF PREFERRED SUBDIVISION OF
 LOT 12 IN D.P. 809321 &
 LOT 11 IN D.P. 812106
 No.1 & 3 SALERNO PLACE
 ST IVES

Degotardi, Smith & Partners
 Consulting Surveyors
 Established 1967
 Incorporating Morrow & Young

11/19-23 Bridge Street
 Pymble NSW 2073
 Telephone: (02) 9440 1100
 Facsimile: (02) 9440 1055
 DX 8720 Gordon
 E-mail: surveys@degotardi.com.au



L.G.A. KU-RING-GAI		SHEET 1 OF 1	
SURVEYED	DRAWN	CHECKED	APPROVED
GG	GH	GG	
SURVEY REFERENCE 29747		SCALE 1:200	DATE 8/6/04
DRAWING NUMBER 29747A03.DWG		REV. A	

PROPOSED LOT 2
 1201m²

PROPOSED LOT 1
 1036m²

PROPOSED LOT 3
 853m²

PROPOSED LOT 4
 1244m²

SALERNO

PLACE

- ① RIGHT OF CARRIAGEWAY & EASEMENT FOR SERVICES 6.1 WIDE & VARIABLE (VIDE D.P. 734697)
- ② RIGHT OF CARRIAGEWAY & EASEMENT FOR SERVICES 3.05 WIDE & 3.66 WIDE & VARIABLE (VIDE D.P. 812106)
- ③ EASEMENT TO DRAIN WATER 2.44 WIDE (VIDE D.P. 25351)
- ④ EASEMENT TO DRAIN WATER 1.22 WIDE (VIDE D.P. 707815)
- ⑤ EASEMENT FOR SERVICES 1 WIDE (VIDE D.P. 734697)
- ⑥ EASEMENT TO DRAIN WATER 2 WIDE (VIDE D.P. 1046660)
- ⑦ PROPOSED RIGHT OF CARRIAGEWAY VARIABLE WIDTH

0m 5 10 15 20m
 SCALE 1:200

06 SEP 2004

NOTES

* TREE SIZES ARE ESTIMATES ONLY

* DETAILS ON THIS PLAN HAVE BEEN PREPARED FOR THE PURPOSE OF OBTAINING APPROVAL IN PRINCIPLE TO SUBDIVIDE ONLY, AND SHOULD NOT BE USED FOR ANY OTHER PURPOSE.

* SERVICE DETAILS SHOULD BE CONFIRMED WITH THE RELEVANT SERVICE AUTHORITY DURING DESIGN & PRIOR TO ANY CONSTRUCTION.

* THIS PLAN HAS BEEN PREPARED FOR THE EXCLUSIVE USE OF DAVID SANDIG.

* THE POSITION OF SURVEYED DATA HAS BEEN LOCATED AND IS SHOWN TO TOPOGRAPHIC ACCURACIES. IF CLEARANCES TO BOUNDARIES OR OTHER FEATURES ARE CRITICAL, DIMENSIONS ARE NOT SHOWN FURTHER SURVEY MAY BE REQUIRED.

* BOUNDARIES ARE APPROXIMATE AND WILL REQUIRE FURTHER DEFINITION.

* BEARING AND DISTANCES OF BOUNDARIES ARE BY TITLE ONLY WITH BEARINGS RELATED TO MAGNETIC MERIDIAN.

* COPYRIGHT © DEGOTARDI SMITH & PARTNERS SURVEYORS 2003

NO PART OF THIS SURVEY MAY BE REPRODUCED, STORED IN A RETRIEVAL SYSTEM OR TRANSMITTED IN ANY FORM, WITHOUT THE WRITTEN PERMISSION OF THE COPYRIGHT OWNER EXCEPT AS PERMITTED BY THE COPYRIGHT ACT 1968.

ANY PERMITTED DOWNLOADING, ELECTRONIC STORAGE, DISPLAY, PRINT, COPY OR REPRODUCTION OF THIS SURVEY SHOULD CONTAIN NO ALTERATION OR ADDITION TO THE ORIGINAL SURVEY.

THIS NOTICE MUST NOT BE ERASED.

HORIZONTAL DATUM:

CO-ORDINATE SYSTEM: SITE

MARKS ADOPTED:

VERTICAL DATUM:

DATUM: A.H.D.
B.M. ADOPTED: P.M. 10601
R.L.: 158.916
SOURCE: S.C.I.M.S.

A FINAL ISSUE 3/66/01
REV AMENDMENTS DATE

CLIENT:
DAVID SANDIG

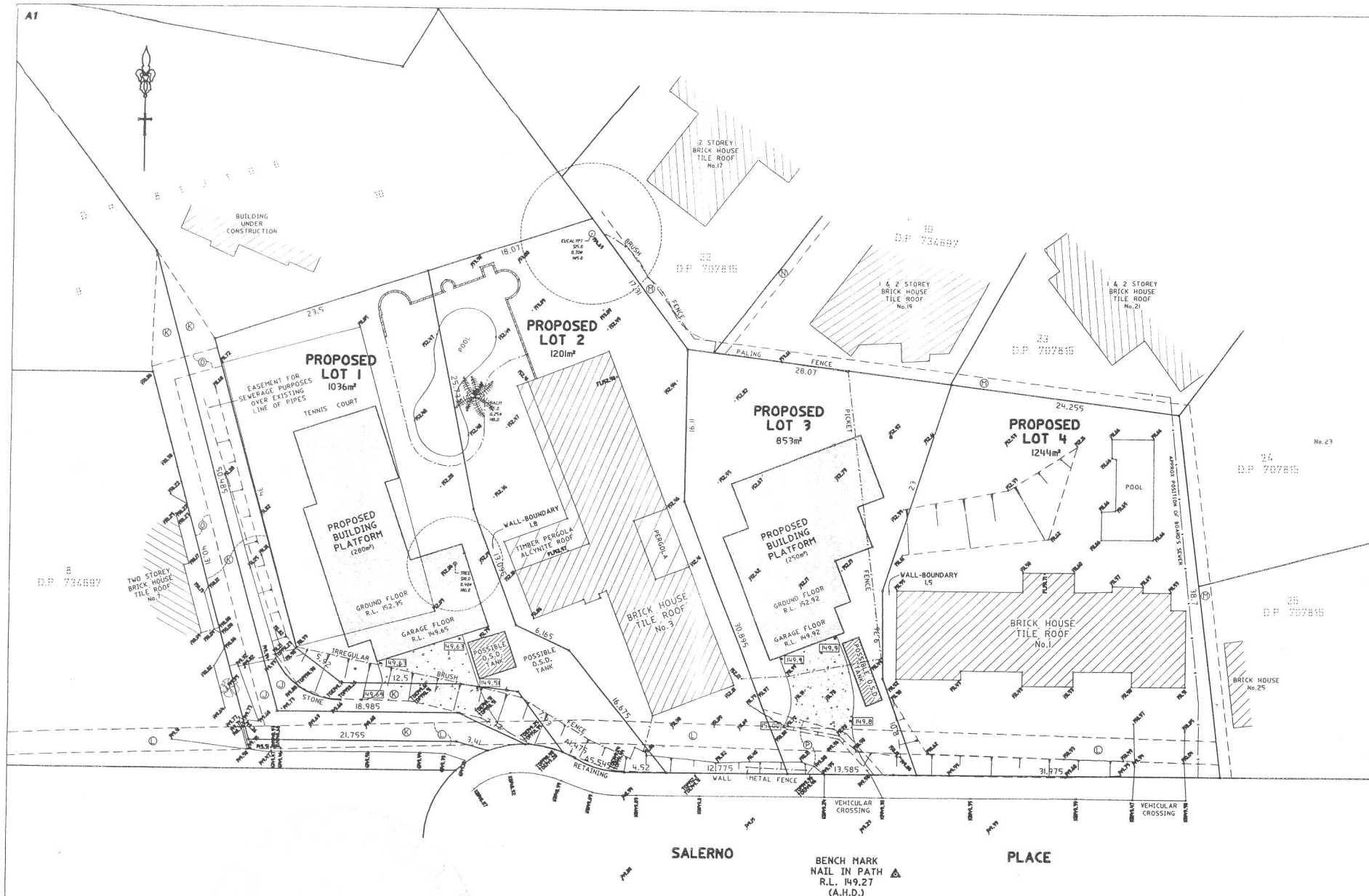
PLAN
OF PROPOSED SUBDIVISION OF
LOT 12 IN D.P. 806321 &
LOT 11 IN D.P. 812106
SHOWING EXISTING DETAIL &
LEVEL 8 PROPOSED BUILDING
PLATFORM & SITE DRAINAGE.
No.1 & 3 SALERNO PLACE, 8T IVE8

Degotardi, Smith & Partners
Consulting Surveyors
Established 1957
Incorporating Morrow & Young

11/19-23 Bridge Street
Pymble NSW 2073
Telephone: (02) 9440 1100
Facsimile: (02) 9440 1055
DX 8720 Gordon
E-mail: surveys@degotardi.com.au



L.G.A. KU-RING-GAI		SHEET 1 OF 1	
SURVEYED GG	DRAWN GH	CHECKED GG	APPROVED
SURVEY REFERENCE 29747		SCALE 1:200	DATE 8/66/04
DRAWING NUMBER 29747A05.DWG		REV. A	



0m 5 10 15 20m
SCALE 1:200

- ① RIGHT OF CARRIAGEWAY & EASEMENT FOR SERVICES 6.1 WIDE & VARIABLE (VIDE D.P. 734697)
② RIGHT OF CARRIAGEWAY & EASEMENT FOR SERVICES 3.05 WIDE & 3.66 WIDE & VARIABLE (VIDE D.P. 812106)
③ EASEMENT TO DRAIN WATER 2.44 WIDE (VIDE D.P. 2535H)
④ EASEMENT TO DRAIN WATER 1.22 WIDE (VIDE D.P. 707815)
⑤ EASEMENT FOR SERVICES 1 WIDE (VIDE D.P. 734697)
⑥ EASEMENT TO DRAIN WATER 2 WIDE (VIDE D.P. 1046640)
⑦ PROPOSED RIGHT OF CARRIAGEWAY VARIABLE WIDTH
[49.5] DENOTES FINISHED SURFACE LEVEL

Item 2

DEVELOPMENT APPLICATION

SUMMARY SHEET

REPORT TITLE:	23 NEWHAVEN PLACE & 36 TO 42 STANLEY STREET, ST IVES - DEMOLITION OF EXISTING STRUCTURES AND CONSTRUCTION OF TWO RESIDENTIAL FLAT BUILDINGS COMPRISING 82 UNITS AND 142 BASEMENT CAR SPACES AND LANDSCAPING
WARD:	St Ives
DEVELOPMENT APPLICATION N^o:	239/05
SUBJECT LAND:	23 Newhaven Place & 36 to 42 Stanley Street, St Ives DA239/05DA239/05DA239/05
APPLICANT:	Finpac Investments 88 Pty Ltd
OWNER:	Finpac investments 88 Pty Ltd
DESIGNER:	Scott Carver Architects
PRESENT USE:	Residential dwellings
ZONING:	Residential 2(d3)
HERITAGE:	No
PERMISSIBLE UNDER:	Ku-ring-gai Planning Scheme Ordinance
COUNCIL'S POLICIES APPLICABLE:	KPSO – LEP194, DCP40, DCP43, DCP47 and DCP 55
COMPLIANCE WITH CODES/POLICIES:	Yes
GOVERNMENT POLICIES APPLICABLE:	SEPP 55, SEPP 65 and SREP 20
COMPLIANCE WITH GOVERNMENT POLICIES:	Yes
DATE LODGED:	18 March 2005
40 DAY PERIOD EXPIRED:	27 April 2005
PROPOSAL:	Demolition of existing structures and construction of two residential flat buildings comprising 82 units and 142 basement car spaces and landscaping
RECOMMENDATION:	Approval

Item 2

DEVELOPMENT APPLICATION N^o 239/05
PREMISES: 23 NEWHAVEN PLACE AND 36-42
STANLEY STREET, ST IVES
PROPOSAL: DEMOLITION OF EXISTING STRUCTURES
AND CONSTRUCTION OF TWO
RESIDENTIAL FLAT BUILDINGS
COMPRISING 82 UNITS AND 142
BASEMENT CAR SPACES AND
LANDSCAPING
APPLICANT: FINPAC INVESTMENTS 88 PTY LTD
OWNER: FINPAC INVESTMENTS 88 PTY LTD
DESIGNER SCOTT CARVER

PURPOSE FOR REPORT

To determine Development Application No 239/05 which seeks consent for the demolition of existing structures, the construction of a residential flat building providing 82 dwellings, including basement parking and landscaping.

EXECUTIVE SUMMARY

Issues: Setbacks, building width and visual privacy.
Submissions: 15 submissions received.
Pre-DA Consultation: Yes, 16 February 2005.
Land and Environment Court Appeal: No.
Recommendation: Approval.

HISTORY

The site has historically been zoned and developed for the purpose of low density residential.

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

Development application history:

- Pre DA meeting held with Council officers on 16 February 2005.
- 18 March 2005, application lodged.
- 9 May 2005 detailed landscaping plan requested.
- 28 June 2005 detailed landscaping plans received.

Item 2

THE SITE

The site

Zoning:	Residential 2(d3)
Visual Character Study Category:	1945-1968
Legal description:	Lot 11 in DP 225420 (23 Newhaven Place); Lot D in DP 382946 (36 Stanley Street); Lot B in DP 356644 (38 Stanley Street); Lot 101 in DP 776730 (40 Stanley Street); and Lot 102 in DP 776730 (42 Stanley Street).
Area:	6,078m ²
Side of Street:	North-west corner of the intersection at Stanley Street and Link Road, St Ives
Cross Fall:	North-eastern boundary to south-western corner
Stormwater Drainage:	To Stanley Street
Heritage Affected:	No
Required Setback:	10-12 metres
Integrated Development:	No
Bush Fire Prone Land:	No
Endangered Species:	No
Urban Bushland:	No
Contaminated Land:	No

The development site has a total area of 6,078 m² and is irregular in shape, with four allotments fronting Stanley Street and one allotment fronting Newhaven Place. The northern boundary is staggered with a total length of 160 metres and fronts Newhaven Place and residential properties. The eastern boundary is approximately 42.5 metres in length and fronts Link Road. The southern boundary is approximately 110 metres in length and fronts Stanley Street. The western boundary is approximately 43.1 metres in length and fronts a residential property.

The land on the site undulates slightly and is generally characterised by a slope from the north-eastern boundary (RL 157.8) down to the south-western corner (RL 154.4).

The site currently contains five large detached dwellings, of one and two storeys in height. These residences generally appear to date from 1950 to 1970. Other improvements on the site include sheds and swimming pools.

SURROUNDING DEVELOPMENT

The site is located in a well-established urban area characterised by low density residential development. The site is located on the fringe of the St Ives village, a suburban retail/service centre containing over 100 specialty stores, restaurants and community services including the Ku-ring-gai neighbourhood centre and library. Other major land uses in the vicinity of the site are large educational establishments, including Masada College, Corpus Christi School and Brigidine College. Several precincts around the St Ives centre are currently undergoing a transition to medium density residential development in accordance with NSW State Government urban

Item 2

consolidation policy. With the gazettal of LEP 194 and the preparation of DCP 55, Ku-ring-gai Council has recognised that these areas will be developed where vegetation, especially in the form of canopy trees, will remain the dominant impression.

THE PROPOSAL

The development application seeks approval for the following:

- Demolition of all existing buildings and structures on the site;
- Removal of selected trees and vegetation;
- Excavation of up to 3 levels for basement car parking for a total of 142 vehicles, comprising 121 resident spaces and 21 visitor spaces;
- Construction of 2 residential apartment buildings within extensively landscaped grounds comprising 82 dwellings (8 by one-bedroom apartments, 41 by two bedroom apartments and 33 by three-bedroom apartments);
- Building A contains 54 apartments and Building B contains 28 apartments;
- The apartments range in size from 59m² to almost 128m²;
- Efficient apartment designs have been incorporated, providing 76% of apartments with natural cross ventilation and 80% of the apartments with more than 3 hours of sunshine to living spaces in mid-winter; and
- Provision of communal facilities including a gym room and a swimming pool.
- Vehicular access to both buildings is via a single driveway from Stanley Street.

CONSULTATION - COMMUNITY

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

- | | | |
|-----|-----------------------------------|---|
| 1. | J. J. Grieve | 1/24 Stanley Street |
| 2. | B. S. Tall | 5/24 Stanley Street |
| 3. | Peter and Robyn Rogers | 47 Stanley Street |
| 4. | Owners Corporation, "The Coppins" | ATN: Mr. W Meredith, 5 Gillott Way |
| 5. | Mr. Leon and Mrs. Robyn Clavin | 14/18-22 Stanley Street |
| 6. | Miss Dulcie Quin | 21 Newhaven Place |
| 7. | Dr and Mrs Turner | 3/16 Stanley Street |
| 8. | Dr Starzecki and Ms Katchan | 8 Newhaven Place |
| 9. | Philip and Kathryn Yuile | 12 Newhaven Place |
| 10. | Koji Ozawa | 3 Horace Street |
| 11. | J.J. Westen | 8 Richard Road
c/- E.H. Tebbutt and Sons Lawyers |
| 12. | Mr. and Mrs. Street | 25A Stanley Street |
| 13. | Mr. John McEwan | 14 Mungarra Avenue |
| 14. | Mrs. Pat ODonnel | 15/5 Gillott Way "The Coppins" |
| 15. | Mr H and Mrs J Bahramali | 17 Richard Road |

Item 2

The submissions raised the following issues:

The development is not in keeping with the green and leafy character of St Ives.

The subject land was rezoned residential 2(d3) under LEP 194. This zoning allows for residential development of up to five storeys. The site is located adjacent to other residential 2(d3) zoned along Stanley Road and Newhaven Place (refer to the **zoning extract**).

Compliance with the required minimum side boundary setbacks, deep soil landscaping area and external material and finishes ensures the development is appropriate in terms of bulk and scale with regard to adjoining properties. The inclusion of substantial landscaping on the site will meet the aims of LEP 194 and DCP 55 as described in Section 1.6.

Effect of the development on traffic along Stanley Street

The rezoning of this site under LEP 194 to permit medium density development confers a development potential pursuant to the development standards and controls set out in LEP 194 and DCP 55. In accordance with these statutory planning and policy controls, sites within the Residential 2(d3) zone have the potential to be developed for the purposes of residential flat buildings to a maximum height of five storeys and a footprint of 35% of the site area. The intent of rezoning for multi-unit development is to establish medium density living in proximity to transport nodes, educational and health facilities and local business centres.

An advantage of this development is that it potentially could have had vehicles entering and exiting the site at 23 Newhaven Place, a far more restricted road leading to Link Road. Council's Traffic Engineers preferred the current situation of all vehicles entering and exiting the site from one access point on Stanley Street. Council's Traffic Engineers also found the Traffic Assessment Report submitted with the development application to be to an acceptable standard on which to base an assessment of the traffic related impacts of the subject development and found no traffic or parking related issues.

Any cumulative impacts on residential character and density resultant from development of the subject site and similarly zoned allotments in accordance with LEP194 and DCP 55 provisions were therefore anticipated and have been provided for in the zoning.

The proposal is consistent with the objectives of SEPP 65, The Residential Flat Design Code, LEP194 and DCP 55 and will not result in a cumulative impact beyond that which is provided for under the zoning and associated controls that apply to the site.

Impact on the trees

This is addressed by Council's Landscape Development Officer, Geoff Bird, who raised no concerns on these grounds.

Item 2

Whilst a few trees typical of the Sydney Turpentine Ironbark Forest (STIF) are present on the site, the vegetation does not possess a natural bushland structure and does not constitute a STIF community.

No evidence of any threatened flora species was recorded in the Arbicultural Assessment prepared by *Tree and Landscape Consultants (TALC)*.

The tree study undertaken by TALC also stated:

“The report finds that of the 119 trees assessed within and adjacent to the site, it is considered that 71 trees identified for retention can be adequately protected without being negatively impacted upon if subject to measures for their protection.”

This has been confirmed by Council’s Landscape Development Officer, Geoff Bird (see Consultation –within Council).

Given the already modified nature of the subject site and its urban context, the proposed development will not impose adverse impacts upon the natural environment at this location.

Electricity supply is inadequate

The application was referred to Energy Australia who raised no objections. A condition is recommended requiring the applicant to liaise with Energy Australia regarding their power supply requirements and to allocate space for a small ‘kiosk’ type substation. These requirements must be obtained prior to Construction Certificate issue. **(See Condition No 62).**

Impact of excavation on adjoining properties

Based on the preliminary geotechnical report and location of excavations on this site, Council’s Development Engineers are satisfied that the geotechnical and excavation construction aspects of this proposal can be addressed through suitable conditions of consent. These conditions will require geotechnical and hydro-geological monitoring, excavation, construction and further professional geotechnical input as warranted.

A condition is also recommended which will require ongoing investigation by a consulting geotechnical engineer, with action as appropriate. Dilapidation reports are to be completed on neighbouring properties and infrastructure **(See Conditions Nos 74, 86 and 87).**

Disruption during construction works (Impact of construction vehicular and noise)

A detailed construction and traffic management plan is required via a condition of consent, for review and approval by Council Engineers prior to the commencement of any works on site **(refer Condition No. 72).**

Item 2

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. 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.

Sundays and Public Holidays: Not permitted.

Refer Conditions No. 29

Character, style and scale of development is not appropriate.

In the absence of a Design Review Panel provided by SEPP 65, the application was referred to Council's Urban Design Consultant, Russell Olssen. Mr. Olssen finds that the proposal satisfactorily addresses all ten SEPP 65 Design Principles and he considers the design to be of a sound standard.

The loss of values to the properties in the area.

This is not a valid development assessment consideration under s.79C of the Environmental Planning and Assessment Act. 1979/

Energy efficiency

The environmental performance of the development is acceptable considering the awkward orientation of the site. The proposal has, through careful unit arrangement, stepping of the building and by limiting building depth, achieved a good climatic responsive outcome. All units achieve a NatHERS rating of 4.5 stars. More than 50% of units achieve the optimum rating of 5 stars.

Stormwater impacts

Council's Development Engineer is satisfied that the stormwater Management Plan proposed is satisfactory, complies with DCP 47 and will not result in adverse drainage impacts.

CONSULTATION - WITHIN COUNCIL

Urban Design Consultant

Council's Urban Design Consultant, Russell Olssen, has commented on the proposal in the context of SEPP 65 and Residential Flat Design Code considerations, 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

Item 2

design policies.

The existing context is comprised of elements of the natural environment and the built environment. The natural environment is an important characteristic of Link Road, which crosses the Garigal National Park in East-Gordon and leads on to St Ives village. Driving from East-Gordon towards St Ives, this road links areas of natural bushland and is lined by large trees, which are planted predominantly in private properties, and also as street trees, on both sides of the road. This landscaped setting exists for a range of development types, including detached houses, medium density housing and the Masada College close to the site on the eastern side of Link Road.

The detached houses in Horace Street (Link Road) to the south of Stanley Street, have landscaped front setbacks of 12m to 15m. All buildings on the Masada College site are set back at least 20m.

The landscape character in Stanley Street is comprised of large scale street trees and on-site large scale trees such as cedar, an alder and a white gum.

The large majority of existing trees within the front boundaries are to be retained in this development.

The existing built form is typically detached houses, which do not provide a precedent for the built form allowed under the 2(d3) zoning.

The desired future character for this area, as stated in DCP 55 and LEP 194, is to create development within a landscaped setting, where front setbacks from streets allow the planting of large trees in deep soil areas, and the general tree canopy is protected.

The proposed development corresponds to the existing landscape character of the area in relation to retaining trees in front setbacks and augmenting these with additional closely spaced trees.

The building setbacks are adequately on Stanley Street. The setback from the corner of Link Road does not comply with the DCP 55 control of 12m from the street frontage (with 40% allowed to be set back 10m). The building is less than 12m from the corner of Link Road, and this reduced setback is greater than 40% of the street frontage length. It is recommended that this corner is set back to comply with the DCP 55 setback control from the Link Road frontage

Amended plans were submitted to Council and forwarded to Mr Russell Olssen. Mr Olssen was satisfied that the amended plans complied with the 12 metre setback (with 40% to be set back 10m) to Link Road.

Principle 2 - Scale

SEPP 65 : Good design provides an appropriate scale in terms of the bulk and height that

Item 2

suits the scale of the street and the surrounding buildings. Establishing an appropriate scale requires a considered response to the scale of existing development. In precincts undergoing transition proposed bulk and height needs to achieve the scale identified for the desired future character of the area.

The scale of development is acceptable in terms of building height and building length. The articulated form of the facades assists in reducing the scale of the building.

Principle 3 - Built form

SEPP 65 : Good design achieves an appropriate built form for a site and the buildings purpose, in terms of building alignments, proportions, building type and the manipulation of building elements.

The built form of the development is acceptable as it complies with the building setback controls in DCP 55, except for the corner building on Link Road. The facades are well articulated in plan and elevation, and the colour changes further articulate the built form.

Principle 4 - Density

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

The density is acceptable under LEP 194..

Principle 5 - Resources, 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.

76% of apartments are naturally cross ventilated. 80% of the apartments will receive 3 hours of sunlight to their living rooms between 9am and 3pm in mid-winter. These are acceptable environmental design standards. These measures will reduce the need for air conditioning and heating. Adequate water management measures are proposed. The NATHERS rating of 4.5 stars for all apartments and 5 stars for 48% of apartments demonstrates good energy efficiency.

Principle 6 - Landscape

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

The landscape principle of tree retention wherever possible contributes to the immediate creation of a landscape setting for the buildings. The additional new landscaping is adequate in reinforcing this landscaped setting.

Item 2

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.

The amenity of the apartments is acceptable in terms of solar access, natural ventilation, acoustic privacy. apartment layouts, service areas and ease of access.

Principle 8 - Safety and security

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

Safety and security is not an issue in this development.

Principle 9 - Social dimensions

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

The mix of apartments is acceptable.

Principle 10 - Aesthetics

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

The articulated building facades and the range of colours and materials provide visual interest to the development. The choice of warm, earthy colours and natural materials such as timber and sandstone relate the buildings to their natural setting.

Conclusions and Recommendations

This is a sound development in terms of SEPP 65 design standards. The only recommended change is that the corner building should be set back from Link Road to comply with the DCP 55 control of 12m from the street frontage (with 40% allowed to be set back 10m)

Item 2

Amended plans were submitted to Council and forwarded to Mr Russell Olssen. Mr Olssen was satisfied that the amended plans complied with the 12 metre setback (with 40% to be set back 10m) to Link Road.

Landscaping

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

"The site

It is proposed to demolish the existing dwellings and associated structures and construct two residential flat buildings with three levels of basement parking on the amalgamated corner site 6,078sqm with vehicular access from Stanley Street. The amalgamated site (5 Lots) is characterised by an established landscape setting with mature trees and shrubs within formal garden beds and lawn expanses. The Stanley St frontage is typically urban with introduced horticultural plantings, and built landscape elements (walls, driveways, paths etc), while the Newhaven Place frontage is dominated by mature native endemic tree species that provide an interconnecting tree canopy with other residential properties. The Link Road frontage is typified by introduced horticultural plantings of predominantly exotic trees, palms and large shrubs behind a masonry wall.

Impacts on trees/Trees to be removed/Tree replenishment

The proposed development will result in the removal of the existing understorey vegetation and existing trees through the core of the site where the proposed building footprints are located. The most significant trees on site are located adjacent to the Newhaven Place frontage and around the perimeter boundaries. A total of 119 trees have been identified as being associated with the site, including species that are exempt under Council's Tree Preservation Order, of which the Arborist has identified 48 which will require removal due to either their location within or adjacent to the proposed building footprint or due to either poor form or health or status under Council's Tree Preservation Order. The landscape plan identifies an additional – trees to be removed, including 15, 53, 54, 58, 79, 99, and 102.

No objection is raised to the removal of the nominated trees, with the exception of tree #40 an Araucaria heterophylla (Norfolk Island Pine) located adjacent to the north-eastern site boundary. The tree is approximately 20m high with a SULE rating of 2A. The tree is visually significant within the surrounding landscape and is located within the proposed deep soil landscape area outside of the proposed building footprint. Its retention can be conditioned with adequate tree protection measures. Revised plans have retained the tree.

Tree replenishment for the site will result in an additional seventeen (17) tall 'canopy' trees being planted on site. Two nominated species, Brachychiton acerifolius (Illawarra Flame tree) and Corymbia maculata (Spotted Gum) although native are not endemic to Ku ring gai

Item 2

and are required to be replaced with endemic tree species consistent with Sydney Turpentine Ironbark Forest (STIF). This can be conditioned.

Arborist's report/tree management plan

A detailed arborist's report and tree management plan have been submitted with the application, detailing the health and significance of existing trees located on and associated with the site, and the protection and management of existing trees to be retained. The recommendations made by the consulting arborist will be conditioned as part of the consent conditions for the proposed development.

Landscape plan

*The landscape plan has proposed *Corymbia maculata* (Spotted Gum) as an avenue planting in front of the buildings within the Stanley St frontage. The tree species although native is not endemic to Ku ring gai. It is preferred that the species be changed to be a native endemic species. This can be conditioned. In addition two of the trees have been located with a 1.5m setback from the retaining wall of the basement car park. This is too close and will result in future conflicts between the tree's root system and the wall and will result in a one sided root system, which may result in future instability of the trees. To overcome this issue it is required that the proposed tree planting be located with a minimum offset of 4.0m from the basement garage. This can be conditioned.*

Planting adjacent to the rear north east corner of Building A between the proposed building and the site boundary has a maximum height of 3.0m which is inadequate to provide sufficient screening between the proposed development and adjoining properties. It is required that screen planting adjacent to the site boundary be substantially increased to ensure privacy between properties. Screen planting up to 8.0m is required. This can be conditioned.

Proposed planting/landscape works for the remainder of the site can be supported as there is adequate tree replenishment and screen planting to maintain and improve the landscape amenity of the site.

Drainage plan

Overall the proposed Stormwater Drainage Plan can be supported with the exception of the proposed location of Pit 12 which is immediately adjacent to a large tree nominated for retention. It is required that Pit 12 be relocate so that it is outside of the Critical root Zone (CRZ) of existing trees to be retained. This has been discussed with Council 's Development Engineer (Robin Howard), who agrees that the pit can be relocated by consent condition.

Deep soil landscaping

The proposed development, by the applicant's calculations for Deep Soil Landscaping, will result in a deep soil area of approximately 3 110sqm or 51.2% of the site area. Revised plans

Item 2

have addressed previous concerns raised regarding footpath widths, as a result Landscape Services is in agreement with the areas shown as deep soil landscaping.

Pedestrian access

Revised plans have addressed the issue of a gravel path through the centre of the site. Amended plans, as per recommendations, made the path hard surface/paved.

Setbacks

It is noted that the setback from Stanley St to the basement carparking below Block A does not comply with Council's DCP55 with a forward encroachment from the building above, resulting in a setback from the Stanley St site boundary of approximately 7.7m. From a landscape viewpoint, this proposed basement setback can be supported as there is adequate area for the establishment of tall 'canopy' trees and sufficient screen planting to filter the views to and from the development. Landscape Services does not raise any objections to other setbacks as proposed as there is sufficient deep soil area for tree replenishment and screen planting.

Conclusion

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

See Conditions Nos 2-11, 52-53, 64-70 and 75-76.

Engineering

Council's Engineering Assessment Team Leader, Robin Howard, has commented 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 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

Item 2

not constructed across lot boundaries, the Applicant will be required to consolidate all the Torrens lots prior to issue of the Construction Certificate (See Condition No. 54).

Development Engineers have placed a condition of consent in this referral response that the Applicant liaise with Energy Australia regarding their power supply requirements prior to Construction Certificate issue, and comply with such requirements prior to occupation and issue of the Occupation Certificate.

Site drainage comments

I refer to the Development application concept drainage & OSD/OSR plans, prepared by Dincel and Associates, drawings 05002-C01A and C02A, dated March 2005. This drainage proposal incorporates the following stormwater management facilities and disposal works for the development, to ensure compliance with the Council adopted Water Management DCP47:

- *On site retention of stormwater for domestic re-use within the buildings for toilet, cold laundry and landscape irrigation (total volume of 216m³).*
- *On-site detention (of 253 m³)*
- *Discharging of site runoff to a new in-ground drainage system*

Given that the existing five single dwellings show no evidence of any stormwater management or control devices, it is assumed that they currently discharge uncontrolled into the receiving system.

The drainage management plan for this proposal, 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 Impact Assessment Report prepared by Traffic Solutions Pty Ltd, reference 04.05.143, dated 11 March 05). The report is generally to an acceptable standard on which to base an assessment of the traffic related impacts of the subject Development. This professional report should be read if further information is sought in relation to traffic impacts of this proposal.

LEP 194 parking requirements are as follows:

- (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,*

Item 2

*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.*

- (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 not located within 400m distance of a rail station.

Based on the above LEP parking requirements, the proposal therefore requires a minimum total of 114 resident spaces and 21 visitor spaces. The proposal provides 143 which complies with the LEP off-street parking requirement.

The Traffic Generation of this Development has been estimated using the “RTA Guide to Traffic Generating Developments” as follows:

	<i>Pre-Developed</i>	<i>Post-developed</i>
<i>Number of dwellings</i>	<i>5 dwelling houses (4 with access to Stanley street)</i>	<i>8 x 1 bedroom unit 42 x 2 bedroom unit 32 x 3 bedroom unit</i>
<i>Daily vehicle trips (combined in/out)</i>	<i>36 (9 per dwelling) in Stanley Street</i>	<i>360 to 458 Based on medium density generation: 4-5 per dwelling (2 or less bedrooms) 5 to 6.5 per dwelling (3 or more bedrooms)</i>

Item 2

	<i>Pre-Developed</i>	<i>Post-developed</i>
Peak hour vehicle trips to/from site (combined in/out)	3.4 (0.85 per dwelling) 1 vehicle every 18 minutes averaged over peak hour	36 to 46 (41) 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 1.5 minutes averaged over peak hour

To assess the impact of additional traffic on the operation of the nearest intersection of Link/Stanley/Horace, the roundabout intersection was analysed using the INTANAL computer program, with results presented in the submitted traffic report. INTANAL provides data on the average delay per vehicle at intersections which expressed in seconds per vehicle.

For roundabouts, the average delay per vehicle in seconds is selected for the movement with the highest average delay per vehicle, equivalent to the following LOS:-

Time (seconds)	Level of Service (LOS)	Description
0 to 14	"A"	Good
15 to 28	"B"	Good with minimal delays and spare capacity
29 to 42	"C"	Satisfactory with spare capacity
43 to 56	"D"	Satisfactory but operating near capacity
57 to 70	"E"	At capacity and incidents will cause excessive delays. Roundabouts require other control mode.
70	"F"	Unsatisfactory and requires additional capacity

The submitted INTANAL analysis finds that with the assignment of additional traffic from this development, the roundabout intersection of Link/Stanley/Horace would continue to operate with average delays less than 15 seconds per vehicle during peak periods. This represents a level of service "A", which is a 'good' level of intersection operation. Accordingly, the assignment of an additional 37 peak hour trips in and out combined (see table above) into the affected intersections (broken down into 75% outgoing and 25% incoming at am peak and the reverse at pm peak) is not expected to lower the operating levels of service at the nearest intersection during the peak hours.

Sight distances for exiting traffic comply with the acceptable sight distance requirements of Australian Standard 2890.1 – 2004 "Off-Street car parking".

The internal vehicle access and accommodation arrangements are to comply with Australian Standard 2890.1 – 2004 "Off-Street car parking", which can be fully detailed on Construction Certificate drawings.

Item 2

In summary, the development will result in a post-developed average of 1 vehicle every 1.5 minutes crossing the proposed driveway in the peak hour and the nearest intersection is not expected to be adversely affected.

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 (See Condition No. 72).

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:

- *New drainage pit and 375mm drainage line in Stanley Street to facilitate in-ground drainage connection from site.*
- *Full repair of damaged footpath over the full site frontage on Stanley Street*
- *New concrete driveway crossing to access the site from Stanley Street.*
- *Removal of all redundant driveway laybacks and re-instatement to upright kerb and gutter.*
- *Replacement of the verge area to turfed verge at all relevant locations.*

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 (See Condition No. 61).

Geotechnical / structural comments

I refer to the DA submitted geotechnical/hydrogeological (refer Report to Finpac Investments 88 Pty Ltd on Geotechnical and Hydrogeological Investigation for proposed Residential Development at 36-42 Stanley Street and 23 Newhaven Place, St Ives by Jeffery and Katauskas P/L, report 19211SPrt. dated 22nd 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

Item 2

of excavation will be in fill, residual silty clays, weathered shale, and sandstone bedrock below this level. Excavation of upper levels can be carried out with earth moving machinery such as excavators and rippers. Lower level shales and/or sandstone may need to be removed through percussive breaking techniques. Vibration transmission must be controlled and monitored through this process where breaking machinery is used, and dilapidation reports could be compiled (conditioned) for adjoining property infrastructure as discussed in the submitted geotechnical report.

Based on the findings 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 (See Conditions Nos. 74, 86 and 87).

Conclusion

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

See Conditions Nos 14-28, 54-63, 71-74 and 77-87.

CONSULTATION - OUTSIDE COUNCIL

Energy Australia

Energy Australia was notified of the proposed development on the 23 March 2005. Energy Australia are currently investigating the provision of electricity to all the properties in the vicinity of Newhaven Place, Stanley Street and Link Road. Kiosks will not be required for every building and these two buildings will most likely be serviced by a kiosk off Newhaven Place.

PROVISIONS OF RELEVANT LEGISLATION

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

SEPP 65 aims to improve the design quality of residential flat building across New South Wales and provide an assessment framework and design code for assessing 'good design'. Part 3 of the SEPP institutes a 'design review panel' to provide an independent, open and professional review of designs submitted to councils for approval.

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* provided above. The proposal is assessed against the heads of consideration as follows:

Item 2

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 existing context is comprised of elements of the natural environment and the built environment. The natural environment is an important characteristic of Link Road, which crosses the Garigal National Park in east Gordon and leads on to St Ives village. Driving from East Gordon towards St Ives, this road links areas of natural bushland and is lined by large trees, which are planted predominantly in private properties and also as street trees on both sides of the road. This landscaped setting exists for a range of development types, including detached houses, medium density housing and the Masada College opposite the site on the eastern side of Link Road.

The detached houses in Horace Street (Link Road) to the south of Stanley Street, have landscaped front setbacks of 12m to 15m. All buildings on the Masada College site are set back at least 20m from Link Road.

The landscape character in Stanley Street is comprised of large street trees and large trees such as cedar, an alder and a white gum on private properties.

The large majority of existing trees within the front boundaries are to be retained in this development.

The existing built form is typically detached houses, which does not provide a precedent for the built form allowed under the 2(d3) zoning.

The desired future character for this area, as stated in DCP 55 and LEP 194, is to create development within a landscaped setting, where front setbacks from streets allow the planting of large trees in deep soil areas, and the general tree canopy is protected.

The proposed development corresponds to the existing landscape character of the area in relation to retaining trees in front setbacks and augmenting these with additional, closely spaced, trees.

The building setbacks are adequate on Stanley Street. After the applicant amended the plans, the building setbacks are also adequate on Link Road.

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*'.

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

Item 2

behind vegetation, providing visual relief and interest without detracting from the streetscape. The scale of proposed development is therefore 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 of the proposal are consistent with the 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 character of an area.

As indicated in the *Compliance Tables*, the development complies with the LEP development standards and DCP 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:

Subject to conditions, the proposal is acceptable with respect to sustainability and resource availability (**see Conditions Nos 15 and 16**).

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.

Landscaping should optimise useability, benefits to neighbours and provide for long term management.

Clause 25I(2) of LEP 194 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

Item 2

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 Clause 25I(2) of LEP 194. 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 need's, providing a mixture of housing choices.

Refer to detailed discussion of *DCP 55 Clause 4.7 'Social Dimensions'*. The proposal provides housing for a mixture of income levels, family structures and accessibility levels and is consistent with both SEPP 65 and DCP 55 in this regard.

Item 2

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 considered appropriate for the surrounding local context.

Residential Flat Design Code

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

Relating to the local context:

The proposal is sited over five separate allotments and will require their consolidation. This amalgamation will result in a site of 6,078 m² which is capable of accommodating the proposed density of five storeys (see **Condition No. 54**).

The irregular shape of the site has resulted in two articulated and curved building forms having a northerly aspect and addressing both Stanley Street and the main area of landscaped common open space in the north-eastern portion of the site. The proposal generally satisfies the urban design requirements outlined in LEP 194. The proposal is designed in response to the existing treed character of the site, its topography, orientation for solar access and the potential to provide district views from the upper level apartments.

The proposed height and bulk of the development will be consistent with the scale identified in the desired future character of the area. A maximum perimeter ceiling height of 13.4 metres is proposed in accordance with LEP provisions, with the topmost storey occupying less than the 60% of the storeys below. The combined building footprints do not exceed 35% of the site area and have been situated to maximise deep soil planting zones and ensure the retention of as many significant trees as is practicable. Both building forms have been broken into modules that serve to articulate the facades.

The building envelope, in terms of building height, floor area, depth and setbacks, is satisfactory having regard to the desired future character of locality. This is discussed in more detail below.

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 landscape areas.

Item 2

The orientation of the development ensures adequate solar access to habitable areas and private open space, both internally and to adjoining residential development and also provides an appropriate frontage to Stanley Street and Link Road.

The merits of the application with respect to stormwater management have been discussed above, whilst access and privacy are assessed below.

Building design:

The proposal is satisfactory in terms of the internal configuration of the two buildings and will achieve the objectives of providing function and organised space and a high level of residential amenity. In addition, the proposal provides adequate habitable space having access to north-facing windows.

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

State Environmental Planning Policy No 55 - Remediation of Land

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

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 would be consistent with the provisions of SREP 20.

Item 2

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

COMPLIANCE TABLE		
Development standard	Proposed	Complies
Site area (min): 2400m ²	6,078m ²	YES
Deep landscaping (min): 50%	51.2%	YES
Street frontage (min): 30m	110m (Stanley Street) and 42m (Link Road)	YES
Storeys and ceiling height (max) (not inclusive of top floor): 5 storeys and 16.4m	5 storeys and <15 metres	YES
Site coverage (max): 35%	34.9% (2,123 m ²)	YES
Top floor area (max): 60% of level below	60%	YES
Car parking spaces (min): 115 x resident, 21 x visitor	121 x resident, 21 x visitor An additional 7 spaces have been provided	YES
Zone Interface 3 rd and 4 th floors setback 9m from land not zoned 2(d3)	Not applicable-does not directly adjoin land that is not zoned 2(d3)	YES
Manageable housing (min): 10% (4 units)	11 apartments (13%) units are adaptable and 60 apartments (73%) are visitable by wheelchair users	YES
Lift access: required if greater than three storeys	Provided to Buildings A and B	YES

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 is 6,078m² in area and is appropriate for the development proposed.

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:

Item 2

Deep soil 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 a compliant 3,110 m² or 51.2% of deep soil landscaping on the site, with a minimum width in excess of 2 metres. 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 110 metres (Stanley Street) and 42.5 metres (Link Road) and an area of 6,078m² and therefore complies.

Number of storeys (cl.25I(5)):

Buildings proposed on sites measuring 1,800m² or more are not to exceed 5 storeys in height (with the 5th floor being no greater than 60% of the 4th floor).

The proposed development achieves a height of 5 storeys (with the 5th floor being no greater than 60% of the 4th floor) 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 5 storeys permitted is attained, the floor area of the top storey of a residential flat building of 5 storeys is not to exceed 60% of the total floor area of the storey immediately below it.

The top (5th) storey proposed achieves a total area of 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 5 storeys and a total perimeter ceiling height of 13.4 metres.

Item 2

As indicated in the *Compliance Table*, the proposal achieves 5 storeys with a perimeter ceiling height not exceeding 13.4 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.

This does not apply in this case.

Car parking (cl.25J):

The proposal complies with the car parking development standard contained in Clause 25J.

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.

Lift access (cl.25N(3)):

A lift must be provided in all multi-unit housing developments of more than 3 habitable storeys in zone 2(d3). The proposed building comprises five habitable storeys and lift access is provided.

Heritage /conservation areas (cl.25C(2)(e) and 61D - 61I):

Neither the subject site nor adjacent properties are listed on the *Register of the National Estate*, nor are they subject to any conservation instrument under the provisions of the NSW Heritage Act 1977. The properties are not listed as a heritage items nor located in a heritage conservation area identified under the provisions of the Ku-ring-gai Planning Scheme Ordinance.

A condition is recommended requiring that recording of the existing buildings at Nos. 23 Newhaven Place and 36, 38, 40 and 42 Stanley Street St Ives be undertaken prior to demolition (**refer Condition No. 44**).

Residential zone objectives

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

Item 2

POLICY PROVISIONS

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

COMPLIANCE TABLE		
Development control	Proposed	Complies
Part 3 Local context:		
Development adjacent to a heritage item 15m:	No closer than 75 metres to any heritage item	YES
Part 4.1 Landscape design:		
Deep soil landscaping (min) 150m ² per 1000m ² of site area = 912m ²	3,110m ²	YES
No. of tall trees required (min): 1 tree per 300m ² (20 trees)	22 trees retained 17 trees to be planted	YES
Part 4.2 Density:		
Building footprint (max): 35% of total site area	32%	YES
Floor space ratio (max): 1.3:1	1.23:1 (4,022m ²)	YES
Part 4.3 Setbacks:		
Stanley Street, Link Road and Newhaven Place (min): 10 - 12 metres (<40% of the zone occupied by building footprint) The setback must extends both above and below ground and includes car parking, storage, detentions tanks and the like	10-12 metres setback (with less than 40% of the building in the 10m zone) Basement car park is setback 7.7 metres as opposed to 10 metres in part from Stanley Street.	YES NO
Side boundary setback (min): 6 metres	Minimum set back 6 metres	YES
Corner sites - the minimum street boundary shall apply on both street frontages	The site is located on the corner of Stanley Street and Link Road. Both street frontages comply.	YES

Item 2

COMPLIANCE TABLE		
Development control	Proposed	Complies
% of total area of front setback occupied by private courtyards (max):15%	<15%	YES
Part 4.4 Built form and articulation:		
Façade articulation:		
• Wall plane depth >600mm	All >600mm	YES
• Wall plane area <81m ²	< 81m ²	YES
Service Elements (such as lift overruns, service plants, vent stacks, etc) shall be integrated into the overall design of the roof	All elements integrated into the roof	YES
Built form:		
• Building width < 36m	Building A width = 49 metres. The portion of the building that directly presents itself to Stanley Street is 42 metres in width.	NO
	Building B width = 38 metres. The portion of the building that directly presents itself to Stanley Street is 36 metres in width.	YES
• Balcony projection < 1.2m	<1.2m	YES
Part 4.5 Residential amenity		
Solar access:		
• >70% of units receive 3+ hours direct sunlight in winter solstice	66 apartments (80%) receive at least 3 hours of direct sunlight in mid-winter and 50 apartments (61%) receive at least 4 hours	YES
• 3 hours sunlight to habitable rooms and outdoor living areas of adjoining houses in Residential 2(c1) and 2 (c2) zones	Not adjoined by such zones but at least 3 hours solar access maintained to adjoining developments	YES
• >50% of the principle common open space of the development receives 3+ hours direct sunlight in the winter solstice	>50%	YES

Item 2

COMPLIANCE TABLE		
Development control	Proposed	Complies
<ul style="list-style-type: none"> <15% of the total units are single aspect with a western orientation 	Four (4) units or 5% of thee total have a westerly orientation	YES
Visual privacy: Separation b/w windows and balconies of a building and any neighbouring building on site or adjoining site: <ul style="list-style-type: none"> Storeys 1 to 4 <ul style="list-style-type: none"> 12m b/w habitable rooms 9m b/w habitable and non-habitable rooms 6m b/w non-habitable rooms 5th Storey <ul style="list-style-type: none"> 18m b/w habitable rooms 13m b/w habitable and non-habitable rooms 9m b/w non-habitable rooms 	<p>Within the site, the proposed development generally complies with this requirement, with the exception of some windows of units A107/B106, A207/B206, A307/B306 and A407/B406 which are located 11 metres apart.</p> <p>The proposed buildings are also located less than 12 metres from the adjoining single dwellings fronting Newhaven Place. The subject site is extensively screened from these properties, which are also zoned residential 2(d3) and will be developed into apartment buildings in the future.</p>	<p>NO</p> <p>NO</p>
Internal amenity: <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 	<p>2.7m</p> <p>2.7m</p> <p>All bedrooms >3.0m</p>	<p>YES</p> <p>YES</p> <p>YES</p>

Item 2

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 	<p>Maximum 4 units</p> <p>>1.8m</p> <p>>1.8m</p>	<p>YES</p> <p>YES</p> <p>YES</p>
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 	<p>> 25m²</p> <p>10m²</p> <p>12m²</p> <p>15m²</p> <p>2.4m</p>	<p>YES</p> <p>YES</p> <p>YES</p> <p>YES</p>
Part 4.7 Social dimensions:		
Visitable units (min): 70%	73% (60 units) are visitable	YES
Housing mix: To include a range of unit sizes and types to provide choice to the market and encourage social mix	8 one bedroom apartments, 42 two-bedroom apartments and 32 three- bedroom apartments	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 	76% (63 units)	YES

Item 2

COMPLIANCE TABLE		
Development control	Proposed	Complies
<ul style="list-style-type: none"> single aspect units are to have a maximum depth of 10m 	Less than 10 metres	YES
<ul style="list-style-type: none"> 25% of kitchens are to have an external wall for natural ventilation and light 	27% (22 units)	YES
<ul style="list-style-type: none"> >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% 5 star rating = 48%	YES YES
Part 5 Parking and vehicular access:		
Car parking spaces (min): 115 x resident, 21 x visitor	121 x resident, 21 x visitor	YES

Part 4.3 Setbacks:

The stepped building configuration provides for a variety of front, side and rear setbacks in order to achieve good articulation and interest to the streetscape.

After a number of meetings with the applicant and Council officers, the applicant agreed to amend the plans to fully comply with the 10m/12m setbacks to Link Road.

A variation to the control that requires the basement area to be excluded from the front setback has been requested. The area of the basement car park projecting into the setback zone amounts to 65m². The width of the basement car park is a result of the required compliance with Australian Standard 2890 for aisle widths and car space dimensions. The placement of the basement car park has also been constrained by the desire to minimise the length of the entry/egress driveway and to maximise the available area of deep soil landscaped open space towards the rear portion of the site.

Council's Landscape and Tree Assessment Officer has also stated:

"It is noted that the setback from Stanley St to the basement carparking below Block A does not comply with Council's DCP55 with a forward encroachment from the building above, resulting in a setback from the Stanley St site boundary of approximately 7.7m. From a landscape viewpoint, this proposed basement setback can be supported as there is adequate area for the establishment of tall 'canopy' trees and sufficient screen planting to filter the views to and from the development."

Item 2

The setback dimension ensures ample space for deep soil landscaping which will screen the development from the Stanley Street frontage. The basement structure does not project above ground level and will not be visible from the public domain. The total area of deep soil landscaping amounts to 51.2% of the site area and therefore complies with the requirements of LEP 194. Existing and new vegetation will screen the setback zones.

Part 4.4 Built form and articulation:

The width of a single building on any elevation facing the street should not exceed 36 metres. In the subject development application, there are two buildings, A and B.

Building A has total width of 49 metres, however, the portion of the building that directly presents itself to Stanley Street is only 42 metres in width, which is 6 metres longer than the minimum prescribed.

Building B has total width of 38 metres, however, the portion of the building that directly presents itself to Stanley Street is 36 metres in width, which complies.

The two building elements break the total development and satisfy the design controls of DCP 55.

The proposed development has been designed in accordance with the provisions and design principles embodied in SEPP 65, and according to Council's Urban Design Consultant, achieves a quality architectural outcome.

The perceived bulk and length of buildings have been reduced as follows:

- Applying architectural modulation to all elevations, thereby breaking the facade into different modules that serve to articulate the buildings;
- Utilising depth, shadow and different materials to achieve modulation and articulation in the composition of the facade rather than a superficial arrangement of applied elements;
- Selecting appropriate external materials and finishes to enhance the architectural form and character of the development and the quality of the streetscape; and
- Providing a densely vegetated garden (including canopy trees) to integrate the buildings into the landscape.

Part 4.5 Residential amenity –visual privacy:

DCP 55 requires a minimum separation between windows and balconies of a building and any neighbouring building either on the site or adjoining sites.

Within the site, the proposed development generally complies with this requirement, with the exception of some windows of Units A107/B106, A207/B206, A307/B306 and A407/B406 which are located 11 metres apart as opposed to the required 12 metres. It is considered that a 1.0 metre

Item 2

breach for a small number of units is considered acceptable due to the presence of screen landscaping.

The proposed buildings are also located 10 metres from the adjoining single dwellings fronting Newhaven Place, 2.0 metres less than the required separation. However, the subject site is extensively screened from these properties, which are also zoned residential 2(d3) and which will be developed into apartment buildings in the future.

Development Control Plan 31 – Access

Matters for assessment under DCP 31 have been taken into account in the assessment of this application against SEPP 65 and DCP 55 and the proposal is satisfactory.

Development Control Plan 40 – Construction and Demolition Waste Management

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

Development Control Plan No. 43 – Car Parking

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

Development Control Plan 47 – Water Management

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

Section 94 Plan

The development attracts a section 94 contribution of \$1,441,018.67 and required to be paid by **Condition No 51.**

LIKELY IMPACTS

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

SUITABILITY OF THE SITE

The site is considered to be suitable for the development proposed.

Item 2

ANY SUBMISSIONS

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

PUBLIC INTEREST

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

ANY OTHER RELEVANT MATTERS CONSIDERATIONS NOT ALREADY ADDRESSED

There are no other matters for consideration.

CONCLUSION

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

RECOMMENDATION:

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

THAT the Council, as the consent authority, grant development consent to DA 239/05 for the demolition of existing dwellings and the construction of a residential flat building, containing 82 units, basement car parking and landscaping, at 23 Newhaven Place and 36-42 Stanley Street, St Ives, for a period of two (2) years from the date of the Notice of Determination, subject to the following conditions:

GENERAL CONDITIONS

1. The development must be carried out in accordance with plans numbered A011, A012, A013, A101-C, A102-B, A103-B, A106, A201, A301-B and A302 dated March and July 2005, drawn by Scott Carver Architects, 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.
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.

Item 2

3. Landscape works shall be carried out in accordance with Landscape Drawing No LDA-401, LDA-402, LDA-403 Rev B prepared by SCAPE and dated 29/06/2005 submitted with the Development Application, except as amended by the following:
 - Tree #40 Araucaria heterophylla (Norfolk Island Pine) is to be retained. Existing levels and grades are to be maintained within a 5.0m radius of the tree. No construction work is permitted within the specified 5.0m radius.
 - Screen planting adjacent to the north eastern site boundary, adjacent to Block A is to be substantially increased. The proposed planting of Gordonia axillaris (Gordonia) is to be deleted and replaced with eight Elaeocarpus reticulatus (Blueberry Ash).
4. Canopy and/or root pruning of any trees 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:
5. 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.
6. 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
#3 Syncarpia glomulifera (Turpentine) Adjacent to Northern/Newhaven Pl site boundary	4.0m
#4 Syncarpia glomulifera (Turpentine) Adjacent to northern/Newhaven Pl site boundary	4.0m
#8 Syncarpia glomulifera (Turpentine) Adjacent to north east site boundary	4.0m
#9 Syncarpia glomulifera (Turpentine) Adjacent to north east site corner	4.0m
#10 Syncarpia glomulifera (Turpentine) Adjacent to northern/Newhaven Pl site boundary	4.0m
#12 Hymenosporum flavum (Native Frangipani) Newhaven Pl nature strip	3.0m
#17 Eucalyptus nicholii (Peppermint)	4.0m

Item 2

Adjacent to western site boundary	
#33 Jacaranda mimosifolia (Jacaranda) Adjacent to north east site boundary	4.0m
#35 Liquidambar styraciflua (Sweet Gum) Adjacent to north east site boundary in neighbouring property	4.0m
#36 Eucalyptus resinifera (Red Mahogany) Adjacent to north east site boundary on neighbouring property	4.0m
#40 Araucaria heterophylla (Norfolk Island Pine) Adjacent to north east site boundary	6.0m
#75 Fraxinus 'Raywoodii' (Claret Ash) Adjacent to northern site boundary	4.0m
#76 Cedrus deodar (Himalayan Cedar) Adjacent to northern site boundary	6.0m
#78 Jacaranda mimosifolia (Jacaranda) Adjacent to northern site boundary	4.0m
#88 Eucalyptus scoparia (White Gum) Adjacent to southern/Stanley St site boundary	6.0m
#89 Ceratopetalum gummiferum (NSW Xmas Bush) Adjacent to southern/Stanley St site boundary	3.0m
#90 Chamaecyparis obtusa (Hinoki Cypress) Adjacent to southern/Stanley St site boundary	4.0m
#100 Cedrus deodar (Himalayan Cedar) Adjacent to southern/Stanley St site boundary	6.0m
#103 Melaleuca quinquenervia (Broad leaf paperbark) Adjacent to southern/Stanley St site boundary	4.0m
#112 Podocarpus elatus (Brown Pine) Adjacent to western site boundary in neighbouring property	4.0m
#114 Liriodendron tulipifera (Tulip tree) Adjacent to western site boundary in	6.0m

Item 2

neighbouring property

#118 Ginkgo biloba (Maidenhair tree) 6.0m
Adjacent to northern site boundary

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

Tree/Location

ANY tree to be retained protected by Council's TPO Beneath canopy drip line
On or off site

8. 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.

9. The following tree species shall be planted, at no cost to Council, in the nature strip fronting the property along Stanley St. The trees are to be evenly spaced and planted as a formal avenue planting. The tree/s used shall be 25 litre container size specimen/s:

Tree Species

Angophora costata (Sydney Redgum) x 10

10. Following removal of the existing trees within the Stanley St nature strip in front of the site, the nature strip shall be rehabilitated to the satisfaction of Council's Director Open Space at no cost to Council.
11. 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.
12. 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.
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. Stormwater runoff from all new impervious areas and subsoil drainage systems must be piped to the (newly constructed) in-ground street drainage system in Stanley Street. New drainage line connections to the street drainage system must conform and comply with the requirements described in sections 5.3 and 5.4 of Ku-ring-gai Council Water Management Development Control Plan 47. The Applicants attention is directed to the requirements for obtaining a *Road Opening Permit* for excavating in the road reserve.

Item 2

15. A mandatory rainwater retention and re-use system comprising storage tanks and ancillary delivery plumbing must be provided for the development. The (minimum) total storage volume of the rainwater tank system is to be 216m³, and the prescribed re-use of the water on site, must be toilet flushing (each unit), cold laundry (each unit) and garden irrigation as specified in chapter 6 of Ku-ring-gai Council Water Management Development Control Plan 47 (DCP47).
16. In addition to the mandatory rainwater retention and re-use system provided, an **on-site stormwater detention** system must be provided for the development to control the rate of runoff leaving the site. The minimum volume of the required on-site detention system must be determined in accordance with chapter 6 of the Ku-ring-gai Council Water Management Development Control Plan 47 (DCP 47) - having regard to the specified volume concession offered in lieu of installing rainwater retention tanks. The design of the on-site detention system must be performed by a qualified civil/hydraulic engineer and must satisfy the design controls set out in appendix 5 of DCP 47.
17. 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 drains shall outlets of minimum diameter 150mm to prevent blockage by debris.
18. To control surface runoff all new exposed impervious areas graded towards adjacent property and/or habitable areas are to be drained via the main drainage system. This may require the installation of suitable inlets pits, cut-off structures (e.g. kerb), and/or barriers that direct such runoff to the formal drainage system. Details for such measures shall be shown on the approved Construction Certificate issue drawings, to the satisfaction of the Principal Certifying Authority.
19. During construction, stormwater runoff must be disposed in a controlled manner that is compatible with the erosion and sediment controls on the site. Immediately upon completion of any impervious areas on the site (including roofs, driveways, paving) and where the final drainage system is incomplete, the necessary temporary drainage systems must be installed to manage and control runoff as far as the approved point of stormwater discharge. Such measures shall be to the satisfaction of the Principal Certifying Authority.
20. 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.
21. Where required, the adjustment or inclusion of any new utility service facilities must be carried out by the applicant and in accordance with the requirements of the relevant utility

Item 2

authority. These works shall be at no cost to Council. It is the Applicants full responsibility to make contact with the relevant utility authorities to ascertain the impacts of the proposal upon utility services at the appropriate stage of development (including water, phone, gas and the like). Council accepts no responsibility whatsoever for any matter arising from its approval of this application involving any influence upon utility services provided by another authority.

22. All public footways and roadways fronting and adjacent to the site must be maintained in a safe condition at all times during the course of the development works. Construction materials and plant must not be stored in the road reserve. A safe pedestrian circulation route and a pavement/route free of trip hazards must be maintained at all times on or adjacent to any public access ways fronting the construction site. Where public infrastructure is damaged, repair works must be carried out when and as directed by Council officers. Where pedestrian circulation is diverted on to the roadway or verge areas, clear directional signage and protective barricades must be installed in accordance with AS1742-3 (1996) "*Traffic Control Devices for Work on Roads*". **If pedestrian circulation is not satisfactorily maintained across the site frontage, and action is not taken promptly to rectify the defects, Council may undertake proceedings to stop work.**
23. The provision of temporary sediment and erosion control facilities and measures must be installed, prior to the commencement of any works on the site to eliminate unnecessary erosion and loss of sediment. These facilities must be maintained in working order during construction works up to completion. All sediment traps must be cleared on a regular basis and after each major storm, and/or as directed by the Principal Certifying Authority and Council officers.
24. Driveways and vehicular access ramps must be designed not to scrape the underside of cars. In all respects, the proposed vehicle access and accommodation arrangements must be designed and constructed to comply with the minimum requirements of Australian Standard 2890.1 (2004) "Off-Street car parking".
25. The Applicant must obtain a **Section 73 Compliance Certificate** under the *Sydney Water Act 1994*. An application must be made through an authorised Water Servicing Coordinator. The Applicant is to refer to "Your Business" section of Sydney Water's web site at www.sydneywater.com.au then the "e-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.
26. In order to allow **unrestricted access at all times** for Ku-ring-gai Council waste collection vehicles into the basement garbage collection area - no doors, grilles, gates or other devices are to be provided in the access driveways to the basement carpark preventing this service.

Item 2

27. A contractor with specialist excavation experience must undertake the excavations for the development and a suitably qualified and consulting geotechnical engineer must oversee the excavation procedure. Geotechnical aspects of the development work, namely:

- Appropriate excavation methods and techniques,
- Vibration management and monitoring,
- Support and retention of excavated faces,
- Hydrogeological considerations,

Must be undertaken in accordance with the recommendations of the *Report to Finpac Investments 88 Pty Ltd on Geotechnical and Hydrogeological Investigation for proposed Residential Development at 36-42 Stanley Street and 23 Newhaven Place, St Ives by Jeffery and Katauskas P/L, report 19211SPrpt. dated 22nd February 2005*, and all subsequent geotechnical inspections carried out during the excavation and construction phase. Approval must be obtained from all affected property owners, including Ku-ring-gai Council, where rock anchors (both temporary and permanent) are proposed below adjacent private or public property.

28. The geotechnical and hydrogeological works implementation, inspection, testing and monitoring program for the excavation and construction works must be in accordance with the *Report to Finpac Investments 88 Pty Ltd on Geotechnical and Hydrogeological Investigation for proposed Residential Development at 36-42 Stanley Street and 23 Newhaven Place, St Ives by Jeffery and Katauskas P/L, report 19211SPrpt. dated 22nd February 2005*. 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 conducted geotechnical inspection, testing and monitoring programs.

29. **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.

Item 2

30. 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.
31. A sign shall be erected in a prominent position on the site which states the name and contact details of the Principal Certifying Authority.
32. To maintain existing ground levels all excavated material shall be removed from the site.
33. 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.

34. 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.
35. 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.

Item 2

36. All noise generating equipment mechanical equipment 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.
37. Noise emission from the mechanical ventilation system including fan units is not to exceed the background noise level when measures at the nearest property boundary.
38. The demolition is to be carried out in accordance with the guidelines contained in Australian Standard 2601-1991: The Demolition of Structures.
39. Access to demolition sites shall be protected as directed by the Principal Certifying Authority by the use of suitable fences or hoardings.
40. 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.
41. 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.
42. Erosion control measures shall be provided on demolition sites to prevent the siltation of watercourses and drainage systems.
43. 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.

Item 2

- 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.
- 44. 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.
- 45. All demolition materials of value for re-use either on-site or elsewhere, shall be separated and made available for re-cycling.
- 46. A photo record of all the buildings to be demolished and vegetation on site is to be submitted to Council for archival purposes.
- 47. 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.

- 48. 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).
- 49. 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

Item 2

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.

50. 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.

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

51. 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 \$1,441,018.67.

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 (If Seniors Living \$412.07)	\$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:

Item 2

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

52. 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.

53. A CASH BOND/BANK GUARANTEE of \$20 500.00 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 Syncarpia glomulifera (Turpentine) \$2,000.00
Adjacent to Northern/Newhaven Pl site boundary

#4 Syncarpia glomulifera (Turpentine) \$3,000.00
Adjacent to northern/Newhaven Pl site boundary

Item 2

#8 Syncarpia glomulifera (Turpentine) \$3,000.00
Adjacent to north east site boundary

#9 Syncarpia glomulifera (Turpentine) \$2,000.00
Adjacent to north east site corner

#10 Syncarpia glomulifera (Turpentine) \$1,000.00
Adjacent to northern/Newhaven Pl site boundary

#17 Eucalyptus nicholii (Peppermint) \$2,000.00
Adjacent to western site boundary

#33 Jacaranda mimosifolia (Jacaranda) \$1,000.00
Adjacent to north east site boundary

#40 Araucaria heterophylla (Norfolk Island Pine) \$3,000.00
Adjacent to north east site boundary

#75 Fraxinus 'Raywoodii' (Claret Ash) \$1,000.00
Adjacent to northern site boundary

#76 Cedrus deodar (Himalayan Cedar) \$500.00
Adjacent to northern site boundary

#78 Jacaranda mimosifolia (Jacaranda) \$1,000.00
Adjacent to northern site boundary

#100 Cedrus deodar (Himalayan Cedar) \$1,000.00
Adjacent to southern/Stanley St site boundary

#103 Melaleuca quinquenervia (Broad leaf paperbark) \$1,000.00
Adjacent to southern/Stanley St site boundary

#118 Ginkgo biloba (Maidenhair tree) \$1,000.00
Adjacent to northern site boundary

54. 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. Note that Ku-ring-gai Council does **not** necessarily need to endorse lot consolidation plans.
55. Prior to issue of the Construction Certificate, driveway and associated footpath levels for the new driveway crossing between the property boundary and road alignment must be obtained from Ku-ring-gai Council. Such levels are only able to be issued by Council under the *Roads*

Item 2

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

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

56. Prior to issue of the Construction Certificate the Applicant must have engineering plans and specifications prepared by a qualified consulting engineer and the plans **approved by Council** engineers. The plans to be assessed must be to a detail suitable for construction issue purposes and must detail the following infrastructure works required in Stanley Street:

- Construction of a new grated gully pit with lintel in Stanley St to facilitate direct in-ground connection of the site drainage system outlet.
- Construction of a new 375 reinforced concrete pipe gutter alignment to join the newly constructed pit to the existing Council drainage system downstream in Stanley Street.

This Development Consent under the EP&A Act does **NOT** give approval to these works in the road reserve. **Ku-ring-gai Council must issue a separate consent under section 138 and 139 of *The Roads Act 1993*** for the works in the road reserve, required as part of the development. The Construction Certificate must not be issued, and these works must not proceed, until Council has issued the formal written consent under the *Roads Act 1993*.

The required plans and specifications are to be designed in accordance with the *General Specification for the Construction of Road and Drainage Works in Ku-ring-gai Council*, dated November 2004. The drawings must detail existing utility services and trees affected by the works, erosion control requirements and traffic management requirements during the course of works. Survey must be undertaken as required. Traffic management is to be certified on the drawings as being in accordance with the documents SAA HB81.1 – 1996 – Field Guide for Traffic Control at Works on Roads – Part 1 and RTA Traffic Control at Work Sites (1998). **Construction of the works must proceed only in accordance with any conditions attached to the stamped Council *Roads Act 1993* approval.**

Item 2

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

57. Prior to the issue of the Construction Certificate, a longitudinal driveway section is to be prepared by a qualified civil/traffic engineer and be submitted for approval by the Principal Certifying Authority. The profile is to be at 1:100 scale starting from the kerbline of the frontage street carriageway to the proposed basement floor level. The traffic engineer shall provide specific written certification on this plan that:

- Garbage vehicle egress can be accommodated using maximum grades of 20% (1 in 5). This is to allow the laden garbage collection vehicle to climb the ramp, and
- All changes in grade (transitions) comply with clause 2.5.3 of Australian Standard 2890.1 (2004) –“Off-street car parking” to prevent the scraping of the underside of vehicles, particularly along the inside radius on the curved driveway.

If a new driveway crossing is proposed then the longitudinal sections at the boundary alignment **must incorporate the driveway crossing levels as issued by Council** upon prior application.

58. Prior to issue of the Construction Certificate the Applicant must submit, for approval by the Principal Certifying Authority, certified parking layout plan(s) to scale showing all aspects of the vehicle access and accommodation arrangements clearly dimensioned. A qualified civil/traffic engineer must review the proposed vehicle access and accommodation layout and provide written certification on the plans that:

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

The vehicle access and accommodation layout is to be constructed in accordance with the certified plans.

59. Prior to issue of the Construction Certificate and prior to commencement of any works that may be subject to erosion, the applicant must submit, for approval by the Principal Certifying

Item 2

Authority, a Soil and Erosion Control Plan prepared in accordance with the Landcom document “*Managing Urban Stormwater – Soils and Construction, Volume 1*” (2004). A qualified and experienced civil/environmental engineer shall prepare this plan in accordance with the above guidelines and section 8.2.1 of Councils Water Management Development Control Plan 47.

60. Prior to issue of the Construction Certificate the applicant must submit, for approval by the Principal Certifying Authority, scale construction plans and specifications in relation to the stormwater management and disposal system for the development. The plan(s) must include the following detail:
 - Exact location and reduced level of discharge point to the public drainage system.
 - Full layout of the property drainage system components, including but not limited to (as required) gutters, downpipes, spreaders, pits, swales, kerbs, cut-off and intercepting drainage structures, subsoil drainage, flushing facilities and all ancillary stormwater plumbing - all designed to carry for the 235mm/hour rainfall intensity for a duration of five (5) minutes (1:50 year storm recurrence).
 - Location(s), dimensions and specifications for the required rainwater storage and reuse tanks and systems. Where proprietary products are to be used, manufacturer specifications, product contact numbers or equivalent products shall be provided.
 - Specifications for reticulated pumping facilities (including pump type and manufacturer specifications) and ancillary plumbing/holding facilities/first flush to fully utilise rainwater in accordance with the Ku-ring-gai Council Development Control Plan 47.
 - Details of the required **on-site detention** tanks required under Ku-ring-gai Council Water Management DCP 47 including dimensions, materials, locations, orifice and discharge control pit details as required (refer chapter 6 and appendices 2, 3 and 5 of DCP 47 for volume, PSD and design requirements).
 - The required basement stormwater pump-out system to cater for driveway runoff and subsoil drainage (refer appendix 7.1.1 of Development Control Plan 47 for design).

The above construction drawings and specifications are to be prepared by a qualified and experienced civil/hydraulic engineer in accordance with Councils Water Management Development Control Plan 47, Australian Standards 3500.2 and 3500.3 - *Plumbing and Drainage Code* and the BCA. The plans may be generally based on Development application concept drainage & OSD/OSR plans, prepared by Dincel and Associates, drawings 05002-C01A and C02A, dated March 2005, submitted for Development Application approval, which are to be revised/advanced as necessary for construction issue purposes.

61. Prior to the issue of a Construction Certificate the applicant must lodge a \$50,000 (fifty thousand dollar) 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 un-repaired 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 works in the public domain that are required in connection with this approval.

Item 2

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.
62. Prior to issue of the Construction Certificate the Applicant must contact Energy Australia regarding power supply for the subject development. A written response detailing the full requirements of Energy Australia (including any need for underground cabling, substations or similar within or in the vicinity the development) shall be submitted to the Principal Certifying Authority for approval prior to issue of the Construction Certificate. Any structures or other requirements of Energy Australia shall be reflected on the plans issued with the Construction Certificate, to the satisfaction of the Principal Certifying Authority and Energy Australia. The requirements of Energy Australia must be met in full prior to issue of the Occupation Certificate.
63. Prior to issue of the Construction Certificate the applicant must make contact with all relevant utility providers whose services will be impacted upon by the approved development. A written copy of the requirements of each provider, as determined necessary by the Principal Certifying Authority, must be obtained. All utility services or appropriate conduits for the same, including electricity, gas, telephone, water and sewerage must be provided by the developer in accordance with the specifications of those supply authorities.

CONDITIONS TO BE COMPLIED WITH PRIOR TO WORK COMMENCING

64. 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
#3 Syncarpia glomulifera (Turpentine) Adjacent to Northern/Newhaven Pl site boundary	4.0m
#4 Syncarpia glomulifera (Turpentine) Adjacent to northern/Newhaven Pl site boundary	4.0m
#8 Syncarpia glomulifera (Turpentine)	4.0m

Item 2

Adjacent to north east site boundary	
#9 Syncarpia glomulifera (Turpentine)	4.0m
Adjacent to north east site corner	
#10 Syncarpia glomulifera (Turpentine)	4.0m
Adjacent to northern/Newhaven Pl site boundary	
#12 Hymenosporum flavum (Native Frangipani)	3.0m
Newhaven Pl nature strip	
#17 Eucalyptus nicholii (Peppermint)	4.0m
Adjacent to western site boundary	
#33 Jacaranda mimosifolia (Jacaranda)	4.0m
Adjacent to north east site boundary	
#35 Liquidambar styraciflua (Sweet Gum)	3.0m
Adjacent to north east site boundary in neighbouring property	
#36 Eucalyptus resinifera (Red Mahogany)	5.0m
Adjacent to north east site boundary on neighbouring property	
#40 Araucaria heterophylla (Norfolk Island Pine)	6.0m
Adjacent to north east site boundary	
#75 Fraxinus 'Raywoodii' (Claret Ash)	4.0m
Adjacent to northern site boundary	
#76 Cedrus deodar (Himalayan Cedar)	3.0m
Adjacent to northern site boundary	
#78 Jacaranda mimosifolia (Jacaranda)	4.0m
Adjacent to northern site boundary	
#88 Eucalyptus scoparia (White Gum)	3.0m
Adjacent to southern/Stanley St site boundary	
#89 Ceratopetalum gummiferum (NSW Xmas Bush)	3.0m
Adjacent to southern/Stanley St site boundary	
#90 Chamaecyparis obtusa (Hinoki Cypress)	4.0m
Adjacent to southern/Stanley St site boundary	
#100 Cedrus deodar (Himalayan Cedar)	4.0m
Adjacent to southern/Stanley St site boundary	

Item 2

#103 Melaleuca quinquenervia (Broad leaf paperbark) Adjacent to southern/Stanley St site boundary	4.0m
#112 Podocarpus elatus (Brown Pine) Adjacent to western site boundary in neighbouring property	4.0m
#114 Liriodendron tulipifera (Tulip tree) Adjacent to western site boundary in neighbouring property	6.0m
#118 Ginkgo biloba (Maidenhair tree) Adjacent to northern site boundary	4.0m

65. 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.
66. Tree protection signage is to be attached to each tree Protection Zone and displayed in a prominent position and the sign repeated at 10m intervals or closer where the fence changes direction. Each sign to advise as minimum details, the following:
 - Tree Protection Zone
 - This fence has been installed to prevent damage to the trees and their growing environment both above and below ground, and access is restricted.
 - If encroachment or incursion into this Tree Protection Zone is deemed to be essential the consulting Arborist should be informed prior to the undertaking of such works
 - Name, address, and telephone number of the developer.
67. The area of the Tree Protection Zone is to be mulched to a depth of 100mm with organic material being 75% leaf litter and 25% wood, and this being composted material preferably from the same genus and species of tree as to that where the mulch is to be applied, ie species specific mulch. The depth of mulch and type as indicated, to be maintained for the duration of the project.
68. No services either temporary or permanent are to be located within the Tree protection Zone. If services are to be located within the Tree Protection Zone, special details will need to be provided by a qualified consulting Arborist for the protection of the tree regarding the location of the service/s.
69. In the event of prolonged dry periods, or where a tree has been transplanted, or where excavation nearby, especially up slope, leads to drying out of soil profiles closest to the tree/s, the tree/s is to be deep root watered thoroughly at least twice a week. The need for such watering is determined readily by observing the dryness of the soil surface within the dripline of the tree by scraping back some mulch. Mulch to be reinstated afterwards. In the event of

Item 2

disrupted ground or surface water flows to the tree due to excavation, filling or construction, an irrigation system may be required to be installed, consideration must be given to volume, frequency, and drainage of water delivered, and this should be in consultation with a qualified consulting Arborist.

70. If a tree is growing down slope from an excavation, a silt fence located along the contours of the site in the area immediately above the Tree Protection Zone fencing may be need to be installed and regularly maintained to prevent burial and asphyxiation of the roots of the tree. To allow for the maintenance of both fences, the silt fence must be constructed separately to the tree protection fence and the two fences must be constructed independently of each other and stand alone. To reduce competition the Tree Protection Zone is to be kept free of weeds for the duration of the development works.
71. 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 (including colour photos) and structural condition of all adjacent structures potentially influenced by the works. The report must be completed by a consulting structural/geotechnical engineer as determined necessary by that professional based on the excavation depth, founding material and boundary offset for the proposal together with the recommendations of the submitted *Report to Finpac Investments 88 Pty Ltd on Geotechnical and Hydrogeological Investigation for proposed Residential Development at 36-42 Stanley Street and 23 Newhaven Place, St Ives by Jeffery and Katauskas P/L, report 19211SPrpt. dated 22nd February 2005* (page 6). The dilapidation report shall have regard to protecting the Applicant from spurious claims for structural damage and must be verified by all relevant stakeholders. Upon submitting a copy of the dilapidation report to Council, 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.
72. Prior to the commencement of **any** works on site the applicant must submit, for review by Council Engineers, a *Construction and Traffic Management Plan* due to the proximity of the site to the intersection. The following matters must be specifically addressed in the plan:

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

Dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage any pedestrians and construction related vehicles in the frontage roadways,

Turning areas within the site for construction and spoil removal vehicles allowing a forward egress for all construction vehicles on the site,

The locations of any Work Zones in the frontage roadways,

Location of proposed crane standing areas

Item 2

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

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. The name and certificate number of the traffic control designer must be shown on the Traffic Control Plan.

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 must 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.

Item 2

73. 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.
74. Prior to the commencement of any works on site the applicant shall submit to Ku-ring-gai Council a full dilapidation report on the visible and structural condition (**including a colour photographic record**) of the following public infrastructure:
- Full road pavement width, including kerb and gutter, of Stanley Street over the site frontage, extending 20 metres either side of the frontage.
 - All driveway crossings and laybacks opposite the subject site which may be subject to reversing/turning trucks.

The report must be completed by a consulting civil engineer or equivalent. 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 any recent damage to public infrastructure in the vicinity of the site, where such damage is not accurately recorded under the requirements of this condition prior to the commencement of works. In this respect, the infrastructure damage bond lodged by the subject developer may be used by Council to repair damage regardless. A written acknowledgment from Council engineers must be obtained (attesting to this condition being appropriately satisfied) and submitted to the Principal Certifying Authority prior to the commencement of any works on site.

CONDITIONS PRIOR TO OCCUPATION

75. The landscape works shall be completed prior to release of the Certificate of Occupation and maintained in a satisfactory condition at all times.

Item 2

76. 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 intervals. Documentary evidence of compliance with this condition shall be submitted to the principal certifying authority prior to the issue of the Occupation Certificate.
77. Prior to issue of the Occupation Certificate, the Principal Certifying Authority (where not Council) must provide Ku-ring-gai Council with a signed declaration that the following works in the road reserve have been completed in full:
- New concrete driveway crossing in accordance with levels and specifications issued by Council.
 - Completion of drainage works in road reserve.
 - Removal of **all** redundant driveway crossings and kerb laybacks (or sections thereof) and reinstatement of these areas to footpath, turfed verge and upright kerb and gutter. (Reinstatement works to match surrounding adjacent infrastructure with respect to integration of levels and materials).
 - Full repair and resealing of any road surface damaged during construction.
 - Full replacement of damaged sections of grass verge with a non-friable turf of native variety to match existing.

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

78. Prior to issue of the Occupation Certificate all approved road, footpath and/or drainage works must be completed in the road reserve, in accordance with the Council stamped *Roads Act 1993* drawings, conditions and specifications. The works must be supervised by the applicant's designing engineer and the works shall be completed and approved to the full satisfaction of Ku-ring-gai Council in the interests of ensuring quality of work involving public assets. The supervising consulting engineer is to provide certification upon completion that the works were constructed in accordance with the Council stamped drawings. The works must be subject to inspections by Council at the hold points noted on the *Roads Act* approval. All conditions attached to the approved drawings for these works must be met in full prior to the Occupation Certificate being issued.
79. Prior to issue of the Occupation Certificate the following must be provided to Council (attention Development Engineer):
- A copy of the approved Construction Certificate stormwater detention/retention design for the site, and

Item 2

- A copy of any works-as-executed drawings required under this consent
- The Engineer's certification of the as-built system.

This condition is required so Council may maintain its database of as-constructed on-site stormwater detention systems, and applies particularly where the appointed Principal Certifying Authority (PCA) is not Ku-ring-gai Council.

80. Prior to issue of an Occupation Certificate the Section 73 Sydney Water compliance certificate must be obtained and submitted to the Principal Certifying Authority.
81. Prior to issue of an Occupation Certificate the applicant must submit certification from a suitably qualified and experienced traffic/civil engineer to the Principal Certifying Authority. This certification must be based on a site inspection of the constructed vehicle access and accommodation areas, with dimensions measurements as necessary, and must make specific reference to the following:
 - That the as-constructed car park complies with the approved Construction Certificate plans,
 - That the completed vehicle access and accommodation arrangements comply in full with Australian Standard 2890.1 – 2004 “Off-Street car parking”.
 - That finished driveway gradients and transitions will not result in the scraping of the underside of cars.
 - That no doors, gates, grilles or other structures have been provided in the access driveways to the basement car park, which would prevent unrestricted access for internal garbage collection from the basement garbage storage and collection area.
 - That the vehicular headroom requirements of:
 - Australian Standard 2890.1 - “Off-street car parking”,
 - 2.44m height clearance for waste collection trucks (refer DCP 40) are met from the public street into and within the applicable areas of the basement car park.
82. Prior to issue of the Occupation Certificate a qualified and experienced consulting civil/hydraulic engineer must undertake a site inspection of the completed stormwater drainage and management system. The engineer is to provide written certification (based on the site inspection) for the approval of the Principal Certifying Authority, prior to issue of the Occupation Certificate, which makes specific reference to all of the following:
 - That the stormwater drainage works have been satisfactorily completed in accordance with the approved Construction Certificate drainage plans.
 - That the minimum retention and on-site detention storage volume requirements of Ku-ring-gai Council Water Management DCP 47, have been achieved in full.
 - That retained water is connected and available for uses including all toilet flushing, cold laundry and garden irrigation.
 - That basement and subsoil areas are able to drain via a pump/sump system installed in accordance with AS3500.3 and appendix 7.1.1 of Ku-ring-gai Council Water Management DCP 47.

Item 2

- That all grates potentially accessible by children are secured.
- That components of the new drainage system have been installed by a licensed plumbing contractor in accordance with the Plumbing and Drainage code AS3500.3 (2003) and the BCA, and
- All enclosed floor areas, including habitable and garage floor levels, are safeguarded from outside stormwater runoff ingress by suitable differences in finished levels, gradings and provision of stormwater collection devices.

The following certification sheets **must be accurately completed and attached** to the certification:

- Rainwater retention certification sheet contained at appendix 13 of Water Management DCP 47
 - On-site detention certification sheet contained at appendix 4 of Water Management DCP 47.
83. Prior to issue of an Occupation Certificate the Section 73 Sydney Water compliance certificate must be obtained and submitted to the Principal Certifying Authority.
84. Prior to issue of the Occupation Certificate a registered surveyor must provide a Works-as-Executed (WAE) survey of the completed stormwater drainage and management systems. The WAE plan(s) must be submitted to the Principal Certifying Authority for approval prior to issue of the Occupation Certificate. The WAE survey must indicate:
- As built (reduced) surface and invert levels for all drainage pits.
 - Gradients of drainage lines, materials and dimensions.
 - As built (reduced) level(s) at the approved point of discharge to the public drainage system.
 - As built location and internal dimensions of all detention and retention structures on the property (in plan view) and horizontal distances to nearest adjacent boundaries and structures on site.
 - The achieved storage volumes of the installed retention and detention storages and derivative calculations.
 - As built locations of all access pits and grates in the detention and retention system(s), including dimensions.
 - The size of the orifice or control fitted to any on-site detention system.
 - Dimensions of the discharge control pit and access grates.
 - The maximum depth of storage possible over the outlet control.
 - Top water levels of storage areas and indicative RL's through the overland flow path in the event of blockage of the on-site detention system.
 - The WAE plan(s) must show the as-built details above in comparison to those shown on the drainage plans approved with the Construction Certificate prior to commencement of works. All relevant levels and details indicated must be marked **in red** on a copy of the Principal Certifying Authority stamped construction certificate stormwater plans.

Item 2

85. Prior to issue of the Occupation Certificate a maintenance regime shall be prepared for the basement stormwater pump-out system and submitted to Principal Certifying Authority. The regime shall specify that the system is to be regularly inspected and checked by qualified practitioners.
86. 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, inspection, monitoring and construction for the basement levels have been carried out:
- According the relevant Australian Standards and guidelines, and
 - According to the recommendations of the Geotechnical report and subsequent geotechnical inspections undertaken for the development, and
 - In a manner that ensures that the structural amenity of adjoining structures and property is fully maintained.
87. Prior to issue of the Occupation Certificate, a complete record of geotechnical inspections, testing and monitoring as specified in the *Report to Finpac Investments 88 Pty Ltd on Geotechnical and Hydrogeological Investigation for proposed Residential Development at 36-42 Stanley Street and 23 Newhaven Place, St Ives by Jeffery and Katauskas P/L, report 19211SPrpt. dated 22nd February 2005*, and the professional geotechnical input over the course of the works, must be compiled in report format and be submitted to the Principal Certifying Authority for approval.

BUILDING CONDITIONS

88. 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.
89. 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

Item 2

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.

90. 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.
91. 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).
92. 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.
93. 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.

94. 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.

Item 2

S Segall
Executive Assessment Officer

S Cox
Team Leader
Development Assessment – Central

M Prendergast
Manager
Development Assessment Services

M Miocic
Director
Development & Regulation

Attachments:

- Location sketch - 532338**
- Zoning Extract - 532340**
- Sections - 532342**
- Elevations - 532344**
- Shadow Diagrams - 532484**
- Landscape Plans - 532346**

LOCATION SKETCH

23 Newhaven Place & 36-42 Stanley Street, ST IVES NSW

DEVELOPMENT APPLICATION No 239/05



Scale : 1:3000

09-08-2005



AGREEMENT



OBJECTION



SUBJECT LAND



PETITION



SUBMISSION

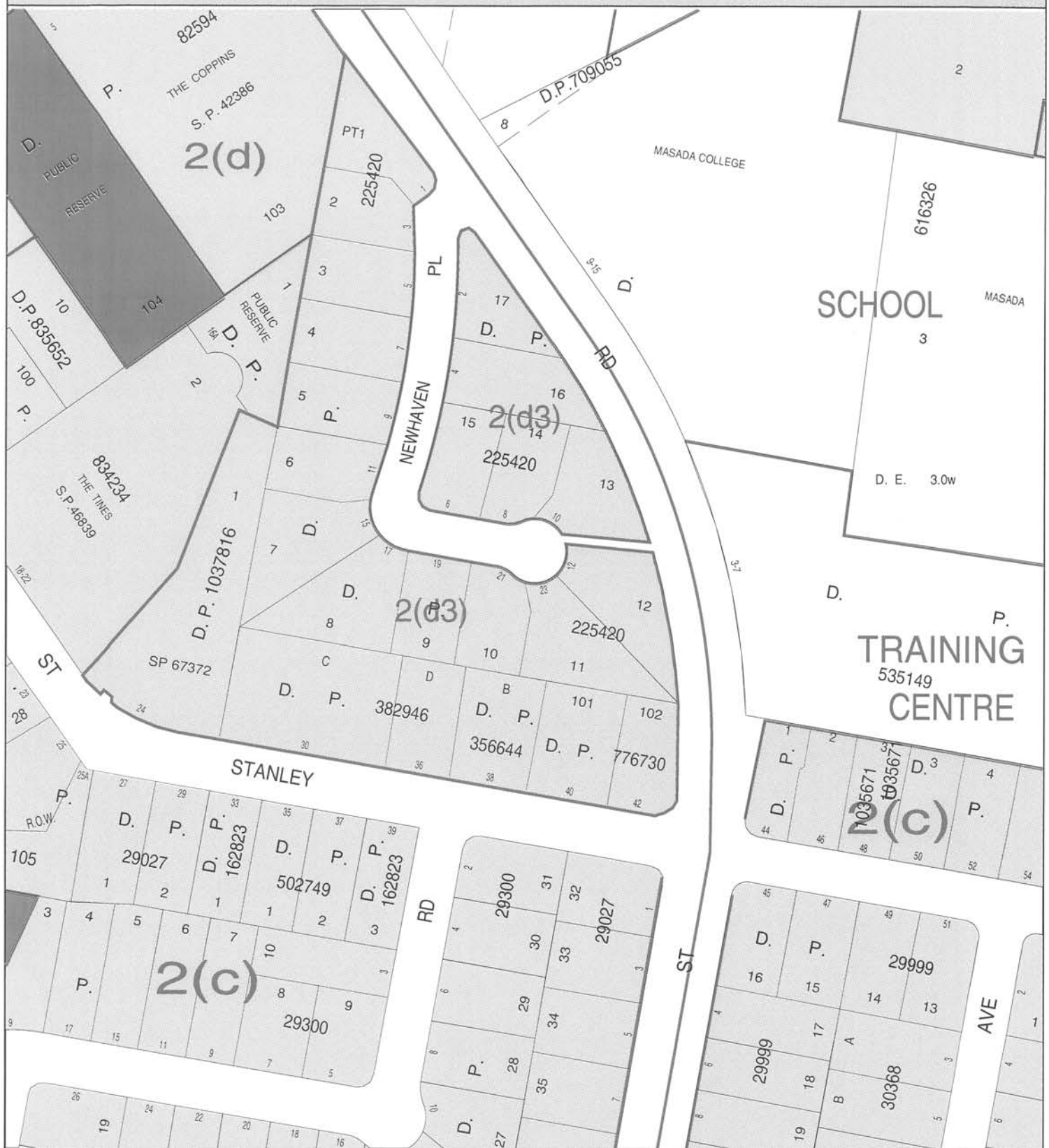


CIRCULATED AREA



Zoning Extract

DA 239/05



09-08-2005

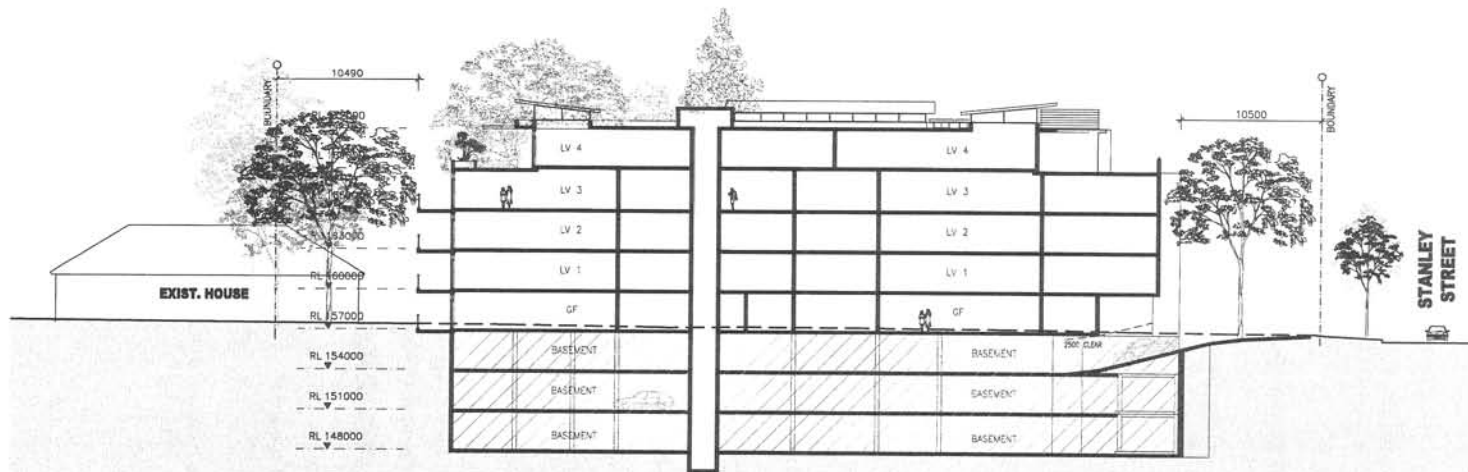
Scale = 1:2000

- EXISTING COUNTY ROAD
- RECREATION EXISTING 6(a)
- 2(c) RESIDENTIAL 2(c)
- 2(d) RESIDENTIAL 2(d)
- 2(d3) RESIDENTIAL 2(d3)
- SCH SPECIAL USES 5(a) (Schools etc)



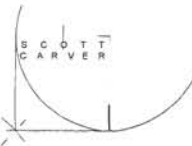


SECTION A-A



SECTION B-B

AUTHORITY APPROVAL

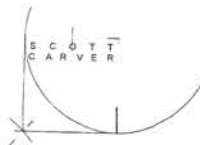
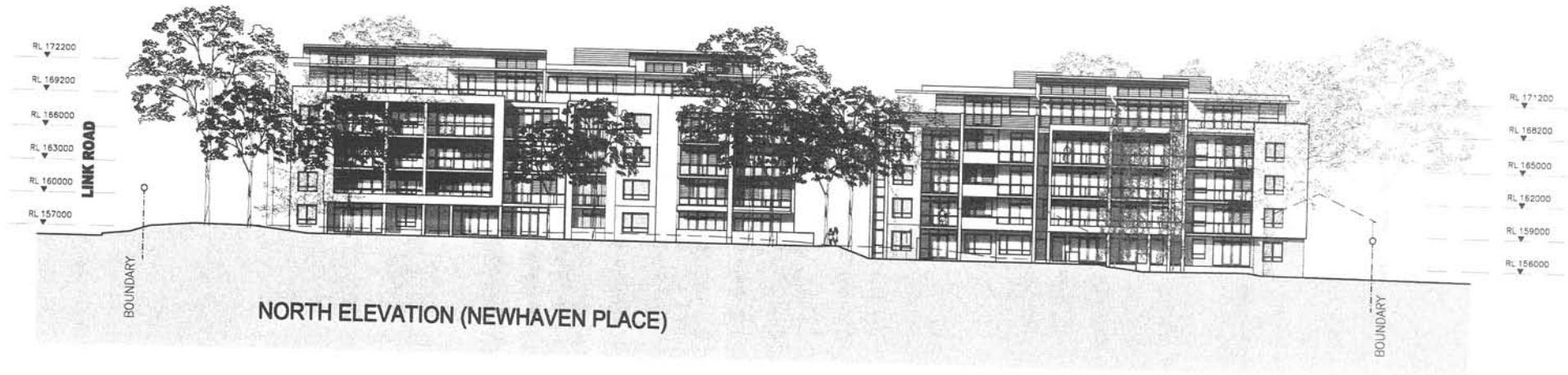


SCOTT CARVER
ARCHITECTS PLANNERS INTERIOR DESIGNERS
12 BERRY STREET, NORTH SYDNEY NSW 2060, AUSTRALIA
TELEPHONE +61 2 9957 3000 FACSIMILE +61 2 9955 0317
www.scottcarver.com.au mail@scottcarver.com.au

Proposed Residential Development
Newhaven
FOR
Finpac Investments 88 P/L

SECTION A-A
Scale 1:200 @ A1
Date 06 Aug 2005
Project No. 2005000
Drawn: Jane Clarke
Title: A201

DATE	18/08/2005
PROJECT	NEWHAVEN
FOR DEVELOPMENT APPLICATION	18/08/2005
REVISED AS NOTED	18/08/2005



SCOTT CARVER
ARCHITECTS PLANNERS INTERIOR DESIGNERS
12 BERRY STREET, NORTH SYDNEY, NSW, 2060, AUSTRALIA
TELEPHONE +61 2 9557 3000 FACSIMILE +61 2 9555 0217
WWW.SCOTTCARVER.COM.AU
MAIL@SCOTTCARVER.COM.AU

Proposed Residential Development
Newhaven
FOR
Finpac Investments 88 P/L

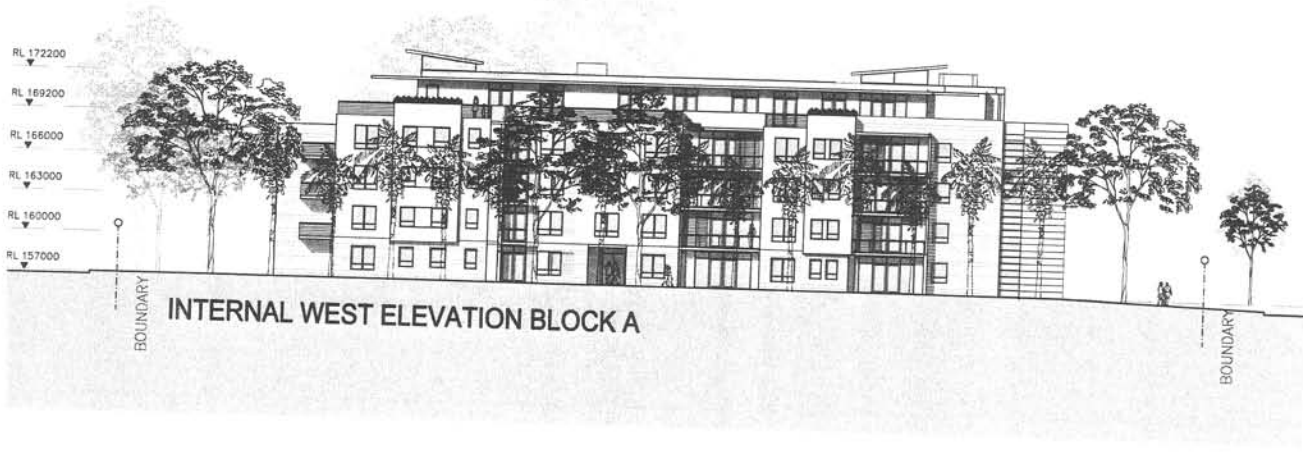
AUTHORITY APPROVAL

Name	No	Issue
ELEVATIONS	A301	B
Proj No	2006001	Drawn
Date	08 Aug 2005	Immediat
Scale	1:200	A1





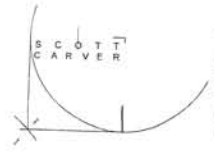
SOUTH ELEVATION (STANLEY STREET)



INTERNAL WEST ELEVATION BLOCK A



WEST ELEVATION BLOCK B

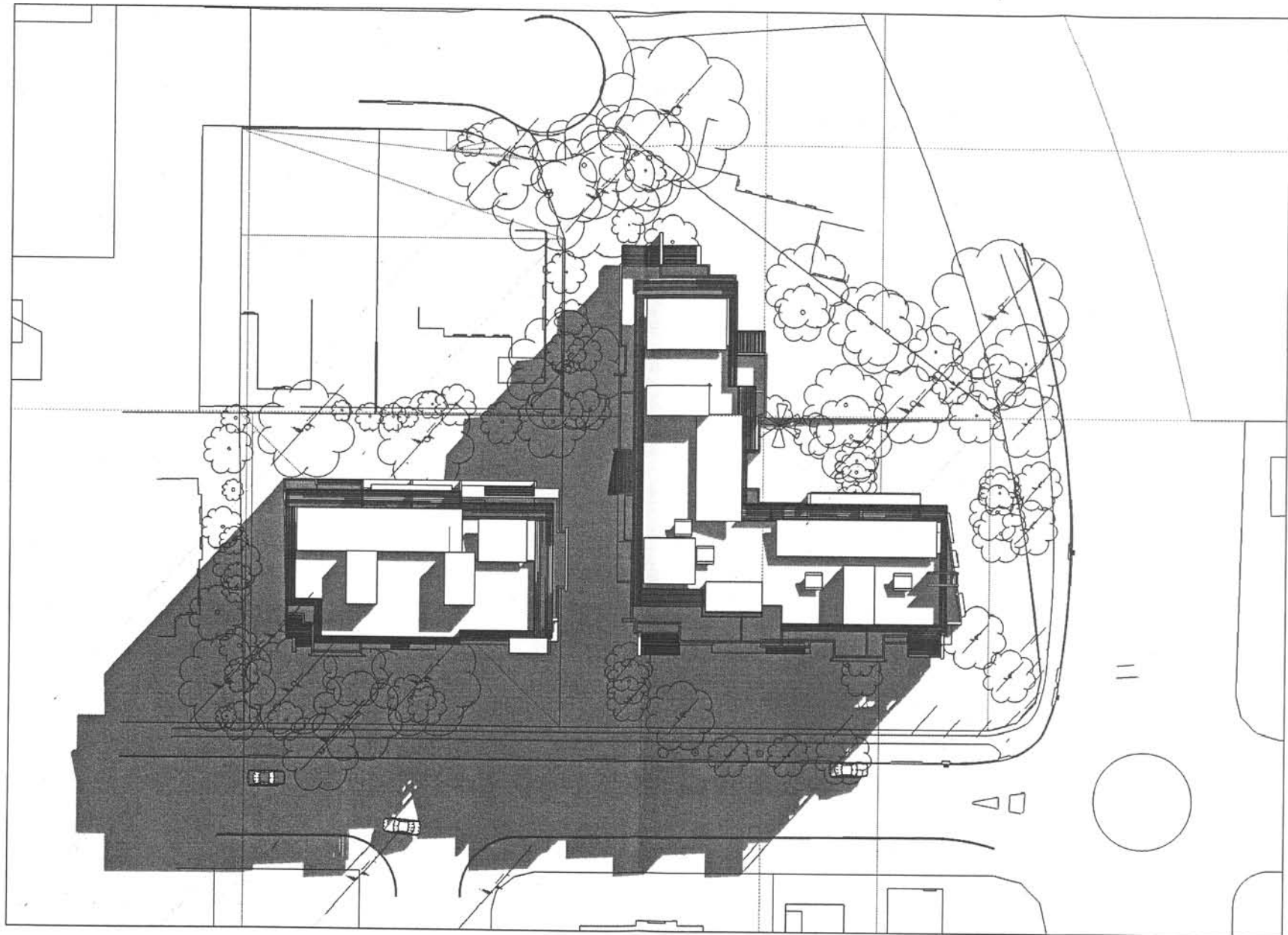


SCOTT CARVER
 ARCHITECTS PLANNERS INTERIOR DESIGNERS
 12 BERRY STREET, NORTH SYDNEY, NSW 2060, AUSTRALIA
 TELEPHONE +61 2 9007 3000 FACSIMILE +61 2 9005 0317
 www.scottcarver.com.au email@scottcarver.com.au

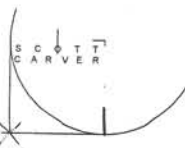
Proposed Residential Development
Newhaven
 FOR
Finpac Investments 88 P/L

AUTHORITY APPROVAL

Name		No	
ELEVATIONS		A302	
Scale 1:200 @ A1		Date 09 Aug 2005	
		Proj No 2005038 Drawn benedicta Date 09 Aug 2005	



AUTHORITY APPROVAL



SCOTT CARVER
ARCHITECTS PLANNERS INTERIOR DESIGNERS

12 BERRY STREET, NORTH SYDNEY NSW 2060 AUSTRALIA
TELEPHONE +612 9557 3888 FACSIMILE +612 9555 0317
www.scottcarver.com.au mail@scottcarver.com.au

Proposed Residential Development
Newhaven

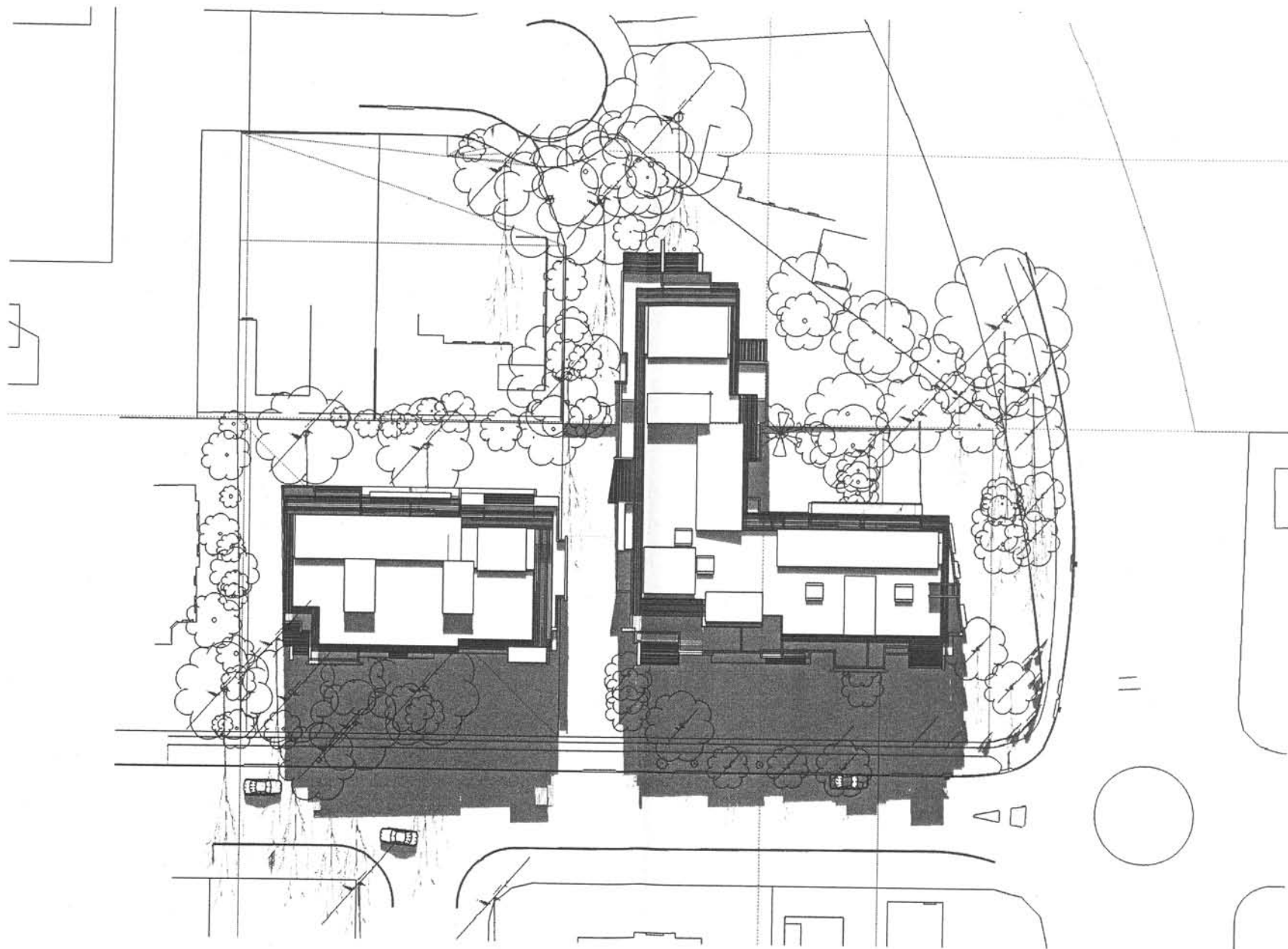
FOR
Finpac Investments 88 P/L



SHADOW DIAGRAM JUNE 21 9:00AM

SH-04

Scale © A1 Date 14 Mar 2005



AUTHORITY APPROVAL

SHADOW DIAGRAM JUNE 21 12:00PM

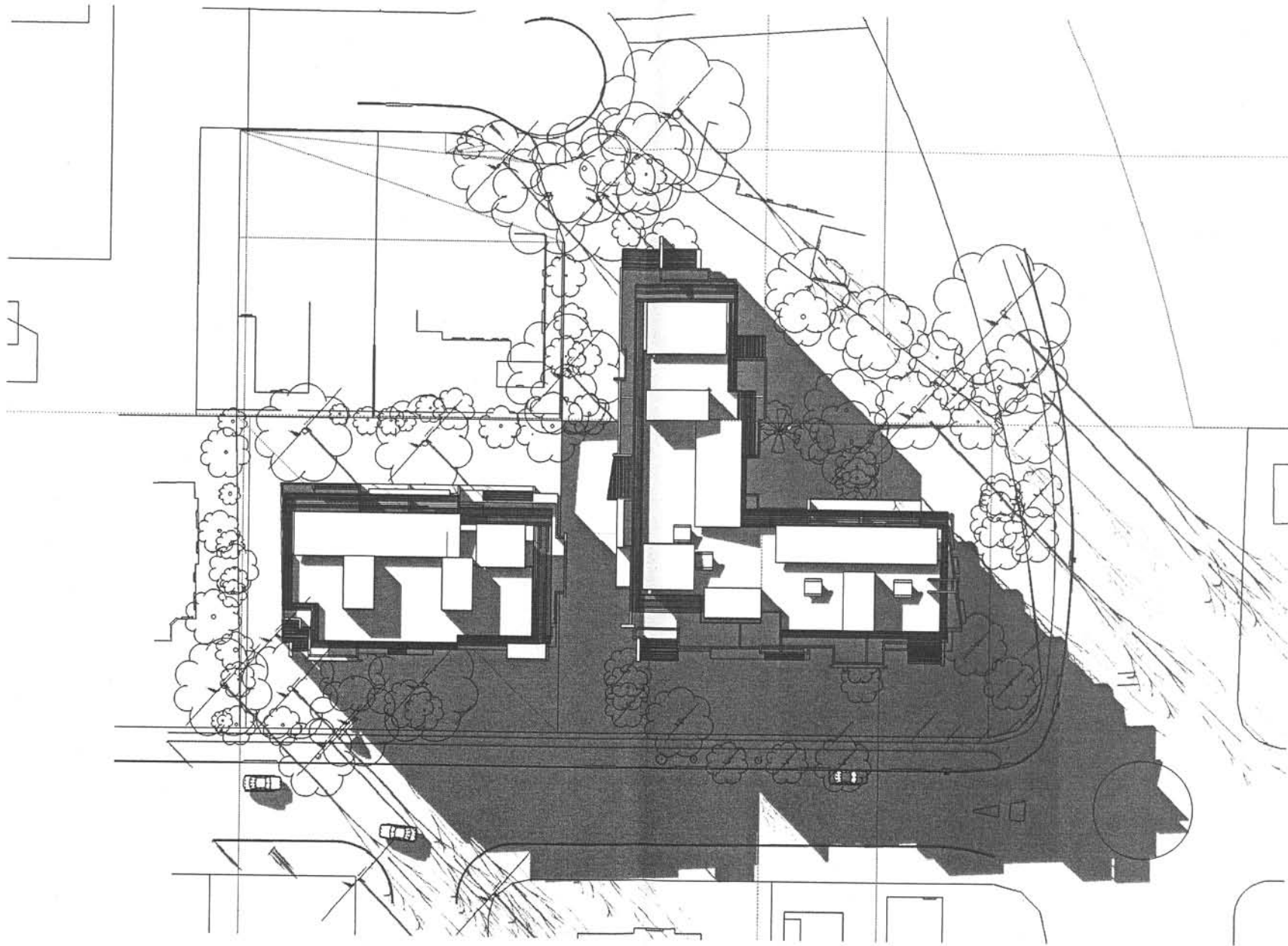
SH-05

SCOTT CARVER
ARCHITECTS PLANNERS INTERIOR DESIGNERS
12 BERRY STREET, NORTH SYDNEY NSW 2060, AUSTRALIA
TELEPHONE +61 2 8887 3888 FACSIMILE +61 2 8855 0317
www.scottcarver.com.au mail@scottcarver.com.au

Proposed Residential Development
Newhaven
FOR
Finpac Investments 88 P/L



Scale 1:500 Date 21/06/05



AUTHORITY APPROVAL

SCOTT CARVER
ARCHITECTS PLANNERS INTERIOR DESIGNERS

12 BERRY STREET, NORTH SYDNEY NSW 2060, AUSTRALIA
TELEPHONE +612 8867 3888 FACSIMILE +612 8865 0317
www.scottcarver.com.au mail@scottcarver.com.au

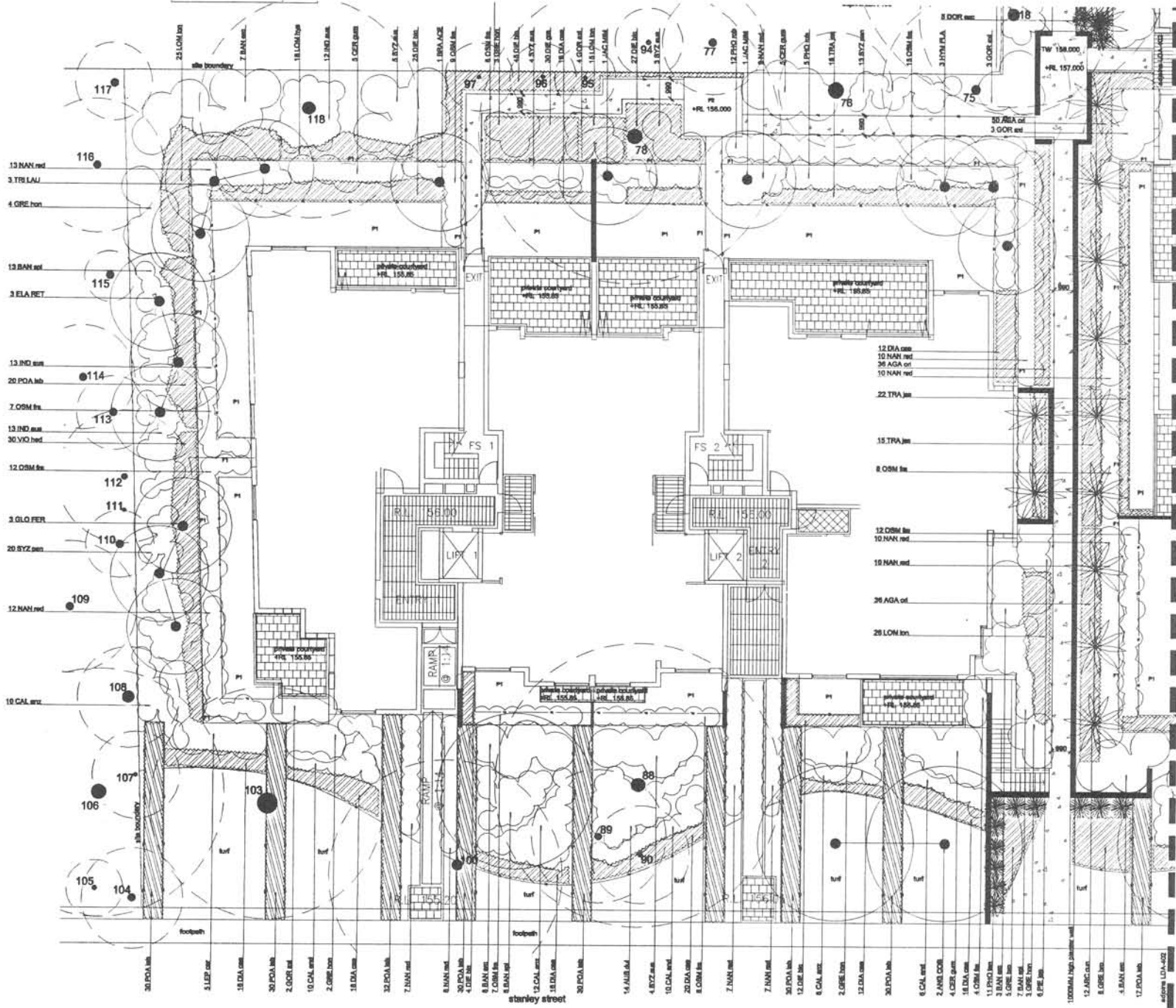
Proposed Residential Development
Newhaven
FOR
Finpac Investments 88 P/L



SHADOW DIAGRAM JUNE 21 3:00PM

SH-06

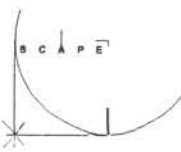
Scale © A1 Date 14 Mar 2005



- LEGEND
- EXISTING TREE TO BE RETAINED (REFER TO ARBORIST REPORT)
 - PROPOSED TREE
 - PROPOSED SHRUB PLANTING
 - PROPOSED LOW SHRUB PLANTING (UNDERCOVER)
 - PAVEMENT PLANTING
 - BRICK CONCRETE FOOTPATH
 - TURF
 - P1 DICHONDRA REPENS (REFER TO PLANT SCHEDULE)
 - P2 GRAVEL MULCH (REFER TO SPECIFICATION)
 - ROADWAY WALL (REFER TO SPECIFICATION ARCHITECT & ENGINEERING DRAWINGS)
 - P1 TIMBER BATTER SCREEN (REFER TO SPECIFICATION)
 - TIMBER EDGE (REFER TO SPECIFICATION)
 - +RL RELATIVE LEVEL

NOTES

- FOR ALL SURFACE LEVELS AND DIMENSIONAL ACCESS REFER TO ARCHITECT'S DRAWINGS DETAIL
- STREET TREES TO BE DETERMINED SPECIES TO SUIT COUNCIL GUIDELINES



SCAPE
LANDSCAPE ARCHITECTURE • URBAN DESIGN • ENVIRONMENTS
12 BERRY STREET, NORTH SYDNEY NSW 2060, AUSTRALIA
TELEPHONE +61 2 9557 1887 FACSIMILE +61 2 9557 0517
www.scape.com.au
scape@scape.com.au

NO.	20-24-05	LANDSCAPE	BY	RY
DATE	18-05-05	DEVELOPMENT APPLICATION	DATE	RY
BY		APPROVED BY		



LANDSCAPE PLANTING PLAN
NEW HAVEN
ST IVES, STANLEY STREET

Form No. 2005008
Drawn BY
Scale 1:100
Date 18-05-05



- ## NOTES

- FOR ALL SURFACE LEVELS
AND DISABILITY ACCESS
REFER TO
ARCHITECT/MENGINEERING
DETAIL.
- STREET TREES TO BE
DETERMINED. SPECIES TO
SUIT COUNCIL GUIDANCE.

DEVELOPMENT APPLICATION

SUMMARY SHEET

REPORT TITLE:	1203 TO 1209 PACIFIC HIGHWAY, TURRAMURRA - DEMOLITION OF EXISTING STRUCTURES AND CONSTRUCTION OF A RESIDENTIAL FLAT BUILDING CONTAINING 15 APARTMENTS, BASEMENT, CARPARKING AND ASSOCIATED LANDSCAPING
WARD:	Wahroonga
DEVELOPMENT APPLICATION N^o:	113/05
SUBJECT LAND:	1203 to 1209 Pacific Highway, Turrumurra
APPLICANT:	Northeast Homes
OWNER:	Tony, Maha, Raymond, Samira, Behara and Aida El-Hage
DESIGNER:	Stephen Menzies Architect
PRESENT USE:	Residential
ZONING:	Residential 2(d3)
HERITAGE:	Within UCA 20
PERMISSIBLE UNDER:	Ku-ring-gai Planning Scheme Ordinance
COUNCIL'S POLICIES APPLICABLE:	KPSO - LEP 194, DCP 31 - Access, DCP 40 - Waste Management, DCP 43 - Car Parking, DCP 47 - Water Management, DCP 55 - Railway/Pacific Highway and St Ives Centre
COMPLIANCE WITH CODES/POLICIES:	No
GOVERNMENT POLICIES APPLICABLE:	SEPP 55, SEPP 65, SREP 20
COMPLIANCE WITH GOVERNMENT POLICIES:	No
DATE LODGED:	10 February 2005 24 May 2005 (amended plans)
40 DAY PERIOD EXPIRED:	22 March 2005
PROPOSAL:	Demolition of existing structures and construction of a residential flat building containing 15 apartments, basement, car parking and associated landscaping
RECOMMENDATION:	Refusal

Item 3

DEVELOPMENT APPLICATION N^o 113/05
PREMISES: 1203 - 1209 PACIFIC HIGHWAY,
TURRAMURRA
PROPOSAL: DEMOLITION OF EXISTING STRUCTURES
AND CONSTRUCTION OF A RESIDENTIAL
FLAT BUILDING CONTAINING 15
APARTMENTS, BASEMENT, CARPARKING
AND ASSOCIATED LANDSCAPING
APPLICANT: NORTHEAST HOMES
OWNER: TONY, MAHA, RAYMOND, SAMIRA,
BEHARA AND AIDA EL-HAGE
DESIGNER STEPHEN MENZIES ARCHITECT

PURPOSE FOR REPORT

To determine development application No.113/05, which seeks consent for amalgamation of 2 lots, demolition of 2 dwellings and outbuildings and construction of residential flat building containing 15 apartments, basement, car parking for 27 cars and landscaping.

EXECUTIVE SUMMARY

Issues:	Streetscape, scale, bulk, architectural design, internal amenity, non- compliance with setbacks and deep soil landscaping;
Submissions:	Two (2) in opposition to the development
Pre DA:	Yes
Land and Environment Court:	Yes, deemed refusal appeal, lodged 7 July 2005
Recommendation:	Refusal

HISTORY

The site has historically been zoned and developed for the purpose of low density residential.

A SEPP 5 development was approved for the site on 30 April 2002.

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

Development application history:

- 9 November 2004, Pre-DA meeting held with Council officers. Applicant advised of concerns relating to height, setbacks and design.

Item 3

- 10 February 2005, application lodged.
- 16 February 2005, request for additional information. Statement required from a consulting geotechnical engineer indicating the feasibility of the proposal in relation to geotechnical features/constraints.
- 7 July 2005, applicant lodges deemed refusal appeal.

THE SITE

Zoning:	Residential 2(d3)
Visual Character Study Category:	1900-1920
Lot and DP Number:	Lot A in DP 185717 and Lot 12 in DP 8442
Area:	1997.9m ²
Side of Street:	Northern side of Pacific Highway, Western side of Womerah Street
Cross Fall:	4.9 metres from southern corner to northern corner
Stormwater Drainage:	Womerah Street
Heritage Affected:	Yes, within UCA 20
Required Setback:	10-12 metres to Pacific Highway and Womerah Street
Integrated Development:	No
Bush Fire Prone Land:	No
Endangered Species:	No
Urban Bushland:	No
Contaminated Land:	No

SITE DESCRIPTION

The site comprises two lots, legally described as Lot A in DP 185717 (No. 1203) Pacific Highway and Lot 12 in DP 8442 (No. 1209) Pacific Highway, Turrumurra. These properties form a triangular shape and are located on the north-eastern side of the Pacific Highway, on the corner of Womerah Street. The site has an area of 1997.9m², with frontages of 66.746 metres to Pacific Highway (south) and 83.371 metres to Womerah Street (east). The site adjoins No. 1211 Pacific Highway to the north which is also zoned Residential 2(d3).

The site slopes gradually from the southern corner (of Pacific Highway and Womerah Street) to the northern boundary from RL 169.4 to RL 164.5. The site contains two existing single storey dwellings, a garage and a carport. These dwellings are run down and do not contribute significantly to the streetscape.

The surrounding area is characterised by large, older style housing on large, densely landscaped blocks of land. Dwellings are generally set well back from the street and are visually recessive behind landscaping.

As a result of the rezoning, the character of the area is under transition, with potential for redevelopment as medium density housing. Land opposite the site along Pacific Highway is zoned Residential 2(e) and contains two storey residential flat buildings. Land opposite the site, along Womerah Street is zoned residential 2(c2) and is occupied by single dwellings. The residential

Item 3

2(d3) zone extends north to No. 1223 Pacific Highway and encompasses one additional property No. 1211 Pacific Highway which has a dual frontage to Womerah Street (No. 2 Womerah Street). The zoning along the remainder of Womerah Street is Residential 2(c2). **Refer to attached zoning extract.**

The site is within walking distance of Turrumurra Railway Station and local shops, supermarket and library.

The site is within National Trust Conservation Area No. 20, with heritage items located at No. 1312, 1284 and 1187 Pacific Highway and 23, 27 and 29 Womerah Street.

THE PROPOSAL

The proposal involves the demolition of two existing dwellings and outbuildings, consolidation of the two lots and construction of a four to five storey residential flat building, with one level of basement parking, landscaping and access via Womerah Street.

The proposed building is triangular in shape and comprises fifteen residential units (containing a mixture of two and three bedrooms) and basement car parking for twenty-four resident cars and four visitor cars. One unit (Unit 2) is two storey in configuration.

The building is to be clad in face brick. Some sections are to be rendered and painted in variations of white. The roof will be constructed of flat metal roof sheeting, with the exception of a curved lift overrun. Window and door openings are to be framed with powdercoated aluminium. Vehicular access is gained via 6 metres wide, dual carriageway ramp accessed from Womerah Street, at the northern corner of the site.

Two pedestrian walkways, one accessed via Womerah Street and the other accessed via the Pacific Highway are also proposed. The building is designed with a main frontage/access to the Pacific Highway. An accessible pedestrian ramp with a grade of 1:18 is also provided from the Pacific Highway frontage.

A 1.8 metres high rendered masonry fence is proposed along the Pacific Highway frontage and a 1.8 metres high palisade fence, with 1.9 metres high rendered brick columns, is proposed along the Womerah Street frontage.

CONSULTATION - COMMUNITY

In accordance with Council's Notification Policy, owners of 166 surrounding properties were notified of the application.

One (1) resident objection was received and one (1) submission was received from Energy Australia.

The submissions raised the following issues:

The development is 'not a Pacific Highway development but a Womerah Street development' which will have a significant impact on the quiet amenity of the street:

Refer to discussion of SEPP 65 and DCP 55. The building does not comply with the design principles contained within SEPP 65 or the building articulation controls of DCP 55. The height,

Item 3

setbacks and siting of the building will significantly and adversely impact upon the streetscape of Womerah Street. The development is out of context and character with the area and will detract from the amenity of Urban Conservation Area (UCA) 20.

All existing vegetation along the eastern boundary should be retained to ensure protection of privacy, the grass verges of No.'s 5, 7 and 9 Womerah Street should be protected.

Refer to *Landscape and Tree Assessment Officer's* comments and discussion of *Landscaping* under SEPP 65 and DCP 55. The proposed landscaping fails to integrate the development with the locality and prevent adverse visual impact.

Energy Australia recommended that an electricity substation would not be required and that all cabling be provided underground at the applicants cost.

This requirement of Energy Australia would be incorporated in a condition of consent if the application were to be approved.

CONSULTATION - WITHIN COUNCIL

Urban Design Consultant

The application was referred to Council's Urban Design Consultant, Mr Russell Olssen, for comment in relation to State Environmental Planning Policy No. 65 *Design Quality of Residential Flat Buildings*. Mr Olssen commented 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 an acutely angled site on the corner of the Pacific Highway and Womerah Street, Turrumurra.

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

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

The existing natural context is comprised of:

- *A reasonably steeply sloping site, with approximately 4.5 metres fall from the Pacific Highway along Womerah Street.*

Item 3

- Approximately 6 substantial existing trees on site have been retained.
- All trees within the front setbacks of the adjacent houses.

The future landscape context as stated in LEP 194 and DCP 55 is to contain substantial mature tree planting within the front, side and rear setbacks of the development. Buildings are to be seen within a landscaped setting.

The proposed development relates poorly to its future built form context, as this building will be more prominent than other 3.6 storey and 4.6 storey buildings in the 2(d3) zone. The building will be set further forward in the streetscapes of both Womerah Street and the Pacific Highway. The proposed landscape setting for buildings will not be as deep or as landscaped as the future streetscape in front of the future buildings in the 2(d3) zone due to the shallow setbacks.

The proposed building does not relate well to the fall of the land along Womerah Street. The ground floor level is flat, over a topography which falls 4.5 metres along the length of the site and approximately 2.5 metres along the length of the building. The building does not step in relation to the topography, and the north-eastern corner of the building will be perceived as being substantially higher than the rest of the building when viewed along Womerah Street towards the south-west.

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 development. In precincts undergoing transition proposed bulk and height needs to achieve the scale identified for the desired future character of the area.

Comment:

The scale of the building is unacceptable, as the building is effectively 5 storeys (4.6 storeys) tall in the north-east corner. The basement projects a full floor (3150mm) out of the ground at this point. At this point the building is set back only 6 metres from the front boundary. The front setback in DCP 55 for 5 storey (4.6 storey) buildings is 12 metres (with 40% being 10 metres set back). Therefore the perceived scale of the building at this point will be greater than a 5 storey building under DCP 55.

The close proximity of the building to the two street frontages will increase the perceived scale of the building in comparison to other potential 3.6 storey buildings in the 2(d3) zone.

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....

Item 3

Comment:

The building alignments do not comply with the street front setbacks in DCP 55/ It is recommended that the street frontage setbacks are a minimum of 9 metres from both Womerah Street and the Pacific Highway.

The corner is designed as a re-entrant corner form set well back from the acute corner formed by the (6 metre proposed) setbacks. This is an unnecessary setback from the corner which wastes useable space within the building envelope. It is recommended that the building is built more closely to the acute corner formed by the building setbacks.

The built form is inconsistent, as the facades and ground floor plan contain a range of curves, angles and stepped walls which have little regularity and do not relate well one to the other. Relationships should be more developed between parts with similar forms and proportions.

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%, however the small street front setbacks and the projection of the building out of the ground in the north-east corner, create the appearance of a denser development.

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.

Comment:

The design is acceptable from the point of view of solar access to living areas, cross ventilation, deep soil areas and water management.

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:

While the landscape design contains some large scale trees in the frontages (3 x Angophora costata and 8 Syncarpia glomulifera plus others), the setbacks are insufficient to adequately

Item 3

create a landscaped setting for the development, particularly to the north-east and the western corners of the site.

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 inefficient and poorly planned. There are many irregular shapes and left over spaces within the apartments. Even in a triangular shaped building envelope, it is possible to provide a range of relatively regular shaped rooms around the perimeter of the triangle. The planning of the apartments is unnecessary, complex and inefficient.

The lift core and stairs should be sited towards the centre of the building plan and the car park re-planned to accommodate a different lift and stair location. The car park ramp could be sited further to the north and a steeper ramp provided after the first 6 metres of 1:20 ramp, to lower the car park level and step the overall building down at this end.

Principle 8: Safety and security

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

Comment:

There are no 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.

Item 3

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 have a wide range of forms, angles and proportions. Combined with the almost triangular building form, there is little consistency or cohesion in the building forms. Relationships should be more developed between parts with similar forms and proportions.

Conclusions and recommendations

It is recommended that:

- *The street frontage setbacks are a minimum of 9 metres from both Womerah Street and the Pacific Highway.*
- *The building is built more closely to the acute corner formed by the building setbacks;*
- *The apartment layouts are re-planned to create more regular shapes and fewer left over spaces within the apartments;*
- *The lift core and stairs are sited towards the centre of the building plan and the car park re-planned to accommodate a different lift and stair location.*
- *The car park ramp is sited further to the north-eastern end to reduce its visual impact when viewed from Womerah Street and to relate better to the topography of the site.*
- *Greater consistency of façade form and proportion is provided.*

The aims and objectives of SEPP 65 include:

(3) improving the design quality of residential flat development aims to:

- (a) ensure that it contributes to the sustainable development of New South Wales;*
 - (i) by provided sustainable housing in social and environmental terms, and*
 - (ii) by being a long-term asset to its neighbourhood, and*
 - (iii) by achieving the urban planning policies for its regional and local contexts, and*
- (b) to achieve better built form and aesthetics of buildings and of the streetscapes and the public spaces they define, and*
- (c) to better satisfy the increasing demand, the changing social and demographic profile of the community, and the needs of the widest range of people from childhood to old age, including those with disabilities, and*

Item 3

(d) to maximise amenity, safety and security for the benefit of its occupants and the wider community; and

(e) to minimise the consumption of energy from non-renewable resources, to conserve the environment and to reduce greenhouse emissions.

SEPP 65 contains planning principles (as discussed above) which guide the assessment/heads of consideration with which to evaluate 'design quality'

As indicated in the assessment provided by Russell Olssen, the development is inconsistent with the principles of SEPP 65 in relation to context, scale, built form, density, landscape, amenity and aesthetics. The development is also inconsistent with the objectives of SEPP 65 in that it does not represent an appropriate built-form, does not maximise amenity for occupants and surrounding residents and does not provide a long term 'asset' for the neighbourhood.

The proposal results in an obtrusive built form which will be deleterious to the streetscape and the character desired for the area under LEP 194 and DCP 55. The development is inconsistent with the objectives and design principles of SEPP 65 and is unacceptable for approval.

The applicant has been advised of Mr Russell Olssen's concerns but refused to make any amendments.

Additional discussion is provided on the issue of non-compliances with Council's *Deep Soil Landscaping* requirement and *Setbacks*. The building is bulky within the streetscape. This aspect is exacerbated by the non-compliances with the setback and landscaping controls.

Heritage

The site is located within National Trust Urban Conservation Area No. 20. The applicant submitted a heritage report which was referred to Council's Heritage Advisor, who commented as follows:

Context/streetscape

The immediate area is mainly single storey houses with established gardens. There are a number of tall native street trees in Womerah Street and mature pine and native trees on the subject site. There are some 2-3 storey flat developments on the opposite site of the Pacific Highway and several heritage items nearby. The site is on the edge of the National Trust UCA, and adjacent to the Turrumurra Conservation Area (draft LEP 21).....

Site background

The house at 1203 Pacific Highway is a relatively early building believed to date to c1880 and was considered for heritage listing, but Council did not include it as a heritage item due to objections by the then owner. It is considered to be contributory to the National Trust UCA.

Item 3

The site at 1209 Pacific Highway was never identified as having any heritage value and is not included in the National Trust UCA 20 or draft LEP 21.

It is noted that Council approved demolition of the existing houses for a SEPP 5 development in 2002. The SEPP 5 development did not proceed and the site was rezoned via LEP 194.

Demolition

I do not object to demolition of the existing buildings and I note that Council has approved another unit development on the site. There are a number of mature trees on the site and they would have some historic value in addition to their contribution to the treed character of Womerah Street. Comments from landscape should be sought. Archival recording of all houses on the site should be undertaken prior to works commencing and prior to issue of the Construction Certificate.

Impacts on nearby heritage items

The following houses are within the vicinity' of the subject site:

*1312 Pacific Highway, Turrumurra
1284 Pacific Highway, Turrumurra
1187 Pacific Highway, Turrumurra
23 Womerah Street, Turrumurra
27 Womerah Street, Turrumurra
29 Womerah Street, Turrumurra
1 Ku-ring-gai Avenue, Turrumurra*

When considering impacts on a heritage item, the primary issues are physical impacts, changes in views to or from the item, visual dominance of the item or changes to its setting or curtilage. It is noted that heritage items on major roads have a higher visual exposure to the community and for that reason may have a higher level of importance. The majority of heritage items along the Pacific Highway are a reasonable distance from the subject site and there would be little likelihood of any impacts arising from the subject development.

The closest item is 1284 Pacific Highway which is a relatively modest Federation bungalow located directly opposite the subject site. There would be little visual impact on it due to the separation by the highway, which is a substantial and visual barrier. The curtilage of 1284 is limited to the existing site and immediately adjoining neighbours.

The other nearby heritage items along the Pacific Highway, Womerah Street and Ku-ring-gai Avenue are a considerable distance from this site and would not be affected by this proposed development.

National Trust UCA No 20 – Ku-ring-gai Avenue, Turrumurra

The site of 1203 Pacific Highway is included in the National Trust UCA No 20 and noted in DCP 55. The site of 1209 is not included. UCA is one of the very early Trust UCAs (classified

Item 3

1982) and considered to be one of the most important and intact precincts in Ku-ring-gai. Its significance is primarily for the intact large Federation mansions in Ku-ring-gai Avenue and Boomerang Street although some later development is considered significant such as 29 Womerah Street, which is a very fine example of the American Prairie school, influenced by Frank Lloyd Wright. Womerah Street is included largely for its historic value and the aesthetic value of its street trees. The site is a main entry/exit to the conservation area and has visual and landmark value to the local community

The development site is 'wedge' shaped and has a high visual presence. The existing buildings on this site can not be readily seen from the surrounding streets because of the density of vegetation and the tall fences. However, the site contributes to the landscaped character of the UCA, particularly the abundance of trees and vegetation in Womerah Street. The existing house at 1203 Pacific Highway is considered contributory to the UCA.

The proposed residential flat building is relatively close to the boundaries of the Pacific Highway and Womerah Street and for that reason would read as a very strong element in the immediate streetscape and UCA, which is characterised by fine one and two storey houses, in most cases set back a considerable distance from the street boundaries. There would be limited ability for the existing strong landscaped character to be retained around the building and to see the building within a landscaped setting which is a principle in Council's rezoning in LEP 194. It is considered that development of the site for medium density development would impact on the significance of the National Trust UCA.

Draft Ku-ring-gai Avenue, Conservation Area (LEP 21)

Council proposed this conservation area in 1997 following a review of deferred items not included in the original 1987 heritage study. The area for draft LEP 21 was based on the National Trust UCA No 20. This site and several properties on the opposite side of the Pacific Highway (including the heritage item at No 1284 Pacific Highway) were excluded from draft LEP 21 when it was finalised by Council. Draft LEP 21 was finalised and forwarded to DIPNR almost 4 years. It is considered gazettal of the LEP is imminent.

Given the zoning of the site and its location adjacent to the southern end of the draft conservation area, it is considered that the proposed development would have limited visual impact on the integrity of the draft conservation area.

Given the zoning of the site and its location adjacent to the southern end of the draft Conservation Area, it is considered that the proposed development would impact on the integrity of the draft Conservation Area. The impact of this development site is related to its prominence and landmark value. The limited setbacks on this site result in a poor relationship to the draft conservation area.

Conclusion

It is noted that 1203 Pacific Highway is a relatively early building however demolition of all structures on the subject site is acceptable provided that archival recording is undertaken prior to commencement of the works and prior to the issue of a Construction Certificate.

Item 3

The impact on nearby heritage items is considered relatively low due to the physical separation of this site from nearby heritage items.

The proposed development impacts on the National Trust UCA No. 20 and Council's draft Conservation Area (LEP 21). The relatively small setbacks of this development, loss of many trees and the low potential to establish tree screening on the site contributes to the poor relationship of the proposed development to the UCA and draft Conservation Area.

Landscaping

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

The site

It is proposed to demolish the existing dwellings and associated structures and construct a residential flat building with basement car parking on the existing double allotment of 1 998sqm, with vehicular access from Womerah Street. The site frontage along the Pacific Highway is characterised by existing metal and timber fencing with established trees and shrubs behind. The site frontage along Womerah Street is characterised by an existing timber paling fence with established trees and shrubs behind. The Womerah Street frontage is dominated by two Eucalypts, including one Eucalyptus saligna (Bluegum) and one Eucalyptus pilularis (Blackbutt).

Site condition – Landscape

The existing landscape is a mixture of established trees and mature shrubs. The landscape is in generally poor condition due to lack of ongoing maintenance and care and weed invasion. Many of the existing trees have suffered storm damage and the shrubs are overgrown and many over mature.

Impact on trees/trees to be removed/tree replenishment

The consulting Arborist has identified 42 trees and shrubs on or associated with the site. Of the 42 identified, 32 are proposed for removal and two recommended for transplanting and eight retained, including two street tree plantings. Although comprising over half the identified trees and shrubs on site, the majority of these are insignificant or large shrubs. None of which are indigenous to the area. Many of the trees proposed for removal are in a declining state or are in a condition that will require removal in the short term. Of those remaining, they occur predominantly within the centre of the site and cannot be retained as part of the proposal.

Trees worthy of retention

The most worthy trees identified for retention are the two Eucalypts located adjacent to the Womerah Street frontage, identified as #'s 25 & 28 within the Arborists Report. As a result

Item 3

these trees have been given greater priority over other trees and appropriate setbacks have been allowed for to enable the long term retention of these trees, as per the arborist's recommendations. The shrub layer also has some significant mature planting that is worthy of retention, including #31 & 32 both Camellia japonica's that are located within proposed building works that can be transplanted and relocated on site, and #37 Michelia figo (Port Wine Magnolia) located adjacent to the western site boundary.

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. Landscape Services does not agree with the areas shown to be included within the deep soil calculation. The following areas are required to be excluded from deep soil landscaping, as per LEP194 definitions; the disabled access path and ramp leading to/from the Pacific Hwy, and the basement stairs and entry path from the Pacific Hwy. Together these additional areas will result in the proposed development NOT complying with the deep soil landscaping requirements as defined by the LEP. It could also be argued that the paved terrace extensions for Unit 1 and the planter box by the main pedestrian entry off Womerah St are also to be excluded from deep soil landscaping as they are part of the larger terrace and not a 1.0m wide path in isolation from other built elements.

The revised pier and beam light weight construction methods for the proposed acoustic wall as per the arborist's recommendations can be supported and have addressed previous concerns.

Setbacks

The proposed development will result in average setbacks of 6m to both the Pacific Hwy and Womerah St, with the basement car parking having two pinch points adjacent to the Pacific Hwy frontage with a setback less than 2.0m. This does not comply with Council's DCP55 and limits the available area for tall tree replenishment on site as per the LEP guidelines. From a landscape viewpoint it is required that setbacks to street frontages be maximised to enable the establishment of tall 'canopy' trees and screen planting.

Given the constraints of the site, being triangular with two street frontages, Landscape Services would support one frontage, being Womerah St having a reduced setback, as proposed. It must be noted that the landscape plan has proposed twenty three trees along the Pacific Hwy frontage, with many underplanted with each other. Given the constraints of the site due to setbacks, Landscape services believes that the proposed tree planting is excessive and will compromise itself due to overplanting. It is strongly recommended that the landscape works proposed be re-examined/redesigned so that the integrity of the landscape can be maintained through to maturity.

It must be noted that while the proposed development does not comply with Council's DCP55 setback requirements, the setbacks as proposed can accommodate some 'tall' tree planting and retain existing significant trees as per LEP194 guidelines.

Item 3

Landscape plan

A revised landscape plan by Patio, has been submitted with the application. Previous concerns with regard to proposed plant species have been addressed. However, as discussed, concern is raised with regard to over planting of the site frontage along the Pacific Highway and the integrity of the landscape as proposed to mature without over crowding.

The landscape plan proposes the use of Hardenbergia violacea (Native Sarsparilla) as a groundcover where pedestrian access is proposed. The selected species is not an appropriate groundcover for the use intended. It is recommended that the species be altered or the stairs leading into this area likewise, deleted. If the area is to be turfed/grassed, how is the area to be maintained with no exterior access?

Drainage plan

A concept drainage plan has been submitted with the application. The concept plan indicates the location of drainage pits within the landscape, but does not show the location of connecting pipes, which will have the greater landscape impact. Diagram notation states that final position and numbers of pits will be determined at the construction certificate stage to suit the landscape layout. As the landscape layout has been determined it is required that the drainage also be decided upon to adequately assess the potential impacts.

Landscape Services cannot support the application due to deep soil non-compliance as per LEP194 definition.

Refer to discussion of *Landscaping* under SEPP 65, LEP 194 and DCP 55. The proposed landscaping is unacceptable. The development fails to comply with Clause 25I(2) which is a non-discretionary development standard for deep soil landscaping.

Engineering

Council's Development Engineer, Ms Kathy Hawken assessed the development and requested the following additional information:

Further clarification of the geotechnical report is sought.

Please provide the borehole report and show the location on the site plan.

It is unusual for clays derived from the weathering of Ashfield Shale to be of firm consistency.

Could the clay be alluvium associated with the drainage system through No. 2 Womerah Street? In that case, different conditions might exist at the highway frontage.

It is extremely unusual to see a recommendation that firm clays be left unsupported at a near vertical angle. I am reluctant to accept this recommendation.

The proposed excavation is up to 5 metres deep. Along the Pacific Highway frontage, Trees 34, 8 and 36, and along the Womerah Street frontage Trees 3 and 25, mean that batters cannot be used and therefore shoring systems will be required.

Item 3

The residence at 1211 Pacific Highway could be affected by the excavation, either by lateral movement, or possibly by vibrations. I would have expected to see a recommendation for a dilapidation report to be carried out on this structure.

The applicant was requested in writing to provide this information on 19 May 2005. The applicant responded by letter on 24 May 2005 stating:

In relation to your letter dated 19 May 2005, concerning geotechnical matters, please be advised that those matters are currently being attended to.

It is our opinion that the geotechnical matters are capable of resolution and accordingly should not hold up the continued assessment of the application. To this end, it is our opinion that a meeting be held between the applicant and Council so as to determine the Council's position in relation to the application.

Council's Development Engineer is satisfied that the outstanding geotechnical issues may be resolved via deferred commencement consent. The following comments have been made in relation to subdivision, traffic and access, construction management, garbage collection, infrastructure and drainage:

Subdivision

The Application form indicates that subdivision is not proposed under this DA, hence no subdivision conditions are recommended. So that the building is not constructed across lot boundaries, the Applicant will be required to consolidate the lots prior to issue of the Construction Certificate.

Traffic generation and vehicle access

Based on LEP 194, the proposal requires a minimum of 24 resident spaces and 4 visitor spaces. The proposal provides 28 spaces and therefore complies. Although the applicant claims in the Statement of Environmental Effects and the Traffic report that the site is within 400 metres of Turrumurra Station, it is not.

The anticipated increase in traffic due to the subject development would be 6-8 trips per peak hour. This is not considered to be a significant increase, given the maximum of 300 vehicles per hour for local streets in the RTA Guide to Traffic Generating Developments.

Proposed vehicle access and accommodation arrangements have been assessed in the report by Transport and Traffic Planning Associates, dated December 2004. The arrangements were considered to be satisfactory.

Construction management

A construction management plan has not been submitted.

Item 3

A Works Zone will most likely be required along the Womerah Street 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.

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 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

Undergrounding of services may be required, which would 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 new footpath will be required for the Womerah Street frontage of the site.

Temporary rock anchors will most likely be required for excavation support, and will extend beneath the Pacific Highway. This is further discussed below and conditions relating to approvals under the Roads Act are recommended.

A \$50,000 bond to cover restoration of damage (or completion of incomplete works by Council) is to be applied.

Site drainage comments

The submitted concept stormwater management plan prepare by AFCE Environment + Infrastructure addresses both on site detention and on site retention and re-use and is therefore satisfactory. 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.

Geotechnical / structural comments

A geotechnical investigation has not been carried out.

The proposed excavation will be to within 2 metres of the southbound carriageway of the Pacific Highway and will be some 5 metres deep. The zone of influence of this face will therefore extend beneath the highway.

Item 3

Because of the possible effects on public infrastructure, it is considered that information on subsurface conditions and recommendations made by a geotechnical engineer regarding likely excavation conditions and methods, any requirements for vibration monitoring, excavation support to the Pacific Highway, and groundwater conditions should be available to Council before the operation of the consent. Therefore the requirements for a geotechnical investigation to be carried out and the report to be submitted to Council have been recommended for inclusion in Schedule A of any deferred commencement consent.

Dilapidation reporting of the highway will be required, with a photographic record to be submitted prior to commencement of any works. The applicant will be required to obtain RTA and Council approval for any temporary rock anchors and comply with requirements of the RTA and Council for de-commissioning upon completion of the works. Approval is also to be obtained from the owner(s) of 1211 Pacific Highway where the 5 metres deep excavation will also be to within 2 metres of the boundary. If approval cannot be obtained, the excavation will have to be propped from within the site.

The residence at 1211 Pacific Highway could be affected by the excavation, either by lateral movement, or possibly by vibrations. Dilapidation reporting will be required for this residence.

It is noted that this site has 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.

Groundwater levels may be above the proposed basement level and some seepage may occur into the excavation. Groundwater should also be addressed in the geotechnical report to be submitted.

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 body.

Rural Fire Services

The site is not classified as being bushfire prone. No comment is required from the NSW Rural Fire Service.

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 15 units very close to an existing substation on the opposite side of the Pacific Highway. However, final supply arrangements are difficult to assess until a comprehensive list of all the electrical loading for the development is provided. Energy Australia

Item 3

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.

No specific requirements were identified.

PROVISIONS OF RELEVANT LEGISLATION

The Environmental Planning & Assessment Amendment Act 1979 Section 79C

Environmental Planning Instruments

SEPP 65 aims to improve the design quality of residential flat building across New South Wales and provide an assessment framework and design code for assessing 'good design'. Part 3 of the SEPP institutes a 'design review panel' to provide an independent, open and professional review of designs submitted to councils for approval.

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:

Principles 1 and 2 – 'Context' and 'Scale':

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 Turramurra is formed by a grid subdivision pattern consisting of large landholdings surrounding the railway line. The Pacific Highway is located on a ridge line, the eastern side of the Pacific Highway aligns with the North Shore railway line. The western side falls away into a valley.

The immediate area surrounding the site is characterised by large dwellings set within large, formally landscaped, curtilages. Architectural styles and landscaping are generally characteristic of the 1890-1930's period. Intricate, original federation cottages are mixed with some larger brick homes.

Womerah Street is lined with large tall canopy trees (generally eucalypts and brushbox) which contribute significantly to the amenity of the streetscape and unique, sought after, residential character of the locality.

Item 3

The site is located within Urban Conservation Area (UCA) 20 (Ku-ring-gai Avenue). Womerah Street is characterised by large architecturally designed homes and contains three heritage items. As the street continues north it becomes Ku-ring-gai Avenue which contains 17 heritage items. Many of these items are large Federation mansions which provide significant visual interest the streetscape and conservation area. Dwellings are set well back from the street and surrounded by large mature trees and formally landscaped gardens and hedging. Built form is recessive behind substantial landscaping.

The following description of UCA 20 is provided in *LEP 194 Appendix C (Urban Conservation Areas)*.

“The Ku-ring-gai Avenue, Turrumurra Urban Conservation Area provides an excellent townscape comprised of mainly two storey mansions dating from the 1890s and set in well established gardens. There is a fine collection of street tree plantings including brush box. The streetscapes are strongly characterised by fine fences.”

Turrumurra Railway Station, bus interchange and shopping area are located some 380 metres to the north-west of the site.

Some multi-unit housing in the form of two storey walk-up flats exist directly opposite the site along Pacific Highway, these buildings are modest in style and scale and are set well back from the street and landscaped. These buildings are recessive and modest in presentation, constructed of light brick typical of early 1980s architecture. Some two and three storey walk up flat buildings of a similar style and vintage surround Turrumurra Railway Station.

The precinct was rezoned in 2004 for the purpose of medium density housing. The rezoning under LEP 194 provides development parameters including deep soil landscaping, setbacks, heights, floor space ratio which anticipates an entirely different form of development surrounding the railway corridor.

Some change to the existing area character is envisaged under LEP 194. However, the controls contained within LEP 194 and DCP 55 provide parameters for development, and important component of which is retaining the predominately landscaped and ‘treed’ character of the area.

As detailed in this report, the proposal does not comply with some of the significant development parameters, namely setbacks, deep soil landscaping, height and floor space ratio. As a consequence, the development will significantly and detrimentally alter streetscape, particularly Womerah Street. The building will appear excessive in bulk and is inconsistent with the existing and desired urban character. The development will detract from the amenity of surrounding dwellings and the streetscape.

SEPP 65 requires that the scale of new development reflects the surrounding pattern. Whilst it is acknowledged that the character of the Pacific Highway is in transition, the site is located within a fairly isolated pocket zoned Residential 2(d3). The site is adjoined to the north and east by

Item 3

traditional low scale dwellings. The scale of the proposed 5 storey building will overbear these properties. Additional discussion is provided in the assessment of the proposal against DCP 55.

SEPP 65 stipulates that the scale should be in keeping with the '*desired future character of the area*'.

The objectives of LEP 194 identify the desired future character for Ku-ring-gai multi unit zones:

25C (2) *The objectives of this part are as follows:*

- (a) *to provide increased housing choice;*
- (b) *to encourage the protection of the natural environment of Ku-ring-gai, including biodiversity, the general tree canopy, natural watercourses, natural soil profiles, groundwater and topography and to reduce and mitigate adverse impacts of development on natural areas,*
- (c) *to achieve high quality urban design and architectural design*
- (d) *to achieve development of Ku-ring-gai with regard to the principles of ecologically sustainable development,*
- (e) *to ensure that development for the purpose of residential flat buildings on land within Zone 2(d3) has regard to its impact on any heritage items in the vicinity of that development,*
- (f) *to encourage use of public transport, walking and cycling,*
- (g) *to achieve a high level of residential amenity in building design for the occupants of buildings through sun access, acoustic control, privacy protection, natural ventilation, passive security design, outdoor living, landscape design, indoor amenity and storage provision.*

Clause 25D (2) contains specific objectives for residential zones:

- (a) *to provide rear setbacks that ensure rear gardens are adjacent to rear gardens of other properties and that sufficient ground area is available for tall tree planting, consistent with the objectives of this Part,*
- (b) *to encourage the protection of existing trees within setback areas and to encourage the provision of sufficient viable deep soil landscaping and tall trees in rear and front gardens where new development is carried out,*
- (c) *to provide side setbacks that enable effective landscaping, tree planting between buildings, separation of buildings for privacy and vies from the street to rear landscaping,*
- (d) *to minimise adverse impacts of car parking on landscape character,*
- (e) *to provide built upon area controls to protect the tree canopy of Ku-ring-gai, and to ensure particularly the provision of deep soil landscaping in order to maintain and improve the tree canopy in a sustainable way, so that tree canopy will be in scale with the built form,*
- (f) *to encourage the planting of tree species that are endemic to Ku-ring-gai,*
- (g) *to require on-site detention for stormwater for all new development and refurbishment of existing housing so as to avoid excessive runoff and adverse impacts on natural watercourses, and to preserve the long-term health of tall trees and promote absorption,*

Item 3

- (h) to encourage water sensitive urban design,*
- (i) to encourage the protection and enhancement of open watercourses,*
- (j) to have regard for bushfire hazard,*
- (k) to ensure sunlight access to neighbours and to provide sunlight access to occupants of the new buildings,*
- (l) to encourage the protection of the environmental qualities of the area by limiting the range of permissible residential uses in certain zones,*
- (m) to allow attached dual occupancies only on compliance with defined criteria and only where they are consistent with or enhance the character of the streetscape and its setting,*
- (n) to provide for waste management (including provision for garbage storage and collection) consistent with the objectives of this Part,*
- (o) to ensure that adequate provision of storage is made for residential development,*
- (p) to encourage the retention and expansion of bicycle storage.*

Clause 25I(1) provides heads of consideration for multi-unit housing:

Before granting consent to development for the purpose of multi-unit housing on land to which this Part applies, the consent authority must take into account the following:

- (a) the desirability to provide a high proportion of deep soil landscape to the site area,*
- (b) the impact of any overshadowing, and any loss of privacy and loss of outlook, likely to be caused by the proposed development.*
- (c) The desirability to achieve an appropriate separation between buildings and site boundaries and landscaped corridors along rear fence lines,*
- (d) The environmental features that are characteristic of the zone in which the site is situated by requiring sufficient space on-site for effective landscaping,*
- (e) The desirability of adequate landscaping so that the built form does not dominate the landscape;*
- (f) How the principles of water cycle management can be applied to limit the impacts of runoff and stormwater flows off site.*

As detailed in the *Compliance Table* and discussion of *LEP 194*, the proposal does not comply with the non-discretionary minimum standards for deep soil planting or the maximum storey/height specified by *LEP 194* Clause 25M. Furthermore, the proposal breaches the setback and controls contained within *DCP 55*.

The proposal provides for increased density and housing choice in accordance with the objectives of *LEP 194*. However, the development is inconsistent with the resounding themes of the policy which promotes development having regard for the adjoining area, heritage properties, the natural environment, the existing tree canopy, building separation, quality urban design, internal residential amenity and the protection of the landscaped character of the Ku-ring-gai Municipality. This includes the priority to provide built form subservient to deep soil landscaping and surrounded by tall trees.

The proposed design has little regard to for the surrounding UCA and the scale of the building/development conflicts with the low density pattern of development existing along

Item 3

Womerah Street. The design and articulation of the building conflicts with the provisions of SEPP 65 and DCP 55. As such, the built form will dominate the Pacific Highway and Womerah Street frontages. The physical and visual dominance of the building is exacerbated by the proposed breaches of Council's deep soil landscaping, height, front/side and rear setbacks, floor space ratio and building articulation/design controls.

The design is out of context and fails to provide an appropriate transition in scale, separation from the street and surrounding properties and landscaped curtilage. The proposal does not provide adequate setback/separation to prevent loss of amenity and outlook for surrounding properties. Insufficient area exists surrounding the development provide landscaping to effectively screen the development and protect the visual amenity of surrounding residents. The proposed built form will dominate the streetscape and is not considered representative of high quality urban and architectural design.

As indicated in the comments provided by Council's Urban Design Consultant, the building does not provide acceptable internal amenity and represents poor urban and architectural design. The proposal is inconsistent with the scale desired for the area and Principle 2 of SEPP 65.

Principle 3 - Built form:

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

Refer to above comments and assessment by Council's *Urban Design Consultant* and against DCP 55.

The design, alignment, proportions and elements are inconsistent with applicable guidelines. The development does not achieve adequate articulation and screening within the streetscape and results in poor 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 does not comply with the deep soil landscaping and height controls contained within LEP 194. The development will dominate the streetscape and the visual amenity of the area.

Item 3

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.

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 with respect 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 does not provide for the deep soil landscaping to comply with LEP 194 Clause 25I(2). The applicant has included areas over the basement car parking level and some pathway areas which are not intended for inclusion in the calculation under the definitions of the LEP.

The site is currently characterised by significant landscaping which contributes to the streetscape. The proposal will significantly and detrimentally alter the current streetscape. The landscaping proposed will be ineffective in screening the bulk of the development. Council's Landscape Development Officer has assessed the submitted landscape plan does not support the proposed plan. The development is inconsistent with SEPP 65, LEP 194 and DCP 55 in this regard.

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*. However, Council's Urban Design Consultant has made the following comment:

Item 3

“The apartment layouts are inefficient and poorly planned. There are many irregular shapes and left over spaces within the apartments. Even in a triangular shaped building envelope, it is possible to provide a range of relatively regular shaped rooms around the perimeter of the triangle. The planning of the apartments is unnecessary, complex and inefficient.

The development is therefore inconsistent 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 and provides pedestrian connection and reasonable passive surveillance. The development is acceptable with respect to Principle 8.

Principle 9 - Social dimensions:

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

Refer to detailed discussion of *DCP 55 Clause 4.7 ‘Social Dimensions’*. The proposal provides housing for a mixture of income levels, family structures and accessibility levels and is consistent with both 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 were found to be excessive and inappropriate for the 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*.

Item 3

Site analysis:

The site analysis submitted with the application does not accurately represent the relationship of the development with the surrounding area and adjoining properties.

The site is constrained by its triangular shape. The proposal seeks to develop the site to its maximum potential density. The proposal does not satisfactorily conform to the site constraints in terms of setbacks and is not in context with the surrounding area. As a result, the proposal constitutes overdevelopment and compromises the amenity of the area and desired future character. Insufficient consideration has been given to addressing the 2(d3) zone objectives and designing the development within a landscaped setting.

Building design:

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

Refer to discussion of building design under *DCP 55*.

State Environmental Planning Policy No. 55 – Remediation of Land

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

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

Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River

SREP 20 applies to land within the catchment of the Hawkesbury Nepean River. The general aim of the plan is to ensure that development and future land uses within the catchment are considered in a regional context. The 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.

If the application was to be approved, conditions could be imposed in relation to stormwater management.

Ku-ring-gai Planning Scheme Ordinance (KPSO)

COMPLIANCE TABLE		
Development standard	Proposed	Complies
Site area (min): 1,200m ²	1,997.9m ²	YES
Deep soil landscaping (min): 50%	47%	NO

Item 3

COMPLIANCE TABLE		
Development standard	Proposed	Complies
Street frontage (min): 30m	66.746m (Pacific Highway) 83.371m (Womerah Street)	YES
Number of storeys (max): 4	4-5	NO
Site coverage (max): 35%	34.8% (680m ²)	YES
Top floor area (max): 60% of level below	60%	YES
Storeys and ceiling height (max): 4 st. and 10.3m	5 storeys and 8.8m	NO
Car parking spaces (min):		
• 4 (visitors)	4	YES
• 15 (residents)	24	YES
• 19 (total)	28	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

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 1,997.8m² 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 soil 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:

Item 3

- 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 47% of deep soil landscaping on the site. The proposal does not comply with this non-discretionary development standard and no SEPP 1 objection has been received with respect to the breach. In the absence of a SEPP1 objection, Council cannot legally grant consent.

Deep soil landscaping as defined by LEP 194 Clause 25B includes any part of a site area that is *a) not occupied by any structure whatsoever, whether below or above the surface of the ground (except for paths up to one metre wide), and b) is not used for car parking.*

The applicant miscalculated the deep soil landscaping to include the areas located directly above the basement car park and pathway areas measuring more than 1 metre in width, such as the proposed access ramp adjacent the Pacific Highway frontage.

The landscaping proposed is insufficient in depth to provide an adequate landscaped curtilage and screen the bulk of the building as envisaged under LEP 194. The setbacks and landscaping proposed do not afford adequate separation between properties to prevent adverse privacy and amenity impacts.

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 dual street frontages, 66.746 metres along the Pacific Highway and 83.371 metres along Womerah Street. The proposal complies with Clause 25I(3).

Number of storeys (cl.25I(5)):

Buildings proposed on sites measuring 1,800m² or more are not to exceed 4 storeys in height.

The proposed development achieves a height in excess of 4 storeys. The Plan DA04 indicates that the basement level rises more than 1.2 metres above natural ground level. Under the definitions of a 'storey' in DCP 55 *Any space where the ceiling of that floor or level is more than 1.2 metres above natural ground level at any point will be counted as a storey.*

The existing ground level is not clearly detailed on the submitted plans. The building appears to achieve a height of 5 storeys along the eastern and northern elevations. No SEPP 1 has been provided with respect to the non-compliance and the proposal is unacceptable.

Site coverage (cl.25I(6)):

Residential flat buildings are not to occupy greater than 35% percentage of the site area.

Item 3

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 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 maximum perimeter ceiling height of 10.3 metres.

As indicated in the *Compliance Table*, the proposal achieves 5 storeys with a perimeter ceiling height of 8.8 metres and complies with the perimeter ceiling height however breaches the maximum storey control along the northern and southern elevations.

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.

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.

Item 3

Non-discretionary development standards for residential flat buildings in Zone 2(d3) (cl.25M)

Pursuant to section 79C(6) (b) of the Environmental Planning and Assessment Act, 1979, the development standards for number of storeys, site coverage, landscaping and building set back that are set by LEP 194 are non-discretionary development standards for development for the purpose of a residential flat building on land within Zone No. 2(d3).

As discussed, the development does not comply with the non-discretionary landscaping and storey standards contained in LEP 194. No SEPP 1 justification has been given for the breaches and the proposal is unacceptable in these respects.

Heritage /conservation areas (cl.61D – 61I):

The site is located in UCA 20 – Ku-ring-gai Avenue. The proposal is excessive in bulk and scale, fails to comply with Council's objectives for medium density development in Zone 2(d3). The design provide an unacceptable response or transition in relation to the surrounding pattern of heritage homes within landscaped settings. The proposal does not re-instate an acceptable ratio of landscaping or tall tree planting to screen the building or provide connection between the development and the surrounding tree lined streets.

Residential zone objectives and impact on heritage:

The development does not satisfy 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 = 300m ²	998m ²	YES
No. of tall trees required (min): 7 trees (1 per 300m ²)	40 trees (2 existing 38 proposed)	YES
Part 4.2 Density:		
Building footprint (max):		
Floor space ratio (max): • 1:1	1.05:1	NO
Part 4.3 Setbacks:		
Street boundary setback (min):		

Item 3

COMPLIANCE TABLE		
Development control	Proposed	Complies
<ul style="list-style-type: none"> 10-12 metres (<40% of the zone occupied by building footprint) 	Basement ranging from 2- 6 metres (Pacific Hwy.) Building ranging from 5-11 metres (Womerah St.) 55% of building within front setback	NO NO
Rear boundary setback (north) (min): <ul style="list-style-type: none"> 6 metres 	7.5 metres (stairs)	YES
Side boundary setback (min): <ul style="list-style-type: none"> 6 metres (west) 10 – 12 metres (east) (Womerah Street) 	4.8 metres (west) 5 metres	NO NO
Setback of ground floor courtyards to street boundary (min): <ul style="list-style-type: none"> 8m/11m 	6.5 metres (terrace to Pacific Highway) 6 metres (terrace to Womerah Street)	NO
% of total area of front setback occupied by private courtyards (max): <ul style="list-style-type: none"> 15% 	<5%	YES
Part 4.4 Built form and articulation:		
Façade articulation: <ul style="list-style-type: none"> Wall plane depth >600mm Wall plane area <81m² 	Between 600mm and 900mm <81m ²	YES YES
Built form: <ul style="list-style-type: none"> Building width < 36m Balcony projection < 1.2m 	43 metres (Womerah Street) Most 1.6 metres (north and south elevation)	NO 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 >50% of the principle common open space of the development receives 3+ hours direct sunlight in the winter solstice 	80% Open space areas generally overshadowed throughout June 21	YES NO

Item 3

COMPLIANCE TABLE		
Development control	Proposed	Complies
<ul style="list-style-type: none"> <15% of the total units are single aspect with a western orientation 	Less than 15% (Unit 2)	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	Insufficient detail provided of relationship to adjoining dwellings	NO
<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 	As above	NO
Internal amenity: <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 	2.7 metres 2.7 metres >3 metres >3 metres 5 units 2 metres >1.8 metres	YES YES YES YES YES YES YES
Outdoor living: <ul style="list-style-type: none"> ground floor apartments have a terrace or private courtyard greater than 25m² in area 	Units 1, 4 and 5 >25m ² Unit 2 and 3 <25m ²	YES NO

Item 3

COMPLIANCE TABLE		
Development control	Proposed	Complies
<ul style="list-style-type: none"> Balcony sizes: <ul style="list-style-type: none"> - 10m² – 1 bedroom unit - 12m² – 2 bedroom unit - 15m² – 3 bedroom unit NB. At least one space >10m² primary outdoor living space has a minimum dimension of 2.4m 	<p style="text-align: center;">n/a</p> <p style="text-align: center;">most comply with the exception of units 7 and 12</p> <p style="text-align: center;">>15m²</p> <p style="text-align: center;">>2.4m</p>	<p style="text-align: center;">YES</p> <p style="text-align: center;">NO</p> <p style="text-align: center;">YES</p> <p style="text-align: center;">YES</p>
Part 4.7 Social dimensions:		
Visitable units (min): <ul style="list-style-type: none"> 70% 	None indicated	NO
Housing mix: <ul style="list-style-type: none"> Mix of sizes and types 	Mix of 1, 2 and 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 	<p style="text-align: center;">65%</p> <p style="text-align: center;">Unit 2 (south-western aspect) 5.5 metres depth</p> <p style="text-align: center;">60% with external wall remainder have open plan living/kitchen with access to natural light and ventilation</p> <p style="text-align: center;">4.5 star rating = 60%</p>	<p style="text-align: center;">YES</p> <p style="text-align: center;">YES</p> <p style="text-align: center;">YES</p> <p style="text-align: center;">NO</p>
Part 5 Parking and vehicular access:		
Car parking (min): <ul style="list-style-type: none"> 15 resident spaces 4 visitor spaces (incl) disabled spaces 19 total spaces 	<p style="text-align: center;">24 spaces</p> <p style="text-align: center;">4 spaces</p> <p style="text-align: center;">4 spaces</p> <p style="text-align: center;">28 spaces</p>	<p style="text-align: center;">YES</p> <p style="text-align: center;">YES</p> <p style="text-align: center;">YES</p>

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.

Item 3

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 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.

The scale of the development conflicts with the existing low density pattern of residential development. The design of the building is large and bulky and does not sympathise in style or materials with the surrounding heritage conservation area. The face brick construction and rendered finish do not reference the styles or finishes adopted by surrounding dwellings or flat buildings. The proposed finish emphasises the bulk and visibility of the building within the public domain.

The lift overrun and service elements, such as access, are visible from the public domain and are not integrated within the design of the building. The proposal is inconsistent with DCP 55 Part 2 in relation to good design.

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.

Council's vision is that multi-unit housing is located in a setting where vegetation, especially in the form of tall trees, is the dominant impression. Pursuant to the objectives of LEP 194 development should 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.

Refer to discussion of *SEPP 65 'Context'* and the comments made by Council's Urban Design Consultant. The development does not provide a dominant impression of landscaping. The proposal does not comply with the deep soil landscaping, setback, number of storeys or floor space ratio requirements. The development is excessive for the site and will impose on the surrounding 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.

As indicated in the *Compliance Table*, the proposal does not comply with the numerical requirements of the LEP and DCP in relation to the ratio of built form to deep soil landscaping. The applicant has erroneously included the subterranean basement level and pathways in the calculation of deep soil landscaping. These areas are not viable for providing tall tree planting. The tall tree planting proposed, whilst compliant with the requirements of the DCP, is not viable. Excessive tall

Item 3

tree planting is provided along the Pacific Highway frontage. Council's Landscape Officer is of the opinion that the health of these trees will be compromised due to overcrowding and location above basement levels.

The landscape plan is unsatisfactory will not effectively screen the bulk of the development or provide consistency with the area's character. The proposal is inconsistent with the objectives and provisions of SEPP 65, LEP and DCP 55 in this regard.

Part 4.2 Density:

Site density should be balanced with the need to provide appropriate deep soil landscaping on a site. The proposal complies with the maximum site coverage control of 35%. However, the proposal breaches the 1:1 floor space ratio control by 0.05 or 101.6m². No justification is given for the non-compliance. The proposal does not provide sufficient setbacks and landscaping and for reasons detailed in this report, the density of the building is excessive and inappropriate for the area, resulting in adverse streetscape and amenity impacts.

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.

DCP Part 4.3 C-3 stipulates that *the setback extends above and below ground and applies to all built elements of the development including car parking, storage, detention tanks and the like.*

As indicated in the *Compliance Table*, not only does the above ground level of the building significantly encroach upon the required setback by up to 7 metres, but the basement car park level is set back only 2 – 6 metres from the Pacific Highway. This non-compliance has implications for deep soil planting in restricting the area available for tall tree planting. Given the height, design and finish of the development, the setbacks proposed will exacerbate the large, bulky building within the streetscape. The front setback provides neither sufficient depth of landscaped curtilage nor opportunity to screen the development and prevent an overbearing built form.

DCP 55 Part 4.3 C-5 stipulates that *on corner sites the minimum street boundary setbacks in C-1 and C-2 above (10-12 metres) shall apply on both street frontages.* Thus, the Womerah Street footprint of the building (including the basement level) is required to be set back 10 -12 metres. A setback of 5 metres is proposed along this frontage. This setback is unacceptable given the interface of the development with a characteristically low density and scale, tree lined street. The non-compliance does not provide sufficient opportunity for landscaping and has the affect of emphasising the built form within the streetscape and public domain. The eastern elevation of the building, which is visible from Womerah Street, also exceeds the maximum building width requirement of 36 metres by 7 metres. This further exacerbates the bulk of the building.

Item 3

The building is set back 4.8 metres from the north-western boundary, where a minimum setback of 6 metres is required. This non-compliance will not provide adequate building separation, opportunity for landscaping or afford acceptable privacy screening between the subject building and the adjoining dwelling or any future residential flat building proposed for the adjoining north-western property.

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.

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.

The eastern elevation of the building exceeds the 36 metres building width control and some proposed balconies along the northern and southern elevations protrude more than 1.2 metres from the outer-most building façade. Service elements such as the lift overrun and external stairs are visible from the public domain. The design of the building does not respond appropriately to the site constraints or character of the area.

The development does not represent good design and is inconsistent with DCP 55 with respect to built form and articulation.

Part 4.5 Residential amenity:

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

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

A review of the performance of the development against these controls is provided in the *Compliance Table*. The development generally complies.

Clause 4.5.2 of DCP 55 stipulates that, in order to protect the visual and acoustic privacy between dwellings, the following building separation distances should be observed for the subject building:

Item 3

- 12 metres between two habitable rooms;
- 9 metres between a habitable room and a non-habitable room;
- metres between two non-habitable rooms.

Insufficient detail is provided on the site analysis plan to demonstrate that the development is appropriately set back and separated from adjoining properties.

Outdoor living areas are not fully compliant with the DCP and the common open space available to the development is largely overshadowed on June 21. The development provides unacceptable internal and external amenity for future occupants.

DCP 55 Clause 4.5 C-4 stipulates that no single aspect units should have a southern orientation. Unit 2 has a single southern orientation and does not comply.

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 along Pacific Highway and one within the Womerah Street setback. 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. 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. No 'visitable' units are detailed in the application and no justification is provided for this deficiency. Internal paths of travel and visitor and resident parking spaces are designed in accordance with DCP 55 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:

Item 3

DCP 55 requires that 90% of units meet the NatHERS rating of 4.5 stars and above. The proposal provides units ranging in energy rating between 3.5- 5 stars. Nine of the 15 units (60%) achieve a 4.5 star rating. The proposal does not comply with DCP 55 and is not considered to be efficient in terms of solar performance and passive energy.

The development is inconsistent with the principles of Ecologically Sustainable Development and the provisions of SEPP 65 (*Principal 5: Resource, energy and water efficiency*) by Council's Urban Design Consultant.

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.

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 resident, visitor and accessible parking spaces.

Acceptable vehicular and pedestrian routes are provided through the development, reducing any pedestrian or vehicular conflicts.

Part 6 Isolated sites:

The proposal does not isolate or compromise the development, potential of any surrounding sites.

Part 7 Nominated areas:

The subject site is not within 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.

Item 3

Development Control Plan 47 – Water Management

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

Section 94 Plan

Council's Section 94 Contributions Plan would require a financial contribution of \$219,135.82 if the application was to be approved. This calculation is based on floor space. Seven 'medium' dwellings at \$13,328.26 per dwelling and 8 'large' dwellings at \$19,039.30. A credit of two 'medium' dwellings is given for the dwellings existing at 1203 and 1209 Pacific Highway.

Likely Impacts

The proposal will result in significant impact on the landscape and scenic quality of the locality and UCA 20. The proposal will adversely impact upon the existing level of residential amenity enjoyed by surrounding properties is inconsistent with the future character of the surrounding area espoused by LEP 194 and DCP 55 development standards and provisions.

Suitability of the Site

The site is zoned Residential 2(d3) and is suitable for medium density housing development. However, the development proposed does not comply with the development standards and controls and represents an overdevelopment.

Any Submissions

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

Public Interest

Given the level of non-compliance of the development with Council's controls, approval of the application is not 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, SEPP 65, LEP 194 and DCP 55, the proposed development constitutes an overdevelopment of the site resulting in adverse impacts. The application is recommended for refusal.

Item 3

RECOMMENDATION

THAT Council, as the consent authority, refuse development consent to Development Application No. 113/05 for demolition of existing dwellings and outbuildings and the construction of a residential flat building containing 15 dwellings and basement car parking on land at 1203-1209 Pacific Highway, Turramurra, as shown on plans DA02B dated 14 April 2005 and DA03-DA07A, dated September 2004 drawn by Stephen Menzies Architect and Landscape Plan LPO1 Rev B prepared by Patio Landscape, Architecture and Design, dated 24 May 2005, for the following reasons:

Streetscape and Visual Impact

1. The front setback, use and design of the front and site setbacks, and design of the front elevation of the building results in undue imposition of built form upon the streetscape and upon surrounding properties.

Particulars:

- 1.1 The proposed development does not achieve a high quality urban or architectural design, does not have adequate regard to the surrounding character of residential development, does not provide a high level of residential amenity for occupants and is inconsistent with objectives for the desired future character of Ku-ring-gai as identified in LEP 194 Clause 25C(2) (c), (e) and (g).
- 1.2 The proposal breaches the 4 storey maximum height development standard specified by LEP 194 Clause 25I (5). No SEPP 1 objection has been provided and the application is unacceptable for approval. The height of the building will adversely alter and dominate the streetscape which is characterised by trees and low density dwellings.
- 1.3 The proposal breaches the maximum 1:1 floor space ratio control stipulated by DCP 55 Clause 4.2 C-4 and provides excessive bulk within the streetscape. The density does not achieve the desired landscaped and built character envisaged for Ku-ring-gai.
- 1.4 The width of the building along Womerah Avenue is 47 metres where DCP 55 allows a maximum width of 36 metres along any street elevation. The large expanse of building and lack of architectural relief provided across the façade will result in significant visual impact for the Womerah Street public domain and streetscape. The bulk of the building will particularly affect properties within the Residential 2(c2) zone, opposite on Womerah Avenue.
- 1.5 The scale of the development is unacceptable and relates poorly to the surrounding pattern of development and desired future character of the area. The building alignments breach DCP 55 in relation to street setbacks and the built form and façade treatment (curves, angles and stepped walls) is inconsistent and irregular. The proposal does not provide an appropriate response to the existing low density housing in the area.

Item 3

Landscape

2. The proposed development does not provide setbacks which ensure tall canopy tree planting, privacy and visual amenity between properties. The deep soil landscaping is inadequate for screening the built form and is inconsistent with the objectives for residential zones contained in LEP 194 Clause 25D(2) (a), (b), (c), (e) and (l).

Particulars:

- 2.1 The Deep Soil Zone provided is 47%, where 50% is required by LEP 194 Clause 25I (2) which is a non-discretionary development standard. No SEPP 1 objection has been submitted in relation to the breach. Insufficient opportunity for deep soil planting is available to screen the development, integrate the building with its landscaped surrounds or protect the privacy and visual amenity of surrounding residential properties.
- 2.2 The development proposes a front setback of between 2-6 metres at basement level and between 5-11 metres at ground level along the Pacific Highway. This represents a significant breach of DCP 55 Clause 4.3 C-1 which requires a setback of 10-12 metres. This breach limits Deep Soil Zones and the potential for tall tree canopy planting as required by LEP 194 and DCP 55. Unsatisfactory landscaped screening can be achieved within the Pacific Highway frontage/setback to mitigate adverse amenity impacts, screen the building from the street and integrate the development within its surrounds.
- 2.3 The development proposes a 6 metres setback along the Womerah Street frontage where between 10-12 metres is required by DCP 55 Clause 4.3 C-5. Insufficient screening is provided within this setback. The length, height and form of the building will result in unacceptable bulk when viewed from the public domain and adversely impact upon the visual amenity of the Residential 2(c2) zoning located opposite.
- 2.4 The building footprint occupies 55% of the front setback, to Pacific Highway where less than 40% is allowed by DCP 55. This will not allow for acceptable Deep Soil Zones for establishing and maintaining tall trees within the front setback. Front courtyards also encroach on the 8-11 metres setback requirement contained within DCP 55.
- 2.5 The development does not consistently comply with the 6 metres setback along the eastern and north-western site boundaries. This prevents the establishment of a tall canopy trees within Deep Soil Zones as required by LEP194. The building provides an inappropriate interface with the Residential 2(c2) zone located opposite on Womerah Avenue. The non-compliance will adversely impact on the privacy and visual amenity of the existing dwelling and any development in the future on the north-western adjoining site.

Residential Amenity

3. The proposed development is inconsistent with the provisions of SEPP 65 and DCP 55 in relation to residential amenity. The apartment layouts are inefficient and poorly planned. Insufficient separation is provided between the proposed building and surrounding properties.

Item 3

Particulars:

- 3.1 The proposed setbacks to the eastern (Womerah Street frontage) boundary and western side allows inadequate separation between properties and insufficient curtilage for the establishment of effective vegetative screening between properties. This will exacerbate adverse visual amenity and privacy impacts for surrounding properties.
- 3.2 Unit 2 is a single aspect, south facing dwelling. The proposal does not comply with DCP 55 Clause 4.5 C-4 which specifies that no single aspect units shall have a southern orientation.
- 3.3 Based on the information provided, the proposal does not appear to comply with DCP 55 Clause 4.5.2 C-2 which stipulates minimum distances between habitable rooms of a development in relation to adjoining properties. The residential amenity of the northern adjoining dwelling is likely to be compromised by the development.
- 3.4 The proposed development fails to provide for adequate open space with dimensions in accordance with DCP 55 Clause 4.5.5 C-2. In particular, Unit No.'s 2, 3, 8, 9, 12 and 13 have insufficient terrace or balcony dimensions.
- 3.5 The proposal fails to comply with DCP 55 Clause 4.8.1 C-4 which stipulates that at least 90% of dwellings in a development are to achieve an average NatHERS energy efficiency rating of at least 4.5 stars or more. The proposal provides only 60% of dwellings of at least 4.5 stars.

N Richter
Executive Assessment Officer

M Leotta
Team Leader
Development Assessment - North

M Prendergast
Manager
Development Assessment Services

M Miocic
Director
Development and Regulation

Attachments:
Location Sketch - 532656
Zoning Extract - 532625
Architectural Plans - 532628
Landscape Plan - 532632

NOTIFICATION SKETCH

1203-1209 Pacific Highway, TURRAMURRA NSW



SCALE: 1:3000

DATE: 21-02-2005



SUBJECT LAND



NOTIFICATION AREA



• Submission received

Zoning Extract

1203-1209 Pacific Highway Turramurra



08-09-2005

Scale = 1:2500

- | | |
|--------------------------|-----------------------------|
| 3(a) BUSINESS 3(a)-(A2) | 2(d3) RESIDENTIAL 2(d3) |
| 3(b) BUSINESS 3(b)-(B2) | 2(e) RESIDENTIAL 2(e) |
| EXISTING COUNTY ROAD | SPECIAL USES 5(b) (Railway) |
| RECREATION EXISTING 6(a) | |
| 2(c) RESIDENTIAL 2(c) | |
| 2(c2) RESIDENTIAL 2(c2) | |

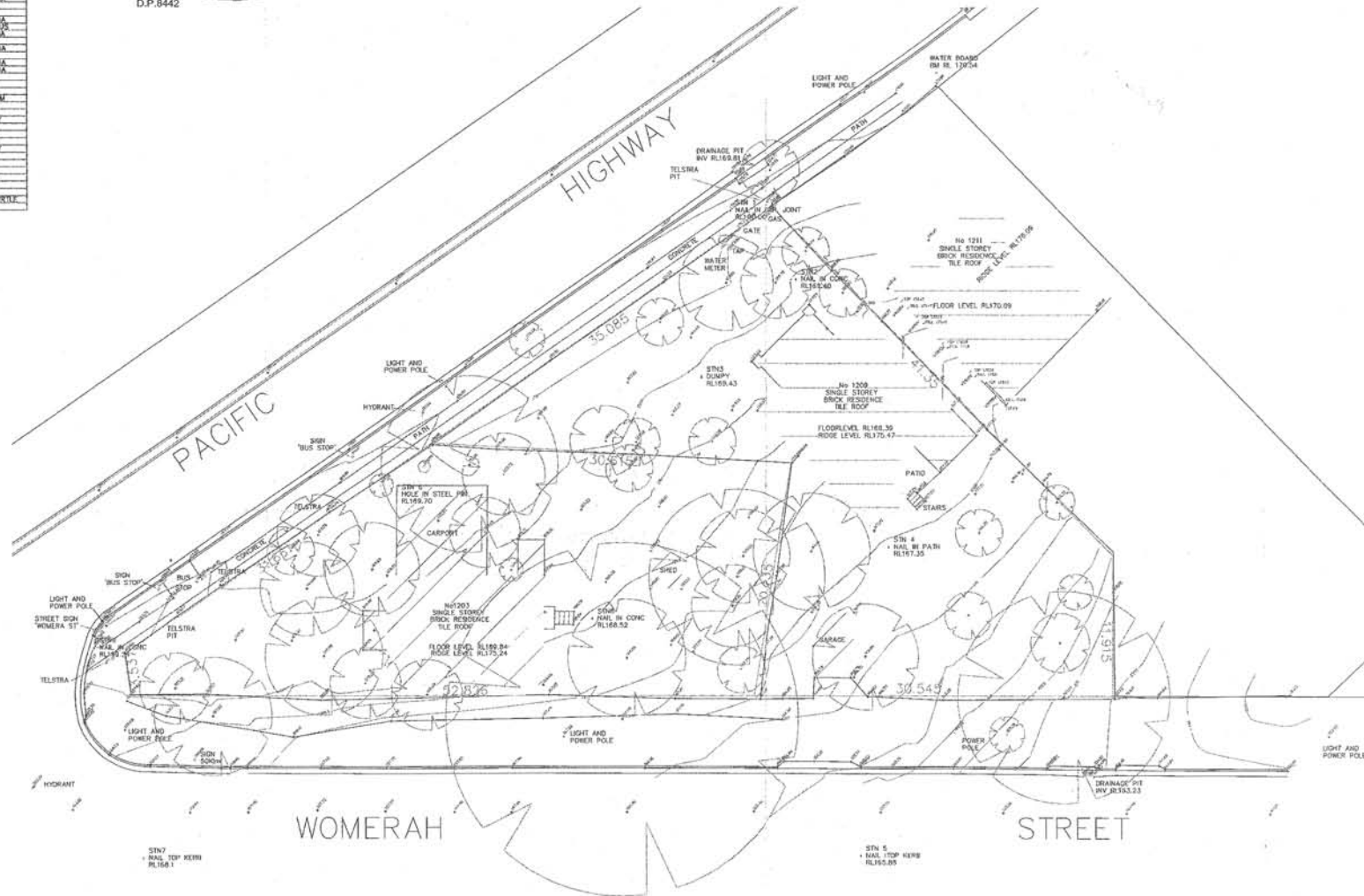
Site



NO	DEPTH	DIAMETER	HEIGHT	TYPE
1	1.5	100	1.5	POLE
2	1.5	100	1.5	POLE
3	1.5	100	1.5	POLE
4	1.5	100	1.5	POLE
5	1.5	100	1.5	POLE
6	1.5	100	1.5	POLE
7	1.5	100	1.5	POLE
8	1.5	100	1.5	POLE
9	1.5	100	1.5	POLE
10	1.5	100	1.5	POLE
11	1.5	100	1.5	POLE
12	1.5	100	1.5	POLE
13	1.5	100	1.5	POLE
14	1.5	100	1.5	POLE
15	1.5	100	1.5	POLE
16	1.5	100	1.5	POLE
17	1.5	100	1.5	POLE
18	1.5	100	1.5	POLE
19	1.5	100	1.5	POLE
20	1.5	100	1.5	POLE
21	1.5	100	1.5	POLE
22	1.5	100	1.5	POLE
23	1.5	100	1.5	POLE
24	1.5	100	1.5	POLE
25	1.5	100	1.5	POLE
26	1.5	100	1.5	POLE
27	1.5	100	1.5	POLE
28	1.5	100	1.5	POLE
29	1.5	100	1.5	POLE
30	1.5	100	1.5	POLE
31	1.5	100	1.5	POLE
32	1.5	100	1.5	POLE
33	1.5	100	1.5	POLE
34	1.5	100	1.5	POLE
35	1.5	100	1.5	POLE
36	1.5	100	1.5	POLE
37	1.5	100	1.5	POLE
38	1.5	100	1.5	POLE
39	1.5	100	1.5	POLE
40	1.5	100	1.5	POLE
41	1.5	100	1.5	POLE
42	1.5	100	1.5	POLE
43	1.5	100	1.5	POLE
44	1.5	100	1.5	POLE
45	1.5	100	1.5	POLE
46	1.5	100	1.5	POLE
47	1.5	100	1.5	POLE
48	1.5	100	1.5	POLE
49	1.5	100	1.5	POLE
50	1.5	100	1.5	POLE

NOTE:- VARIATION BETWEEN TRUE NORTH AND MAGNETIC NORTH
CALCULATED FROM PM 44917 - PM 44918

D.P.8442



B & G SURVEYING PTY LTD

SITE PLAN FOR DEVELOPMENT APPLICATION
1203-1209 PACIFIC HIGHWAY
TURRAMURRA

1:100

MLX
07/09/2001

S.S.M.
T.L.

A.H.D.
0.5

PACIFIC HIGHWAY
(1203) TURRAMURRA

PAC/1203/01



STEPHEN MENZIES

ARCHITECT

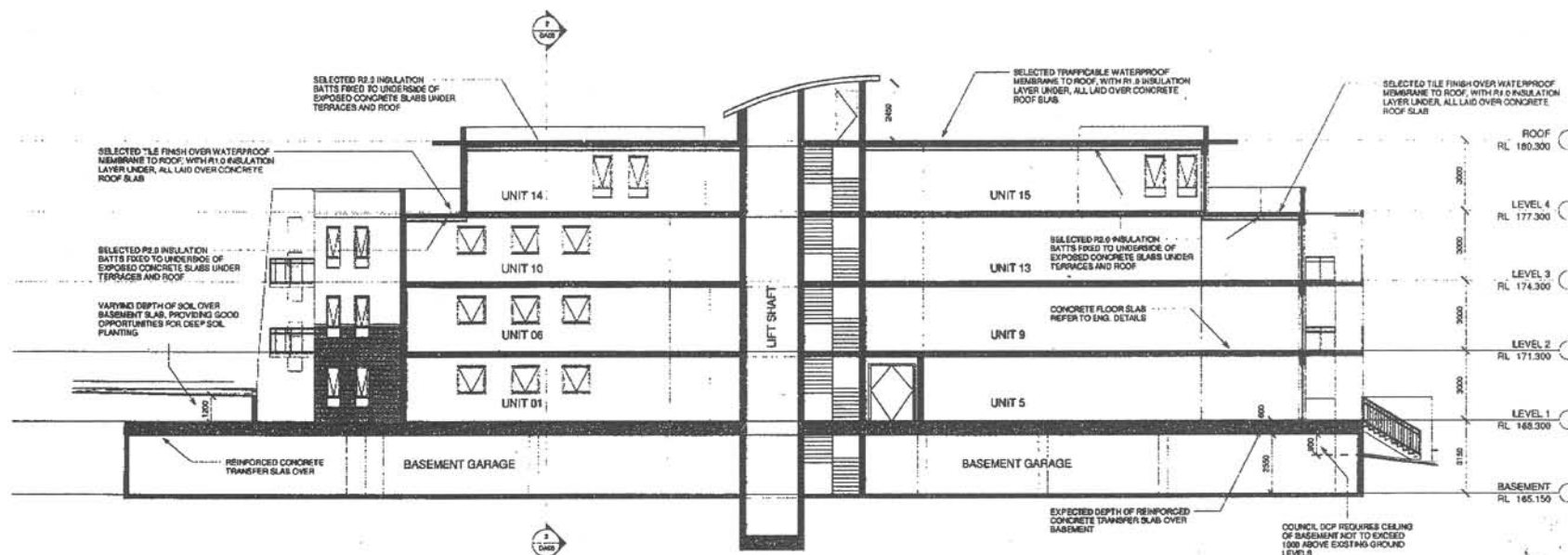
REGISTERED ARCHITECT (No. 5217)

33 FRANK STREET, CHATSWOOD NSW 1585
PHONE: 95 888 9166 FAX: 95 845 0888

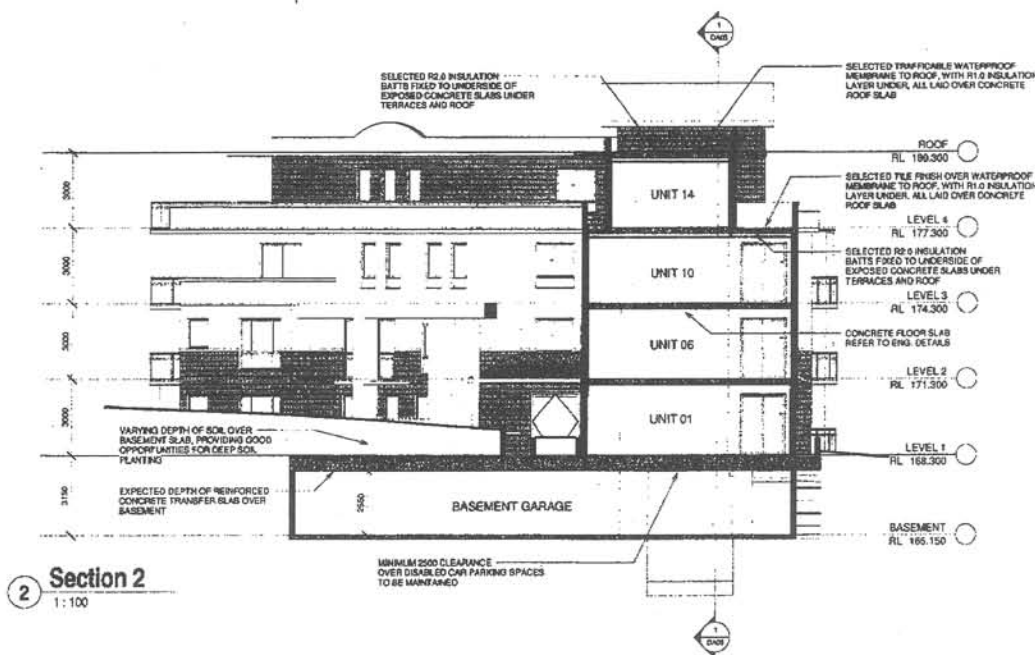
Email: menziesarchitect@gmail.com

CHECK ALL DIMENSIONS ON SITE PRIOR TO CONSTRUCTION. DO NOT SCALE FROM DRAWING. REPORT ANY DISCREPANCIES, COPYRIGHT AND AUTHORITY FOR ANY REPRODUCTION OF DESIGN. DIMENSIONS ARE RETAINED IF IN DOUBT ARE. DO NOT REPLY ALTERNATIVES DRAWING ON SITE.

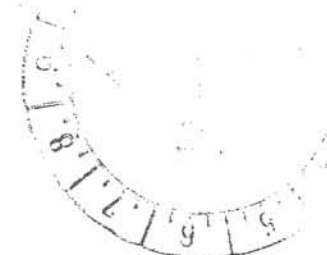
NOTES:



1 Section 1
1:100



2 Section 2
1:100



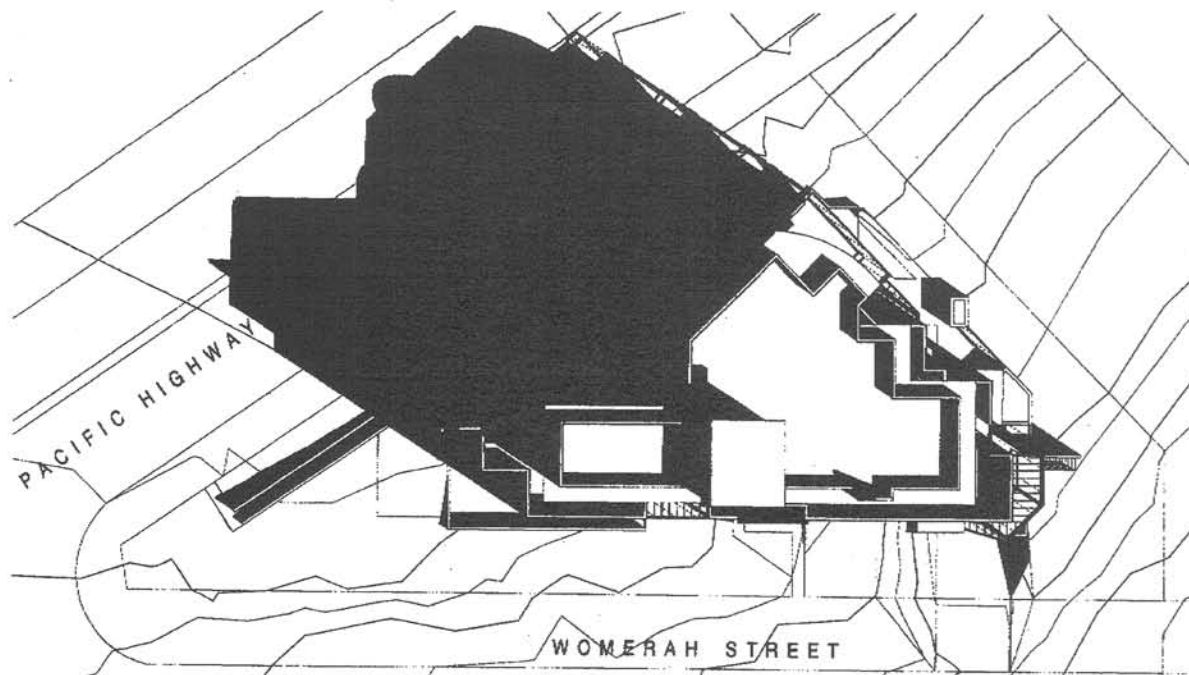
A	COUNCIL DA APPLICATION	28.0.2004
DATE	DATE	DATE

CLIENT
NORTHEAST HOMES

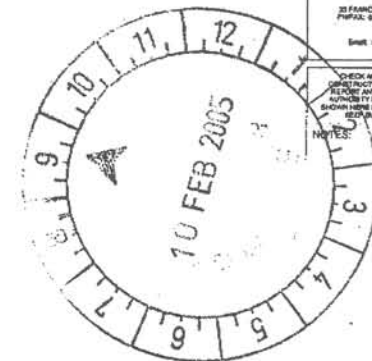
ADDRESS
**1203-1209 PACIFIC HWY
TURRAMURRA**

PROPOSED NEW UNITS
SECTIONS

DATE	DA	DATE	SEPT, 2004
DRAWN BY	SMM	CHECKED BY	SMM
SCALE	1:100	SHEET SIZE	A1
JOB NUMBER	04-236	DRAWING NUMBER	DA05
ISSUE			A



① **SHADOW-WINTER-9AM**



STEPHEN MENZIES

ARCHITECT

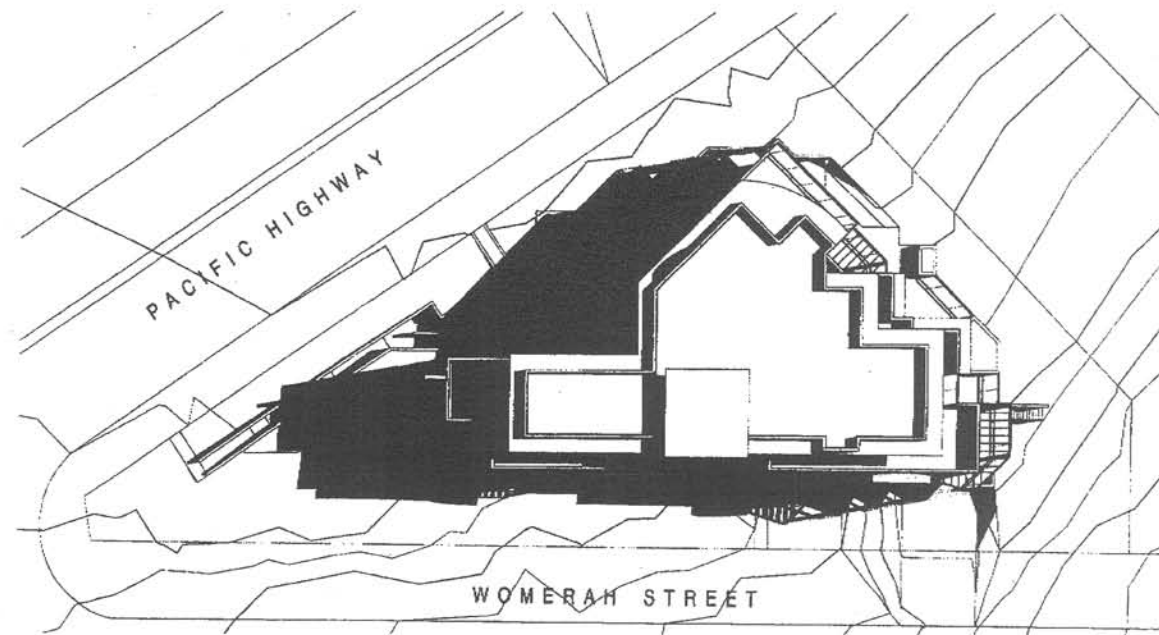
REGISTERED ARCHITECT (No. 5217)

23 FRANK STREET, CHITTOE HILL NSW 2154
PH: 02 9555 0128 MOB: 0413 428 285

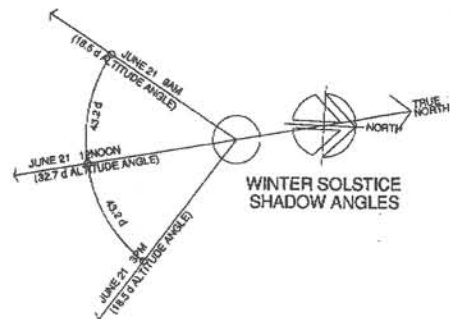
Email: menziesarchitect@optusnet.com.au

CHECK ALL DIMENSIONS ON SITE PRIOR TO CONSTRUCTION. CORRECT SCALE DIMENSIONS. REPORT ANY DISCREPANCIES, COPYRIGHT AND AUTHORSHIP FOR ANY REPRODUCTION OF DESIGN. DESIGN HERE IS RETAINED, IF IN DOUBT ASK. DO NOT REPRODUCE OR CONVEY TO OTHERS.

NOTES



② **SHADOW-WINTER-NOON**



4	COUNCIL DA APPLICATION	SEP 2004
6/01	AMENDMENT	DATE

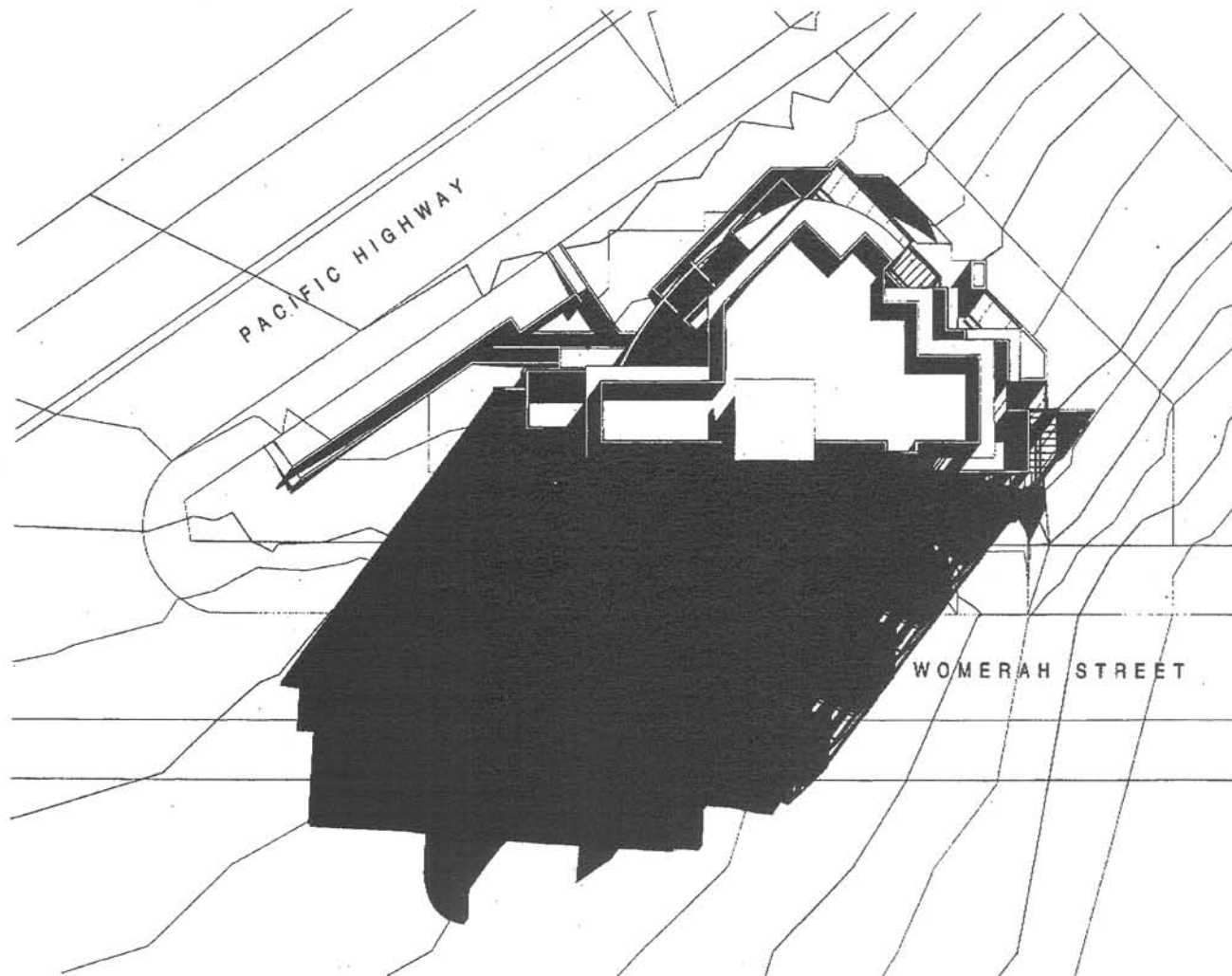
CLIENT
NORTHEAST HOMES

ADDRESS
**1203-1209 PACIFIC HWY
TURRAMURRA**

DRAWN
**PROPOSED NEW UNITS
SHADOW DIAGRAMS WINTER
9AM & NOON**

STAGE	DA	JOB DATE	SEPT, 2004
DRAWN BY	SMM	CHECKED BY	SMM
SCALE	1:100	SHEET NO	A1
JOB NUMBER	04-236	DRAWING NUMBER	DA06
		SCALE	A

31/01/2005 11:17:07 AM



1 SHADOW-WINTER-3PM

STEPHEN MENZIES

ARCHITECT

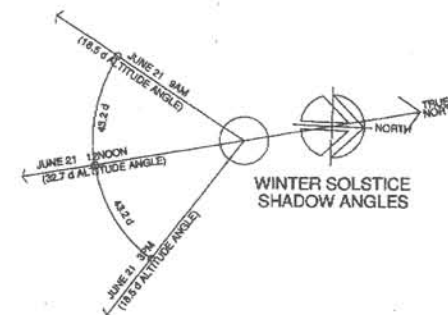
REGISTERED ARCHITECT (No. 5217)

35 FRANKIE STREET, CASTLE HILL NSW 2154
PH: 615 438 8818 MOB: 0418 438 885

Email: stephenmenzies@optusnet.com.au

CHECK ALL DIMENSIONS ON SITE PRIOR TO CONSTRUCTION. DO NOT SCALE FROM DRAWINGS. REPEAT ANY DIMENSIONS. COPYRIGHT AND AUTHORITY FOR ANY REPRODUCTION OF DESIGN SHOWN HERE IS RETAINED. IF IN SCALE USE, DO NOT REPRODUCE DIMENSIONS ON SITE.

NOTES:



WINTER SOLSTICE
SHADOW ANGLES

A	CORRIGENDUM APPLICATION	18.01.2004
REVISION	AMENDMENT	DATE

CLIENT	NORTHEAST HOMES
--------	-----------------

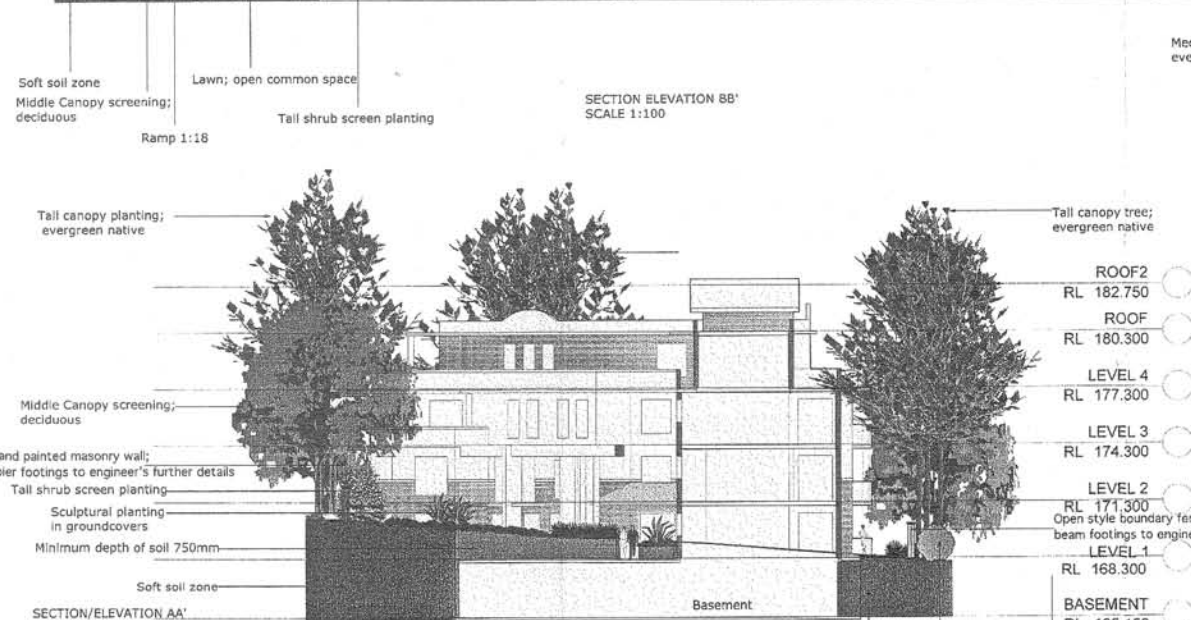
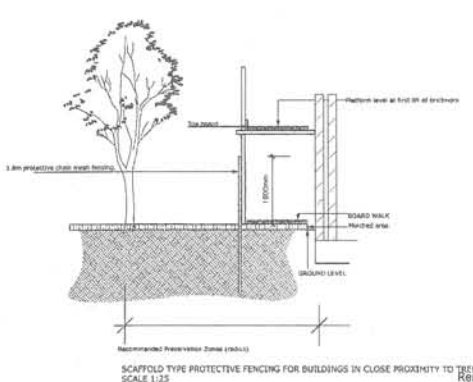
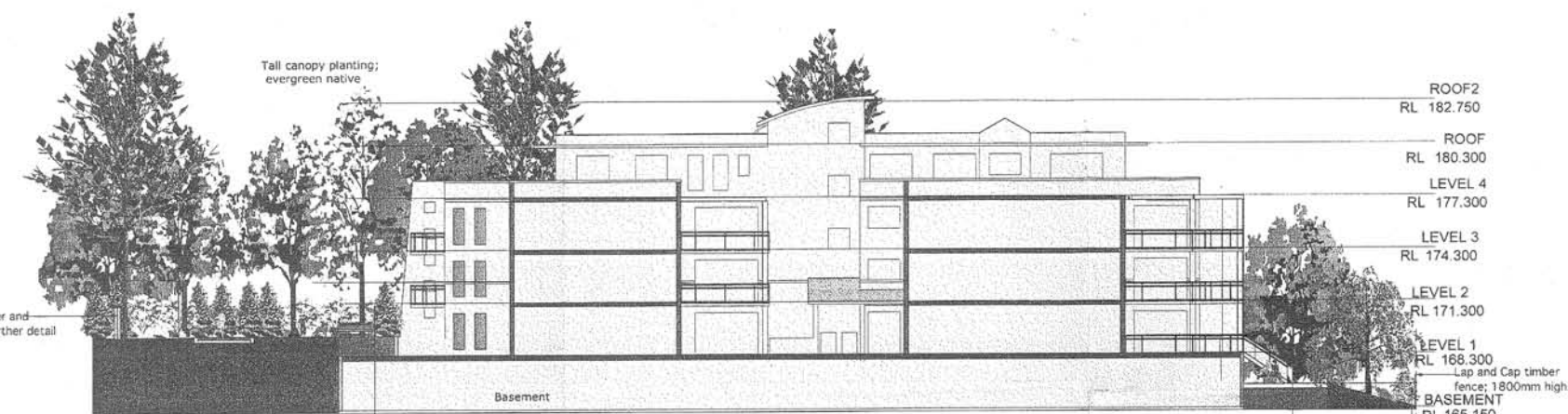
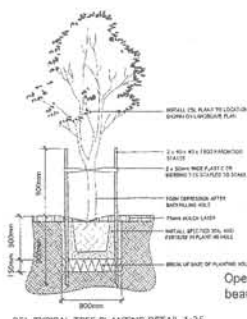
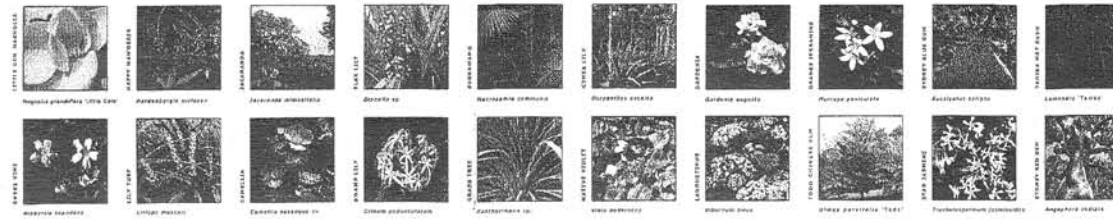
ADDRESS	1203-1209 PACIFIC HWY TURRAMURRA
---------	-------------------------------------

DRAWING	PROPOSED NEW UNITS SHADOW DIAGRAM WINTER 3PM
---------	--

STAGE	DA	DATE	SEPT. 2004
DRAWN BY	SJM	CHECKED BY	SJM
SCALE		SHEET NO.	A1
JOB NUMBER	04-236	DRAWING NUMBER	DA07
REVISION			A

31/01/2004 11:53:11 90002004

[illegible]



- NOTES:**
- This drawing shall be read in conjunction with all architectural and Engineering Drawings.
 - Refer to Architectural / Engineering Drawing for details of existing and proposed levels, and proposed materials, and existing walls.
 - Refer to Hydraulic Engineering Drawing for Stormwater Management.
 - Refer to Landscape Construction Notes.
 - The Landscape Contractor shall ensure all landscape works comply with Local Council By-laws, the Heritage Architectural and Landscape Guidelines, Heritage Staircase Code and Australian Standards.
 - The Landscape Contractor shall be responsible to design all gardens and setbacks prior to commencement of Landscape works.
 - Before the building and paved surface Engineers report all existing faults between building / or tree to building owner or to the relevant.
 - Excavation for services, beneath the canopy of existing trees shall be dug by hand or directionally bored.

Revision		Date	
1	Addition of boundary fence	15	01/05
PATIO LANDSCAPE ARCHITECTS 65-72 Reservoir Street Surry Hills NSW 2010 T +61 2 9388 2010 F +61 2 9388 2010 E info@patio.com.au Web site: www.patio.com.au			
Project: 1203-1209 Pacific Hwy, Turrestone Drawing Title: Section: Elevations, Copings Client: Northwood Homes Design: 11/05/10 Drawn: 11/05/10 Checked: 11/05/10 Scale: 1:100 Date: 11/05/10			



49 TELEGRAPH ROAD, PYMBLE - ADDITIONS AND ALTERATIONS PLUS CARPORT AND DRIVEWAY

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

To allow Council to consider an independent Heritage Impact Statement prepared for Council by Jennifer Hill of Architectural Projects Pty Ltd, on the proposed development at 49 Telegraph Road.

BACKGROUND:

- Application lodged 23 June 2005.
- Report considered by Council at its meeting of 26 July 2005. The matter was deferred for on site meeting.
- Site inspection took place on 6 August 2005.
- Report considered by Council at meeting 23 August 2005.
- Council resolved that the matter be deferred and a Heritage Impact Statement be sought from an independent heritage consultant.

COMMENTS:

A statement of heritage impact has been prepared by Jennifer Hill of Architectural Project Pty Ltd and is provided for Council's consideration.

RECOMMENDATION:

Approval

PURPOSE OF REPORT

To allow Council to consider an independent Heritage Impact Statement prepared for Council by Jennifer Hill of Architectural Projects Pty Ltd, on the proposed development at 49 Telegraph Road.

BACKGROUND

Previous application - DA 1417/04

Development Application 1417/04, proposing additions and alterations to the existing dwelling, construction of a carport and driveway, was approved under delegated authority, subject to conditions which required the relocation of the carport to be set back a minimum of 1.5m from the eastern (side) boundary, the deletion of one side-facing window and additional screen planting.

The consent to DA 1417/04, issued on 6 June 2005, is the subject of Class 4 proceedings in the Land and Environment Court commenced by the owners of the adjoining property (No. 51 Telegraph Road).

Current application - DA 642/05

This development application was considered by Council at its meeting of 26 July 2005. The matter was deferred for a site inspection.

The site inspection took place on 6 August 2005.

A supplementary report was considered by Council at its meeting of 23 August 2005 to address questions raised during the site inspection. The matter was deferred for an independent Heritage Impact Statement to be prepared on the proposed development at 49 Telegraph Road.

The attached Heritage Impact Statement has been provided by Jennifer Hill of Architectural Projects Pty Ltd.

CONSIDERATION

The report prepared by Jennifer Hill is attached as Annexure A. Her conclusion is as follows:

"8. STATEMENT OF HERITAGE IMPACT – OPTIONS

No. 49 Telegraph Road, Pymble, is located adjacent to a significant heritage item located at 51 Telegraph Road, Pymble and within a significant streetscape and a conservation area.

The immediate streetscape consists of properties located on a large allotment and set back a considerable distance from the front boundaries and the side boundaries. This all contributes to create a pattern of landscape settings and grand residences which has high cultural significance.

Item 4

DA642/05
12 September 2005

No. 49 Telegraph Road, Pymble, is a 2-storey residence located an equivalent distance from setback to no. 51 Telegraph Road, Pymble, which tends to be characteristic of the streetscape. No. 47 Telegraph Road, Pymble, a later building, is set forward of this alignment.

No. 49 Telegraph Road, Pymble, comprises a central 2-storey block. The existing garage and kitchen wing presents as a one storey pitched roof wing. The setback is approximately 1200mm and combined with the one storey pitched roof provides a significant setback to the 2-storey element from the boundary and the adjacent heritage item.

The proposal to convert the existing garage to living spaces requires the construction of a 2-car carport further forward of the existing setback. The roof of the proposed 2-car garage, is far greater than the existing garage roof and will therefore be more visible and impact to a greater extent on the curtilage of the heritage item. While the sites are large and can accommodate structures, consideration for their placement should minimise impact on the setting of the heritage item.

Given the size of the block, it would seem that other opportunities exist to provide space for 2 cars on the site without requiring a structure forward of the established building line. The importance of the established building line is greater where it relates to the setting of a heritage item.

In my opinion the proposed carport inappropriately locates a structure within the garden zone of this significant streetscape and within the view shed of the heritage item and should not be supported."

In the conclusion to her report, Jennifer Hill has raised a concern that the height and location of the proposed carport will have a detrimental impact on the curtilage of the heritage item. The existing single car garage is situated slightly forward of the existing dwelling and has a roof height of 4.2m. The proposed carport is single storey and incorporates a pitched roof which is 4.5m in height.

Whilst the proposed carport roof is of greater height than the existing single garage roof, the proposed roof pitch reflects that of the existing house and allows for the carport to be visually integrated with the dwelling on the site.

Where a detached carport is permitted forward of the building line, such structures should have a roof pitch that is compatible with the existing dwelling (refer Part 5.5.3 of DCP 38). The proposed carport utilises a roof pitch that matches the existing dwelling and does not detract from the appearance of the house within the streetscape.

The heritage impact statement also concludes that there are opportunities to provide 2 car spaces upon the site without requiring a structure forward of the established building line. The existing house is set back 1.8m and 0.9m from its western and eastern (side) boundaries, respectively. These setbacks preclude the provision of car parking to the rear of the existing dwelling, which is evident by the existing garage already being located forward of the building line. In order to provide car parking behind the building line, car parking would need to be integrated into the primary façade of the main house. Given the identified importance of the house within the streetscape, any disruption to the façade of the house would significantly impact upon the integrity of the dwelling and its streetscape contribution.

In circumstances where car parking behind the established building line is not possible, DCP 38 allows Council to consider an open sided carport in the front setback. Council, in considering this option must consider whether the amenity, streetscape and character objectives of the DCP would still be met by having an open sided carport forward of the house.

Item 4

DA642/05
12 September 2005

The proposed carport is of a design sympathetic to the existing dwelling house and whilst still apparent within the streetscape, will preserve the main façade of the building and will not dominate the adjoining two storey heritage item. The provision of car accommodation behind the building line would involve significant and undesirable alterations to the house which would likely diminish its streetscape contribution. To require the applicant to undertake significant and detrimental works would also be unreasonable. It is the opinion of Council staff that the proposed manner of providing for the car parking needs of the owners is acceptable pursuant to S.79C of the EP & A Act 1979 under the circumstances.

RECOMMENDATION

THAT the Council, as the consent authority, grant development consent to DA 642/05 for alterations and additions plus a carport to a dwelling on land at 49 Telegraph Road, Pymble, subject to the following conditions:

1. The development to be in accordance with Development Application 642/05 and Development Application plans prepared by *Fiona Mitchell - Architect*, reference number, *A01 (Rev A) to A08 (Rev A)*, dated *April 2005 as amended in Red (shown clouded)* and lodged with Council on *23 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 approved building works 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. For the purpose of ensuring the compliance with the terms of the approval, an approved copy of the plan and this Consent and Construction Certificate shall be kept on site at all times.
6. For the purpose of safety and amenity of the area, no building materials, plant or the like are to be stored on the road or footpath without the written approval being obtained from the Council beforehand. The pathway shall be kept in a clean, tidy and safe condition during building operations. Council reserves the right, without notice, to rectify any such breach and to charge the cost against the applicant/owner/builder, as the case may be.
7. **HOURS OF WORK:** For the purpose of residential amenity, noise generating work carried out in connection with building and construction operation, including deliveries of building materials and equipment, is restricted to the following hours: Mondays to Fridays inclusive: 7.00am to 5.30pm. Saturdays: 8.00am to 12.00 noon. Sundays and Public Holidays: Not Permitted. The use of the following items of plant on the site is also restricted to the abovementioned hours: compressors, bulldozers, power operated woodworking machines,

Item 4

DA642/05
12 September 2005

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

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

8. For the purpose of public safety, a sign shall be erected on the site prior to any work commencing which is clearly visible from a public place stating that unauthorised entry to the site is not permitted and showing the name of the builder or another person responsible for the site and a telephone number for contact outside working hours. The sign may only be removed on satisfactory completion of the works.
9. A sign shall be erected in a prominent position on the site which states the name and contact details of the Principal Certifying Authority.
10. The applicant is advised that the Construction Certificate plans and specifications must comply with the provisions of the Building Code of Australia.
11. 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.
12. 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.
13. 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.
14. The landscape works shall be completed prior to issue of final Certificate of Compliance and maintained in a satisfactory condition at all times.
15. Stormwater runoff from the alterations and additions located at the front of the site (including the proposed carport and driveway) 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.
16. Stormwater runoff from the alterations and additions unable to drain to the street shall be piped to the existing site drainage system. No stormwater drainage system is to be connected to the Sydney Water sewer system. Where found, all illegal connections must be rectified to the satisfaction of Council and Sydney Water.

Item 4

DA642/05
12 September 2005

17. 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 and/or barriers that direct runoff to the formal drainage system.
18. For stormwater control a 200mm wide grated drain with heavy duty removable galvanised grates is to be located within the property at the intersection of the driveway and Council's footway to collect all surface water flowing down the driveway. The drainage line from the grated drain shall be connected to the street system, either separately or via the main site outlet.
19. 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.
20. 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.**
21. 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.
22. 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".
23. The proposed rear timber deck is to be spaced to permit stormwater to pass through and permeate into the ground below. Apart from the piers below the deck the entire surface area under the deck is to be unsealed so that stormwater is able to soak into this area. Any existing paving or sealing below the proposed deck is to be removed from the site. At the completion of works and prior to issue of the Occupation Certificate, a Certificate from the builder/installer is to be submitted to the Principal Certifying Authority indicating compliance with this condition.

Item 4

DA642/05
12 September 2005

24. 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.

25. 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.
26. 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.
27. The property shall support a minimum number of Seven (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 the Principal Certifying Authority prior to release of the Construction Certificate.
28. To maintain suitable levels of privacy and amenity to adjoining properties, the side window proposed in the eastern elevation at the rear of the proposed meals room extension shall be deleted and replaced with solid materials to match the existing dwelling. Details of such shall be provided to the Principal Certifying Authority prior to the release of the Construction Certificate.
29. In order to minimise impacts to the adjoining heritage item (No. 51 Telegraph Road) and to achieve compliance with Council's DCP No. 38, the proposed carport shall be relocated to have a minimum setback of 1.5m from the eastern (side) boundary of the site. The relocation of the proposed carport is to ensure adequate landscaping can be provided between the carport structure and the side boundary of the site.
30. Landscape works shall be carried out in accordance with Landscape Drawing No. 2A, prepared by Relle Mott Garden Design and dated April 2005 submitted with the Development Application, except as amended by the following:
 - A. In order to minimise impacts to the adjoining heritage item (No. 51 Telegraph Road), and soften the appearance of the proposed carport, screen planting shall be established between the carport and the eastern side boundary of the site.

Item 4

DA642/05
12 September 2005

- B. In order to prevent overlooking of adjoining properties, screen planting shall be established between the rear terrace and the western side boundary of the site, as shown clouded in red on the plans.
- C. The proposed *Camelia Sasanqua* shown to be installed between the carport and the eastern side boundary and in front of the carport, shall have a minimum pot size of 45 litres and minimum height of 1.2m at the time of planting.
- D. The screen planting required by A. and B. of this condition shall utilise suitable plant species contained with Appendix F of Council's DCP No 38, shall be capable of attaining a minimum height of 3.0m and shall provide dense screening.

Details of the required amendments shall be shown on the amended landscape plans and submitted and approved by the Principal Certifying Authority prior to the release of the Construction Certificate. 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.

- 31. External materials, finishes and colours are to match the existing dwelling and shall be sympathetic to the surrounding environment. Details of all external finishes and materials shall be provided to and approved by the Principal Certifying Authority, prior to the release of the Construction Certificate.

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

- 32. 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.

- 33. 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).
- 34. 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

Item 4

DA642/05
12 September 2005

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.

35. 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.
36. Prior to issue of the Construction Certificate footpath and driveway levels for any fully new, reconstructed or extended sections of driveway crossings between the property boundary and road alignment must be obtained from Council. Such levels are only able to be issued by Council under the *Roads Act 1993*. All footpath crossings, laybacks and driveways are to be constructed according to Council's specifications "Construction of Gutter Crossings and Footpath Crossings" or as specified by Council. These are issued with alignment levels after completing the necessary application form at Customer Services and payment of the adopted fee.

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

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

Item 4

DA642/05
12 September 2005

which indicates the position and proposed level of the proposed driveway at the boundary alignment. Failure to submit this information may delay processing.

37. Development consent to DA 1417/04 shall be surrendered to Council under the provisions of Section 80A(1)(b) of the Environmental Planning and Assessment Act 1979. The provisions of Clause 97 of the Environmental Planning & Assessment Regulation 2000 are to be met prior to a Construction Certificate being issued. This condition is imposed to facilitate the orderly development of the site.
38. Prior to issue of the Construction Certificate the applicant shall submit, for approval by the Principal Certifying Authority (PCA), a plan of the new drainage system components required for the approved development. The plan shall be prepared by a qualified civil/hydraulic engineer or licensed plumber. The new components of 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). Any new connection points to the public drainage system (eg kerb, table drains, pits, pipes) must be shown accurately on the plan.
39. Prior to issue of the Construction Certificate, the Applicant shall submit for the approval of the appointed Principal Certifying Authority, revised details which demonstrate the following:
 - A clear entrance width of the proposed double carport to be increased to a minimum 5.2m (currently 4.8m). This condition is imposed to ensure compliance with Figure 5.4 from AS/NZS 2890.1 (2004) - "Off-street car parking" and thus provide better vehicle manoeuvrability.
 - Manoeuvring circles for the B85 design vehicle overlaid (drawn) on the site plans, which demonstrate that all vehicles using the carport can leave the site in a forward direction in a maximum of one (1) three-point turn. This condition has been imposed to ensure compliance with AS/NZS 2890.1 (2004) - "Off-street car parking", and may require some minor modifications to the driveway layout.

CONDITIONS TO BE COMPLIED WITH PRIOR TO WORK COMMENCING

40. 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.

CONDITIONS TO BE COMPLIED WITH PRIOR TO OCCUPATION

41. 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.

Item 4

DA642/05
12 September 2005

42. 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 Engineers. This shall be at no cost to Council.
43. Prior to issue of an Occupation Certificate (and at the completion of works), the applicant shall submit certification from a consulting engineer or the installing plumbing contractor to the Principal Certifying Authority (PCA), that:
- a. The components of the new drainage system have been installed in accordance with the Plumbing and Drainage code AS3500.3.2 and by a licensed plumbing contractor, and
 - b. The stormwater drainage works have been carried out in accordance with the approved Construction Certificate drainage plan and Councils Water Management DCP 47.
44. Prior to issue of an Occupation Certificate, a high level overflow pipe is to be provided from the back of the skimmer box to the filter backwash line discharging to the sewer. This line must not directly vent the receiving Sydney Water sewer. This requirement is to collect stormwater overflow from the swimming pool surface only. A certificate from the installer, indicating compliance with this condition, must be submitted to the Principal Certifying Authority (PCA), prior to issue of an Occupation Certificate.

D Hoy
Development Assessment Officer

S Cox
Team Leader
Development Assessment - Central

M Prendergast
Manager
Development Assessment Services

M Miocic
Director
Development & Regulation

Attachments:

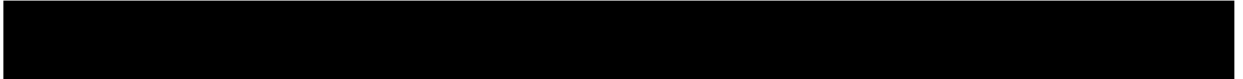
- Attachment 1: Statement of Heritage Impact prepared by Jennifer Hill of Architectural Projects Pty Ltd – 532508**
- Attachment 2: Report to Council - 26 July 2005 - 532516**
- Attachment 3: Report to Council – 23 August 2005 - 525850**
- Attachment 4: Minutes from site meeting - 6 August 2005 - 522514**
- Location sketch - 532585**

Item 4

DA642/05
12 September 2005

Site plans - 532588
Elevations - 532591
Shadows - 532592
Survey plan - 532594
Landscape plans - 532595
Attachment 5: Confidential Items - Floor Plans

49 Telegraph Road, Pymble



05.1127

STATEMENT OF HERITAGE IMPACT

PREPARED FOR:

Kuringai Council

BY:

JENNIFER HILL

**Architectural Projects Pty Ltd . Architects
Suite 1, 181 Lawson Street, Darlington, 2008
Ph: (02) 9319 1122
Fax: (02) 9319 1128**

September 2005

Version jhjs V01

STATEMENT OF HERITAGE IMPACT

for

49 Telegraph Road

Pymble

prepared for

Kuringai Council

by

ARCHITECTURAL PROJECTS PTY LTD

Suite 1

181 Lawson Street

Darlington NSW 2008

Tel: (02) 9319 1122

Fax: (02) 9319 1128

Date: 7/9/05

Version JHJS V.01

TABLE OF CONTENTS

1.	INTRODUCTION.....	1
1.1	BACKGROUND.....	1
1.2	SITE LOCATION AND DESCRIPTION.....	1
1.3	AUTHORSHIP.....	1
1.4	LIMITATIONS.....	1
1.5	METHODOLOGY.....	1
1.6	TERMINOLOGY.....	3
1.7	DEFINITIONS.....	3
1.8	ACKNOWLEDGMENTS.....	4
1.9	EXTENT OF SEARCHES.....	4
1.10	COPYRIGHT.....	4
2.	HISTORICAL DOCUMENTARY ANALYSIS.....	5
2.1	HISTORICAL CONTEXT OF PYMBLE.....	5
2.2	5.....	
2.3	HISTORY OF THE SITE AND BUILDING.....	5
2.4	RELEVANT HISTORICAL THEMES.....	6
3.	PHYSICAL ANALYSIS.....	7
3.1	DESCRIPTION OF THE AREA.....	7
3.2	DESCRIPTION OF THE SITE & SETTING (GARDEN).....	7
3.3	DESCRIPTION OF THE BUILDING.....	7
3.4	INTERIOR.....	7
3.5	OTHER ASPECTS OF SITE.....	7
3.5.1	Evidence of Archaeological Potential.....	7
3.5.2	Evidence of Aboriginal Heritage Potential.....	7
3.5.3	Evidence of Natural Heritage Potential.....	7
3.5.4	Moveable context.....	8
4.	CRITERIA FOR ASSESSMENT OF CULTURAL SIGNIFICANCE.....	9
4.1	GENERAL.....	9
4.2	THE NEW SOUTH WALES HERITAGE ASSESSMENT CRITERIA.....	9
4.2.1	Criterion A – Historical Evolution.....	9
4.2.2	Criterion B – Historical Associations.....	10
4.2.3	Criterion C – Aesthetic Values.....	10
4.2.4	Criterion D – Technical / Research Value.....	11
4.2.5	Criterion E – Social Value.....	11
4.2.6	Criterion F – Rarity.....	11
4.2.7	Criterion G – Representativeness.....	12
4.3	LEVELS OF SIGNIFICANCE.....	12
4.3.1	Local Heritage.....	13
4.3.2	State Heritage.....	13
4.4	CURTILAGE.....	13
4.4.1	Curtilage Types.....	13
5.	ASSESSMENT OF CULTURAL SIGNIFICANCE.....	14
5.1	CRITERION A – HISTORICAL EVOLUTION.....	14
5.2	CRITERION B – HISTORICAL ASSOCIATIONS.....	14
5.3	CRITERION C – AESTHETIC VALUES.....	14
5.4	CRITERION D – TECHNICAL / RESEARCH VALUE.....	14
5.5	CRITERION F - RARITY.....	14
5.6	CRITERION G - REPRESENTATIVENESS.....	15
5.7	INTACTNESS.....	15
5.8	LEVEL OF SIGNIFICANCE.....	15
5.9	GRADING OF SIGNIFICANCE.....	15
5.10	ESTABLISHING CURTILAGES.....	16
6.	CONSTRAINTS & OPPORTUNITIES.....	17
6.1	GENERAL.....	17

6.2	CONSTRAINTS & OPPORTUNITIES ARISING FROM CULTURAL SIGNIFICANCE	17
6.3	CONSTRAINTS & OPPORTUNITIES ARISING FROM THE CONDITION OF THE PLACE ..	17
6.4	CONSTRAINTS & OPPORTUNITIES ARISING FROM PROPERTY OWNERSHIP	17
6.5	CONSTRAINTS & OPPORTUNITIES ARISING FROM HERITAGE PLANNING REQUIREMENTS	17
6.5.1	AUSTRALIAN HERITAGE COMMISSION.....	17
6.5.2	HERITAGE COUNCIL OF NSW/NSW HERITAGE ACT	17
6.5.3	NATIONAL TRUST (NSW)	17
6.5.4	RAIA REGISTER OF SIGNIFICANT BUILDINGS.....	17
6.5.5	ART DECO REGISTER OF NSW	17
6.5.6	SECTION 170 REGISTER.....	18
6.5.7	KU-RING-GAI COUNCIL.....	18
6.5.8	ROYAL AUSTRALIAN INSTITUTE OF ENGINEERS	18
7.	STATEMENT OF CONSERVATION POLICY.....	Error! Bookmark not defined.
8.	Error! Bookmark not defined.	
9.	STATEMENT OF CONSERVATION POLICY	19
9.1	INTRODUCTION.....	19
9.2	CONSERVATION PHILOSOPHY	19
9.3	GENERAL POLICY.....	19
9.4	CONSERVATION OF BUILDING FABRIC	20
9.4.1	Implication of Grading of Significance.....	20
9.4.2	General Policies for Conservation of Fabric.....	20
9.5	EXTERIOR	21
9.6	INTERIOR.....	21
9.7	NEW DEVELOPMENT	21
9.8	FUTURE USE	21
9.9	MAINTENANCE AND REPAIR	22
9.10	BCA COMPLIANCE	Error! Bookmark not defined.
9.11	APPROPRIATE SKILLS AND EXPERIENCE	22
9.12	INTERPRETATION	23
10.	STATEMENT OF CONSERVATION POLICY	Error! Bookmark not defined.
10.1	INTRODUCTION	Error! Bookmark not defined.
10.1.1	Definitions	Error! Bookmark not defined.
10.2	CONSERVATION PHILOSOPHY.....	Error! Bookmark not defined.
10.3	GENERAL POLICY	Error! Bookmark not defined.
10.4	CONSERVATION OF BUILDING FABRIC	Error! Bookmark not defined.
10.4.1	Implication of Grading of Significance.....	Error! Bookmark not defined.
10.4.2	General Policies for Conservation of Fabric.....	Error! Bookmark not defined.
10.5	EXTERIOR.....	Error! Bookmark not defined.
10.6	INTERIOR	Error! Bookmark not defined.
10.7	NEW DEVELOPMENT	Error! Bookmark not defined.
10.8	FUTURE USE	Error! Bookmark not defined.
10.9	MAINTENANCE AND REPAIR.....	Error! Bookmark not defined.
10.10	BCA COMPLIANCE	Error! Bookmark not defined.
10.11	APPROPRIATE SKILLS AND EXPERIENCE	Error! Bookmark not defined.
10.12	INTERPRETATION	Error! Bookmark not defined.
11.	IMPLEMENTATION OF POLICY.....	Error! Bookmark not defined.
11.1	MANAGEMENT PROCESSES.....	Error! Bookmark not defined.
11.2	REVIEW OF THE CONSERVATION MANAGEMENT PLAN.....	Error! Bookmark not defined.
11.3	CONSERVATION WORKS	Error! Bookmark not defined.
11.4	MAINTENANCE WORKS	Error! Bookmark not defined.
12.	IMPLEMENTATION OF POLICY.....	Error! Bookmark not defined.
12.1	MANAGEMENT PROCESSES.....	Error! Bookmark not defined.
12.2	REVIEW OF THE CONSERVATION MANAGEMENT PLAN.....	Error! Bookmark not defined.
12.3	CONSERVATION WORKS	Error! Bookmark not defined.
12.4	MAINTENANCE WORKS	Error! Bookmark not defined.
13.	STATEMENT OF HERITAGE IMPACT – OPTIONS.....	24

13.1	RECONSTRUCTION AND RESTORATION	Error! Bookmark not defined.
13.2	RETENTION AND ADAPTATION FOR NEW COMPATIBLE USE ...	Error! Bookmark not defined.
13.3	DEMOLITION.....	Error! Bookmark not defined.
13.4	CONCLUSION.....	Error! Bookmark not defined.
14.	BIBLIOGRAPHY	25
15.	LIST OF ILLUSTRATIONS	26
16.	LIST OF APPENDICES	Error! Bookmark not defined.
17.	"HOW TO DO" PLUS CHECKLISTS.....	Error! Bookmark not defined.
17.1	DELETE THIS SECTION BEFORE PRINT.	Error! Bookmark not defined.
17.2	General Instructions for Typing / Formatting.....	Error! Bookmark not defined.

1. INTRODUCTION

1.1 BACKGROUND

The site of 49 Telegraph Road fronting Telegraph Road is currently the subject of a Heritage Assessment related to a Development Application to more precisely determine the heritage significance of the item. The proposal involves the construction of a new garage forward of the building line. Architectural Projects were commissioned by Kuringai Council to prepare this document in August 2005.

1.2 SITE LOCATION AND DESCRIPTION

The Assessment relates to a study area defined by Telegraph Road with specific focus on 51 Telegraph Road. And Telegraph Road generally. The site is located on the south side of Telegraph Road.

1.3 AUTHORSHIP

The report has been prepared by a team consisting of the following key members:

Jennifer Hill – Architectural Projects Pty Ltd - Heritage Architect

Elizabeth Gibson – Architectural Projects Pty Ltd - Heritage Architect

Leonie Masson – Historic Research

1.4 LIMITATIONS

A time frame of eight weeks was established for the preparation of the Report. Access was given to the site and Council records held by the applicant and Council. No physical intervention was undertaken to prepare this report. No historical archaeological work other than the site surveys provided herein was commissioned for the report.

1.5 METHODOLOGY

The Assessment has been prepared in accordance with the methodology outlined in J. S. Kerr *The Conservation Management Plan* by Dr James Semple Kerr (5th Edition, 2000). The report complies with the principles of the Australian ICOMOS Charter for the Conservation of Places of Cultural Significance (the Burra Charter) and its guidelines. The methodology used in the evaluation of the place is that recommended by the NSW Heritage Office. It seeks to identify from documentary and physical evidence any historic, aesthetic, social and technological values of each component building and to determine their level of representatives or rarity by comparison with other identified examples. The analysis also looks at the overall character of the adjoining area to determine if the buildings and the site development pattern contributes to a characteristic grouping or cohesive streetscape which is unique or of sufficient importance to require protection.

1.6 TERMINOLOGY

The terms *fabric*, *place*, *preservation*, *reconstruction*, *restoration*, *adaptation* and *conservation* used throughout this report have the meaning given them in *Australia ICOMOS Charter for the Conservation of Places of Cultural Significance (Burra Charter)*.

The terminology used to described building styles follows the nomenclature set out in Apperly, R., Irving, R. and Reynolds, P. *A Pictorial Guide to Identifying Australian Architecture*, 1989.

1.7 DEFINITIONS

In order to achieve a consistency in approach and understanding of the meaning of conservation by all those involved a standardised terminology for conservation processes and related actions should be adopted. The terminology in the *Burra Charter* is a suitable basis for this. Article 1 of the *Burra Charter* gives the following definitions:

Place means site, area, building or other work, group of buildings or other works together with associated contents and surround.

Cultural significance means aesthetic, historic, scientific or social value for past, present or future generations.

Fabric means all the physical material of the place.

Conservation means all the processes of looking after a place so as to retain its cultural significance. It includes maintenance and may, according to circumstance include preservation, restoration, reconstruction and adaptation and will be commonly a combination of more than one of these.

Maintenance means the continuous protective care of the fabric, contents and setting of a place, and it is to be distinguished from repair. Repair involves restoration and reconstruction and it should be treated accordingly.

Preservation means maintaining the fabric of a place in its existing state and retarding deterioration.

Restoration means returning the existing fabric of a place to a known earlier state by removing accretions or by reassembling existing components without the introduction of new material.

Reconstruction means returning a place as nearly as possible to a known earlier state and is distinguished by the introduction of materials (new or old) into the fabric. This is not to be confused with either recreation or conjectural reconstruction which are outside the scope of the *Burra Charter*.

Adaptation means modifying a place to suit propped compatible uses.

Compatible use means a use which involves no change to the culturally significant fabric, changes which are substantially reversible, or changes which require a minimal impact.

1.8 ACKNOWLEDGMENTS

City of Sydney Council

National Trust of Australia (NSW) Mara Barnes

Australian Heritage Commission

1.9 EXTENT OF SEARCHES

Information searches have occurred with the following organisations:

The Mitchell Library

General subdivision information

The NSW Land Titles Office

Specific subdivision / title information.

Sydney Water archives

Council Archives

Commonwealth archives

Australian Heritage Commission

National Trust of NSW Register

Heritage Council of NSW

NSW State Heritage Inventory

Central Sydney Heritage Inventory

RAIA Twentieth Century Heritage Inventory

Art Deco Society of NSW Heritage Inventory

NSW Government Department Heritage Register

Historical Society

1.10 COPYRIGHT

This report is copyright to of Architectural Projects Pty Ltd and was prepared specifically for the owners of the site. It shall not be used for any other purpose and shall not be transmitted in any form without the written permission of the authors.

2. HISTORICAL DOCUMENTARY ANALYSIS

2.1 HISTORICAL CONTEXT OF PYMBLE

This suburb takes its name from a free settler, Robert Pymble (1788-1861) a former silk weaver, who arrived in the colony from England in 1821. In 1823 he captured a bushranger, and as a reward was given a grant of 600 acres in what is now Pymble. He built a house just south of the present Pymble station and soon had a timber business in established. He also established the first orchard in the area, to the east of the station. Direct descendants of Robert Pymble still live in the district.

When Robert Pymble established himself in this area, the only way to reach his land was along a track, known as Lane Cove Road, now the Pacific Highway. In 19843 the New Inn was established by Daniel Bullock on what is now the Pacific Highway, just north of Mona Vale Road. In 1854 it was bought by Owen McMahon, who changed the name to Travellers' Home.

The first public transport on the North Shore began in 1879 at Pymble when Richard Harnett initiated the Stoney Creek Bus. Six lively horses were handled by Tom Watson, one of the favourite drivers, and the forty passengers clung to their seats and enjoyed the thrill of the ride through the area's beautiful bushland. Later a thirty-passenger coach ran from Milsons Point to Pymble.

When the North Shore railway line was put through the suburb in 1890, it crossed Robert Pymble's property. The kitchen of his home became the station's booking office and the dining-room became the waiting room. The station was appropriately named after this district pioneer.

The area was gradually opened up by other orchardists, who provided much of the city's early fruit supplies. Among them was Joseph Sainty, who established an orchard in Merrivale Road in 1870. His property later extended into Turramurra.

The Presbyterian Ladies College (now called Pymble Ladies College), at Pymble, opened in 1916.

Pymble is high enough to give views of the city skyline and the Harbour Bridge to the south-east and to the south-west, across the Lane Cove River valley, Macquarie University at North Ryde.

2.2 HISTORY OF THE SITE AND BUILDING

The 1987 inventory sheet provides no detail related to the exact dating of the building or the architect or client involved. The current program for the report does not allow the time to incorporate this research and as such it will be provided as a supplementary report.

Information provided by Robert Staas of Noel Bell Ridley Smith confirms that the building in 2000 was reasonably intact. The lack of primary information restricts a clear attribution of an architect. The work is similar in style to the work of Joseland and Gilling, John Brogan, McCredie, Scott and Green and Augustus Alley. The building while an excellent example, is similar in style to many houses built during the interwar period on the North Shore.

2.3 RELEVANT HISTORICAL THEMES

NATIONAL	STATE	LOCAL
Building, Settlements, Towns and Cities	Towns, Suburbs and Villages: <ul style="list-style-type: none"> Activities associated with creating, planning and managing urban functions, landscapes and lifestyles in towns, suburbs and villages. 	<ul style="list-style-type: none">
Building, Settlements, Towns and Cities	Land Tenure: <ul style="list-style-type: none"> Activities and processes for identifying forms of ownership and occupancy of land 	<ul style="list-style-type: none">

3. PHYSICAL ANALYSIS

3.1 DESCRIPTION OF THE AREA

The building is located in the area which could be characterised as follows:

The immediate streetscape consists of properties located on large allotments and set back a considerable distance from the front boundaries and the side boundaries. This all contributes to create a pattern of grand residences within landscape settings which has high cultural significance.

3.2 DESCRIPTION OF THE SITE & SETTING (GARDEN)

No. 49 Telegraph Road, Pymble, is a 2-storey residence located an equivalent distance from setback to no. 51 Telegraph Road, Pymble, which tends to be characteristic of the streetscape.

No. 47 Telegraph Road, Pymble, a later building, is set forward of this alignment.

No. 49 Telegraph Road, Pymble, comprises a central 2-storey block. The existing garage and kitchen wing presents as a one storey pitched roof wing. The setback is 1200mm and combined with the one storey pitched roof provides a significant setback to the 2-storey element from the boundary and the adjacent heritage item at 51 Telegraph Road.

3.3 DESCRIPTION OF THE BUILDING

Condition

51 Telegraph Road, Pymble appears well maintained and in a good condition.

Construction

The building is constructed from masonry const

3.4 INTERIOR

No access has been provided to the interior.

3.5 OTHER ASPECTS OF SITE

3.5.1 Evidence of Archaeological Potential

Given the date of building construction, the site is highly unlikely to reveal archaeological remains.

3.5.2 Evidence of Aboriginal Heritage Potential

Given the date of building construction dating from the Interwar period the site is unlikely to reveal aboriginal remains.

3.5.3 Evidence of Natural Heritage Potential

Given the history of site disturbance from the Interwar period the site is unlikely to have heritage significance for its natural features.

3.5.4 Moveable context

No significant moveable items exist.

4. CRITERIA FOR ASSESSMENT OF CULTURAL SIGNIFICANCE

4.1 GENERAL

A statement of cultural significance is a declaration of the value and importance given to a place or item, by the community. It acknowledges the concept of a place or item having an intrinsic value which is separate from its economic value.

There are a number of recognised and pre-tested guidelines for assessing the cultural significance of a place or item established by organisations including among others, the ICOMOS (International Committee on Monuments and Sites, Australia), The National Trust of Australia, The Australian Heritage Commission (Commonwealth Government) and in New South Wales by the State Government (The Heritage Council of NSW).

The Heritage Council's criteria "NSW Heritage Assessment Criteria" are based on the Australian Heritage Commission criteria (used for assessment of items for inclusion on the Register of the National Estate) and encompass the four values in the Australia ICOMOS Burra Charter; Historical Significance, Aesthetic significance, Scientific Significance and Social Significance. These criteria were gazetted following amendments to the Heritage Act which came into force in April 1999.

This report uses the NSW Heritage Assessment Criteria to assess the significance of the study area.

4.2 THE NEW SOUTH WALES HERITAGE ASSESSMENT CRITERIA

An item will be assessed to be of heritage significance if it meets one or more of the following criteria:

4.2.1 Criterion A – Historical Evolution

An item is important in the course, or pattern, of NSW's cultural or natural history (State significance); OR

An item is important in the course, or pattern, of the local area's cultural or natural history (local significance).

Guidelines for Inclusion

- Shows evidence of a significant human activity.
- Is associated with a significant activity or historical phase.
- Maintains or shows the continuity of a historical process or activity.

Guidelines for Exclusion

- Has incidental or unsubstantiated connections with historically important activities or processes.

- Provides evidence of activities or processes that are of dubious historical importance.
- Has been so altered that it can no longer provide evidence of a particular association.

4.2.2 Criterion B – Historical Associations

An item has strong or special association with the life or works of a person, or group of persons, of importance in NSW's cultural or natural history (State significance); OR

An item has strong or special association with the life or works of a person, or group of persons, of importance in the cultural or natural history of the local area (local significance)

Guidelines for Inclusion

- Shows evidence of a significant human occupation.
- Is associated with a significant event, person, or group of persons.

Guidelines for Exclusion

- Has incidental or unsubstantiated connections with historically important people or events.
- Provides evidence of people or events that are of dubious historical importance.
- Has been so altered that it can no longer provide evidence of a particular association.

4.2.3 Criterion C – Aesthetic Values

An item is important in demonstrating aesthetic characteristics and/or high degree of creative or technical achievement in NSW (State significance) OR

An item is important in demonstrating aesthetic characteristics and/or high degree of creative or technical achievement in the local area (local significance).

Guidelines for Inclusion

- Shows or is associated with, creative or technical innovation or achievement.
- Is the inspiration for a creative or technical innovation or achievement.
- Is aesthetically distinctive.
- Has landmark qualities.
- Exemplifies a particular taste, style or technology.

Guidelines for Exclusion

- Is not a major work by an important designer or artist.
- Has lost its design or technical integrity.
- Its positive visual or sensory appeal or landmark and scenic qualities have been more than temporarily degraded.
- Has only a loose association with a creative or technical achievement.

4.2.4 Criterion D – Technical / Research Value

An item has strong or special association with a particular community or cultural group in NSW for social, cultural or spiritual reasons (State significance) OR

An item has strong or special association with a particular community or cultural group in the area for social, cultural or spiritual reasons (local significance).

Guidelines for Inclusion

- Is important for its associations with an identifiable group.
- Is important to a community's sense of place.

Guidelines for Exclusion

- Is only important to the community for amenity reasons.
- Is retained only in preference to a proposed alternative.

4.2.5 Criterion E – Social Value

An item has potential to yield information that will contribute to an understanding of NSW's cultural or natural history (State significance) OR

An item has potential to yield information that will contribute to an understanding of the area's cultural or natural history (local significance).

Guidelines for Inclusion

- Has the potential to yield new or further substantial scientific and/or archaeological information.
- Is an important benchmark or reference site or type.
- Provides evidence of past human cultures that is unavailable elsewhere.

Guidelines for Exclusion

- The knowledge gained would be irrelevant to research on science, human history or culture.
- Has little archaeological or research potential.
- Only contains information that is readily available from other resources or archaeological sites.
- The knowledge gained would be irrelevant to research on science, human history or culture.

4.2.6 Criterion F – Rarity

An item possesses uncommon, rare or endangered aspects of NSW's cultural or natural history (State significance) OR

An item possesses uncommon, rare or endangered aspects of the area's cultural or natural history (local significance).

Guidelines for Inclusion

- Provides evidence of a defunct custom, way of life or process.
- Demonstrates a process, custom or other human activity that is in danger of being lost.
- Shows unusually accurate evidence of a significant human activity.
- Is the only example of its type.
- Demonstrates designs or techniques of exceptional interest.
- Shows rare evidence of a significant human activity important to a community.

Guidelines for Exclusion

- Is not rare.
- Is numerous but under threat.

4.2.7 Criterion G – Representativeness

An item is important in demonstrating the principal characteristics of a class of NSW's cultural or natural places or cultural or natural environments (State significance) OR

An item is important in demonstrating the principal characteristics of a class of the area's cultural or natural places or cultural or natural environments (local significance).

Guidelines for Inclusion

- Is a fine example of its type.
- Has the principal characteristics of an important class or group of items.
- Has attributes typical of a particular way of life, philosophy, custom, significant process, design, technique or activity.
- Is a significant variation to a class of items.
- Is part of a group which collectively illustrates a representative type.
- Is outstanding because of its setting, condition or size.
- Is outstanding because of its integrity or the esteem in which it is held.

Guidelines for Exclusion

- Is a poor example of its type.
- Does not include or has lost the range of characteristics of a type.
- Does not represent well the characteristics that make up a significant variation of a type.

4.3 LEVELS OF SIGNIFICANCE

The terms 'local', and 'state' relate to the geographical and social context of an item's significance. For example, an item of local significance will be of historical, aesthetic, social or

technical / research significance in a local geographical context; an item of state social heritage significance will be important to an identifiable, contemporary, statewide community.

4.3.1 Local Heritage

This comprises items significant in a local historical or geographical context, or to an identifiable contemporary local community. This report regards the local area as the boundaries of the Local Government Area.

4.3.2 State Heritage

This comprises items significant in a statewide historical or geographical context, or to an important and identifiable contemporary statewide community.

4.4 CURTILAGE

4.4.1 Curtilage Types

Lot Boundary Heritage Curtilage

The most common type of heritage curtilage comprises the boundary of the property containing the heritage item, or items. The property may also contain associated buildings, gardens and other significant features, including walls, fences, driveways or tennis courts, all which may contribute to the heritage significance of the property.

Reduced Heritage Curtilage

This type of heritage curtilage is less than the lot boundary of the property. It arises where the significance of the item may not relate to the total lot, but to a lesser area, and is often only defined when development occurs.

Expanded Heritage Curtilage

There may be circumstances where the heritage curtilage may need to be greater than the property boundary. Depending on the topography, an expanded curtilage may be required to protect the landscape setting or visual catchment of a heritage item.

Composite Heritage Curtilage

This type of curtilage applies to heritage conservation areas and defines the boundaries of land required to identify and maintain the heritage significance of an historic district, village or suburban precinct.

5. ASSESSMENT OF CULTURAL SIGNIFICANCE

5.1 CRITERION A – HISTORICAL EVOLUTION

An item is important in the course, or pattern, of NSW's cultural or natural history (or the cultural or natural history of the local area).

The building has historical significance for its ability to evidence the development of grand residences in the Pymble area.

5.2 CRITERION B – HISTORICAL ASSOCIATIONS

An item has strong or special association with the life or works of a person, or group of persons, of importance in NSW's cultural or natural history (or the cultural or natural history of the local area).

The research date has not indicated any significance.

5.3 CRITERION C – AESTHETIC VALUES

An item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in NSW (or the local area).

The building has aesthetic significance as an outstanding example of a Georgian revival house and for its contribution to the Telegraph Road streetscape.

5.4

CRITERION D –SOCIAL VALUE

An item has strong or special association with a particular community or cultural group in NSW (or the local area) for social, cultural or spiritual reasons.

The research date has not indicated any significance.

5.5 CRITERION D – TECHNICAL RESEARCH VALUE

An item has potential to yield information that will contribute to an understanding of NSW's cultural or natural history.

The research date has not indicated any significance.

5.6 CRITERION F - RARITY

An item possesses uncommon, rare or endangered aspects of NSW's cultural or natural history (or the cultural or natural history of the local area).

The research date has not indicated any significance.

5.7 CRITERION G - REPRESENTATIVENESS

An item is important in demonstrating the principal characteristics of a class of NSW's

- **cultural or natural places; or**
- **cultural or natural environments**
(or a class of the local areas' cultural or natural places; or cultural or natural environments).

The building has representative significance as a fine example of an interwar Georgian revival residence.

5.8 INTACTNESS

The building remains highly intact externally. The remaining building retains the original external character which was originally exceptional.

5.9 LEVEL OF SIGNIFICANCE

<u>Local</u>	Due to historic and aesthetic significance, the building does reach the threshold for local significance.
<u>State</u>	Due to representative level of significance within the Sydney area the building does reach the threshold for state significance.

5.10 GRADING OF SIGNIFICANCE

	<u>Grading</u>	<u>Justification</u>	<u>Status</u>
A	EXCEPTIONAL	Rare or outstanding element directly contributing to an item's local and State significance.	Fulfil criteria for local or State listing
B	HIGH	High degree of original fabric. Demonstrates a key element of the item's significance. Alterations do not detract from significance.	Fulfil criteria for local or State listing.
C	MODERATE	Elements of typical representative quality. Altered or modified elements. Elements with little heritage value, but which contribute to the overall significance of the item.	Does not fulfil criteria for local or State listing.

D	LITTLE	Alterations detract from significance. Difficult to interpret.	Does not fulfil criteria for local or State listing.
E	INTRUSIVE	Damaging to the item's heritage significance.	Does not fulfil criteria for local or State listing.

Schedule Of Significant Fabric

The schedule of existing fabric notes the relevant area and its level of significance.

<u>Element</u>	<u>Grading</u>
The Site	A
The Exterior	
North Façade	A
South Façade	B
East Façade	B
West Façade	B
<u>The Interior</u>	

5.11 HERITAGE CURTILAGE

The curtilage of the building relates to the generous front setback established on the site and consistent with earlier houses in the area.

6. CONSTRAINTS & OPPORTUNITIES

6.1 GENERAL

A general policy for the preservation of a building is based on a recognition of its significance and the relevant constraints. The chief constraint being the Statement of Significance.

6.2 CONSTRAINTS & OPPORTUNITIES ARISING FROM CULTURAL SIGNIFICANCE

The significance of 51 Telegraph Road. does warrant its listing as a heritage item and as a component of the streetscape. The building should be retained and conserved in a recognisable form. The setting and curtilage of the building should be protected.

General Constraints Arising out of Cultural Significance.

The building should be retained and conserved. No new work or activity should be carried out which will detract from or obscure physical evidence of the major phases of development of the key period of significance. Architectural and decorative features of the above elements which date from the key period of significance should be conserved. No new building should detract from the prominence of the building on the site. New works or activities at the place should not diminish its evocative character.

6.3 CONSTRAINTS & OPPORTUNITIES ARISING FROM THE CONDITION OF THE PLACE

The building is presently well maintained.

6.4 CONSTRAINTS & OPPORTUNITIES ARISING FROM PROPERTY OWNERSHIP

No requirements.

6.5 CONSTRAINTS & OPPORTUNITIES ARISING FROM HERITAGE PLANNING REQUIREMENTS

6.5.1 AUSTRALIAN HERITAGE COMMISSION

The building and site is not included on the Register of the National Estate nor on the list of items nominated for evaluation. Listing in this register imposes no legal restrictions.

6.5.2 HERITAGE COUNCIL OF NSW/NSW HERITAGE ACT

The building and site is not covered by statutory protection provided pursuant to the NSW Heritage Act. 1977. No constraints apply.

6.5.3 NATIONAL TRUST (NSW)

The building and site is not listed by the National Trust (NSW) Listings in this register imposes no legal restrictions. No constraints apply.

6.5.4 RAI A REGISTER OF SIGNIFICANT BUILDINGS

The building is not listed as a heritage item by the RAI A. Listings in this register imposes no legal restrictions. No constraints apply.

6.5.5 ART DECO REGISTER OF NSW

The building is not listed as a heritage item by the Art Deco Society of NSW. Listings in this register imposes no legal restrictions. No constraints apply.

6.5.6 SECTION 170 REGISTER

The site and building is not listed as a heritage item on any 170 Register of any Government Body. Listings in this register imposes no legal restrictions. No constraints apply.

6.5.7 KU-RING-GAI COUNCIL

The building and site is listed as a heritage item identified in the LEP. The building and site is listed as lying within a Conservation Area identified in the LEP. The building is a contributing component of that Conservation Area and the Telegraph Road streetscape.

6.5.8 ROYAL AUSTRALIAN INSTITUTE OF ENGINEERS

The building is not listed as a heritage item by the Royal Australian Institute of Engineers. Listings in this register imposes no legal restrictions. No constraints apply.

7. STATEMENT OF CONSERVATION POLICY

The general policy for the preservation of the area is based on a recognition of its significance and the relevant constraints.

7.1 INTRODUCTION

The purpose of the following conservation policy is to provide a framework for the management of the building. The conservation policy is focusing on retaining the building as a viable commercial facility, while protecting its cultural significance as a grand residence. The policy identifies which elements of the building should be preserved and nominates intrusive elements in need of modification.

7.2 CONSERVATION PHILOSOPHY

The future conservation and development of the place should be carried out in accordance with the principles of the Australia ICOMOS Charter for the Conservation of Places of Cultural Significance (Burra Charter) as revised in 1988.

The statement of cultural significance and schedule of significant fabric set out in Section 5, together with any more detailed assessments of individual items in the policy section should be accepted as one of the bases for future planning and work on the place.

The policies recommended and options discussed in this document should be endorsed by all parties as a guide to future conservation and development of the place.

All work in the building shall be undertaken on the basis of known evidence.

This document should be reviewed regularly as the need arises or new information comes to light.

7.3 GENERAL POLICY

Confirmation should occur of the Schedule 1 listing on the LEP.

The place should be retained and conserved and its future use should be compatible with its proper conservation.

The building should exemplify and reflect the principal period of its development from the key period of significance 1941-1960. Significant fabric should be preserved. The overall form of the building should be retained and conserved.

Where intervention in significant fabric is unavoidable, the loss of cultural significance should be minimised. Such intervention should occur in areas of lower rather than higher significance.

Reinstatement of missing fabric, or reconstruction should only take place within the context of retention of cultural significance of a particular element and of the building generally.

Intrusive elements should be removed or converted to a less intrusive form, wherever possible.

Finishes never intended for painting should continue to be appropriately maintained. Surfaces intended for painting should continue to be painted in appropriate colours.

7.4 CONSERVATION OF BUILDING FABRIC

7.4.1 Implication of Grading of Significance

The following scale identifies conservation management implications for fabric identified to be of exceptional high, moderate, little or intrusive significance.

Significance		Management Implication
Exceptional	(A)	Retention and conservation essential
High	(B)	Retain, conserve and or preserve where possible
Moderate	(C)	Retention and preservation is desirable but not essential.
Little / Intrusive	(D/E)	Retain or remove as required subject to practical considerations.

7.4.2 General Policies for Conservation of Fabric

The following policies have been formulated to ensure that no significant item identified in this plan is despoiled and/or removed from the building prior to understanding the significance of the item and its significance to the place.

Surviving building fabric nominated in this document as being of **exceptional or high significance** shall be retained and conserved and shall only be considered for removal or alteration where there is no appropriate alternative. Any work which affects the building fabric or spatial arrangement graded in this category should be confined to preservation, restoration or reconstruction, as defined by the Burra Charter.

Where fabric of **exceptional or high significance** is removed or altered a thorough recording of the original form and detail should be made. Removed items should be catalogued and stored safely for possible future reinstatement.

Fabric of **moderate significance** should generally be retained. Adaptation or alteration may be acceptable if assessed and appropriate within framework which protects the significance of the whole place. Surviving building fabric nominated in this conservation plan as being of

little significance can be either retained or removed if required as either option does not intrude on the significance of the building.

Elements which are identified in this plan as being of an **intrusive** nature reduce the overall significance of the place. The preferred option is for their removal, conversion to a more compatible form or replacement in a way which helps retain the significance of the overall.

Significant fabric unavoidably disturbed during the works shall be salvaged, retained on site, securely stored and may be re-used in the building.

7.5 EXTERIOR

The setting for the building should be retained.

The overall building form should be preserved. All remaining intact fabric on the primary Telegraph Road façade should be retained and conserved.

Preserve the existing form, external surfaces, materials and finishes of the facade.

It is desirable that door and window openings should not be enlarged or closed in.

Where it is necessary to modify the facade changes to the facade should reinforce the symmetry of the original facade with symmetrical new openings.

7.6 INTERIOR

As the interiors of the building have not been inspected no policies are provided in this regard.

7.7 NEW DEVELOPMENT

The architectural impact of the building derives from its form, facades, setting and landmark quality. New development should be controlled so as not to detract from the significance of the place. In particular, views of the building from Telegraph Road should be considered. No new work should compromise the original significant façade or its setting.

7.8 FUTURE USE

Any future development should preserve the existing form, external surfaces and materials of the facade. Door and window openings should not be enlarged or closed in.

The future use of the building should be compatible with its conservation. The policies set out in this document should be applied irrespective of the uses to which the building is put.

7.9 MAINTENANCE AND REPAIR

Timely maintenance and repair based on regular inspection and appropriate and technically sound construction methods are essential components of the conservation program. A regular maintenance program is a good investment to avoid the disruption and high cost of a major restoration.

A building maintenance plan and repair program should be prepared and implemented based on a comprehensive knowledge of the building's use and its materials with regular inspection and prompt preventative maintenance and repair.

All tradesmen and craftsmen undertaking work on the building, must be selected on the basis of their skills and experience in conservation techniques and understanding of traditional building materials and methods.

Particular attention should be paid for keeping in good order all the systems which prevent water penetration into the fabric and conduct water safely from the buildings and its footings.

Services should not be permitted to discharge liquid or gas in a way which will cause deterioration of the fabric of the place.

The appropriate level of significance of any part or element of the building shall be determined from this plan prior to determining the acceptable level of intervention or appropriate action.

7.10 APPROPRIATE SKILLS AND EXPERIENCE

The Burra Charter encourages the use of skilled and appropriate professional direction and supervision from a range of disciplines for conservation activities.

All work affecting significant fabric should be designed and constructed under the constant supervision of a qualified conservation practitioner approved by the Heritage Council of New South Wales. Assessment of cultural significance, and consequent decisions on conservation, should be modified if necessary in the light of further information obtained during conservation work.

The continuity of competent advice is very important for the long-term implementation of a conservation plan. The attitudes, skills and experience required in the context of a conservation project are different to those to the design of new buildings.

Relevant and experienced professional conservation advice should be provided for all conservation, adaptation and repair works proposals and programs on the building.

7.11 INTERPRETATION

Conservation and ongoing use of building should include some interpretation of its role in the development of Telegraph Road, Pymble.

8. STATEMENT OF HERITAGE IMPACT – OPTIONS

No. 49 Telegraph Road, Pymble, is located adjacent to a significant heritage item located at 51 Telegraph Road, Pymble and within a significant streetscape and a conservation area.

The immediate streetscape consists of properties located on a large allotment and set back a considerable distance from the front boundaries and the side boundaries. This all contributes to create a pattern of landscape settings and grand residences which has high cultural significance.

No. 49 Telegraph Road, Pymble, is a 2-storey residence located an equivalent distance from setback to no. 51 Telegraph Road, Pymble, which tends to be characteristic of the streetscape. No. 47 Telegraph Road, Pymble, a later building, is set forward of this alignment.

No. 49 Telegraph Road, Pymble, comprises a central 2-storey block. The existing garage and kitchen wing presents as a one storey pitched roof wing. The setback is approximately 1200mm and combined with the one storey pitched roof provides a significant setback to the 2-storey element from the boundary and the adjacent heritage item.

The proposal to convert the existing garage to living spaces requires the construction of a 2-car carport further forward of the existing setback. The roof of the proposed 2-car garage, is far greater than the existing garage roof and will therefore be more visible and impact to a greater extent on the curtilage of the heritage item. While the sites are large and can accommodate structures, consideration for their placement should minimise impact on the setting of the heritage item.

Given the size of the block, it would seem that other opportunities exist to provide space for 2 cars on the site without requiring a structure forward of the established building line. The importance of the established building line is greater where it relates to the setting of a heritage item.

In my opinion the proposed carport inappropriately locates a structure within the garden zone of this significant streetscape and within the view shed of the heritage item and should not be supported.

9. BIBLIOGRAPHY

Author, Title

Jahn, Graham, Sydney Architecture, Watermark Press, Sydney 1997

Brian & Barbara Kennedy, Sydney and Suburbs – A History and Description, AH & AW Reid Pty Ltd, 1982

Frances Pollon, The Book of Sydney Suburbs, Angus & Robertson, 1988

Irving, R. and Reynolds, P. A Pictorial Guide to Identifying Australian Architecture, 1989

10. LIST OF ILLUSTRATIONS

FIGURE NO.	DATE	DESCRIPTION	SOURCE
Figure 1		Telegraph Road streetscape	Architectural Projects
Figure 2		51 Telegraph Road	Architectural Projects
Figure 3		51 Telegraph Road	Architectural Projects
Figure 4		49 Telegraph Road	Architectural Projects
Figure 5		49 Telegraph Road	Architectural Projects

DEVELOPMENT APPLICATION

SUMMARY SHEET

REPORT TITLE:	49 TELEGRAPH ROAD, PYMBLE - ADDITIONS AND ALTERATIONS PLUS CARPORT AND DRIVEWAY.
WARD:	St Ives
DEVELOPMENT APPLICATION N^o:	642/05
SUBJECT LAND:	49 Telegraph Road, Pymble
APPLICANT:	Mrs Marilena Allan
OWNER:	Mrs Marilena Allan
DESIGNER:	Fiona Mitchell Architects
PRESENT USE:	Residential
ZONING:	Residential 2(c)
HERITAGE:	No
PERMISSIBLE UNDER:	Ku-ring-gai Planning Scheme Ordinance
COUNCIL'S POLICIES APPLICABLE:	Ku-ring-gai Planning Scheme Ordinance, Development Control Plan No. 38, Development Control Plan No. 43 and Development Control Plan No. 47
COMPLIANCE WITH CODES/POLICIES:	Yes
GOVERNMENT POLICIES APPLICABLE:	SEPP 55
COMPLIANCE WITH GOVERNMENT POLICIES:	Yes
DATE LODGED:	23 June 2005
40 DAY PERIOD EXPIRED:	2 August 2005
PROPOSAL:	Additions and alterations to the existing dwelling, construction of a carport and driveway.
RECOMMENDATION:	Approval

DEVELOPMENT APPLICATION N^o
PREMISES:
PROPOSAL:

642/05
49 TELEGRAPH ROAD, PYMBLE
ADDITIONS AND ALTERATIONS TO THE
EXISTING DWELLING PLUS CARPORT
AND DRIVEWAY
MRS MARILENA ALLAN
MRS MARILENA ALLAN
FIONA MITCHELL ARCHITECTS

APPLICANT:
OWNER:
DESIGNER

PURPOSE FOR REPORT

To consider DA 1417/05 for alterations and additions to a dwelling and construction of a detached double carport and new gravel driveway.

EXECUTIVE SUMMARY

Permissible Under:	Ku-ring-gai Planning Scheme Ordinance
Integrated Development:	No
Bushfire Prone Land:	No
Heritage Item:	No
In the vicinity of a Heritage Item	YES (No. 51 Telegraph Road)
Conservation Area:	No
Issues:	Streetscape, setbacks, visual impact, privacy, landscaping
Submissions	Two (2) submissions
Recommendation	Approval

HISTORY

Previous Application - DA 1417/04

This matter was previously considered (DA 1417/04). The previous development application was approved under delegated authority, subject to conditions which required the relocation of the carport to be set back a minimum of 1.5m from the eastern (side) boundary, the deletion of one side-facing window and additional screen planting.

The consent to DA 1417/04 issued on 6 June 2005 is the subject of Class 4 proceedings in the Land and Environment Court commenced by the owners of the adjoining property (No. 51 Telegraph Road).

Current Application - DA 642/05

This matter has been called to Council by Councillors Bennett and Hall who have requested the development application be referred to full Council for determination.

Item 7

THE SITE AND SURROUNDING AREA

Zoning:	Residential 2(c)
Visual Character Study Category:	1945-68
Lot & DP Number:	Lot 13 and Lot A DP 337947
Area:	1093.9m ²
Side of Street:	Southern
Stormwater Drainage:	To the street
Required Setback:	12m (min), 14m(avg)
Heritage Affected:	No
Integrated Development:	No
Bush Fire Prone Land:	No

The site is comprised of two allotments, being Lot 13 and Lot A of DP 337947. The existing dwelling is situated towards the rear of Lot 13, approximately 27 metres back from Telegraph Road. The rear of the site includes a small irregular piece of land identified as Lot A within the subdivision. The existing pool and rear gardens are situated at the rear of the site on Lot A.

The site has a frontage of approximately 18.8m to Telegraph Road and a depth of 48.9m. It has a total area of 1093.9m². The site is situated above street level, with a slight slope away from the street boundary to the front of the dwelling and a 10% grade from the front of the dwelling to the rear boundary. A substantial ridge runs across the rear of the site, with the adjoining property to the rear (No. 41 Hope Street) situated approximately 4m below the level of the rear of the subject site.

Surrounding development

The area is characterised by large, two storey, detached dwellings in an assortment of styles, situated on large lots and having setbacks from Telegraph Road, which significantly vary between properties. A large detached dwelling (No. 51 Telegraph Road) adjoins to the east of the site. No. 51 Telegraph Road is identified as being a local heritage item. It is set approximately 27 metres back from the street and situated in a formal garden setting. The adjoining dwelling (No. 47) is a large, two storey, dwelling that is set approximately 10 metres back from the Telegraph Road and well forward of the dwelling on the subject site. Dwellings to the south of the site in Hope Street are situated well below the site due to the natural topography of the locality, with a substantial ridge running along the rear of properties in this part of Telegraph Road. The rear of dwellings in Hope Street are readily visible from the rear of dwellings in Telegraph Road, although privacy is generally retained through significant boundary landscaping.

THE PROPOSAL**Dwelling additions**

The proposed dwelling additions involves the construction of a new ground floor extension and elevated terrace to the rear of the dwelling. The proposed structure comprises a new meals room and is to be constructed of rendered brick work. It has a pitched roof with a maximum height of 6.5m to the ridge and dimensions of 4.76m x 4.5m.

Item 7

The proposed meals room would open onto a new elevated terrace which runs across the rear elevation of the dwelling, having dimensions 4.5m x 9.8m (allowing for stairs to be integrated along its western edge). The meals room and terrace are to be constructed over an existing concrete paved area at the rear of the dwelling. This area is to be retained as a large undercroft area below the terrace and new extensions.

Other changes to the dwelling include minor internal changes, the removal of an existing kitchen window and laundry door, installation of new windows to the existing garage at the front of the dwelling and its conversion into a family room.

Carport

The application involves the erection of a new double carport in front of the dwelling over part of the existing driveway and parking area and a small area of garden. The proposed carport is to be erected in front of the existing single car garage. The proposed structure is to have a hipped roof to match the existing dwelling, has dimensions 5.55m x 5.55m and is set back 1.0m from the side boundary with the adjoining property No. 51 Telegraph Road. The proposed carport is to be constructed of rendered brick and tile to match the existing dwelling and is situated 2.1m from the front of the dwelling. The carport is to be accessed by a 'T' shaped driveway. The northern elevation of the structure facing the street will be open to the street with the exception of the brick pillars. The site design has made allowance for gardens between the carport and the street boundary.

Driveway

The existing strip driveway is to be removed and a new driveway constructed. The proposed driveway has a width of 2.8m at the front boundary and a large 'T' shaped turning area in front of the dwelling measuring 9.0m x 4.85m. The proposed new driveway is to be constructed using a permeable gravel surface.

CONSULTATION - COMMUNITY

DA 642/05

The proposal was advertised and notified in accordance with the Ku-ring-gai Notification Policy. Submissions have been made by on or behalf of the following property owners:

- Mr. D and Mrs R McGovern, 51 Telegraph Road
- Miss G Russell, 39 Hope Street

Issues raised in the above submissions are as follows:

Privacy as a result of proposed windows in the eastern and southern elevation of the proposed rear additions.

Having had regard to the objections raised in response to this issue, and the location of the proposed window above the height of the rear of No. 51 Telegraph Road, it is appropriate to delete the side-facing window to the proposed meals room additions (refer **Condition No. 28**). This window is

Item 7

unnecessary and would overlook the rear deck and rear garden of the adjoining property to an unsatisfactory level. Other rear-facing windows have a lesser impact because of their orientation towards the rear of the property, the distances from the rear of other properties in Hope Street and existing screen planting along the boundaries of the site. The existing screen planting has not yet fully grown in places and, as such, additional trees are indicated on the landscape plans to replace trees which have died or have been removed along the rear and side boundaries of the property.

Privacy as a result of the proposed rear terrace overlooking adjoining private areas.

Concerns have been raised that the proposed rear terrace would overlook the rear of the adjoining properties, in particular No. 51 Telegraph Road. The provisions of Council's DCP state that:

"first floor decks, balconies and roof top terraces are not permitted where they overlook... habitable rooms or private open space".

The proposed rear additions and new elevated terrace are not a first floor element but rather are ground floor elements which are elevated due to the fall of the site at the rear of the property. It is agreed that there would be some overlooking as a result of one particular side-facing window, however, this window is to be deleted (refer **Condition No. 28**).

Other impacts as a result of the proposed works are more a function of the orientation of the lots in this part of Telegraph Road and Hope Street and the greatest impact would be to the very rear gardens of No. 51 and the rear gardens of No. 47. Such impact is not so significant so as to warrant refusal of the proposed additions, as sufficient screening exists along the boundaries of the site and new screening is proposed to levels which will substantially reduce any privacy impact. It should be noted that additional screen planting is to be provided in conjunction with the deletion of the side window to mitigate the greatest impacts.

Privacy impacts resulting from the proposed swimming pool deck.

The applicant has removed this element from the plans in response to the objections raised.

Issues in relation to an existing spa pool and cabana. Specifically noise from this area of the site and lighting of the area.

This matter does not relate to the subject DA. It has been investigated by Council's Compliance Officers to a satisfactory conclusion. It is noted that Council has engaged an acoustic consultant to assess the noise impacts as a result of the pool pump and spa unit and that noise attenuation measures may be required as a result. Issues relating to external lighting are currently being reviewed by Council's Compliance team.

Survey plan details are inadequate.

Sufficient survey information has been provided to enable Council to make a full assessment.

Item 7

A valid heritage impact statement has not been provided

A heritage impact statement has been provided which addresses the impact of proposed works on the adjoining heritage item (No. 51 Telegraph Rd). The statement is in support of the proposed additions and argues that the proposed works would have a satisfactory impact on the adjoining heritage item having regard for the setback of the carport from the street, the extent of existing landscaping and potential to establish further landscaping in front of the carport. The proposed rear extensions and terrace were not considered to have a detrimental impact on the heritage significance of the adjoining property.

The heritage impact statement reflects the original plans dated November 2004, submitted to Council under the previous application (DA 1417/04). The statement has not been reviewed to address changes made to the plans at the request of Council and following submissions from adjoining property owners. Changes made to the plans included the following:

- Deletion of the proposed deck to the south of the swimming pool and rear of the site.
- The eastern (side) elevations was amended to show the correct location of the existing kitchen window and to indicate a fixed obscure glass window in the south-eastern corner of the meal room where a previous clear glazed panel was previous shown.
- The floor plans were amended to show the conversion of the existing garage to a family room.

These changes are positive improvements which also correct minor discrepancies and address concerns raised by adjoining property owners. The proposed changes are not considered sufficient enough to warrant a revised heritage impact statement as the amendments would not constitute a greater impact to the adjoining heritage item.

The information provided in the heritage impact statement is sufficient enough to enable Council to make an informed decision on the proposed development application.

Inaccurate representation of the proposed FSR, built upon area and soft landscaping.

A comprehensive check of the quantum of FSR, built upon area and soft landscaping has been undertaken. This concludes that the quantum proposed in each respect is correct, compliant and satisfactory.

The proposed rear additions and terrace are to be constructed over existing hard paved surfaces and, as such, would not increase built upon areas at the rear and the new gravel driveway and double carport at the front of the site allows drainage to the street and would not have any effect on downstream properties. Soft landscaping is considered to be adequate to meet the provisions of Council's DCP and the increase to the FSR will not contribute to any additional building bulk when viewed from the street. Consequently, the proposed additions will not result in an overdevelopment of the site.

The details provided in the Statement of Environmental Effects is insufficient.

Sufficient information has been provided to enable Council to make a full assessment.

Heritage impacts and the location and design of the proposed double carport.

Concerns have been raised that the proposed carport will have a detrimental impact on the existing adjoining heritage item at No 51 Telegraph Road. The heritage item is listed as having local, architectural and municipal significance and a significant curtilage including existing gardens, front fence and garden lights. The adjoining site (No. 51) is well screened along its side boundaries, with the most prominent views of the site being from directly in front of the site.

The proposed carport is to be constructed adjoining the side boundary of the site in front of the front façade of the subject dwelling and also forward of the building line from No. 51. The carport is to be situated 1.0m from the boundary and landscaping details show screen planting to be established along the common boundary. The design, bulk and location of the proposed structure has no detrimental impact on the adjoining heritage item, having regard to existing dense screening. Notwithstanding, it has been required that the proposed carport be set a minimum of 1.5m from the common boundary to allow adequate screen planting to be provided independent of the adjoining property. Subject to adequate screening, the design of the structure will have no material impact on the adjoining heritage item.

Previous development application - DA 1417/04

Submissions have previously been made in relation to the previous development application by the following property owner:

- Mr. H Jensen, 41 Hope Street

Whilst Mr. Jensen did not make a submission in relation to the current DA, the concerns he raised to the previous DA have been addressed in the current DA, including through conditions.

CONSULTATION - WITHIN COUNCIL

Engineering:

Council's Development Engineer has raised no objection to the proposed development and has made the following comments:

"The front of the site drains to the street and the rear of the site drains to the rear. To reduce the stormwater impact directed towards to the rear of the site, the applicant has proposed to:

- *direct a portion of the alterations and additions to the street (carport and driveway),*
- *install a high level overflow on the existing swimming pool,*
- *install a permeable timber deck, and*
- *reinstate the driveway and paths with a semi-pervious gravel material.*

Conditions to this effect have been included in the engineering conditions.

A perusal of the submitted drawings reveals the following:

- *The doorway width of the proposed carport needs to be increased to comply with AS/NZS 2890.1 (2004) - "Off-street car parking".*
- *The turning bay needs minor modifications to ensure that vehicles can manoeuvre in accordance with AS/NZS 2890.1 (2004) - "Off-street car parking".*

Conditions to this effect have been included in the engineering conditions."

The proposal has been supported by Council's Engineers, subject to conditions (**refer Conditions Nos 15 to 23, 36, 38, 39, 42, 43 and 43).**

Landscape:

Council's Landscape Development Officer has raised no objection to the proposed development and has made the following comments:

"No objection is raised to the removal of 1 x Magnolia x soulangiana (Magnolia) - 3h x 3.5s located at the front of the existing dwelling."

The landscape plans submitted with the development application indicate screen planting between the proposed carport and the eastern side boundary and in front of the carport to the street. The screen planting in this location is identified as being 14 x *Camelia Sasanqua*, which are capable of attaining a height of 3m. To ensure this planting is in an advanced state of growth at planting, a condition has been recommended to require the proposed plants to have a minimum pot size of 45 litres and minimum height of 1.2m (**refer Condition No. 30).**

The provision of screen planting along the western boundary adjacent to the proposed rear deck is insufficient to address issues of over looking to No. 47 Telegraph Road, and it is appropriate that additional screening be provided in this location. A condition has therefore been recommended to require additional screen planting to be established along the boundaries of the site (**refer Condition No. 30).**

The landscape plans submitted with the development application include significant screen planting to be established along the common boundary with No. 51 Telegraph Road to the east of the site. The landscape plan specifies plant species capable of attaining 5m-6m in height which would be suitable for this part of the site.

The landscape details submitted with the application are acceptable. Landscape conditions have been recommended to require compliance with the submitted landscape plan and to ensure appropriate screen planting is established (**refer Conditions Nos 24, 25, 26, 27 and 30).**

Item 7

Heritage:

Council's Heritage Advisor has considered the proposal and has made the following comments:

"There are several problems with the proposed design:

- 1. No. 51 Telegraph Rd (adjoining) is a heritage item and the proposed carport would be situated forward [of the building line] and would cause some visual impacts.*
- 2. Streetscape – Telegraph Road is an important streetscape. Carports in front of the building line should not be considered appropriate.*

Recommended options

- 3. The existing garage could be extended sideways [in front of the dwelling] and the living spaces within the garage should be relocated to the rear of the site.*

No objection is raised to the proposed alterations and additions."

The primary impact as a result of the proposal, is the location of the proposed double carport in close proximity to the common boundary with No. 51 Telegraph Road. A statement of heritage impact has been submitted to address the impact of the proposed carport on the adjoining heritage item. The findings of that report are supported and the impact of the proposed carport considered to be acceptable for the following reasons:

- The proposed carport is situated well within the site, in excess of 16m from the street boundary. The position of the carport forward of the existing dwelling will not have a significant impact on the adjoining heritage item as dense screening along the common boundary already screens much of the adjoining dwelling and will also screen much of the proposed carport structure from view. The same dense boundary planting also obscures views of the heritage property from the street at present and serves as an important part of the curtilage to the heritage item.
- The location of the proposed carport a minimum of 1.0m from the common boundary restricts the ability to provide adequate landscaping within site between the side boundary and the carport structure. Should the vegetation on the adjoining property die or be removed, the roof and structure of the proposed carport would be visible from the adjoining property. It is therefore considered appropriate to require that the carport be set a minimum of 1.5m off the side boundary and to require that additional landscaping be provided between the carport and the side boundary. Such a set back would also be in accordance with Council's DCP requirements. **Condition No. 30** has been recommended to require details of the proposed landscaping to be provided prior to the release of the construction certificate.
- In relation to streetscape issues, the provision of a carport in front of the building would not normally be supported. However, in this case the proposed set back from the street is quiet generous, being greater than 16m and there is ample opportunity to provide a formal landscaped setting in keeping with the existing dwelling and similar to other dwellings in Telegraph Road. It should also be noted that the location of the carport is also significantly further away from the street than the adjoining dwelling on No. 47 Telegraph Road and that the structure would not be

Item 7

immediately visible from the street unless the passer-by looks directly into the site. For these reasons, the location of the proposed carport is not considered to be detrimental to the existing streetscape.

STATUTORY PROVISIONS**STATE ENVIRONMENTAL PLANNING POLICY NO. 55 – CONTAMINATED LANDS**

Given that the only known use of the site is for residential purposes, the land is unlikely to be contaminated and the provisions of SEPP 55 do not require any additional conditions to be imposed.

KU-RING-GAI PLANNING SCHEME ORDINANCE & LEP 194**Permissibility**

The proposal is permissible within the Residential 2(c) zone.

Aims and objectives for residential zones

The development is considered to have satisfied the relevant aims and objectives for residential development as outlined by Schedule 9.

COMPLIANCE TABLE		
Development standard	Proposals numeric compliance	Complies
Site Area: 1093.9m ²		
Minimum size allotments • Height: 8m (max)	6.5m	YES
Built-upon areas 60%(656.3m ²)(max)	<51.6% (564.2m ²)	YES

Heritage /conservation areas (cl.61D – 61I):

The site is located adjacent to a heritage listed residential dwelling at 51 Telegraph Road. The application is accompanied by a heritage impact statement which addresses the impact of the proposed works upon this listed building.

The primary impact of the proposed works on the adjoining heritage item is the proposed location of the double carport in close proximity to the common boundary with the adjoining property. This area of the site is well screen by existing vegetation and it unlikely that the proposed carport will have any adverse impact on this vegetation. However, it is appropriate that the proposed carport be independently screened along this common boundary and additional screen planting be established between the carport and the side boundary. Given the location of the carport in front of the existing dwelling it is also appropriate that significant plantings be established in front of the proposed structure.

Conditions have been recommended to achieve this. (refer Conditions 29 and 30).

Item 7

Subject to compliance with the conditions of consent the application meets with the controls of 61D – 61I of the KPSO (as amended).

POLICY PROVISIONS**KU-RING-GAI RESIDENTIAL DESIGN MANUAL – DCP No. 38**

COMPLIANCE TABLE		
Site Characteristics		
Site Area = 1093.9m ²		
The site is on the low side of the road for drainage purposes		
The site has a land slope more than 20° across the site = NO		
The Visual Character category for the site is 1945-68		
Section 5: Design Elements		
Development control	Proposals numeric compliance	Complies
5.1 Streetscape:		
Building Setbacks (s.5.1.3)		
<ul style="list-style-type: none"> Front Setback: 14m (Ave) -75% front elevation 12m (min) – 25% front elevation 	16.2m (carport)	YES
<ul style="list-style-type: none"> Side Setback: Ground Floor: 1.5m(min) 	East boundary: 2.0m (rear extension) West boundary: 2.1m (terrace) East boundary: 1.0m (carport)	YES YES NO
5.2 Building Form:		
FSR (s.5.2.1) 0.4:1 (max)	0.36:1	YES
Height of Building (s.5.2.2)		
<ul style="list-style-type: none"> 2 storey (max) and 8m (site >20° slope) or 7m (site <20° slope) 	2 storey & 6.5m (proposed works only)	YES YES
Building Height Plane (s.5.2.3) 45° from horizontal at any point 3m above boundary	<i>Minor Intrusions in the building height plane along Eastern boundary as follows:</i> Nil to 0.1m (Meals room eaves and upper wall) <i>The proposed intrusion into the Building Height Plane is minimal and does not result in any significant detrimental impact to adjoining properties.</i>	NO
Built-Upon Area (s.5.2.7) 52% (568.8m ²) (max)	<51.6% (564.2m ²)	YES

Item 7

Development control	Proposals numeric compliance	Complies
Solar Access (5.2.11) 4h solar access to adjoining properties between 9am to 3pm	<i>Shadow diagram identify minimal impacts to adjoining windows, open space and private areas as a result of the proposed works. The development will not result in significant additional overshadowing to adjoining properties given the location of the proposed works to the south of the existing dwelling and the works being situated well below the main ridge height.</i> >4hrs are available to living areas of adjoining dwellings	YES
5.5 Access & Parking:		
No. of Car Parking Spaces (s.5.5.1) 2 spaces behind building line	2 spaces in front of the building line	NO
Driveway Width (s.5.5.6) 3.5m (max)	2.8m 4.85m (turning area)	YES NO

The following is a detailed consideration of the areas in which the proposal is non-compliant:

Streetscape (Part 5.1)**Building Setbacks (s.5.1.3)**

Side setback: Ground Floor 1.5 (min), First Floor 3.0m (min)

- The location of the proposed carport a minimum of 1.0m from the common boundary restricts the ability to provide adequate landscaping on the subject site, between the boundary and the carport structure. Should the existing dense vegetation on the adjoining property die or be removed, the location of the carport in front of the building line would be compromised. Consequently, it is appropriate to require the structure be set a minimum of 1.5m off the side boundary in order to comply with Council's DCP requirements and to enable adequate screen planting to be established. Conditions have been recommended to require relocation of the proposed carport and details of the proposed landscaping to be provided prior to the release of the construction certificate.

Building Height Plane (s.5.2.3)

45° from horizontal at any point 3m above boundary

- The Building Height Plane requirements state that development should avoid the creation of an overbearing effect upon adjoining development in order to:
 - Maintain the relative scale relationship between buildings;
 - Ensure that daylight to habitable rooms in adjacent dwellings is not significantly reduced;

Item 7

- iii. *Ensure that sunlight to the private open spaces of the subject property and adjacent properties is not significantly reduced;*
- iv. *Encourage increased setback with increased height.*

The proposed additions represent significant alterations to the existing dwelling and result in minor non-compliances with the Building Height Plane along the eastern elevation at the rear of the property. The breaches to the building height plane are minor and are limited to upper wall and eaves of the proposed rear additions. These elements are designed to be incorporated within a new roof form in keeping with the original elements of the existing dwelling.

The new design incorporates a sympathetic roof form and a scale which is in keeping with the existing dwelling. Furthermore, the proposed alterations ensure reasonable separation between development and adjoining properties and will not result in any significant detrimental amenity impact for adjoining development. It is proposed to delete a proposed side window to preserve existing privacy at the adjoining property (No. 51). Accordingly, no living areas or private spaces will be significantly affected by the breaches to the building height plane.

Location of Parking Structures (s.5.5.4)

Garages and carports integrated into the dwelling and behind the building line.

- Clause 5.5.4 of DCP No.38 allows that where it is not possible to provide parking behind the building line, an open side carport may be considered, where the setback from the street alignment is maximised, and adequate regard has been given to adjacent structures and trees, adjoining heritage items and the prevailing streetscape.

The prevailing pattern of development in this part of Telegraph Road is one of mixed residential character, comprising large two storey dwellings set well within each site, but having varied setbacks along the street and many having high front walls.

The adjoining dwelling to the west (No. 47) is set well forward of the dwelling on the subject site and will be much closer to the street than the proposed carport. The adjoining dwelling to the east (No. 51) is a heritage item which is set well back from the street and remains one of the few properties in the street which does not have a high front fence or wall. The primary views of this property are from the north, directly from the street.

The proposed carport is an open structure located forward of the existing dwelling, set well back on the site, in excess of 16m, and well separated from adjoining dwellings. Allowing for an increased setback of 1.5m from the eastern side boundary as required by **Condition No. 29**, the location of carport is suitable in that adequate screening can be maintained between the structure and the side boundary.

The position of the dwelling on the site is such that it is well set back from the street and sufficiently landscaped to provide an open garden setting. The inclusion of a new open sided carport forward of the building line will have minimal impact to the existing streetscape as it is well landscaped and is set well back from the street. Furthermore, the existence of

Item 7

significant landscaping along the common boundary with No. 51, and the ability to achieve screen planting between the structure and the eastern boundary will ensure that proposed carport also has a minimal impact to the adjoining heritage item. For these reasons the proposed carport would be in keeping with the general pattern of development in the street and would be consistent with the objectives of the DCP Control.

Solar Access

- The proposed additions introduce new additions to the south of the existing dwelling first and a proposed new carport to the north. The proposed additions will result in minor increases in the amount of shadow cast by the dwelling. However the impact to adjoining properties is minimal owing to the orientation of the site and siting and orientation of the proposed additions and adjoining dwellings. The height of the existing dwelling means that the existing shadow will encompass any potential new shadow cast by the new rear additions. The shadow cast by the proposed carport to the north of the dwelling is not considered to affect any significant area or window for a lengthy period. Consequently the shadow impacts as a result of the proposed additions and carport are minimal and within reason. This is in accordance with Council's DCP requirements.

Privacy

- The submissions identified a number of areas of concern in relation to the location of the proposed rear additions. The proposed rear additions include a new meals room with windows in both side elevations and the rear elevation. The proposed east side window is unnecessary and would overlook the adjoining property. It is recommended that this window be deleted.

To ensure that the proposed new terrace will not result in significant overlooking of the adjoining property to the west, it is recommended that screen planting be established along the common boundary with that property. A condition has been recommended to require the landscape plans to include details of the proposed screen planting and to ensure the screen planting is maintained at all times.

OTHER DCPS, CODES AND POLICIES

The development is consistent with Development Control Plans 31, 43 and 47 relating to Access, Car Parking and Water Management.

APPLICABLE REGULATIONS

All relevant legislation has been addressed previously in the report and it is considered the proposal will be consistent with these.

THE LIKELY IMPACTS OF THE PROPOSAL

All likely impacts have been considered.

Item 7

THE SUITABILITY OF THE SITE

The site is suitable for the proposed development.

CONCLUSION

In respect of Cl.79C of the EP & A Act 1979, the proposed works are of an acceptable scale, bulk and form with no significant detrimental impacts on the surrounding built or natural environment. Accordingly it is recommended that the application be approved.

RECOMMENDATION

THAT the Council, as the consent authority, grant development consent to DA 642/05 for alterations and additions plus a carport to a dwelling on land at 49 Telegraph Road, Pymble, subject to the following conditions:

1. The development to be in accordance with Development Application 642/05 and Development Application plans prepared by *Fiona Mitchell - Architect*, reference number, *A01 (Rev A) to A08 (Rev A)*, dated *April 2005 as amended in Red (shown clouded)* and lodged with Council on *23 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 approved building works 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. For the purpose of ensuring the compliance with the terms of the approval, an approved copy of the plan and this Consent and Construction Certificate shall be kept on site at all times.
6. For the purpose of safety and amenity of the area, no building materials, plant or the like are to be stored on the road or footpath without the written approval being obtained from the Council beforehand. The pathway shall be kept in a clean, tidy and safe condition during building operations. Council reserves the right, without notice, to rectify any such breach and to charge the cost against the applicant/owner/builder, as the case may be.
7. **HOURS OF WORK:** For the purpose of residential amenity, noise generating work carried out in connection with building and construction operation, including deliveries of building materials and equipment, is restricted to the following hours: Mondays to Fridays inclusive: 7.00am to 5.30pm. Saturdays: 8.00am to 12.00 noon. Sundays and Public Holidays: Not Permitted. The use of the following items of plant on the site is also restricted to the abovementioned hours: compressors, bulldozers, power operated woodworking machines,

Item 7

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

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

8. For the purpose of public safety, a sign shall be erected on the site prior to any work commencing which is clearly visible from a public place stating that unauthorised entry to the site is not permitted and showing the name of the builder or another person responsible for the site and a telephone number for contact outside working hours. The sign may only be removed on satisfactory completion of the works.
9. A sign shall be erected in a prominent position on the site which states the name and contact details of the Principal Certifying Authority.
10. The applicant is advised that the Construction Certificate plans and specifications must comply with the provisions of the Building Code of Australia.
11. 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.
12. 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.
13. 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.
14. The landscape works shall be completed prior to issue of final Certificate of Compliance and maintained in a satisfactory condition at all times.
15. Stormwater runoff from the alterations and additions located at the front of the site (including the proposed carport and driveway) 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.
16. Stormwater runoff from the alterations and additions unable to drain to the street shall be piped to the existing site drainage system. No stormwater drainage system is to be connected to the Sydney Water sewer system. Where found, all illegal connections must be rectified to the satisfaction of Council and Sydney Water.

Item 7

17. 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 and/or barriers that direct runoff to the formal drainage system.
18. For stormwater control a 200mm wide grated drain with heavy duty removable galvanised grates is to be located within the property at the intersection of the driveway and Council's footway to collect all surface water flowing down the driveway. The drainage line from the grated drain shall be connected to the street system, either separately or via the main site outlet.
19. 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.
20. 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.**
21. 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.
22. 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".
23. The proposed rear timber deck is to be spaced to permit stormwater to pass through and permeate into the ground below. Apart from the piers below the deck the entire surface area under the deck is to be unsealed so that stormwater is able to soak into this area. Any existing paving or sealing below the proposed deck is to be removed from the site. At the completion of works and prior to issue of the Occupation Certificate, a Certificate from the builder/installer is to be submitted to the Principal Certifying Authority indicating compliance with this condition.

Item 7

24. 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.

25. 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.
26. 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.
27. The property shall support a minimum number of Seven (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 the Principal Certifying Authority prior to release of the Construction Certificate.
28. To maintain suitable levels of privacy and amenity to adjoining properties, the side window proposed in the eastern elevation at the rear of the proposed meals room extension shall be deleted and replaced with solid materials to match the existing dwelling. Details of such shall be provided to the Principal Certifying Authority prior to the release of the Construction Certificate.
29. In order to minimise impacts to the adjoining heritage item (No. 51 Telegraph Road) and to achieve compliance with Council's DCP No. 38, the proposed carport shall be relocated to have a minimum setback of 1.5m from the eastern (side) boundary of the site. The relocation of the proposed carport is to ensure adequate landscaping can be provided between the carport structure and the side boundary of the site.
30. Landscape works shall be carried out in accordance with Landscape Drawing No. 2A, prepared by Relle Mott Garden Design and dated April 2005 submitted with the Development Application, except as amended by the following:
- A. In order to minimise impacts to the adjoining heritage item (No. 51 Telegraph Road), and soften the appearance of the proposed carport, screen planting shall be established between the carport and the eastern side boundary of the site.

Item 7

- B. In order to prevent overlooking of adjoining properties, screen planting shall be established between the rear terrace and the western side boundary of the site, as shown clouded in red on the plans.
- C. The proposed *Camelia Sasanqua* shown to be installed between the carport and the eastern side boundary and in front of the carport, shall have a minimum pot size of 45 litres and minimum height of 1.2m at the time of planting.
- D. The screen planting required by A. and B. of this condition shall utilise suitable plant species contained with Appendix F of Council's DCP No 38, shall be capable of attaining a minimum height of 3.0m and shall provide dense screening.

Details of the required amendments shall be shown on the amended landscape plans and submitted and approved by the Principal Certifying Authority prior to the release of the Construction Certificate. 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.

- 31. External materials, finishes and colours are to match the existing dwelling and shall be sympathetic to the surrounding environment. Details of all external finishes and materials shall be provided to and approved by the Principal Certifying Authority, prior to the release of the Construction Certificate.

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

- 32. 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.

- 33. 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).
- 34. 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

Item 7

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.

35. 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.
36. Prior to issue of the Construction Certificate footpath and driveway levels for any fully new, reconstructed or extended sections of driveway crossings between the property boundary and road alignment must be obtained from Council. Such levels are only able to be issued by Council under the *Roads Act 1993*. All footpath crossings, laybacks and driveways are to be constructed according to Council's specifications "Construction of Gutter Crossings and Footpath Crossings" or as specified by Council. These are issued with alignment levels after completing the necessary application form at Customer Services and payment of the adopted fee.

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

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

Item 7

which indicates the position and proposed level of the proposed driveway at the boundary alignment. Failure to submit this information may delay processing.

37. Development consent to DA 1417/04 shall be surrendered to Council under the provisions of Section 80A(1)(b) of the Environmental Planning and Assessment Act 1979. The provisions of Clause 97 of the Environmental Planning & Assessment Regulation 2000 are to be met prior to a Construction Certificate being issued. This condition is imposed to facilitate the orderly development of the site.
38. Prior to issue of the Construction Certificate the applicant shall submit, for approval by the Principal Certifying Authority (PCA), a plan of the new drainage system components required for the approved development. The plan shall be prepared by a qualified civil/hydraulic engineer or licensed plumber. The new components of 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). Any new connection points to the public drainage system (eg kerb, table drains, pits, pipes) must be shown accurately on the plan.
39. Prior to issue of the Construction Certificate, the Applicant shall submit for the approval of the appointed Principal Certifying Authority, revised details which demonstrate the following:
 - A clear entrance width of the proposed double carport to be increased to a minimum 5.2m (currently 4.8m). This condition is imposed to ensure compliance with Figure 5.4 from AS/NZS 2890.1 (2004) - "Off-street car parking" and thus provide better vehicle manoeuvrability.
 - Manoeuvring circles for the B85 design vehicle overlaid (drawn) on the site plans, which demonstrate that all vehicles using the carport can leave the site in a forward direction in a maximum of one (1) three-point turn. This condition has been imposed to ensure compliance with AS/NZS 2890.1 (2004) - "Off-street car parking", and may require some minor modifications to the driveway layout.

CONDITIONS TO BE COMPLIED WITH PRIOR TO WORK COMMENCING

40. 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.

CONDITIONS TO BE COMPLIED WITH PRIOR TO OCCUPATION

41. 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.

Item 7

42. 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 Engineers. This shall be at no cost to Council.
43. Prior to issue of an Occupation Certificate (and at the completion of works), the applicant shall submit certification from a consulting engineer or the installing plumbing contractor to the Principal Certifying Authority (PCA), that:
- a. The components of the new drainage system have been installed in accordance with the Plumbing and Drainage code AS3500.3.2 and by a licensed plumbing contractor, and
 - b. The stormwater drainage works have been carried out in accordance with the approved Construction Certificate drainage plan and Councils Water Management DCP 47.
44. Prior to issue of an Occupation Certificate, a high level overflow pipe is to be provided from the back of the skimmer box to the filter backwash line discharging to the sewer. This line must not directly vent the receiving Sydney Water sewer. This requirement is to collect stormwater overflow from the swimming pool surface only. A certificate from the installer, indicating compliance with this condition, must be submitted to the Principal Certifying Authority (PCA), prior to issue of an Occupation Certificate.

D Hoy
Development Assessment Officer

S Segall
Acting Team Leader
Development Assessment - Central

M Prendergast
Manager
Development Assessment Services

M Miocic
Director
Development and Regulation

Attachments: Plans
Site Photos

49 TELEGRAPH ROAD, PYMBLE - ADDITIONS AND ALTERATIONS PLUS CARPORT AND DRIVEWAY

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

To respond to issues raised at the Council site inspection of 6 August 2005 and seek Council's determination of development application DA 642/05.

BACKGROUND:

- Application lodged 23 June 2005
- Report considered by Council at meeting 26 July 2005
- Consideration pending site inspection which took place on 6 August 2005

COMMENTS:

The issues raised at the site inspection are addressed in this report.

RECOMMENDATION:

Approval

PURPOSE OF REPORT

To respond to issues raised at the Council site inspection 6 August 2005 and seek Council's determination of the development application.

BACKGROUND

- Application lodged 23 June 2005
- Report considered by Council at meeting 26 July 2005
- Consideration pending site inspection which took place on 6 August 2005

COMMENTS

1. Clarification of an alternative landscape treatment to *Camellia Sasanqua* to provide additional screening and greater privacy.

Council's Landscape Officer has advised that the use of *Camellia Sasanqua* as a screening plant would be appropriate for the site and would adequately screen the development from adjoining properties.

It should be noted that the proposed use of *Camellia Sasanqua* is in accordance with Appendix F of Council's Residential Design Manual (DCP 38) which recommends the use of the plants as a screening plants and identifies the species as capable of achieving a mature height of 4.5m. It should also be noted that **Condition No. 30** requires the following:

30. *Landscape works shall be carried out in accordance with Landscape Drawing No. 2A, prepared by Relle Mott Garden Design and dated April 2005 submitted with the Development Application, except as amended by the following:*

C. *The proposed Camelia Sasanqua shown to be installed between the carport and the eastern side boundary and in front of the carport, shall have a minimum pot size of 45 litres and minimum height of 1.2m at the time of planting.*

This condition is to ensure that screen planting will be in an advanced state at the time of planting. (Refer **Condition No. 30**)

2. Clarification of plans upon which the Heritage Impact Statement is based and whether any new documentation has been submitted as part of this application to address the heritage impact on the adjoining dwelling at No. 51 Telegraph Road, Pymble.

The application was accompanied by a heritage impact statement to address the impact of proposed works on the adjoining heritage item (No. 51 Telegraph Rd). The statement has been prepared by a recognised heritage consultant, Mr. David Beaver, who is included on the NSW Heritage Office's 'Heritage Consultants list'.

Item 9

DA0642/05
12 August 2005

The heritage impact statement, dated March 2005, reflects the original plans dated November 2004. The statement has not been reviewed to address the most recent amendments to the plans. The changes made to the plans are considered to be minor in nature and included the following:

- Deletion of the proposed timber deck to the rear of the site and adjacent to the existing swimming pool.
- The eastern (side) elevations was amended to show the correct location of the existing kitchen window and to indicate a fixed obscure glass window in the south-eastern corner of the meal room where a previous clear glazed panel was previous shown.
- The floor plans were amended to show the conversion of the existing garage to a family room.

The amendments corrected minor discrepancies in the original plans and addressed concerns raised by adjoining property owners. The amended plans do not warrant a revised heritage impact statement as the amendments would not constitute a greater impact to the adjoining heritage item.

The information provided in the heritage impact statement is sufficient enough to enable Council to make an informed decision on the heritage impacts of the proposal.

3. Clarification that the Heritage Impact Statement has been undertaken by a recognised heritage consultant.

The heritage impact statement was prepared by a recognised heritage consultant, Mr. David Beaver, who is included on the NSW Heritage Office's 'Heritage Consultants list'.

4. Clarification of the possibility of reducing the height of the carport.

The proposed carport incorporates a pitched roof to match the existing dwelling. The carport roof has a maximum height of 4.3m to the ridge with internal clearance of 2.2m. This is in accordance with the Australian Standard (AS 2890.6) for off street car parking.

The height of the carport roof is determined by its width (4.8m internally). The ridge height of 4.3m is required to ensure it has a pitch which is complimentary to the roof of the existing dwelling. Reducing either the internal clearance height or the ridge height of the proposed carport will impact on the visual appearance of the structure or will affect the ability of the proposal to comply with the Building Code of Australia.

5. Clarification of whether the existing sandstone driveway can be recycled and confirmation that, if the sandstone is reused as part of a new driveway, will the site cover comply?

The re-use of sandstone paving from the existing driveway would be appropriate on the site, however, the ability to achieve this may be restricted by the amount of sandstone material

Item 9

DA0642/05
12 August 2005

available on the site. A condition is recommended to require all materials of value to be re-used onsite or made available for recycling. (Refer Condition No. 31A)

6. Clarification of the setback of existing buildings on the subject site and adjoining property at No. 51 Telegraph Road, with respect to the accuracy plans and information submitted to Council as part of Development Application No. 642/05.

The plans submitted with the application are based on accurate survey information prepared by Mr. Rick Bartholomew, registered surveyor. The plans are representative of the true setback of existing structures from the street and property boundaries as verified through site inspections and comparison with aerial photos. The aerial photo (below) is included to allow Council to make further comparison between the plans submitted and the location of existing structures and adjoining dwellings.



**Front Setbacks
(existing)**

Site

No. 49 - 27.5m(dwelling)
- 23.0m(garage)

Adjoining properties

No. 47 - 10.5m
No. 51 - 27.2m
No. 53 - 15.5m

Note: All measurements taken from aerial photos and Council's GIS system are approximate only.

If Council is of a mind to approve the development application, the plans submitted to Council may be relied upon as being accurate.

7. Clarification that all areas, including the garage and deck area at the rear, have been taken into account as part of the development assessment calculations.

The development results in a total built upon area of 51.6% (564.2m²) of the site area. The built upon area calculation incorporates all driveway areas and hard paved surfaces as proposed as well as the existing and proposed building footprint. This includes the proposed rear terrace and meals room.

Item 9

DA0642/05
12 August 2005

The following areas have been included as built upon area:

Site Area	=	1093.9m ²
Driveway	=	49m ²
Paths and Courtyard	=	129m ²
Carport	=	31m ²
Dwelling footprint	=	169m ²
Extensions	=	65.5m ²
Pool, spa & surrounds	=	120.7m ²
Total BUA	=	564.2m ² (51.6%)

The development application is compliant with Clause 60C (Built Upon Area) of the Kuring-gai Planning Scheme Ordinance. This is also in accordance with s.5.2.7 of the Residential Design Manual (DCP 38) which requires a maximum built upon area of 52% for two storey development on sites with an area between 1000m² and 1199m².

SUMMARY

Section 79C of the Environmental Planning & Assessment Act 1979 has been considered and the proposal is acceptable in this regard. The plans and documentation provided to Council are prepared by appropriately qualified professionals and are considered to be accurate. The proposed development complies with the built upon area control and provides appropriate screen planting along side boundaries to minimise impacts to adjoining properties.

The proposal is therefore recommended for approval, subject to conditions.

RECOMMENDATION

THAT the Council, as the consent authority, grant development consent to DA 642/05 for alterations and additions plus a carport to a dwelling on land at 49 Telegraph Road, Pymble, subject to the following conditions:

1. The development to be in accordance with Development Application 642/05 and Development Application plans prepared by **Fiona Mitchell - Architect**, reference number, **A01 (Rev A) to A08 (Rev A)**, dated **April 2005 as amended in Red (shown clouded)** and lodged with Council on **23 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.

Item 9

DA0642/05
12 August 2005

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

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

8. For the purpose of public safety, a sign shall be erected on the site prior to any work commencing which is clearly visible from a public place stating that unauthorised entry to the site is not permitted and showing the name of the builder or another person responsible for the site and a telephone number for contact outside working hours. The sign may only be removed on satisfactory completion of the works.
9. A sign shall be erected in a prominent position on the site which states the name and contact details of the Principal Certifying Authority.
10. The applicant is advised that the Construction Certificate plans and specifications must comply with the provisions of the Building Code of Australia.
11. 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.
12. 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.

Item 9

DA0642/05
12 August 2005

13. 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.
14. The landscape works shall be completed prior to issue of final Certificate of Compliance and maintained in a satisfactory condition at all times.
15. Stormwater runoff from the alterations and additions located at the front of the site (including the proposed carport and driveway) 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.
16. Stormwater runoff from the alterations and additions unable to drain to the street shall be piped to the existing site drainage system. No stormwater drainage system is to be connected to the Sydney Water sewer system. Where found, all illegal connections must be rectified to the satisfaction of Council and Sydney Water.
17. 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 and/or barriers that direct runoff to the formal drainage system.
18. For stormwater control a 200mm wide grated drain with heavy duty removable galvanised grates is to be located within the property at the intersection of the driveway and Council's footway to collect all surface water flowing down the driveway. The drainage line from the grated drain shall be connected to the street system, either separately or via the main site outlet.
19. 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.
20. 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.**
21. 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

Item 9

DA0642/05
12 August 2005

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.

22. 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”.
23. The proposed rear timber deck is to be spaced to permit stormwater to pass through and permeate into the ground below. Apart from the piers below the deck the entire surface area under the deck is to be unsealed so that stormwater is able to soak into this area. Any existing paving or sealing below the proposed deck is to be removed from the site. At the completion of works and prior to issue of the Occupation Certificate, a Certificate from the builder/installer is to be submitted to the Principal Certifying Authority indicating compliance with this condition.
24. 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.

25. 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.
26. 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.
27. The property shall support a minimum number of Seven (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 the Principal Certifying Authority prior to release of the Construction Certificate.
28. To maintain suitable levels of privacy and amenity to adjoining properties, the side window proposed in the eastern elevation at the rear of the proposed meals room extension shall be deleted and replaced with solid materials to match the existing dwelling. Details of such shall

Item 9

DA0642/05
12 August 2005

be provided to the Principal Certifying Authority prior to the release of the Construction Certificate.

29. In order to minimise impacts to the adjoining heritage item (No. 51 Telegraph Road) and to achieve compliance with Council's DCP No. 38, the proposed carport shall be relocated to have a minimum setback of 1.5m from the eastern (side) boundary of the site. The relocation of the proposed carport is to ensure adequate landscaping can be provided between the carport structure and the side boundary of the site.
30. Landscape works shall be carried out in accordance with Landscape Drawing No. 2A, prepared by Relle Mott Garden Design and dated April 2005 submitted with the Development Application, except as amended by the following:
 - A. In order to minimise impacts to the adjoining heritage item (No. 51 Telegraph Road), and soften the appearance of the proposed carport, screen planting shall be established between the carport and the eastern side boundary of the site.
 - B. In order to prevent overlooking of adjoining properties, screen planting shall be established between the rear terrace and the western side boundary of the site, as shown clouded in red on the plans.
 - C. The proposed *Camelia Sasanqua* shown to be installed between the carport and the eastern side boundary and in front of the carport, shall have a minimum pot size of 45 litres and minimum height of 1.2m at the time of planting.
 - D. The screen planting required by A. and B. of this condition shall utilise suitable plant species contained with Appendix F of Council's DCP No 38, shall be capable of attaining a minimum height of 3.0m and shall provide dense screening.

Details of the required amendments shall be shown on the amended landscape plans and submitted and approved by the Principal Certifying Authority prior to the release of the Construction Certificate. 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.

31. External materials, finishes and colours are to match the existing dwelling and shall be sympathetic to the surrounding environment. Details of all external finishes and materials shall be provided to and approved by the Principal Certifying Authority, prior to the release of the Construction Certificate.
- 31A. All material of value for re-use either onsite or elsewhere, shall be separated and made available for recycling.

Item 9

DA0642/05
12 August 2005

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

32. 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.

33. 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).
34. 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.
35. 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.

Item 9

DA0642/05
12 August 2005

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

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

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.

37. Development consent to DA 1417/04 shall be surrendered to Council under the provisions of Section 80A(1)(b) of the Environmental Planning and Assessment Act 1979. The provisions of Clause 97 of the Environmental Planning & Assessment Regulation 2000 are to be met prior to a Construction Certificate being issued. This condition is imposed to facilitate the orderly development of the site.
38. Prior to issue of the Construction Certificate the applicant shall submit, for approval by the Principal Certifying Authority (PCA), a plan of the new drainage system components required for the approved development. The plan shall be prepared by a qualified civil/hydraulic engineer or licensed plumber. The new components of 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). Any new connection points to the public drainage system (eg kerb, table drains, pits, pipes) must be shown accurately on the plan.
39. Prior to issue of the Construction Certificate, the Applicant shall submit for the approval of the appointed Principal Certifying Authority, revised details which demonstrate the following:
 - A clear entrance width of the proposed double carport to be increased to a minimum 5.2m (currently 4.8m). This condition is imposed to ensure compliance with Figure 5.4 from

Item 9

DA0642/05
12 August 2005

AS/NZS 2890.1 (2004) - "Off-street car parking" and thus provide better vehicle manoeuvrability.

- Manoeuvring circles for the B85 design vehicle overlaid (drawn) on the site plans, which demonstrate that all vehicles using the carport can leave the site in a forward direction in a maximum of one (1) three-point turn. This condition has been imposed to ensure compliance with AS/NZS 2890.1 (2004) - "Off-street car parking", and may require some minor modifications to the driveway layout.

CONDITIONS TO BE COMPLIED WITH PRIOR TO WORK COMMENCING

40. 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.

CONDITIONS TO BE COMPLIED WITH PRIOR TO OCCUPATION

41. 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.
42. 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 Engineers. This shall be at no cost to Council.
43. Prior to issue of an Occupation Certificate (and at the completion of works), the applicant shall submit certification from a consulting engineer or the installing plumbing contractor to the Principal Certifying Authority (PCA), that:
 - a. The components of the new drainage system have been installed in accordance with the Plumbing and Drainage code AS3500.3.2 and by a licensed plumbing contractor, and
 - b. The stormwater drainage works have been carried out in accordance with the approved Construction Certificate drainage plan and Councils Water Management DCP 47.

Item 9

DA0642/05
12 August 2005

44. Prior to issue of an Occupation Certificate, a high level overflow pipe is to be provided from the back of the skimmer box to the filter backwash line discharging to the sewer. This line must not directly vent the receiving Sydney Water sewer. This requirement is to collect stormwater overflow from the swimming pool surface only. A certificate from the installer, indicating compliance with this condition, must be submitted to the Principal Certifying Authority (PCA), prior to issue of an Occupation Certificate.

D Hoy
Development Assessment Officer

S Cox
Team Leader
Development Assessment - Central

M Prendergast
Manager
Development Assessment Services

M Miocic
Director
Development and Regulation

Attachments: **Attachment 1: Report to Council - 26 July 2005 - Part 522767**
 Attachment 2: Minutes from site meeting - 6 August 2005 - Part 522767
 Attachment 3: Confidential Items - Floor Plans - 522773

SITE INSPECTION ON 6 AUGUST 2005

49 Telegraph Road, Pymble

Chairperson: Cr Ryan (Mayor)

In Attendance: Crs Ryan (Mayor), Bennett, Andrew, Malicki, Cross and Lane

Apologies: Clrs Hall, Innes, Shelley and Ebbeck

Meeting commenced: 9:00am

The following matters were raised at Saturday's site inspection:

1. Vegetation

- 1) *Staff to consider an alternative landscape treatment to Camellia Sasanquas to provide additional screening and greater privacy.*

2. Heritage

- 1) *Staff to outline the plans upon which the Heritage Impact Statement is based and confirm if any new documentation has been submitted as part of this application to address the heritage impact on the adjoining dwelling at No. 51 Telegraph Road, Pymble.*
- 2) *Staff to confirm that the Heritage Impact Statement has been undertaken by a recognised heritage consultant.*

3. Height of Carport

- 1) *It was requested that staff investigate the possibility of reducing the height of the carport.*

4. Recycling of Existing Sandstone

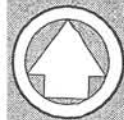
- 1) *Staff to consider inclusion of a condition to ensure that the existing sandstone driveway is recycled and to confirm that if the sandstone is reused as part of a new driveway, will the site cover comply?*

5. Accuracy of Information

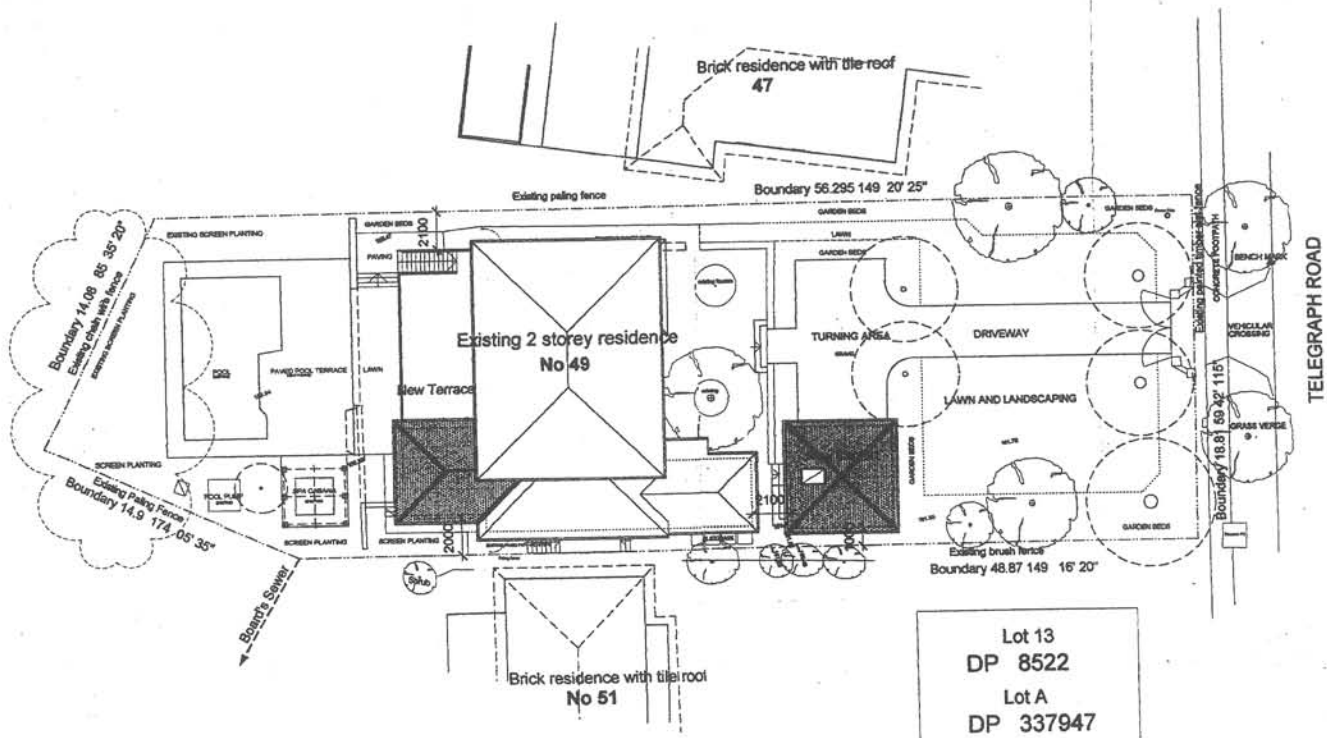
- 1) *Staff to check the setback of the existing buildings on the subject site and adjoining property at No. 51 Telegraph Road, and provide confirmation of their accuracy with respect to the plans and information submitted to Council as part of Development Application No. 642/05.*
- 2) *Staff to confirm that all areas including the garage and deck area at the rear have been taken into account as part of the development assessment calculations.*

Meeting concluded at 9:50am

3



26-07-2005



Amended April 2005
Pool Deck deleted

Metres
0 2 4 6 8 10

DEVELOPMENT APPLICATION

DO NOT SCALE THE DRAWING
NOTE: Figured dimensions take preference to scale readings. Verify all dimensions and levels on site. Report any discrepancies to the Architect for decision before proceeding with the work.

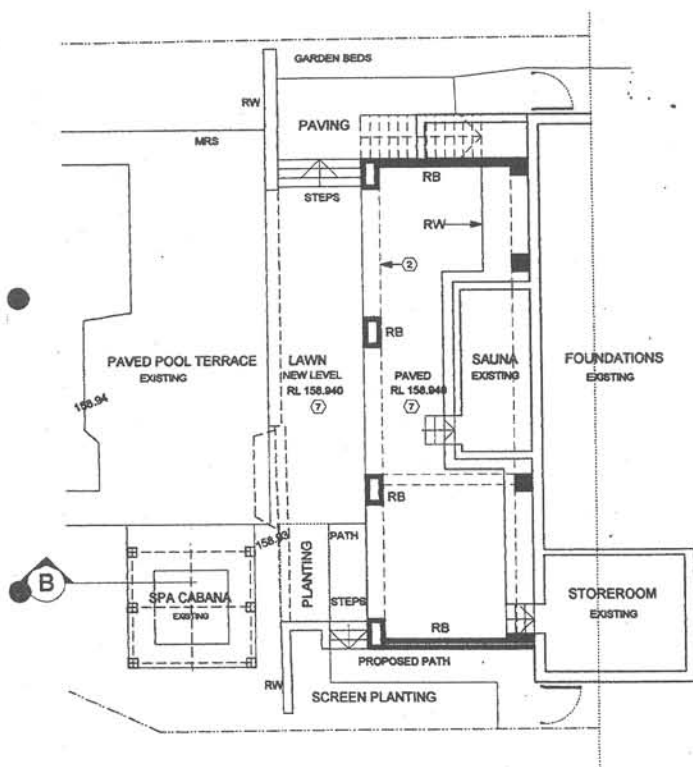
Fiona Mitchell Architect
2 Winslow Street Karibilli NSW 2061
Telephone 9929 1413 Fax 9925 9062



SITE PLAN

ALTERATIONS AND ADDITIONS
Project: 49 Telegraph Road Pymble
Applicant: Mariëna Allan

SCALE: 1:200
PLOT DATE: 26-04-05
DATE: 04-11-04
DRAWN: FM
DRAWING No. 0405A01a DA

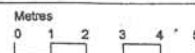


NOTES TO DRAWINGS

RB	Rendered brickwork to match existing
TRT	Terracotta roof tiles to match existing
RW	Retaining Wall
SK	Skylight
DP	Downpipe
MSR	Mild Steel Railing to comply Swimming Pool Code

- ① Timber Door
- ② Timber Framed Window/Door to match Residence
- ③ Gates to comply Swimming Pool Code
- ④ Pool Deck deleted
- ⑤ Slab, footings and beams to engineers detail
- ⑥ Demolish existing walls shown dotted
- ⑦ Close up existing openings
- ⑧ Fill roof water and drainage garden to stormwater to Telegraph Road
- ⑨ High level overflow to pool skimmer box
- ⑩ Excavate to new levels

- a Amended April 2005
- Existing Garage now Family Room
- Existing Kitchen window shown
- Pool Deck deleted
- No 51 Existing location amended
- Note to *Mark's window*
- Fixed & obscure glazing*



DEVELOPMENT APPLICATION

DO NOT SCALE THE DRAWING
NOTE: Figure dimensions take preference to scale readings. Verify all dimensions and levels on site. Report any discrepancies to the Architect for decision before proceeding with the work.

○ Fiona Mitchell Architect
2 Winslow Street Kirribilli NSW 2061
Telephone 9928 1413 Fax 9925 6002

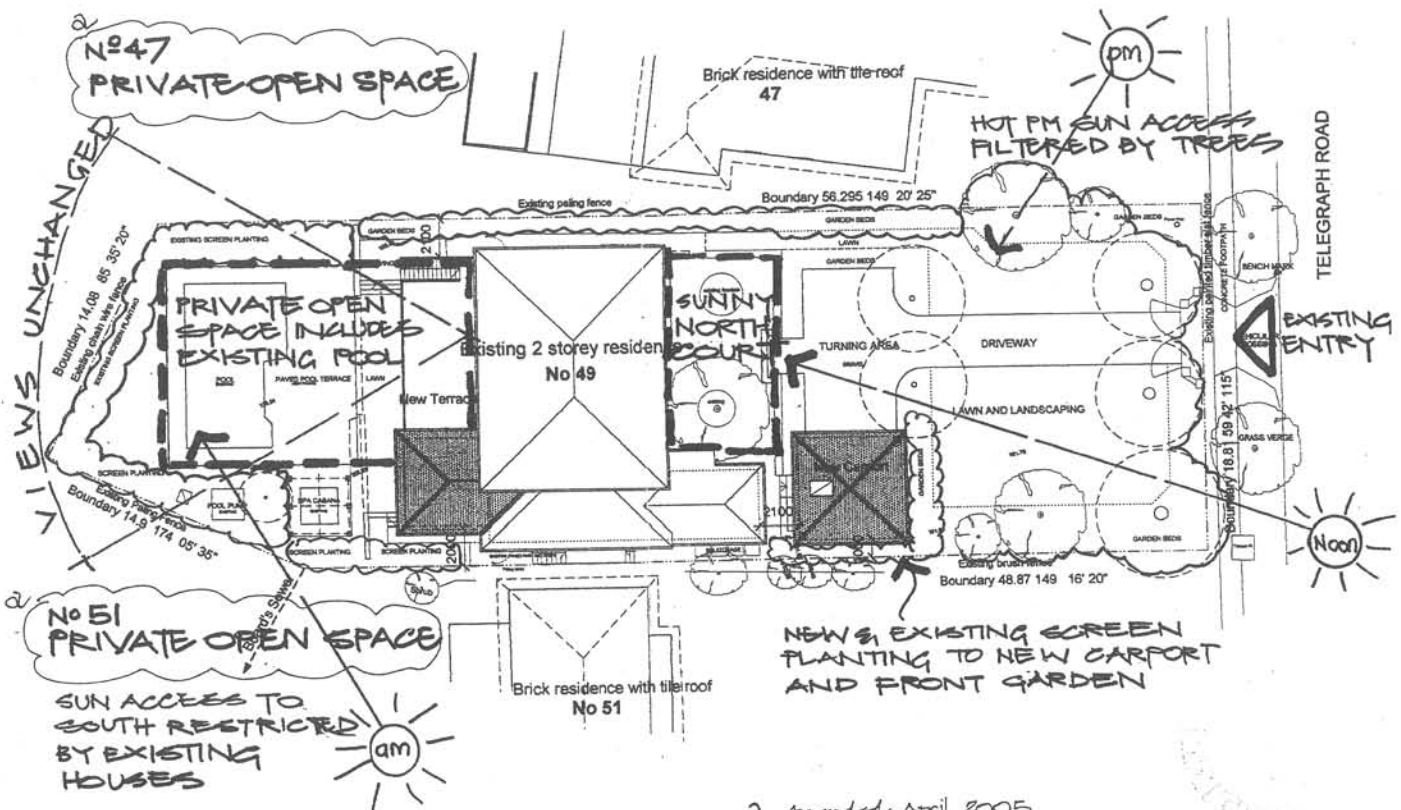


POOL TERRACE PLAN

ALTERATIONS AND ADDITIONS

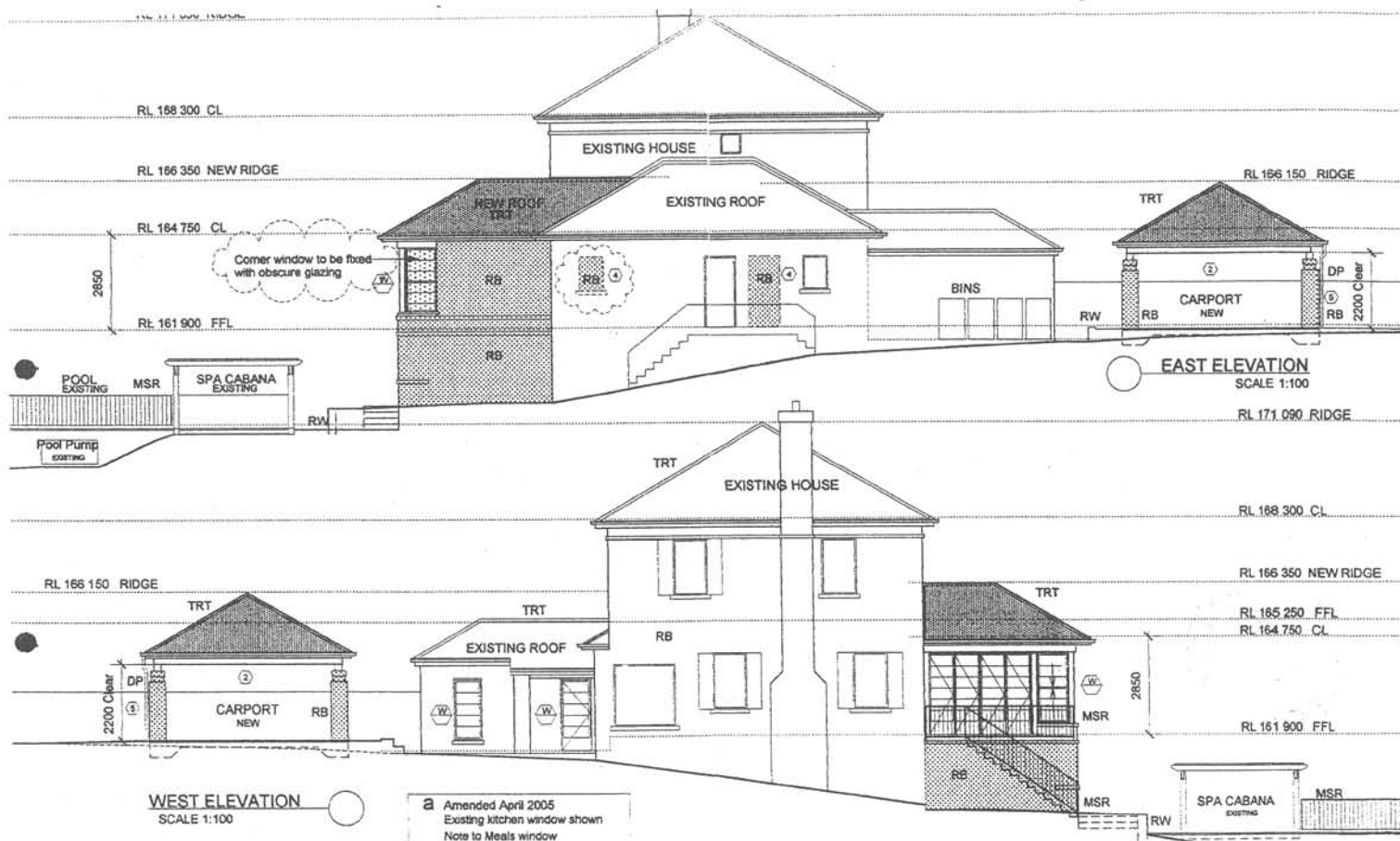
Project: 49 Telegraph Road Pymble
Applicant: Marlene Allan

SCALE: 1:100
PLOT DATE: 26-04-05
DATE: 04-11-04
DRAWING: FM
DRAWING No.0405 A03aDA



2 Amended April 2005
 Pool Deck deleted
 Private Open Space to No 47 + No 51 shown

<p>DEVELOPMENT APPLICATION</p> <p>DO NOT SCALE THE DRAWING NOTE: Figured dimensions take preference to scale readings. Verify all dimensions and levels on site. Report any discrepancies to the Architect for decision before proceeding with the work.</p>	<p>○ Fiona Mitchell Architect 2 Winslow Street Kirribilli NSW 2061 Telephone 9929 1413 Fax 9925 0062</p>	<p>SITE ANALYSIS</p> <p>ALTERATIONS AND ADDITIONS Project: 49 Telegraph Road Pymble Applicant: Marilena Allan</p>	<p>SCALE: 1:200 PLOT DATE: 26-4-05 DATE: 04-11-04 DRAWN: FM DRAWING: DA No. 0405 A09a</p>
--	--	---	--



DEVELOPMENT APPLICATION

DO NOT SCALE THE DRAWING
 NOTE: Figured dimensions take preference to scale readings. Verify all dimensions and levels on site. Report any discrepancies to the Architect for decision before proceeding with the work.

○ Fiona Mitchell Architect
 2 Winslow Street Kirribilli NSW 2061
 Telephone 9929 1413 Fax 9925 9002

ELEVATIONS

ALTERATIONS AND ADDITIONS
 Project: 49 Telegraph Road Pymble
 Applicant: Marilena Allan

SCALE: 1:100
 PLOT DATE: 26-03-05
 DATE: 04-11-04
 DRAWN: FM
 DRAWING No. 0405 A05a DA



DEVELOPMENT APPLICATION

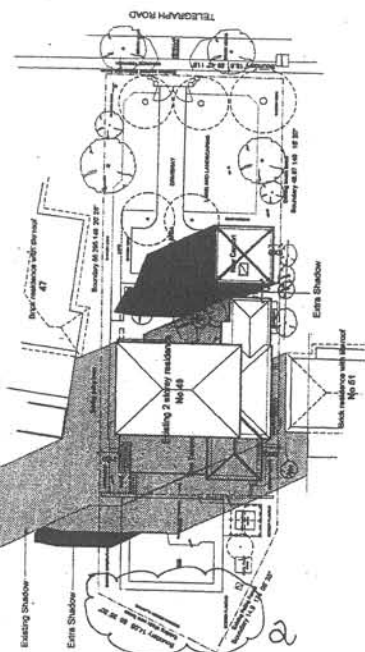
DO NOT SCALE THE DRAWING
NOTE: Figured dimensions take precedence to scale readings. Verify all dimensions and levels on site. Report any discrepancies to the Architect for decision before proceeding with the work.

○ Fiona Mitchell Architect
2 Winslow Street Kirribilli NSW 2061
Telephone 9929 1413 Fax 9925 0002

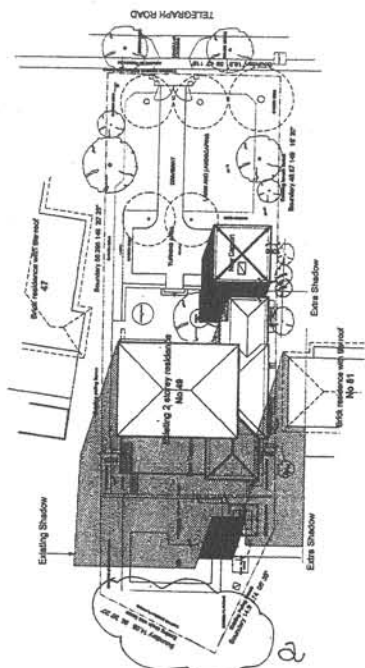
ELEVATIONS

ALTERATIONS AND ADDITIONS
Project: 49 Telegraph Road Pymble
Applicant: Mariëna Allan

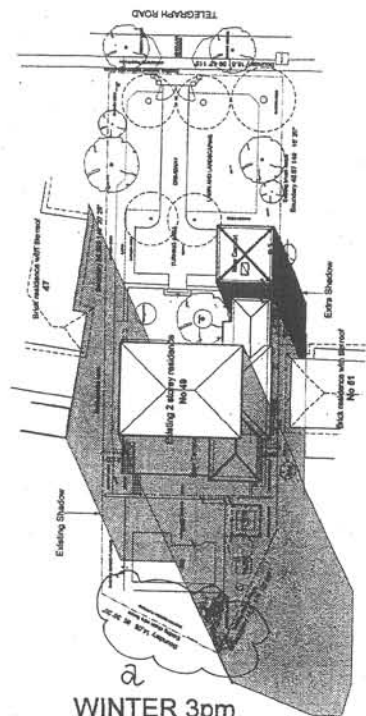
SCALE: 1:100
PLOT DATE: 26-04-05
DATE: 04-11-04
DRAWN: FM
DRAWING No. 0405 A06a DA



WINTER 9 am



WINTER 12 Noon



WINTER 3pm

a Amended April 2005
Pool Deck deleted

DEVELOPMENT APPLICATION

DO NOT SCALE THE DRAWING
NOTE: Figured dimensions take preference to scale readings. Verify all dimensions and levels on site. Report any discrepancies to the Architect for decision before proceeding with the work.

○ Fiona Mitchell Architect
2 Winslow Street Kiriibilli NSW 2061
Telephone 9929 1413 Fax 9925 0002



SHADOWS

ALTERATIONS AND ADDITIONS

Project: 49 Telegraph Road Pymble
Applicant: Mariana Allan

SCALE: NTS
PLOT DATE: 28/4/05
DATE: 04-11-04
DRAWN: FM
DRAWING No. 0405 A11a

IMPORTANT NOTES

1. This plan is a true and correct copy of the original plan as submitted to the Registrar of Land for registration.

2. The plan is subject to the provisions of the Land and Environment Planning Act 1979 and the Land and Environment Planning Regulation 2000.

3. The plan is subject to the provisions of the Planning and Environment Act 2000 and the Planning and Environment Regulation 2000.

4. The plan is subject to the provisions of the Planning and Environment Act 2000 and the Planning and Environment Regulation 2000.

5. The plan is subject to the provisions of the Planning and Environment Act 2000 and the Planning and Environment Regulation 2000.

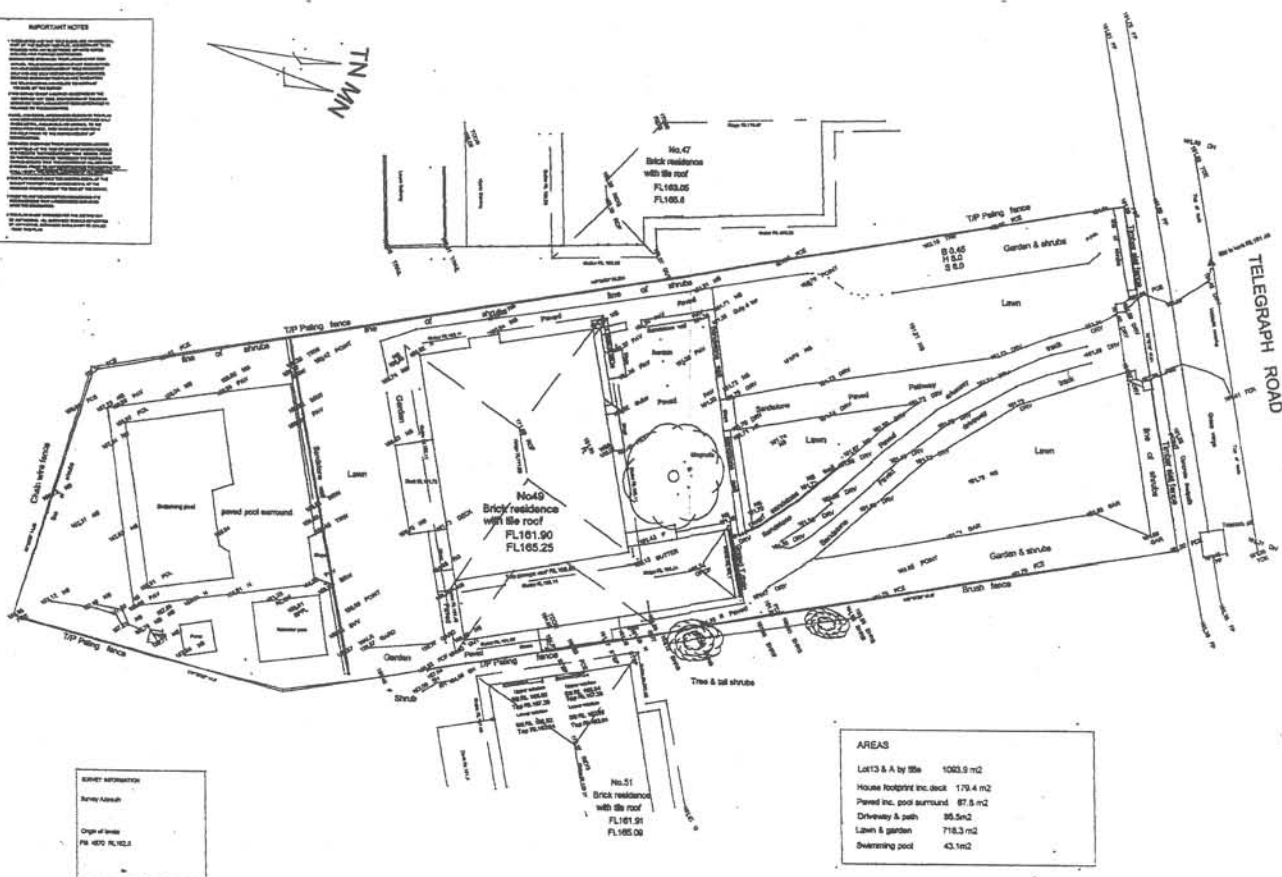
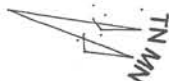
6. The plan is subject to the provisions of the Planning and Environment Act 2000 and the Planning and Environment Regulation 2000.

7. The plan is subject to the provisions of the Planning and Environment Act 2000 and the Planning and Environment Regulation 2000.

8. The plan is subject to the provisions of the Planning and Environment Act 2000 and the Planning and Environment Regulation 2000.

9. The plan is subject to the provisions of the Planning and Environment Act 2000 and the Planning and Environment Regulation 2000.

10. The plan is subject to the provisions of the Planning and Environment Act 2000 and the Planning and Environment Regulation 2000.



SURVEY INFORMATION

Survey Address:

Origin of title:

PL 1670 PL162.1

AREAS	
Lot 13 & A by title	1063.9 m ²
House footprint incl deck	179.4 m ²
Pool incl pool surround	87.8 m ²
Driveway & path	85.5 m ²
Lawn & garden	718.3 m ²
Swimming pool	43.1 m ²

SCALE

1:200

NOTES: 1. This plan is a true and correct copy of the original plan as submitted to the Registrar of Land for registration. 2. The plan is subject to the provisions of the Land and Environment Planning Act 1979 and the Land and Environment Planning Regulation 2000. 3. The plan is subject to the provisions of the Planning and Environment Act 2000 and the Planning and Environment Regulation 2000. 4. The plan is subject to the provisions of the Planning and Environment Act 2000 and the Planning and Environment Regulation 2000. 5. The plan is subject to the provisions of the Planning and Environment Act 2000 and the Planning and Environment Regulation 2000. 6. The plan is subject to the provisions of the Planning and Environment Act 2000 and the Planning and Environment Regulation 2000. 7. The plan is subject to the provisions of the Planning and Environment Act 2000 and the Planning and Environment Regulation 2000. 8. The plan is subject to the provisions of the Planning and Environment Act 2000 and the Planning and Environment Regulation 2000. 9. The plan is subject to the provisions of the Planning and Environment Act 2000 and the Planning and Environment Regulation 2000. 10. The plan is subject to the provisions of the Planning and Environment Act 2000 and the Planning and Environment Regulation 2000.

Surveyor

Rick Bartholomew

Consulting

Engineering Surveyor & Environmental Land Manager

10 GERRARD ROAD

PHILLIPS NSW 2151

PL 1670 PL162.1

Client

Mr. & Mrs. ALLAN

48 TELEGRAPH ROAD

PYMBLE NSW

DETAIL SURVEY

of

48 TELEGRAPH ROAD

BEING LOT 13 DP9522 AND LOT A DP337947

PYMBLE NSW

Drawings

254.39

EXISTING ELEMENTS

FRONT GARDEN VEGETATION

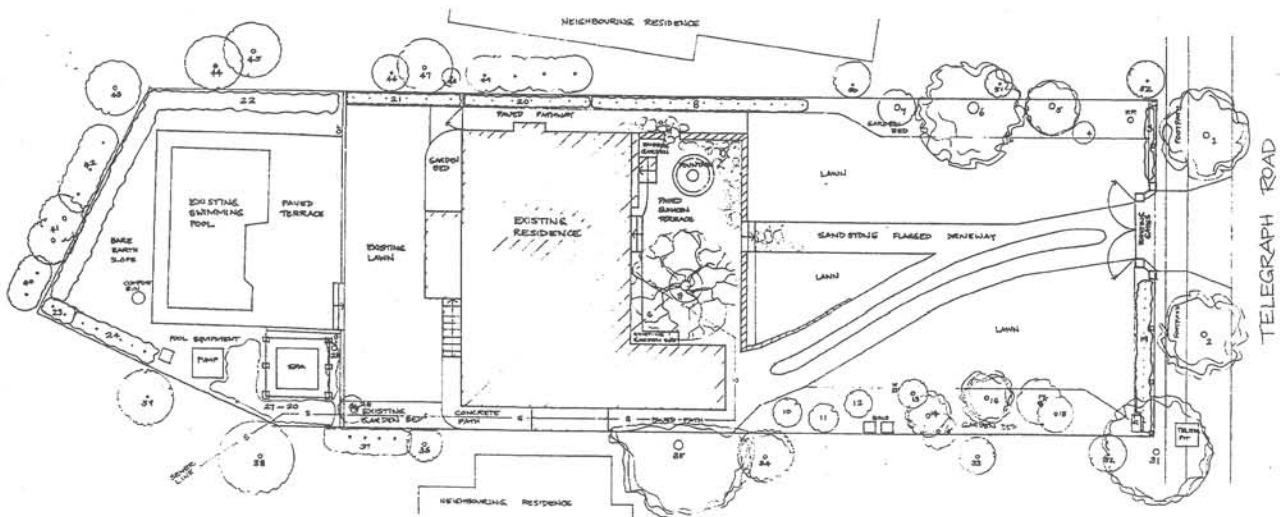
NOTE - HEIGHT & CANOPY WIDTH OF EXISTING VEGETATION IS APPROPRIATE ONLY

Number on Plan	Botanical Name	Common Name	Present Ht x Wth	Remarks	Comment
1 & 2	<i>Laportea divaricata</i>	Laportea	5 x 3m	24 x 15m	Four-year trees
3	<i>Alnus incana</i>	Alnus	1.5 x 1m	2 x 1m	Existing juvenile hedge
4	<i>Smilax reginae</i>	King of Spades	1.2 x 1.5m	1.2 x 1.5m	Remains to avoid columnar landscape plan
5	<i>Alnus incana</i>	Alnus	5 x 2m	8 x 3m	Alnus hedge - retain
6	<i>Baccharis corallina</i>	Lemon Bells	1.5 x 1m	10 x 1m	Alnus hedge tree - retain
7	<i>Alnus incana</i>	Alnus	1.5 x 1m	2.5 x 1.5m	Remains to plant taller screening species
8	<i>Alnus incana</i>	Alnus	2 x 1m	20 x 4m	Alnus hedge - maintain regularly to avoid fire
9	<i>Alnus incana</i>	Alnus	2 x 1m	8 x 4.5m	Alnus hedge - maintain regularly to avoid fire

Number on Plan	Botanical Name	Common Name	Present Ht x Wth	Remarks	Comment
10, 11, 12	<i>Alnus incana</i>	Alnus	1 x 1m	2 x 1.5m	Alnus - shift to new location
13	<i>Alnus incana</i>	Alnus	1 x 1m	2 x 1.5m	Alnus - shift to new location
14	<i>Alnus incana</i>	Alnus	1 x 1m	2 x 1.5m	Alnus - shift to new location
15	<i>Alnus incana</i>	Alnus	1 x 1m	2 x 1.5m	Alnus - shift to new location
16	<i>Alnus incana</i>	Alnus	1 x 1m	2 x 1.5m	Alnus - shift to new location
17	<i>Alnus incana</i>	Alnus	1 x 1m	2 x 1.5m	Alnus - shift to new location
18	<i>Alnus incana</i>	Alnus	1 x 1m	2 x 1.5m	Alnus - shift to new location
19	<i>Alnus incana</i>	Alnus	1 x 1m	2 x 1.5m	Alnus - shift to new location
20	<i>Alnus incana</i>	Alnus	1 x 1m	2 x 1.5m	Alnus - shift to new location

REAR GARDEN

Number on Plan	Botanical Name	Common Name	Present Ht x Wth	Remarks	Comment
21, 22	<i>Alnus incana</i>	Alnus	1.5 x 1m	4 x 2m	Alnus hedge
23	<i>Alnus incana</i>	Alnus	2 x 1m	20 x 6m	Alnus hedge - maintain regularly to avoid fire
24	<i>Alnus incana</i>	Alnus	1.5 x 1m	8 x 2m	Alnus hedge
25	<i>Alnus incana</i>	Alnus	1.5 x 1m	8 x 2m	Alnus hedge
26	<i>Alnus incana</i>	Alnus	1.5 x 1m	8 x 2m	Alnus hedge
27	<i>Alnus incana</i>	Alnus	1.5 x 1m	8 x 2m	Alnus hedge
28	<i>Alnus incana</i>	Alnus	1.5 x 1m	8 x 2m	Alnus hedge
29	<i>Alnus incana</i>	Alnus	1.5 x 1m	8 x 2m	Alnus hedge
30	<i>Alnus incana</i>	Alnus	1.5 x 1m	8 x 2m	Alnus hedge



BOUNDARY PLANTING IN NEIGHBOURING GARDENS

NOTE - LOCATION OF ALL PLANTS IN NEIGHBOURING GARDENS IS APPROPRIATE ONLY

Number on Plan	Botanical Name	Common Name	Present Ht x Wth	Remarks	Comment
31	<i>Alnus incana</i>	Alnus	1.5 x 1m	1.5 x 1.5m	Alnus hedge
32	<i>Alnus incana</i>	Alnus	1.5 x 1m	1.5 x 1.5m	Alnus hedge
33	<i>Alnus incana</i>	Alnus	1.5 x 1m	1.5 x 1.5m	Alnus hedge
34	<i>Alnus incana</i>	Alnus	1.5 x 1m	1.5 x 1.5m	Alnus hedge
35	<i>Alnus incana</i>	Alnus	1.5 x 1m	1.5 x 1.5m	Alnus hedge
36	<i>Alnus incana</i>	Alnus	1.5 x 1m	1.5 x 1.5m	Alnus hedge
37	<i>Alnus incana</i>	Alnus	1.5 x 1m	1.5 x 1.5m	Alnus hedge
38	<i>Alnus incana</i>	Alnus	1.5 x 1m	1.5 x 1.5m	Alnus hedge
39	<i>Alnus incana</i>	Alnus	1.5 x 1m	1.5 x 1.5m	Alnus hedge
40	<i>Alnus incana</i>	Alnus	1.5 x 1m	1.5 x 1.5m	Alnus hedge

Number on Plan	Botanical Name	Common Name	Present Ht x Wth	Remarks	Comment
41	<i>Alnus incana</i>	Alnus	1.5 x 1m	1.5 x 1.5m	Alnus hedge
42	<i>Alnus incana</i>	Alnus	1.5 x 1m	1.5 x 1.5m	Alnus hedge
43	<i>Alnus incana</i>	Alnus	1.5 x 1m	1.5 x 1.5m	Alnus hedge
44	<i>Alnus incana</i>	Alnus	1.5 x 1m	1.5 x 1.5m	Alnus hedge
45	<i>Alnus incana</i>	Alnus	1.5 x 1m	1.5 x 1.5m	Alnus hedge
46	<i>Alnus incana</i>	Alnus	1.5 x 1m	1.5 x 1.5m	Alnus hedge
47	<i>Alnus incana</i>	Alnus	1.5 x 1m	1.5 x 1.5m	Alnus hedge
48	<i>Alnus incana</i>	Alnus	1.5 x 1m	1.5 x 1.5m	Alnus hedge
49	<i>Alnus incana</i>	Alnus	1.5 x 1m	1.5 x 1.5m	Alnus hedge
50	<i>Alnus incana</i>	Alnus	1.5 x 1m	1.5 x 1.5m	Alnus hedge

RELE MOTT GARDEN DESIGN
LANDSCAPE ARCHITECT & VEGETATION CONSULTANT

1000 Street Tangleway NSW 2044
02 9555 1010

PROJECT: **ALLAN RESIDENCE**
4-9 TELEGRAPH ROAD
PYMBLE NSW

CLIENT: **MARK ALLAN**

DRAWING: **EXISTING ELEMENTS**

NO. 1000
DATE: 10/10/2011
SCALE: 1:100

NOTES: LOCATION OF ALL PLANTS IN NEIGHBOURING GARDENS IS APPROPRIATE ONLY

* REDUCED FROM A1

MINUTES OF COMPANION ANIMALS COMMITTEE

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

To submit minutes of the meeting of the Companion Animals Advisory Committee held on 11 August 2005 for the information of Council.

BACKGROUND:

The role of the Companion Animals Advisory Committee is to provide resident and professional advice to Council on relevant matters relating to the management of companion animals (cats and dogs) within Ku-ring-gai.

COMMENTS:

At its recent meeting, the Companion Animals Advisory Committee discussed progress on the development of Council's Companion Animals Management Plan, impounding facilities and the hosting of Pet's Day Out for 2005/06.

RECOMMENDATION:

That the minutes of the Companion Animals Advisory Committee meeting held on 11 August 2005 be received and noted.

PURPOSE OF REPORT

To submit minutes of the meeting of the Companion Animals Advisory Committee held on 11 August 2005 for the information of Council.

BACKGROUND

The role of the Companion Animals Advisory Committee is to provide resident and professional advice to Council on relevant matters relating to the management of the companion animals (cats and dogs) within Ku-ring-gai.

The minutes of the Companion Animals Advisory Committee are required to be submitted to Council for consideration. The Committee has recently held a meeting on 11 August 2005 and a copy of the minutes is attached for the information of Councillors.

COMMENTS

The Companion Animals Advisory Committee's recommendations are generally of an operational nature and are being attended to.

The Committee is currently working on the development of a Companion Animals Management Plan for the Council area.

Focus groups have been held, the comments of which have been included within the Plan's development. It is expected that the draft Plan will be presented to Council in October 2005 for exhibition and comment.

The Committee sought information on Council's current animal impounding arrangements. Currently, Thornleigh Veterinary Hospital supplies this service. It was suggested that Council investigate if a service was available through Northside Animal Welfare Group.

The committee also enquired as to the proposed next Pet's Day Out. It was suggested that a pet's event will be held in May 2006.

Council's Animal Management Officer is to present a paper at the next Committee meeting on some possible ideas and venues.

CONSULTATION

The Committee is a consultative forum, representing the interests of both pet and non pet owning residents within Ku-ring-gai. The Committee is further balanced via representation by a local professional veterinary, Dr Michael Eaton.

FINANCIAL CONSIDERATIONS

The Committee made no recommendations requiring additional financing.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Ongoing consultation continues with relevant Council departments. Council's Open Space Department is kept informed of the progress of development of the Companion Animals Management Plan.

SUMMARY

Discussion at the August meeting focussed primarily on the content of the Companion Animals Management Plan, a possible Pet's Day Out for 2005/06 and impounding arrangements.

RECOMMENDATION

That the minutes of the Companion Animals Advisory Committee meeting held 11 August 2005 be received and noted.

A Seaton
Manager Regulation & Compliance

M Miocic
Director Development & Regulation

Attachments: Minutes of Meeting 11 August 2005 - 532149

**Minutes of Meeting
Companion Animals Advisory Committee
Held on Thursday 11 August 2005 at 7.00 pm**

- Present Councillor Anita Andrew
 Ms Sandra Fry
 Dr Barbara Bessen
 Ms Sue Hutchins
 Ms Beryl Anderson
 Syndey Birchall Jnr
 Liz Thrift
- Staff Present Anne Seaton
 Courtney Milton
- CAAC 172 **Apologies** Councillor Adrienne Ryan
 Councillor Elaine Malicki
 Dr Michael Eaton
 Ms Jenni Daniel
 Ms Mrs Heather Smith
 Ms Monika Biernacki
 Dr Joanne Righetti

Meeting Commenced at 7.00pm.

Meeting Chaired by Councillor Anita Andrew

The Committee recommends:

That the apologies for non attendance be accepted

CAAC 173 **Declaration of Pecuniary Interest**

Nil

CAAC 174 **Minutes of Meeting 28 October 2004**

The minutes were adopted

CAAC 175 **Matters arising from the minutes**

Road Kill

Lady Game Drive, near “Hanging Rock” again was mentioned. Increased lighting and a path suitable for pedestrians (and animals) was raised as an issue. It was suggested that Council look at alternatives for footways. This area does not require a concrete path. A clear path free of weeds and bushes with a basic crushed gravel path or similar would be appropriate.

Some discussion on the removal of road kill took place. It was pointed out that there is no harm in Council not immediately removing carcasses from the side of the road as this clearly demonstrates to motorists that animals live near by and drivers should be more vigilant.

CAAC 176 Update on progress of drafting Ku-ring-gai's Companion Animals Management Plan

The draft document was circulated to the Committee prior to the meeting. The information was received and suitably endorsed by the Committee. Courtney Milton, Council's new Animal Management Officer was thanked for her efforts in drafting the document. The document will remain under review until the next meeting of the CAAC. All members should forward their comments and responses to Courtney Milton as soon as possible.

CAAC 177 Update on pound facility

The Committee was informed that the proposal of NSROC to Tender on behalf of its member Council's was yet to proceed. In the interim Council is utilising the services of the Thornleigh Veterinary Hospital. It was suggested that Council should investigate if a service is available through the Northside Animal Welfare Group, who have recently refurbished their kennels at Ingleside. Council's Animal Management Officer is to investigate prior to the next meeting.

CAAC 178 Pets Day Out for 2005/06

The hosting of an event prior to the close of the calendar year was thought not possible due to administrative constraints. It was considered more appropriate to aim at hosting an event in May 2006.

Some Committee members thought that a series of special events may be more appropriate. Council's Animal Management Officer is to table a report at the next meeting setting out some possible ideas for the project. Preliminary bookings of an event site are to be progressed.

CAAC 179 General Business

Festival on the Green

It was suggested that future festivals should include an appropriate stand on animal management so as to provide further education on the roles and responsibilities of pet ownership in Ku-ring-gai.

Some members of the Committee expressed their disappointment that local dog clubs did not have opportunity to demonstrate their members' skills and that the fly ball demonstration at the festival was undertaken by a central coast dog club. It was suggested that in future years Council look at promoting local dog clubs.

Discount Desexing Program

It was mentioned that Baulkham Hills Council is currently working in conjunction with local veterinary practitioners to promote desexing of companion animals . It was suggested that Ku-ring-gai should investigate the program with a view to including a similar project within the Companion Animals Management Plan. Council's Companion Animals Management Officer is to investigate the basis of the program with Baulkham Hills Council.

CAAC 180

Next Meeting

The next meeting of the Committee will be held on Thursday 27 October 2005 at 7.00pm.

KU-RING-GAI CENTENARY

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

To provide Council with a draft program of events and projects for Ku-ring-gai's Centenary in 2006.

BACKGROUND:

Ku-ring-gai celebrates 100 years of local government in 2006. The first Council election was held on 24 November 1906, and the first Council meeting and election of President was held on 8 December 1906.

COMMENTS:

Council has commissioned a research project documenting 100 years of local government in Ku-ring-gai. The format for the publication and distribution of the research project has yet to be determined. A series of events has been proposed for 2006. Some of the events will be specifically designed to celebrate Ku-ring-gai's Centenary, and others will be held in conjunction with existing events.

RECOMMENDATION:

That Council proceeds with the publication of a book detailing 100 years of local government in Ku-ring-gai, commences planning for the events listed in this report and associated costs be deferred to the Finance Committee for discussion.

PURPOSE OF REPORT

To provide Council with a draft program of events and projects for Ku-ring-gai's Centenary in 2006.

BACKGROUND

Ku-ring-gai celebrates 100 years of local government in 2006. The first Council election was held on 24 November 1906, and the first Council meeting and election of President was held on 8 December 1906.

Council's Community Development Committee has proposed a number of events and projects to celebrate the centenary. One of which is the publication of a book incorporating the research project that Council resolved to undertake on 24 August 2004. A series of events is also proposed for throughout 2006.

COMMENTS

Research Project

The research project examines major developments in Ku-ring-gai's history throughout the 20th Century with a special focus on town planning in the context of the interaction between state and local government.

Beginning with an introduction outlining the growth of the suburbs from Roseville to Wahroonga in the 1890s, prior to the establishment of the Ku-ring-gai Shire Council in 1906, the history explores how Sydney's 'beautiful highland suburbs' as they were called, developed into the Ku-ring-gai of today.

The role of the Ku-ring-gai Council, specifically its Councillors and the Ku-ring-gai community played in helping to create and maintain a streetscape of 'garden suburbs', is of central importance to this history.

Some of the underlying themes that have been considered include:

- The changing nature of local government
- The role of progress associations and resident action groups
- Residential as opposed to industrial development
- 20th century domestic architecture
- Early planning and conservation philosophies
- The development of domestic gardens and public park gardening
- Preservation of amenity and diverse open space

The researchers are at a stage now where they need to know the type of format they are writing for. It is recommended that this history be presented in a number of formats, the principle being a book

Item 6

S02646
26 August 2005

of approximately 120-130 pages. Other formats will include a DVD and selected sections will be available on Council's web page.

The text, if a book is published, will be richly illustrated, and will acknowledge current and past Councillors and Aldermen, along with detailed demographic data, in comprehensive appendices.

Publication Costs

Below are estimate costings for the publication of a book of approximately 120-130 pages. If Council were to proceed with the publication of a book, more detailed quotes, based on contributing factors including size of publication, number of publications per print run, the number of colours used and special editions, will be obtained. These costs will then be discussed at the Community Development Committee and the Finance Committee.

Estimated Costs for the publication of 5,000 copies		
	Hardback	Paperback
Design and Editing	\$18,000	\$18,000
Printing	\$20,000	\$15,000
Total	\$38,000	\$33,000

Estimated Costs for the publication of 10,000 copies		
	Hardback	Paperback
Design and Editing	\$18,000	\$18,000
Printing	\$31,000	\$23,000
Total	\$49,000	\$41,000

It is anticipated that, if a book is published, sales should generate approximately \$7,500 throughout 2006.

Draft Centenary Program

The following events have been proposed as additional functions for the Centenary year. It is anticipated where possible, other events throughout the year will take a "Centenary flavour" e.g. Festival on the Green, Local Government Week.

A number of other projects and promotional activities have also been recommended. These include, advertising banners, bronze plaques, school projects and historical displays.

Event Date	Project/Event	Estimated Cost
7 March 2006	Formal Dinner Guests to include all Councillors and Senior Staff, previous Councillors and Senior Staff.	\$8,000
18 June 2006	Festival on The Green Community celebration with special guest to address community. Large celebratory cake and catering expenses	\$2,000
17 September 2006	Freedom of the City Military Parade through the streets organised in conjunction with?? This event was held in 1987 to celebrate 75 years of local government in Ku-ring-gai.	\$10,820

Event Date	Project/Event	Estimated Cost
8 December 2005	<i>Council Meeting Re-enactment</i> A re-enactment of the first Council meeting on 8 December 1906. Light refreshments to be served.	\$3,000
Additional Expenses	<ul style="list-style-type: none"> • Advertising and materials • Plaques 	\$5,400 \$2,000
Total		\$31,220

CONSULTATION

The Ku-ring-gai Centenary project is a regular item on the Community Development Committee agenda.

The community has been invited to submit possible projects for the Centenary and Council's web page will have a 'Ku-ring-gai Centenary' section where input from the community will be encouraged.

Once Council has decided on a program of events and related projects, this information will also be communicated to the community.

FINANCIAL CONSIDERATIONS

The 2005/06 budget has an amount of \$30,000 currently allocated for Ku-ring-gai's Centenary.

Estimated costs for the publication of a book have been obtained, however, these estimates will vary depending on factors such as the number of copies published, the format of the book, (hardcover or softcover), and the number of colours used in the printing of the book. For example 5,000 paperback books will cost approximately \$33,000, where 10,000 hard cover books will cost approximately \$41,000.

It is anticipated that sales of a book would generate approximately \$7,500 income.

If a decision is made to proceed with the publication of a book, more detailed costings will be obtained. These details can then be discussed at the Community Development Committee and the Finance Committee.

The estimated cost for the proposed events is \$31,220.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Finance and Business have been consulted in the writing of this report. Representation from Open Space in planning events.

SUMMARY

Ku-ring-gai Council will celebrate 100 years of local government in 2006. Council has resolved, in August 2004, to commission professional historians undertake a research project detailing 100 years of local government in Ku-ring-gai. The researchers are now at a stage where they need to know if Council will be publishing the material in the traditional book format.

Preliminary estimates, which range from \$33,000 to \$49,000, for the cost of publishing a book, have been sought. Once the decision about publishing a book has been made, Council staff will be in a position to obtain estimates which can be discussed at the Finance Committee.

A number of events have also been proposed for 2006. After Council has made a decision to hold these events, Council staff can begin the planning process in conjunction with the Community Development Committee.

RECOMMENDATION

- A. That Council proceed with the publication of a book detailing 100 years of local government in Ku-ring-gai.
- B. That Council commence planning for the events listed in this report, to celebrate Ku-ring-gai's Centenary.
- C. That costs associated with options outlined in this report be deferred to the Finance Committee for discussion, prior to the September quarterly review report coming to Council.

Janice Bevan
Director Community Services

4 TO 12 BABBAGE ROAD, ROSEVILLE - LICENCE TO KINDERGARTEN UNION CHILDREN'S SERVICES

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

For Council to consider the granting of a Licence to the Kindergarten Union (KU) Children's Services to operate the former Chase Kindergarten from the East Roseville Community Hall.

BACKGROUND:

The Chase Kindergarten has operated from the East Roseville Community Hall since the 1930s with the current owner operating the service since 1997.

COMMENTS:

The Chase Kindergarten's current owner intends to retire at the end of 2005. KU, a non profit children's service provider, has subsequently applied to take over the ownership and operation of the pre-school service.

RECOMMENDATION:

That subject to public notification and development application approval, Council grants a 5 year licence to Kindergarten Union Children's Services, as per the conditions detailed in this report.

PURPOSE OF REPORT

For Council to consider the granting of a Licence to the Kindergarten Union (KU) Children's Services to operate the former Chase Kindergarten from the East Roseville Community Hall.

BACKGROUND

Council is the owner of Lots Pt. 19-21 DP 9852, Lot Pt. 24 and Lot 23 DP 7517, that is zoned Special Uses 'A' Municipal Purposes and classified as Community Land.

The Chase Kindergarten has operated from the premises within the Roseville Community Hall since the hall opened in the 1930s. Marie Page, the current owner of the service had leased the premises for 14 years prior to 1991. Since 1993 the service has been operating on a permanent 12 month booking agreement.

The Chase Kindergarten is licenced for 39 children and operates from 9.00am to 3.00pm during school terms and used by 75 families per week. The demand for the service was indicated by the presence of over 100 families on the waitlist in 2004. The Chase Kindergarten is the only pre-school located in the Roseville area.

Although a private centre, the kindergarten essentially provides a community based pre-school service and is supported by an active parent committee.

The hall is also utilised by the community for a range of activities including martial arts, meetings, family functions and general recreational and leisure uses. The operation of the Kindergarten has little impact on other users of the hall, as equipment used by the kindergarten during the day is packed away when the hall is hired to others. This cooperative approach allows the hall to be utilised to its full potential.

COMMENTS

Demand for Pre-school in Ku-ring-gai

The community demand for pre-school services is high in the local area with most pre-school services maintaining long waitlists. Consultations with the 11 pre-schools housed in Council buildings in early 2005 indicated all the services had waitlists ranging from between 70 and 190 children. The supply of pre-school places has remained constant in Ku-ring-gai for the past 8 years as no new pre-schools have been built in this time span. Community requests for pre-school services remains high with demand outstripping the supply of places. If The Chase Kindergarten ceased operation and no pre-school service ran from Roseville Community Hall, then the loss of 39 pre-school places would be detrimental to Ku-ring-gai's pre-school landscape and exacerbate the existing pre-school place shortages.

Discussions with Marie Page

The Chase Kindergarten's owner, Marie Page, intends to retire at the end of 2005. Council officers were previously informed by Ms Page about her proposed retirement plans and alerted her to the

Item 7

P33559
19 August 2005

fact that if she transferred ownership of the pre-school, a new licence agreement between Council and the new operator would need to be negotiated. It was also mentioned that if the new operator wished to receive rental assistance they would need to meet the requirements of Council's Policy for Leasing Council Property to Community Organisations, specifically that they be non-profit community organisations.

Ms Page independently approached KU, a non-profit children's services provider, to take over the ownership and operation of the pre-school service. Ms Page negotiated with KU to continue the operation of the pre-school. This agreement was dependent on:

- KU's ability to negotiate a licence agreement with Council for usage of Roseville Community Hall and
- Council permission for KU to conduct works to the building to meet NSW Department of Community Services pre-school licensing requirements.

KU background

KU is the largest non-government provider of pre-schools and child care centres in NSW. It is a not-for-profit children's services provider which was established in 1895 and manages 183 children's services nationally. It provides a range of children's services in NSW including pre-schools. KU is a recognised leader in the early childhood profession with a reputation as a provider of high quality children's services in NSW and in the local Ku-ring-gai area. Presently KU run nine pre-school services with the assistance of local parent committees in the Ku-ring-gai area, with six of these services housed in Council buildings. KU have established local networks and expertise in the provision of pre-school services in Ku-ring-gai.

KU's proposal

KU proposes to take over the management of the pre-school from Ms Page and will continue to operate the service as a pre-school for 39 children per day. Some minor alterations will be made to the building, in order to obtain a new licence to operate from the NSW Department of Community Services. The transfer of management will be finalised after the proposed works are completed and a Licence Agreement with Council for the use of Roseville Community Hall is obtained. Alterations to the building are proposed to be conducted as soon as possible, so the works can be completed in time for the new pre-school year in 2006.

Licence from NSW Department of Community Services

The minimum requirements of the Children's Services Regulation 2004 are compulsory, and children's services such as pre-schools must abide by them if they wish to legally operate their service in NSW. KU have lodged a Development Application with Council to make alterations to Roseville Community Hall. These proposed works are necessary for KU, as the new operators of the pre-school, to comply with the conditions of the Children's Services Regulation 2004.

Children's Services Position

Council does not operate any pre-school services and is totally reliant on existing pre-school providers to supply and maintain the pre-school provision in Ku-ring-gai. Support by Council to KU's proposed purchase of the pre-school will enhance the stable provision of pre-school services in Ku-ring-gai for all children.

Item 7

P33559
19 August 2005

The smooth transition of the pre-school from Ms Page to KU will provide the following children's services benefits:

- Retention of the supply of pre-school places in Ku-ring-gai;
- Continuation of a local pre-school service provision at Roseville Community Hall;
- Demonstration of continued Council support for children's services to meet community demand for pre-school.

The loss of the pre-school service at Roseville Community Hall will result in the:

- Increase of overall waitlists for pre-schools in Ku-ring-gai;
- Loss of service to 78 families currently using the pre-school;
- Loss of 39 pre-school places and discontinuation of the only pre-school in the suburb of Roseville;
- Placement of additional strain on other pre-school services;
- Possible Council involvement in pre-school operation and provision.

Licence Agreement

It is recommended that a licence be entered into using Council's standard leasing conditions to KU Children's Services as follows:

Licensee:	KU Children's Services
Licensor:	Ku-ring-gai Council
Term:	5 years
Commencement Date:	January 2006
Rent:	\$8,196pa inclusive of GST
Rent Review:	Annual CPI
Outgoings:	Lessee
Maintenance:	As per schedule
Legal Costs:	50% Lessee, 50% Lessor
Premises:	East Roseville Community Hall

As the premises are located on Community Land the agreement must comply with the conditions of the Local Government Act 1993, in particular sections 47 and 47A, relating to public notification.

A prompt decision from Council is necessary so that The Chase Kindergarten can either commence informing families of the closure of the service in 2006 or prepare for the transition to a KU pre-school to continue pre-school services at Roseville Community Hall.

CONSULTATION

Council officers have consulted with both Marie Page and KU Children's Service regarding this matter. KU Children's Services have agreed to the terms and conditions as discussed in this report

FINANCIAL CONSIDERATIONS

The Chase Kindergarten currently pays a rental figure of \$8,196 per annum inclusive of GST.

Even though The Chase Kindergarten is privately owned, it effectively operated as a community based organisation supported by a parent committee, therefore the fees charged were comparable with other not for profit organisations offering similar services.

It is recommended therefore that the commencing rental for KU be \$8,196pa; with Council prepared to assist the service by carrying out proposed works to a value of \$10,000.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Technical Services have been consulted regarding the costings of the proposed alterations to the building, as provided by KU, and advise that they are consistent with industry standards, and can be completed within the current building maintenance program.

SUMMARY

The Chase Kindergarten is licenced for 39 children and has operated from the premises within the Roseville Community Hall since the hall opened in the 1930s. Marie Page, the current owner of the service has provided the kindergarten service.

The Kindergarten is the only pre-school located in the Roseville area, and although a private centre essentially provides a community based pre-school service. There is a cooperative approach between the Kindergarten and other users which allows the hall to be utilised to its full potential

Ms Page intends to retire at the end of 2005 and has approached KU Children's Services to take over the ownership and operation of the pre-school service. This changeover is subject to Council DA and licence approval.

Some minor alterations will be made to the building, in order to obtain a new licence to operate from the NSW Department of Community Services.

As this is community land the conditions under section 47A of the Local Government Act 1993 and that Council issue a public notice as prescribed by the Act.

RECOMMENDATION

- A. That a licence be granted to KU Children's Services for a period of 5 years in the terms and conditions as outlined in this report.
- B. That the licence be granted subject to the approval of the Development Application as lodged by KU Children's Services

Item 7

P33559
19 August 2005

- C. That this approval is subject to the conditions under section 47A of the Local Government Act 1993 and that Council issue a public notice as prescribed by the Act.
- D. That the Mayor and General Manager be authorised to execute all necessary licence documents.
- E. That the Council Seal be affixed to the licence agreement.

Stephen Plumb
Community Facilities Co-ordinator

Janice Bevan
Director Community Services

KU-RING-GAI ACCESS ADVISORY COMMITTEE

EXECUTIVE SUMMARY

PURPOSE OF REPORT:	To provide Council with the Minutes of the Ku-ring-gai Access Advisory Committee of 23 June 2005.
BACKGROUND:	The Ku-ring-gai Access Advisory Committee provides a forum between Ku-ring-gai Council, the community representatives and service providers on access issues in the Ku-ring-gai area. The committee meets every two months.
COMMENTS:	General access issues were discussed during the meeting with a number of actions flowing from the Ku-ring-gai Access Advisory Committee meeting.
RECOMMENDATION:	That the Minutes of the Ku-ring-gai Access Advisory Committee of 23 June 2005 be received and noted.

PURPOSE OF REPORT

To provide Council with the Minutes of the Ku-ring-gai Access Advisory Committee of 23 June 2005.

BACKGROUND

The Ku-ring-gai Access Advisory Committee provides a forum between Ku-ring-gai Council, the community representatives and service providers on access issues in the Ku-ring-gai area. The committee meets every two months.

COMMENTS

General access issues were discussed during the meeting with a number of actions flowing from the Ku-ring-gai Access Advisory Committee meeting.

CONSULTATION

Representatives from all departments of Council have input in agenda items and provide reports to the Committee.

FINANCIAL CONSIDERATIONS

Not applicable.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Not applicable.

SUMMARY

Not applicable.

RECOMMENDATION

That the Minutes of the Ku-ring-gai Access Advisory Committee of 23 June 2005 be received and noted.

Martin Butcher
Community Development Officer
Aged & Disability Services

Janice Bevan
Director Community Services

Attachments: Minutes of 23 June 2005 - 532194

KU-RING-GAI ACCESS ADVISORY COMMITTEE
Thursday 23 June 2005
Ante Room, Level 3, 818 Pacific Hwy, Gordon
MINUTES

Meeting commenced 2.40pm

Chairperson: Councillor Michael Lane
Minute Taker: Antony Fabbro

1. Present/Apologies

Present:

Clr Michael Lane
Loch Townsend
Kate Boyd
Joyce Cribb
Ivan Cribb
Alan Faulkner
Heike Fabig

Staff in Attendance

Martin Butcher
Danny Houseas
Antony Fabbro
Ray Amos
Morvan Cameron
Bill Royal

Invitees

Glenn Redmayne - Marrickville Council

Apologies:

Katrina Horman:
Arthur Gillott
Cr Graeme Innes,
Peter Chapple,
Steven Head,
Greg Piconi,
Tom Cooper;
Janice Bevan

Note Mr and Mrs Cribbs will be an apology for August meeting.

2. Confirmation of Minutes 21 April 2005

Katrina Homan was listed in the invited guest list. She is a member of the committee as should have appeared on the attendance list.

Confirmed and moved Mr Cribb.

3. Business Arising

In relation to: Item 3 it was noted that C Berlioz has been advised regarding access at the St Ives site. The letter discussed the issues of priority, payment and insurance and outlined a proposed solution.

4. Technical Services – Progress Report

Greg Piconi was unable to attend the meeting, however the following information was provided.

a. Access to entrance of Council Chambers

Greg's last communication with Access Australia was to provide additional information. They are still working on the detailed plans for the submission of development application for the front of the Council Chambers

b. Path outside St Ives Christiane Berlioz Uniting Church

Following the last meeting Greg wrote to Christiane Berlioz from the St Ives Progress Association. Greg has received a response from Mrs Berlioz and also the Church, and Council is currently preparing a quotation for the work and will only charge them for the construction of the access path.

5. Open Space – Progress Report

a. Bicentennial Park stage 2 progress report

Works have commenced and are anticipated to be completed within 8 week timeframe was reported.

b. Environmental levy – outlined by Councillor Lane and Morven Cameron this includes work on town centres. Update on fire trail upgrades and 4 or 5 new fire trails, and accessibility of tracks. The issue of pensioner / people with disability rebates / exemptions was also raised.

6. Planning and Environment Report

a. Draft Development Control Plan 54 The Commercial use of Footpaths, Plazas and Public Areas.

A discussion was held on this draft policy. Copies of the draft policy were circulated to all members with the minutes. Key points raised were:

- Issue of location of outdoor dining – should it be on the edge or in central area with a clear pathway or should the location should be against the shop wall.

- Yarra City Council Policy and Brisbane City Council / Gold Coast policies and Parramatta City should be reviewed in assessing the policy for access requirements.

b. Access considerations with the Town Centre Master plans- Bill Royal

Bill Royal – Council's Senior Urban designer provided an update of the town planning for the St Ives and Turramurra town centres and the incorporation of accessibility into the process.

7. Development & Regulatory Services

- a. Update on new Standards for Access to Premises
- b. Gordon Railway Station

No report on these matters was provided.

8. Community Services Report

- a. Library Services: Ray Amos

Spoke about access in the libraries, highlighting Aus Library and Information Association (ALIA).

Policy of free flow of information regardless of age, gender etc. and ALIA's benchmarks for people with disability. Ray drew attention to the People Places document which contains guidelines for library buildings, such as layout, preference for single storey buildings and access and entry. The Kuring-gai libraries all have disabled car parking facilities. Although there are no photocopiers with access for people with disability, staff are available to assist.

The Library Collection, of around 250,000 items covering diverse subjects and includes over 10,000 large print books. The Library also has significant holdings of Talking Books (cassette or CD). The Library is considering the possibility of having listening posts but there are hygiene issues with earphones. Also the housebound service visits around 200 homes 5 days per week but clients need a medical certificate to verify eligibility.

Library bus collects about 40 people per week and brings them to the library. The week extends from Monday to Wednesday and the library bus visits retirement villages.

The Library's Catalogue is accessible from internet including audio books.

b. Access Policy and DDA Action Plan Martin Butcher

The Draft Access Policy and DDA Action plan 2005 to 2009 went before Council on 14 June 2005. The document will now be on public exhibition until 1 August. The comments will be collated and presented to the next meeting of this Committee. The Policy and Plan will then go back to Council for adoption in September. Council also approved \$40,000 over 4 years for the implementation of the Action Plan.

The Draft Policy is now on the internet and an advertisement has been placed in the local paper.

c. Accessible Events Checklist

In 2000 Council developed an Accessible Event Checklist. The document has recently been updated to bring it up to the higher standards of 1428.2 and to update contact details.

The committee is invited to make comments and suggestions.

To be discussed at the next meeting.

Clr Lane P6 & P12 translation of measurements from imperial to metric to be checked.

9. Correspondence In:

- i. C Berlioz, St Ives Progress Association re Path outside St Ives Uniting Church
- ii. Sunshine Home 2005 Autumn
- iii. Tad Journal Vol 25 No. 1
- iv. Speld News – February 2005 Sports Shorts – April 2005
- v. ParaQuad News – Winter 2005

An Article from ParaQuad News – Inaccessible was tabled.

10. Correspondence Out:

- i G Piconi to C Berioz re path outside St Ives Uniting Church.

11. General Business

12. Guest Speaker – Glenn Redmayne Marrickville Council Missing Business Project

HREOC is able to provide Council with a CD ROM with all the documents required to implement the project in this area.

3 years ago this Council produced a brochure to be distributed to businesses.

Marrickville Council Missing Business: Project Copies Circulated.

Open discussion on guide and post launch lessons. A number of programs have been run at Marrickville – DDA Action Plan – the guide is part of awareness / education program. There is also an Infrastructure program to improve footpaths – that contain comprehensive controls for accessibility.

What could be done to improve local shopping area – confirmed conditions of accessibility by shop category.

Still many activities could happen outside of formal DA process, for example, only 26% of an area was accessible.

Strip shops particular issue – not many shops have level access. The controls are working but need to do more.

Key points:

- The “Look” of guide is important.
- Needs to be easy to understand.
- Needs to make a business case for change.
- Need to make it clear there is about 16% with a disability in Marrickville – so there is a business case as significant number of people affected.
- Residents don't always do everything close – especially when shopping – meet other people family / social structure – need to cater for all including person with a disability, especially important for small business owners.
- Examples – small business – re design can serve better, accessible toilets, colours, counter place – result – is a marked increase in people with a disability that use the store. They come with friends / aged people etc.
- Younger people with prams – comfort – benefits all – inclusive.
- Will lose on market share.
- Used a postcard as tool to generate interest / awareness (copy provided).
- Cost issue – many things don't cost anything.
- Need to re-enliven – to re-engage.
- Local main street committees – business develop committees.
- Use local champion business as example.

- Shopping is a key social experience – an outside lifestyle.
- Issue of tenants and landlords approval – shared responsibility.

The recommendation of committee was to implement the missing business project and launch it with the cooperation local businesses.

13. **Date of next meeting:** Thursday 18 August 2005

DRAFT FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2005

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

To present to Council the Draft Annual Financial Statements for the year ended 30 June 2005 for certification and referral to Council's external auditors, Spencer Steer.

BACKGROUND:

In accordance with Section 413(2)C of the Local Government Act 1993, Council must prepare a statement on the General Purpose Reports as to its opinion on the reports prior to referring them to audit.

COMMENTS:

The signing of these statements is an administrative function that is required before Council can formally call its external auditors in to audit the Annual Financial Statements.

RECOMMENDATION:

That Council receive, certify and refer the Draft Financial Statements for the year ended 30 June 2005 to Council's external auditors Spencer Steer.

PURPOSE OF REPORT

To present to Council the Draft Annual Financial Statements for the year ended 30 June 2005 for certification and referral to Council's external auditors, Spencer Steer.

BACKGROUND

In accordance with Section 413(2)(C) of the Local Government Act 1993, Council must prepare a statement on the General Purpose Reports as to its opinion on the reports prior to referring them to audit.

The Local Government Code of Accounting Practice requires the Mayor and the Deputy Mayor or Chairperson of the Finance Committee to certify the following:

That Council's Annual Financial Statements have been prepared in accordance with:

- Local Government Act 1993 as amended and Regulations made thereunder
- Local Government Code of Accounting Practice
- Local Government Asset Accounting Manual
- Australian Accounting Standards

And that to the best of Council's knowledge the statements

- Present fairly the Council's financial position and operating result for the year, and;
- Accord with Council's accounting and other records

COMMENTS

The signing of these statements is an administrative function and is required before Council can formally call its external auditors in to audit the Annual Financial Statements.

The Audited Annual Financial Statements will be subsequently presented to Council at a public meeting. A representative from Council's external auditor, Spencer Steer will be present at the public meeting.

The Draft Financial Statements for the year ended 30 June 2005 have been prepared in accordance with the Local Government Act 1993 and the Australian Accounting Standards. It should be noted that the Financial Statements are presented to Council in draft form at this stage. These draft Financial Statements are required to be audited in accordance with sections 416 and 417 of the Local Government Act 1993, which states that:

"Council's auditor must audit the financial reports as soon as practicable after year end"

and

“Reports on the General Purpose Financial Report and conduct of the audit must be prepared by the auditor”.

When the audit is finalised the Annual Financial Statements and the audit report will be presented to Council in accordance with Section 418 of the Local Government Act 1993. It is intended that the public meeting will be conducted at the Ordinary Meeting of Council on 18 October 2005.

A draft copy of the Statements has been forwarded to Councillors under separate cover.

CONSULTATION

Prior to the public meeting of 18 October 2005 the Director Business and Finance will hold a workshop for Councillors to analyse the Annual Financial Statements.

FINANCIAL CONSIDERATIONS

Not applicable.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Not applicable.

SUMMARY

The draft Annual Financial Statements have been prepared in accordance with the Local Government Act 1993, Local Government Code of Accounting Practice, Local Government Asset Accounting Manual and Australian Accounting Standards.

After the draft statements have been audited by Council's external auditor, Spencer Steer, a workshop will be held with Councillors to analyse the Financial Statements. This will be followed by a public meeting on 18 October 2005 at which time Council's auditors will be present to answer questions in relation to their report.

RECOMMENDATION

- A. That Council receive and certify the Draft Financial Statements for the year ended 30 June 2005.
- B. That the Draft Financial Statements be referred to Council's external auditor, Spencer Steer to provide an opinion on the Draft Financial Statements and to report to Council.

Item 9

S03611
7 September 2005

- C. That the Mayor and the Deputy Mayor, or Chairperson of the Finance Committee sign the statement attached to the Financial Statements in accordance with Section 413(2)C of the Local Government Act 1993.
- D. That Tuesday 18 October 2005 be fixed as the date for the public meeting to present the audited Financial Statements and the audit reports for the year ended 30 June 2005 as required by Section 419 of the Local Government Act 1993 and that Council's external auditors be present to answer questions.

John McKee
Director Business & Finance

Brian Bell
General Manager

Attachments: Appendix A - Draft Financial Statements 2004/2005 (bound and circulated separately).

REPRESENTATION ON COMMUNITY COMMITTEES/ORGANISATIONS

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

For Council to make appointments to community committees/organisations.

BACKGROUND:

Not applicable

COMMENTS:

Council is represented on a number of community bodies, which include community organisations of which Council is a stakeholder and Advisory Committees for various government departments.

RECOMMENDATION:

That Council make appointments to community committees/organisations as required and that the community committees and organisations be informed of Council's representatives.

PURPOSE OF REPORT

For Council to make appointments to community committees/organisations.

BACKGROUND

Not applicable.

COMMENTS

Council is represented on the following community bodies and committees. Council is required to nominate representatives for each of these bodies.

Committee/Organisation	Number to be appointed	Current Delegates
The Ku-ring-gai Police and Community Safety Committee	1	Councillor Hall
Ku-ring-gai Meals on Wheels Inc	1	Councillor Ryan
Eryldene Trust	2	Councillor Cross Councillor Lane
RTA-Sydney Region Combined Consultative Forum	1	Councillor Lane
Hornsby/Ku-ring-gai Bushfire Management Committee	1	Councillor Andrew
Sydney Harbour and Foreshores Committee	1	Councillor Innes
Metropolitan Public Libraries Association	1	Councillor Hall
Rural Fire Service District Liaison Committee	1	Councillor Malicki Councillor Cross (Alternate)
Hawkesbury/Nepean Local Government Advisory Group	1 plus 1 Alternate	NIL
Epping to Chatswood Rail Line – Lane Cove National Park Community Liaison Group	1	Councillor Innes
Northern Sydney Regional Organisation of Councils (NSROC)	Mayor plus 1 plus 1 Alternate	Councillor Ryan Councillor Innes Councillor Hall
Ku-ring-gai Youth Development Service Inc Management Committee	1	Councillor Shelley

CONSULTATION

Not applicable.

FINANCIAL CONSIDERATIONS

Not applicable.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

All departments have reviewed the list of committees and bodies currently requiring representation.

SUMMARY

Councillor representation on the external committees identified in this report is an important component of representing Council and the community's views on a range of matters relevant to Ku-ring-gai.

RECOMMENDATION

- A. That Council make appointments to community committees/organisations as listed in this report.
- B. That the community committees/organisations be informed of Council's representatives.

Geoff O'Rourke
Senior Governance Officer

Brian Bell
General Manager

2ND TRANS-TASMAN MAINSTREET CONFERENCE

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

To advise Council of the Trans-Tasman MainStreet Conference 2005.

BACKGROUND:

The Conference is to be held from Sunday, 30 October to Wednesday, 2 November 2005 in Auckland, New Zealand.

COMMENTS:

The theme of the Conference is Sharing Information, Inspiration and Innovation.

RECOMMENDATION:

That any interested Councillors advise the General Manager if they wish to attend the 2nd Trans-Tasman MainStreet Conference.

PURPOSE OF REPORT

To advise Council of the Trans-Tasman MainStreet Conference 2005.

BACKGROUND

The theme for the Conference is Sharing Information; Inspiration and Innovation.

The Conference is to be held from Sunday, 30 October to Wednesday, 2 November 2005 at the TelstraClear Pacific Events Centre, Manukau City, Auckland, New Zealand.

COMMENTS

The Conference will feature keynote speakers, workshops, case studies and field trips on the following topics:

- * Financial management of town centres
- * Creative project funding
- * Community & business partnerships
- * Partnerships with local government
- * Marketing, promotion and branding
- * Festivals and events
- * Tourism and place marketing
- * Innovative design of town centres
- * Personal and professional development
- * Year of the Built Environment
- * Conserving and enhancing the heritage of town centres
- * Community safety & crime prevention
- * Strengthening existing businesses & creating new opportunities for growth
- * Recruitment & retention of businesses
- * Case studies of town centre renewal
- * Communities achieving economic, social and cultural renewal
- * Regional development and community initiatives
- * Consumer trends
- * Retail & merchandising trends
- * E-commerce and town centres

CONSULTATION

Not applicable.

FINANCIAL CONSIDERATIONS

The cost of attending the Conference is \$945.00 (full registration), airfare is approximately \$1,040.00 (cheaper airfares may be available) plus accommodation.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Not applicable.

SUMMARY

Not applicable.

RECOMMENDATION

That any interested Councillors advise the General Manager if they wish to attend the 2nd Trans-Tasman MainStreet Conference.

Geoff O'Rourke
Senior Governance Officer

Brian Bell
General Manager

INVESTMENT CASH FLOW & LOAN LIABILITY AS AT 31 AUGUST 2005

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

To present to Council the Investment allocation and the performance of funds, monthly cash flow and details of loan liability for August 2005.

BACKGROUND:

Council's investments are made in accordance with the Local Government Act (1993), the Local Government (Financial Management) Regulation (1999) and Council's Investment Policy which was adopted by Council on 12 December 2004 (Minute No.480).

COMMENTS:

The Reserve Bank of Australia (RBA) left the official cash rate unchanged at 5.50% during August.

RECOMMENDATION:

That the summary of Investments, daily cash flows and loan liability for August 2005 be received and noted.

PURPOSE OF REPORT

To present to Council the Investment allocation and the performance of funds, monthly cash flow and details of loan liability for August 2005.

BACKGROUND

Council's investments are made in accordance with the Local Government Act (1993), the Local Government (Financial Management) Regulation (1999) and Council's Investment Policy which was adopted by Council on 12 December 2004 (Minute No. 480).

This policy allows Council to utilise the expertise of external fund managers for the investment of Council's short term surplus funds. This is done, as for many other Council's, with the advice of Grove Research & Advisory Pty Limited.

COMMENTS

During the month of August Council had a cash inflow of \$8,000,000 and gross capital appreciation on Council's investments was \$120,200.

Council's total investment portfolio at the end of August 2005 is \$31,534,100. This compares to an opening balance of \$18,539,000 as at 1 July 2005.

Council's General Fund interest on investments for August year to date is \$227,900. This compares favourably to the year to date budget of \$167,500.

Council's total debt as at 31 August 2005 is \$11,295,900. There were no debt repayments during the month of August.

PERFORMANCE MEASUREMENT

Council's investment portfolio is monitored and assessed based on the following criteria:

- **Management of General Fund Bank Balance**

The aim is to keep the general fund bank balance as low as possible and hence maximise the amount invested on a daily basis.

- **Performance against the UBS Bank Bill Index**

This measures the annualized yield (net of fees and charges) for each of Council's portfolios. The weighted average return for the total portfolio of funds is compared to the industry benchmark of the UBS Bank Bill Index.

- **Allocation of Surplus Funds**

This represents the mix or allocation of surplus funds with each of Council's Fund Managers.

Council's investment policy requires that not more than 45% of funds are to be with any one Fund Manager. All funds are kept below this required level of 45%.

▪ Summary of Borrowings

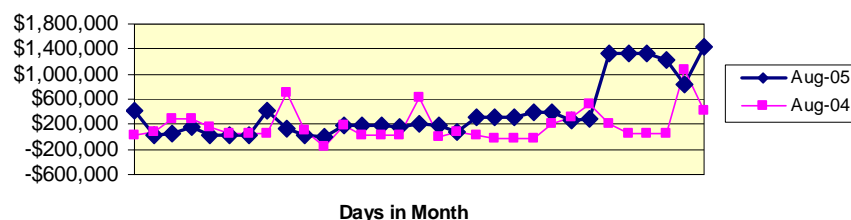
This is a summary of Council's borrowings. It lists each of Council's loans, original amounts borrowed, principal repayments made, outstanding balances, interest rates and maturity dates.

August 2005

Management of General Fund Bank Balance

During August, Council had an inflow of funds of \$8,000,000. Funds were received from payments made against the first rate instalment that was due on 31 August 2005, together with \$2,600,000 in Section 94 contributions.

Management of General Fund Bank Balance



Funds Performance against the UBS Bank Bill Index

The weighted average return for the total portfolio of managed funds during August was 6.39% compared to the benchmark of the UBS Bank Bill Index of 5.78%.

A summary of each funds performance is shown in the following table.

Fund Manager	Terms	Opening Balance	Cash flow Movement	Income Earned (net of fees)	Closing Balance	Interest Rate
BT Institutional Managed Cash	At Call	\$1,728,435	(\$100,000)	\$5,268	\$1,633,701	5.80%
Deutsche Income Fund	At Call	\$7,038,920	\$2,350,000	\$36,736	\$9,425,656	6.67%
Macquarie Income Plus Fund	At Call	\$6,332,536	\$2,250,000	\$33,734	\$8,616,271	6.55%
Perpetual Credit Enhanced Cash	At Call	\$5,490,915	(\$5,505,869)	\$14,955	\$0	6.15%
Perpetual Credit Income Fund	At Call	0	\$9,005,869	\$12,632	\$9,018,502	6.55%
Turrumurra Community Bank	Term Deposit	\$500,000		\$2,358	\$500,000	5.66%
CBA Loan Offset No 1	Offset	\$1,040,000		\$4,889	\$1,040,000	5.72%
CBA Loan Offset No 2	Offset	\$1,300,000		\$6,112	\$1,300,000	5.72%
TOTALS		\$23,430,806	\$8,000,000	\$116,684	\$31,534,130	

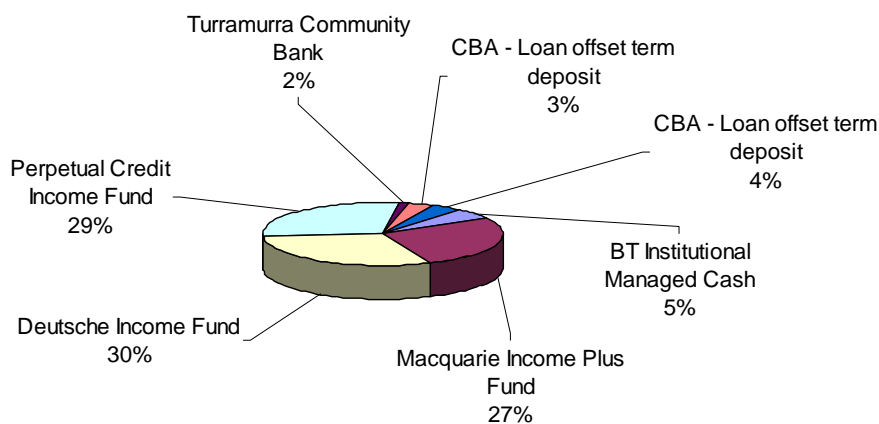
Year to-date Funds Performance against the UBS Bank Bill Index

The following table provides a year-to-date analysis of each fund's performance against the industry benchmark.

Fund Manager	Performance Annualised for August 2005	UBS Bank Bill Index Annualised for August 2005
BT Institutional Managed Cash	5.82%	5.79%
Deutsche Income Fund	6.80%	
Macquarie Income Plus Fund	6.57%	
Perpetual Credit Enhanced Cash	6.35%	
Perpetual Credit Income Fund	6.68%	
Turramurra Community Bank	5.66%	
CBA Offset No.1	5.72%	
CBA Offset No.2	5.72%	

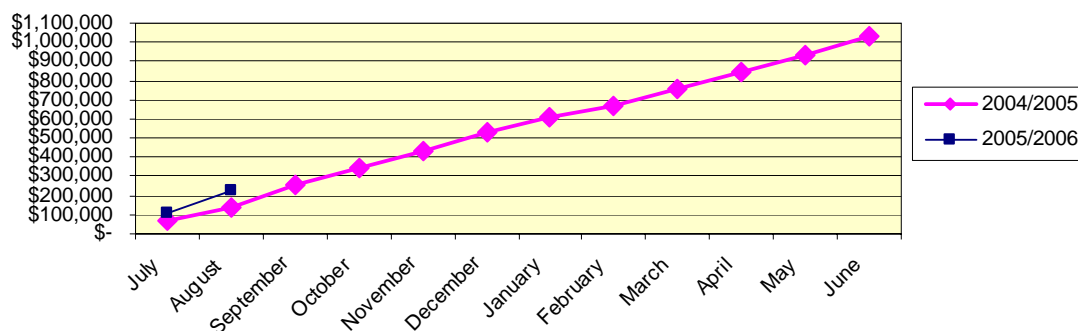
Allocation of Investment Funds:

Council's funds during August were allocated as follows:

Portfolio Allocation of Investment Funds**2004/2005 versus 2005/2006****Accumulative Interest**

The following graph compares the interest earned on an accumulative monthly basis for financial years 2004/2005 and 2005/2006. At the end of August, year to date interest earnings totalled \$227,900. This compares to \$138,900 at the same time last year, an increase of \$89,000.

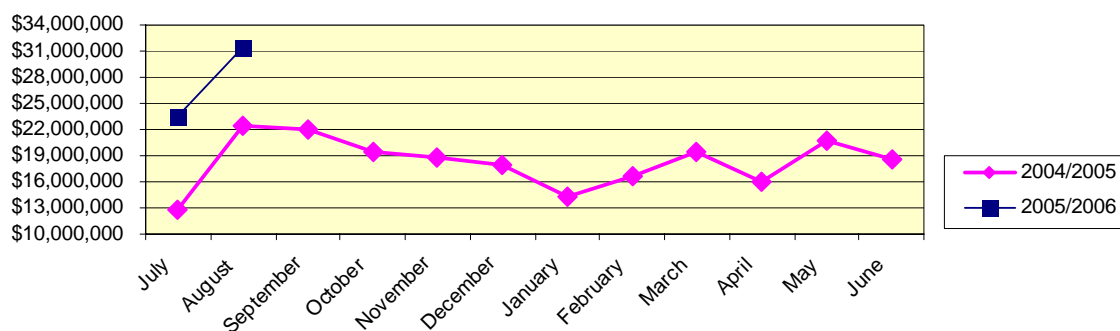
Accumulative Interest 2004/2005 v's 2005/2006



Total Investment Portfolio

The following graph tracks the monthly investment portfolio balances for 2005/2006 in comparison to 2004/2005.

Total Investment Portfolio 2004/2005 v's 2005/2006



During August 2005 Council's investment portfolio increased by \$8,000,000. In comparison, during August 2004 Council's investments increased by \$9,650,000. This is primarily due to the timing of the first rate instalment.

Council's closing investment portfolio of \$31,534,100 in August 2005 is \$9,154,500 higher than the August 2004 closing balance of \$22,379,600.

Capital Works Projects

As at the end of August 2005 Council had a net expenditure of \$1,244,700 on capital works, which is \$497,500 lower then at the same time last year when \$1,742,200 had been expended.

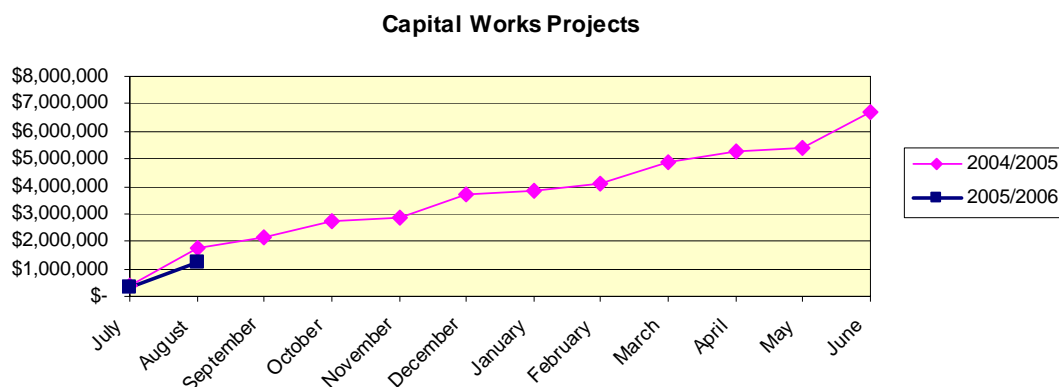
During August 2005 Council expended \$1,208,600 on capital works, which compares to \$1,321,800 during August 2004, a decrease of \$113,200.

Item 12

S02722
2 September 2005

Council's 2005/2006 total budget for capital works (excluding fleet replacement) is \$10,572,300, which leaves funds of \$9,327,600 unexpended at the end of August.

The following graph compares the accumulative monthly expenditure totals for capital works for financial years 2004/2005 and 2005/2006. It should be noted that the above analysis of capital works is net of income and is only relevant as it relates to the effect on Councils cashflow. Gross expenditure on capital works will be reported separately as part of quarterly financial review and reporting.

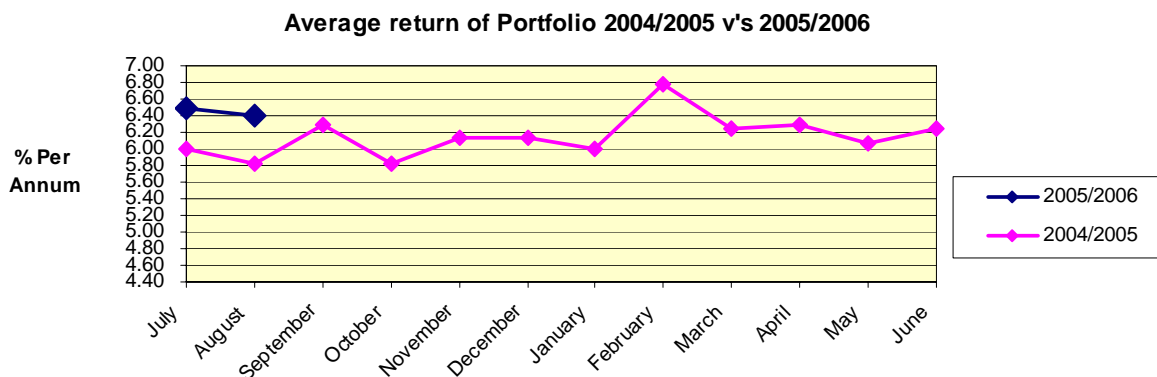


Portfolio Performance Average Return 2004/2005 versus 2005/2006

The following graph compares the monthly returns on Council's portfolio for the financial years 2004/2005 and 2005/2006.

In August 2005 earnings before fees were 6.39%, this compares to 5.83% in August 2004.

For the period July 2005 – August 2005 Councils average earnings before fees were 6.44%. This compares to 5.92% for the same period last financial year.



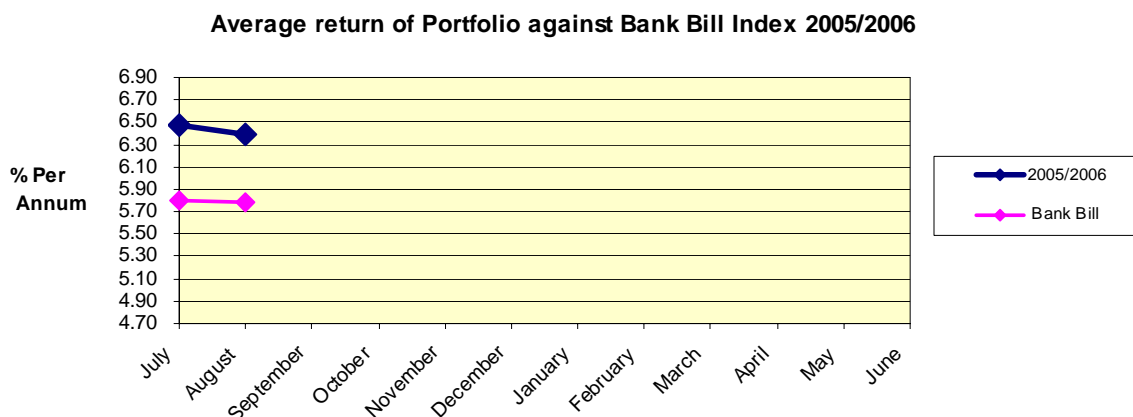
Item 12

S02722
2 September 2005

2005/2006 Portfolio Performance against the UBS Bank Bill Index

Council's average portfolio performance (6.39%) performed above the UBS Bank Bill Index (5.78%) in August.

Returns above benchmark have been achieved in both months this financial year. The average return of portfolio against Bank Bill is displayed in the following graph.



Summary of Borrowings

There were no loan repayments made in August, leaving total debt at \$11,295,900.

Lender	Loan Number	Original Principal	Principal Repayments	Balance Outstanding	Interest Rate	Draw Down Date	Maturity Date
Westpac	127	\$1,000,000	\$632,423	\$367,577	6.32%	29-Jun-98	29-Jun-08
CBA Offset No 1	128	\$2,600,000	\$1,560,000	\$1,040,000	5.87%	29-Jun-99	13-Jun-09
CBA Offset No 2	129	\$2,600,000	\$1,300,000	\$1,300,000	5.87%	13-Jun-00	14-Jun-10
CBA	130	\$2,600,000	\$851,338	\$1,748,662	6.32%	26-Jun-01	28-Jun-11
NAB	131	\$2,600,000	\$605,123	\$1,994,877	6.85%	27-Jun-02	27-Jun-12
Westpac	132	\$1,882,000	\$303,556	\$1,578,444	5.16%	27-Jun-03	27-Jun-13
CBA	133	\$1,800,000	\$133,690	\$1,666,310	6.36%	23-Jun-04	23-Jun-14
Westpac	134	\$1,600,000		\$1,600,000	6.05%	29-Jun-05	30-Jun-15
TOTAL		\$21,682,000	\$10,386,100	\$11,295,900			

CONSULTATION

Not applicable

FINANCIAL CONSIDERATIONS

The Reserve Bank of Australia (RBA) left the official cash rate unchanged at 5.50% during August.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Not applicable.

SUMMARY

As at 31 August 2005:

- Council's total investment portfolio is \$31,534,100. This compares to an opening balance of \$18,539,000 as at 1 July 2005, an increase of \$12,995,100.
- Council's General Fund interest on investments totals \$227,900. This compares favourably to the year to date budget of \$167,500.
- Council's total debt stands at \$11,295,900.

RECOMMENDATION

That the summary of investments, daily cash flows and loan liability for August 2005 is received and noted.

John McKee
Director Finance and Business

GENERIC PLAN OF MANAGEMENT FOR PARKS

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

To report the results of the exhibition and public comment period of the Draft Plan of Management for Parks to Council.

BACKGROUND:

On 26 April 2005, Council resolved to place the Draft Plan of Management for Parks on public exhibition and to hold a public hearing for the categorisation of the land covered by the Plan, in accordance with the requirements of the Local Government Act 1993.

COMMENTS:

Community consultation has been undertaken and no comments received. Only minor modifications to the Draft Plan have been made for the purposes of clarification.

RECOMMENDATION:

That the Draft Generic Plan of Management for Parks be adopted, and that notification of the adoption of the plan be undertaken consistent with the requirements of Section 40(2A) of the Local Government Act 1993.

PURPOSE OF REPORT

To report the results of the exhibition and public comment period of the Draft Plan of Management for Parks to Council.

BACKGROUND

In 1996 Council adopted a Plan of Management for Small Parks and a Plan of Management for District Parks. The Local Government Act was subsequently amended by the Local Government Amendment (Community Land Management) Act 1998 which came into force on 1 January 1999.

This new Generic Plan of Management for Parks has been prepared in line with the amended requirements of the Local Government Act and covers the parks previously included in the Small Parks and District Parks Plans.

On 26 April 2005 Council resolved to place the Draft Generic Plan of Management for Parks on public exhibition and to hold a public hearing for the categorisation of the land covered by the Plan in accordance with the requirements of the Local Government Act 1993.

COMMENTS

The Plan of Management consists of 3 main sections:

- Introduction.
- Basis for Management
- Management Issues, Performance Targets and Action Plan

The Plan is a practical document which provides measurable actions flowing from the Performance Targets for each issue that will provide for long term focused management of Ku-ring-gai's developed parks network.

In general terms the Plan aims to:

- Meet Council's obligations in respect to Public Land Management under the requirements of the Local Government Act 1993 (as amended)
- Maximise opportunities to improve the distribution and accessibility of playgrounds and parks
- Conserve and/or enhance the natural and landscape features of parks in Ku-ring-gai
- Minimise impacts upon the environment and residents adjoining parks
- Provide a framework for the sustainable management of playgrounds and parks
- Provide access to a range of quality recreation, leisure and diversified play opportunities based upon the needs of the community
- Enable Council to enter into contracts, leases, licences, hire or occupancy agreements which relate to the development, maintenance or use of its parks

Additionally this Plan of Management provides Council with the legal ability to enter into lease, licence or other estate agreements in relation to park areas. This does not necessarily mean Council will enter into any such agreements but it is legally able to do so should the need arise.

An advertisement was placed in the North Shore Times, Council's quarterly electronic newsletter "Out in the Open" and on Council's website alerting people to the public exhibition of the draft Plan of Management. Copies of the Draft Plan and posters advertising the exhibition period have been placed in Council's four libraries (Gordon, Turramurra, St Ives and Lindfield) and at the Customer Service counter of Council Chambers. Additionally copies of the plan and posters outlining the purpose of the plan and details of the public hearing were available at the Autumn Sports Forum (2 May), Festival on the Green (19 June) and National Tree Planting Day (31 July)

The Draft Plan has also been tabled and discussed with the Parks, Sport & Recreation Reference Group and the Bushland, Catchments & Natural Areas Reference Group during the period of exhibition.

In accordance with Section 40A of the Local Government Act 1993 a public hearing was scheduled for Wednesday 27 July 2005, in St Ives Library Meeting Room and an independent consultant engaged to facilitate the hearing. The consultants report is included in Attachment 2.

No comments were received during the public exhibition period and no one attended the public hearing. As a result only minor changes for the purposes of clarification have been made to the document. A table listing these changes is included in Attachment 1. The Generic Plan of Management for Parks is considered ready for adoption.

The Plan includes performance targets and associated actions to guide future management of parks. The implementation of these actions, listed in the Action Plan, will provide direction and priority for existing resources as opposed to requiring additional resources. The Plan will also form the basis of actions to be proposed in future planning documents including Council's Management Plan. A table outlining the intended means of implementing the performance targets has been developed to correspond with the Action Plan section of the document. This table is included in Attachment 3. This table will be reviewed and the progress of the implementation of these actions be reported to Council annually.

CONSULTATION

During preparation of the Draft Plan consultation has been undertaken with the previous Ku-ring-gai Urban Parks Advisory Committee and relevant staff. Information from previous consultation and Council's files has also assisted in providing important background information in formulation of the Draft Plan.

The community consultation and advertisement of the Plan outlined above has occurred over the last two months, no comments have been received and no members of the public attended the public hearing on the 27 July 2005. The consultant's report from the public hearing is included as Attachment 2.

FINANCIAL CONSIDERATIONS

The majority of the performance targets and associated actions identified in the Plan do not require the expenditure of specific funds and will be / are already being addressed as part of cyclical maintenance and day to day management of the parks network. The majority of the targets (and associated actions) can be achieved within existing park expenditure through redirection of existing

Item 13

S03358
18 August 2005

resources rather than allocation of additional resources. Those actions that require specific allocation of funds will be listed and considered through Council's open space capital works programs or as specific projects in future Management Plans.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

No additional consultation has been undertaken with other Council departments since the development of the Draft Plan.

During preparation of the Draft Plan consultation was undertaken with the previous Ku-ring-gai Urban Parks Advisory Committee and relevant staff. Information from previous consultation and Council's files has also assisted in providing important background information in the formulation of the Draft Plan. Additionally the Draft Plan has been considered by the Parks Sport & Recreation Reference Group and the Bushland, Catchments & Natural Areas Reference Group.

SUMMARY

In response to the Local Government Amendment (Community Land Management) Act 1998 which came into force on 1 January 1999 a Draft Generic Plan of Management for Parks was prepared to succeed the previous Plans of Management for Small Parks and for District Parks adopted by Council in 1996.

The Generic Plan of Management for Parks has been prepared in line with the amended requirements of the Local Government Act, publicly exhibited and a public hearing held. Only minor amendments have been made for the purposes of clarification. As a result the minor nature of these changes the Generic Plan of Management for Parks is considered ready for adoption. An update of the implementation of the actions identified in the Generic Plan of Management will be reported to Council annually.

RECOMMENDATION

- A. That the Draft Generic Plan of Management for Parks as amended be adopted by Council.
- B. That notification of the adoption of the plan be undertaken consistent with the requirements of Section 40(2A) of the Local Government Act 1993.

Morven Cameron
Senior Project Officer

Amanda Colbey
**Manager Parks, Sport and
Recreation**

Steven Head
Director Open Space

Attachments: 1. Table of Changes made to the Draft Plan of Management for Parks during the period of public exhibition - 531307
2. Consultants report from the public hearing - 526472
3. Table showing the Intended Means of Implementation for all performance targets & strategies - 531306
4. Draft Plan of Management, as amended (distributed separately)

Table of changes for Draft Plan of Management for Parks

Page and Column	Replacement text
Page1 Column 1 Paragraph 3	This document is such a generic plan of Management for Parks in Ku-ring-gai, prepared in accordance with the Local Government Act. Other Plans of Management exist covering other <i>community land</i> in Ku-ring-gai including -
Page 1, Column 2 Paragraph 3	Begin a new paragraph with <i>Appendix B</i>
Page 1, Column 3 Paragraph 3	Sixteen of <i>the parks covered by this plan</i> are located either fully or partly on Crown Land. <i>The</i> principles of Crown Land Management, as set out in the Crown Lands Act 1989 have also been taken into account in formulation of this plan <i>including</i> ;
Page 2, Column 1	First line, s in Strategy changed to a capital.
Page 2, Column 1	First sentence AMENDED to read – <i>Council's Draft Open Space Strategy identified the following vision for Ku-ring-gai's parks:</i>
Page 2, Column 1 Paragraph 2 & 3	Insert <i>quotation marks</i> for both paragraphs
Page2, Column 1 Paragraph 4, last line	planning <i>and</i> management
Page 2, Column 2 Paragraph 2	ADD an additional bullet point between the two existing bullets <ul style="list-style-type: none"> ■ A use which will enhance the public use of the park but not become the main focus of the park.
Page 2, Column 2 Paragraph 3	DELETE first sentence and replace with - <i>The granting of a lease or licence must be consistent with the core objectives and principles outlined in this plan. When relevant leases or licences will be considered in accordance with the Crown Lands Policy on Food and Beverage Outlets on Crown Reserves.</i> Begin a NEW PARAGRAPH with <i>A lease or licence</i>
Page 3, Column 1 Paragraph 2	ADD an additional bullet point to the end of the list - Improved Amenities
Page 4, Column 2 Paragraph 4	CAPITAL LETTER <i>/Vegetation environment</i>
Page 4, Column 3 Graphic	DELETE MAP and insert <i>The values and issues for this Plan of Management were generated following a review of previous studies, staff comments and assessments and input from the Parks, Sport and Recreation Reference Group. Previous studies reviewed include the Ku-ring-gai Open Space Distribution and Needs Study 2000. In addition information collected during the development of other Plans of Management, was reviewed including issues raised during the development of the plans and the public exhibition period. These plans include Bicentennial Park Plan of Management (adopted August 2002), Sportsground Plan of Management (adopted July 2003) and Echo Point Park Plan of Management (adopted June 2004).</i>
Page 5	Photo replaced with one which is more representative of a park.
Page 6	Replaced the photograph of park number 2 with an updated one
Page 7	Replaced the photograph of park number 10 with an updated one
Page 12	Park 28 address corrected to read between 236 & 238 Warrimoo Ave East to between 25 & 27 Yarralumla Ave. Park 36, address corrected to read <i>Corner Palm Street and Mona Vale Road St Ives.</i>
Page 14	Replaced the photograph of park number 43 with an updated one
Page 18	Corrected photograph and details of park 69

Page 20	Park 76 spelling corrected in park address Replaced the photograph of park number 81 with an updated one
Page 34	Replaced the photograph of park number 141 with an updated one
Page 38	Replaced the photograph of park number 154 with an aerial shot from the GIS Spelling corrected in Park 155 address
Page 42, Column 1 Paragraph 1	Insert a space between third and fourth line to create a new paragraph beginning "The Action Plan..."
Page 42, additional text	ADD the following paragraph at the end of the text "The achievement of targets and the priority assigned to each action will be reviewed annually."
Page 43 – Issues 4.1	Heading should be "Landscape Character/Vegetation Issues" INSERT as a new paragraph after first paragraph " <i>.... Community.</i> " <i>Trees and vegetation make significant contribution to the landscape character of Ku-ring-gai's parks.</i> <i>There is an</i> " CORRECT spelling third last word should be 'trees'
Page 43 – We Aim to 4.1	INSERT Identify planting opportunities to preserve and enhance trees and vegetation within parks including canopy replenishment.
Page 43 – What we will do 4.1	INSERT Undertake planting in accordance with identified opportunities through the canopy replenishment and capital works programs. Provide a safe network of trees in parks through vegetation management.
Page 43 – Priority 4.1	INSERT – in line with targets Ongoing
Pages 43 – 51 3 rd Column	Heading should read "What We Will Do (Targets)"
Page 50 Issues	Renumbered to be 4.10 Safety
Page 51 Issues	Renumbered to be 4.11 Funding Second paragraph, third line <i>who</i> added so that the line reads – <i>groups who may sponsor park development and/or assist in construction. These groups....</i>
Page 56	Mahratta LMU number 351 added
Page 56	Nar-Rang Park LMU number corrected to 271
Page 58	Sylvan Avenue Walk LMU number corrected to 345
Page 58	Turramurra Memorial Park LMU number corrected to 3 & 874

Report on the Public Hearing for Kur-ring-gai Parks Draft Plan of Management

**Held: St Ives Library Meeting Room
Thursday 27th July 2005
7.00 – 8.30pm**

Prepared by:
Adam Hunter
Environmental Partnership (NSW) Pty Ltd
Final 24th August 2005

CONTENTS

- 1.0 Introduction
- 2.0 Background
- 3.0 Public Hearing
- 4.0 Conclusions
- 5.0 Attachments
 - Public Hearing Information Presentation

1.0 Introduction

This report is provided as a summary of the Public Hearing held on the 27th July at the St Ives Library Meeting Room, St Ives from 7.00 – 8.30 pm, to review the Ku-ring-gai Draft Generic Plan of Management for parks

The public hearing was undertaken to meet the requirements of the Local Government Amendment (Community Land Management) Act 1998 (section 40a). This requires a public hearing where a Council's plan of management has proposed a revision to the categorisation of community land or is categorising land for the first time under section 36 (4) or (5).

Council adopted to put the draft plan on public exhibition on 26 April 2005. The public hearing and the public exhibition period were advertised on posters in the Council Chambers and in Libraries in the week beginning 9 May, and the public hearing and public exhibition period were advertised in North Shore Times and on Council's website on Wednesday 29 June along with Council's quarterly electronic newsletter "Out in the Open" on 5 July 2005.

Copies of the draft plan and posters outlining the purpose of the plan and details of the public hearing were available at the Autumn Sports Forum (2 May), Festival on the Green (19 June) and National Tree Planting Day (31 July).

The meeting was facilitated and documented by Adam Hunter (Director) of Environmental Partnership (NSW) Pty Ltd Landscape Architects and Planners. The meeting was attended by:

- 2 Council Officers
- Adam Hunter (Environmental Partnership)

No members of the community had attended by the time of meeting close at 8.30pm

In addition no submissions were received by Council as at the close of the twenty eight day exhibition period and forty two day (total) response period on the 8th August 2005.

2.0 Background

On 2 April 1996 Council adopted a Generic Plan of Management for Small Parks in the municipality. This was followed by the adoption on the 9 July 1996 of a Generic Plan for District Parks.

The 2005 draft Plan of Management for Parks has been prepared in line with the amended requirements (1998) of the Local Government Act for the lands previously covered by the Small Parks and District Parks plans of management

These documents exclude the large regional facilities (Bicentennial Park, St Ives Village Green, St Ives Showground) or parks with heritage or unique significance (Echo Point Park) which are subject to specific plans for those sites.

The broad aims of the Generic Plan for parks are as follows:-

- Meet Council's obligations in respect to Public Land Management under the requirements of the Local Government Act 1993 (as amended 1998)
- Maximise opportunities to improve the distribution and accessibility of playgrounds and parks
- Conserve and/or enhance the natural and landscape features of parks in Ku-ring-gai
- Minimise impacts upon the environment and residents adjoining parks
- Provide a framework for the sustainable management of playgrounds and parks
- Provide access to a range of quality recreation, leisure and diversified play opportunities based upon the needs of the community
- Enable Council to enter into contracts, leases, licences, hire or occupancy agreements which relate to the development, maintenance or use of its parks

The Draft Plan of Management for Parks is consistent with the draft Open Space Strategy, which is also currently on public exhibition. The Open Space Strategy is an overriding strategic document which specific plans of management and other policies and procedures will refer to. The Strategy has been developed to provide direction and structure to the way Council provides for the needs, health and well being of our residents now and in the future.

Key strategies relate to protecting and enhancing the natural environment and providing affordable and economically sustainable programs and resources in open space. The Strategy recognises the importance of the relationship between the developed open space and the natural environment in ensuring the sustainability of all public open space into the future.

In addition the Strategy has recognised the importance of our natural areas for informal recreational use as well as their valuable contribution to the biodiversity of the area

3.0 Public Hearing

The public hearing was attended by two Council officers, and the meeting facilitator. At the close of the meeting at 7.00pm, there was no attendance by members of the community or organised groups.

No written or other submissions were received by Council as at the close of the forty two day exhibition and response period on the 8th August 2005.

A brief presentation had been prepared on the draft plan of management process and the function and objectives of the public hearing. The aim was to provide an initial background to the document and its aims after which general discussion on any community concerns was to be facilitated..

A copy of the presentation is attached to this report.

Categorisation

No queries or issues were raised with regard to the categorisation as "park" of the open spaces included in the draft plan of management, at either the Public Hearing or through community submissions.

General Issues

No general issues related to the general content of the plan including strategies were raised at either the Public Hearing or through community submissions.

The following issues were identified by Council during the exhibition period as desirable amendments to be undertaken in finalising the Draft Plan.

Page and Column	Replacement text	Rationale
Page1 Column 1 Paragraph 3	This document is such a generic plan of Management for Parks in Ku-ring-gai, prepared in accordance with the Local Government Act. Other Plans of Management existing covering other <i>community land</i> in Ku-ring-gai including –	General editing / reading clarity
Page 1, Column 2 Paragraph 3	Begin a new paragraph with <i>Appendix B</i>	General editing / reading clarity
Page 1, Column 3 Paragraph 3	Sixteen of <i>the parks covered by this plan</i> are located either fully or partly on Crown Land. <i>The</i> principles of Crown Land Management, as set out in the Crown Lands Act 1989 have also been taken into account in formulation of this plan <i>including;</i>	Plans of Management for Crown Land must address the principles of Crown Land Management – the plan can address the requirements of both Acts which are in many ways complimentary
Page 2, Column 1 Paragraph 2 & 3	Insert <i>quotation marks</i> for both paragraphs	General editing – clarifying comments are extracts / quotations
Page2, Column 1 Paragraph 4, last line	planning <i>and</i> management	General editing / reading clarity
Page 2, Column 2 Paragraph 2	ADD an additional bullet point between the two existing bullets <ul style="list-style-type: none"> ■ A use which will enhance the public use of the park but not become the main focus of the park. 	Clarification of the decision making process and rationale to be applied by Council

Page and Column	Replacement text	Rationale
Page 2, Column 2 Paragraph 3	DELETE first sentence and replace with – <i>The granting of a lease or licence must be consistent with the core objectives and principles outlined in this plan. When relevant leases or licences will be considered in accordance with the Crown Lands Policy on Food and Beverage Outlets on Crown Reserves.</i> Begin a NEW PARAGRAPH with <i>A lease or licence</i>	Clarification of the decision making process and rationale to be applied by Council
Page 3, Column 1 Paragraph 2	ADD an additional bullet point to the end of the list – Improved Amenities	Clarification of the decision making process and rationale to be applied by Council
Page 4, Column 2 Paragraph 4	CAPITAL LETTER /Vegetation environment	General editing / reading clarity
Page 4, Column 3 Graphic	DELETE MAP and insert <i>“The values and issues for this Plan of Management were generated following a review of previous studies, staff comments and assessments and input from the Parks, Sport and Recreation Reference Group. Previous studies reviewed include the Ku-ring-gai Open Space Distribution and Needs Study 2000. In addition information collected during the development of other Plans of Management, including issues raised during the development of the plans and the public exhibition period. These plans include Bicentennial Park Plan of Management (adopted August 2002), Sportsground Plan of Management (adopted July 2003) and Echo Point Park Plan of Management (adopted June 2004).”</i>	Clarification of the sources from which values informing the document were derived
Page 5	Photo replaced with one which is more representative of a park.	Previous photo could have been interpreted as being more applicable as Natural Area Bushland than park
Page 6	Replaced the photograph of park number 2 with an updated one	More relevant / current photo provided – assist reader appreciation
Page 7	Replaced the photograph of park number 10 with an updated one	More relevant / current photo provided – assist reader appreciation
Page 12	Park 36, address should read <i>Corner Palm Street and Mona Vale Road St Ives.</i>	General editing / reading clarity
Page 14	Replaced the photograph of park number 43 with an updated one	More relevant / current photo provided – assist reader appreciation
Page 20	Replaced the photograph of park number 81 with an updated one	More relevant / current photo provided – assist reader appreciation

Page and Column	Replacement text	Rationale
Page 34	Replaced the photograph of park number 141 with an updated one	More relevant / current photo provided – assist reader appreciation
Page 38	Replaced the photograph of park number 154 with an aerial shot from the GIS	More relevant / current photo provided – assist reader appreciation
Page 42, Column 1 Paragraph 1	Insert a space between third and fourth line to create a new paragraph beginning “The Action Plan...”	General editing / reading clarity
Page 42, additional text	ADD the following paragraph at the end of the text “The achievement of targets and the priority assigned to each action will be reviewed annually. Any significant deviation from the timing outlined in the	Clarification of monitoring process
Page 43 – Issues 4.1	Heading should be “Landscape Character/Vegetation Issues” INSERT as a new paragraph after first paragraph “.... Community.’ <i>Trees and vegetation make significant contribution to the landscape character of Ku-ring-gai’s parks.</i> <i>There is an</i> ” CORRECT spelling third last word should be ‘trees”	General editing / reading clarity
Page 43 – We Aim to 4.1	INSERT Identify planting opportunities to preserve and enhance trees and vegetation within parks including canopy replenishment.	Further detail of tree management objectives provided
Page 43 – What we will do 4.1	INSERT Undertake planting in accordance with identified opportunities through the canopy replenishment and capital works programs. Provide a safe network of trees in parks through vegetation management.	Further detail of tree management actions provided
Page 43 – Priority 4.1	INSERT – in line with targets Ongoing	Further detail of tree management priorities provided
Pages 43 – 51 3 rd Column	Heading should read “What We Will Do (Targets)”	General editing / reading clarity

4.0 Conclusions

Council has met the statutory and procedural requirements applicable in the organization and conduct of the public hearing provided on the 27th July at the St Ives Library Meeting Rooms.

Advertising of the public exhibition and the public hearing by visual media, in the North Shore Times , and on Council's website on Wednesday 29 June, along with Council's quarterly electronic newsletter "Out in the Open" on 5 July 2005 were aimed at optimising public awareness of the plan and the public hearing event.

In addition, copies of the draft plan and posters outlining the purpose of the plan and details of the public hearing were available at the Autumn Sports Forum (2 May), Festival on the Green (19 June) and National Tree Planting Day (31 July).

Based on the public hearing attendance, and the lack of any further public comment through written submissions, it may be generally concluded that the proposed categorisations and strategies as outlined in the draft plan of management are acceptable to the general community and local residents who viewed the plan during the public exhibition.

The proposed revisions tabled in section 3.0 of this report are primarily aimed at enhancing the clarity and readability of the document, and addressing some minor omissions such as reference to the Crown lands Act for those State lands under management by Council.

5.0 Attachments

Public Hearing Background Information Presentation

Ku-ring-gai Parks - Draft Generic Plan of Management



Public Hearing

July 2005

Aim of public hearing

1. To briefly outline the plan of management process
2. To record any community comments on the Draft Generic Plan of Management relating to:
 - categorisation
 - strategies contained in the plan
 - other issues

Background to plans of management

- What is a plan of management?
- Why do we have plans of management?
- The key steps

What is a Plan of Management?

A Plan of Management (POM) is a document which provides the basis upon which local or state government authorities will manage an open space area.

Types of POM:

- generic,
- geographic,
- significant,
- systems.

Local Government Act requirements

Council owned land falls into two main **Classifications**

- i. **Operational Land**
- ii. **Community Land**

Community Land is the land upon which public open space generally lies and which will be managed for community open space and recreation purposes

Local Government Act requirements

The Local Government Act requires all community land to be covered by a Plan of Management which must identify:

- the category of land;
- objectives and outcomes for the land;
- the means by which Council proposes to achieve objectives and outcomes; and
- the way by which council proposes to assess its performance.

The nature and use of community land may not change without an adopted Plan of Management

Local Government Act requirements

Community Land Categories:

Natural Areas Natural Area (Bushland)
 Natural Area (Wetland)
 Natural Area (Escarpment)
 Natural Area (Watercourse)
 Natural Area (Foreshore)

Sportsground

Park

Area of Cultural Significance

General Community Use

Local Government Act requirements

For each category the Act and related regulations identify:

- Guidelines for Categorisation
- Core objectives for Management

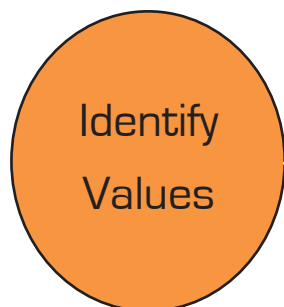
Local Government Act requirements

Core objectives for **Park** category:

- (a) Encourage, promote and facilitate recreational, cultural, social and educational pastimes and activities;
- (b) Provide for passive recreational activities and pastimes and for the casual playing of games;
- (c) Improve the land in such a way as to promote and facilitate its use to achieve the other core objectives for its management.
(Clause 36G)

The Key Steps

Important qualities
of a place or type of
place that we want to
conserve / enhance

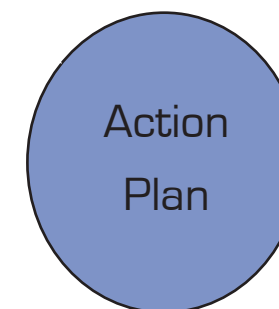
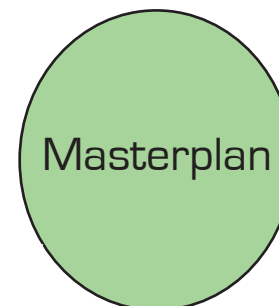


Our objectives
for a place



Problems /
opportunities that
may affect values

Ways of achieving
our objectives



Specific tasks
to implement
strategies

Background to the Plan

- On 2 April 1996 Council adopted a Plan of Management for Small Parks, and on 9 July 1996 adopted a Plan for District Parks.
- This new draft Plan of Management has been prepared in line with the amended requirement of the Local Government Act for the lands previously covered by the Small Parks and District Parks POM's
- This is with the exception of the large regional facilities (Bicentennial Park, St Ives Village Green, St Ives Showground) or parks with heritage or unique significance (Echo Point Park).

Background to the Plan

The **broad aims** of the Plan of management are as follows:-

- Meet Council's obligations in respect to Public Land Management under the requirements of the Local Government Act 1993 (as amended)
- Maximise opportunities to improve the distribution and accessibility of playgrounds and parks
- Conserve and/or enhance the natural and landscape features of parks in Ku-ring-gai
- Minimise impacts upon the environment and residents adjoining parks
- Provide a framework for the sustainable management of playgrounds and parks
- Provide access to a range of quality recreation, leisure and diversified play opportunities based upon the needs of the community
- Enable Council to enter into contracts, leases, licences, hire or occupancy agreements which relate to the development, maintenance or use of its parks.

Background to the Plan

- The Draft Plan of Management for Parks is consistent with the **draft Open Space Strategy**, which is also currently on public exhibition.
- The Open Space Strategy is an overriding strategic document which specific plans of management and other policies and procedures will refer to
- The Open Space Strategy has been developed to provide direction and structure to the way Council provides for the needs, health and well being of our residents now and in the future
- Key strategies relate to protecting and enhancing the natural environment and providing affordable and economically sustainable programs and resources in open space.
- the Strategy recognises the importance of the relationship between the developed open space and the natural environment in ensuring the sustainability of all public open space into the future.
- In addition the Strategy has recognised the importance of our natural areas for informal recreational use as well as their valuable contribution to the biodiversity of the area

Background to the Plan

The **values and issues** for the plan of management were generated following a review of previous studies, and staff comments and assessment and input from the Parks, Sport and Recreation Reference Group,

Previous studies reviewed include;

- Ku-ring-gai Open Space Distribution and Needs Study 2000 (prepared as background material for the 2000 - 2003 Section 94 Plan
- S94 2004 - 2009 Residential Development Plan

Background to the Plan

In addition, information collected during the development of other plans of management, including issues raised during the development of the plans and the public exhibition period.

These plans included;

- Bicentennial Park Plan of Management - adopted in August 2002
- Generic Sportsground Plan of Management - adopted in July 2003
- Echo Point Park Plan of Management - adopted June 2004

Workshop discussions

- i. Categorisation
- ii. Values and issues addressed
- iii. Strategies

Issues	We Aim to...	What We Will Do...(Targets)	Priority	Intended means of Implementation
4.1 Landscape Character / Vegetation Environment				
<p>Ku-ring-gai's parks have a certain character and uniqueness that distinguishes them from other local areas and provides a sense of ownership and pride for the local community.</p> <p>Trees and vegetation make significant contribution to the landscape character of Ku-ring-gai's parks.</p> <p>There is an increasingly elderly population in the area as well as a high percentage of families with young children and increasing residential development and as a result the overall character of Ku-ring-gai is changing. The character of the parks must adapt to local development and provide for the needs of these changing demographics.</p> <p>The character of the parks must essentially be inviting to local and regional visitors through simple, but attractive design, high quality facilities and significant trees and vegetation.</p>	<p>Council will reaffirm the vision for parks with local community representatives through the Draft Open Space Strategy.</p> <p>Identify planting opportunities to preserve and enhance trees and vegetation within parks including canopy replenishment.</p>	<p>Community workshop to confirm vision and proposed character for Ku-ring-gai's parks.</p> <p>Draft Open Space Strategy adopted by Council following public exhibition.</p> <p>Undertake planting in accordance with identified opportunities through the canopy replenishment and capital works programs.</p> <p>Provide a safe network of trees in parks through vegetation management.</p>	<p>High</p> <p>High</p> <p>Ongoing</p> <p>Ongoing</p>	<p>Public hearing held for Draft Plan of Management.</p> <p>Draft Open Space Strategy reported to Council 20 September 2005.</p> <p>Planting at canopy replenishment sites and as part of capital works programs in accordance with Council's programs.</p> <p>Continue to inspect and assess trees in Parks in accordance with Council's service plans and to respond to concerns raised by staff and members of the public.</p>

Issues	We Aim to...	What We Will Do...(Targets)	Priority	Intended means of Implementation
4.2Use				
<p>Parks offer a range of recreational opportunities and, depending on their size, can accommodate a number of visitors with different interests. It is important to recognise the limitations of size so that one (perhaps inappropriate) use, does not prevent others from using a small park.</p> <p>Parks provide benefits to the whole of the community and not just children.</p> <p>Parks provide meeting points for parents, neighbours and youth, who value having the public space in which to socialise. The variety of facilities provided in a park area include BBQs, picnic tables, seating and shaded areas, and toilets, and will extend the length of time spent in the park area by adults and children.</p> <p>Management strategies must incorporate regular monitoring of the changes in the demographic profile of Ku-ring-gai.</p>	<p>Regular visitor need surveys undertaken to understand changing local demographics and desires for parks.</p> <p>Management strategies that reflect the numbers and types of visitors to parks (current and future), and that do not lead to the parks' carrying capacity being exceeded. Management strategies that identify and promote appropriate use of and activities within parks.</p> <p>High level of awareness of park locations throughout Ku-ring-gai resulting in high use of the areas.</p>	<p>Perform visitor needs surveys.</p> <p>Reflect results of needs surveys in park design principles.</p> <p>Identify the users and general community perception of the range of activities that are compatible with parks and adjoining land use.</p> <p>Develop promotional material to market the park network to the Ku-ring-gai Council residents.</p> <p>Sponsor public play events and open field days in the parks to actively involve residents of all ages in using parks and playgrounds.</p> <p>Signpost facility locations in larger parks.</p>	<p>High & Ongoing</p> <p>Medium</p> <p>Medium</p> <p>Ongoing</p> <p>Ongoing</p>	<p>Visitor surveys will be undertaken as part of Council's community consultation register and other ongoing consultation methods</p> <p>Using survey results, feedback received and current trends in park and facility design.</p> <p>Using Council's website, Out in the Open and other mediums marketing material will be produced. Council's parks are currently advertised on www.yourwedding.com.au and a new brochure for Swains Garden is being prepared.</p> <p>Festival on the Green, National Tree Planting Day and Allan Small Tennis Court Open Day have been organised this year, other events will be scheduled in relation to specific events.</p> <p>Will be undertaken as part of Council's Capital Improvement Program to coincide with other capital work identified at those locations.</p>

Issues	We Aim to...	What We Will Do...(Targets)	Priority	Intended means of Implementation
4.3 Access				
<p>To ensure good use of local parks, footpath and/or cycleway connections are desirable. Kerb cuts that accommodate prams, strollers and wheelchairs are needed.</p> <p>For district and regional parks visitors come by vehicular transport so parking and drop-off areas are generally required. These parks accommodate large numbers of visitors and therefore require a greater size to interest and accommodate the greater diversity of users. Access issues vary from site to site. In general, management of parks need to ensure that:</p> <ul style="list-style-type: none"> • Vehicle access to and adequate parking facilities at the parks are provided in a way that minimises potential pedestrian and vehicle conflict. • There is a well-distributed network of functional parks offering a range of recreational opportunities to ensure equitable access to the community. • Good pedestrian access is provided, particularly for those with young children or prams and strollers, for cyclists, the frail, aged and disabled people. • Footpaths are constructed in areas of need, well maintained including the provision of appropriate kerb cuts for improved access. • Adequate parking and/or "drop off" areas are provided near District Parks which generally attract users from outside their immediate residential area, to assist families carrying children and equipment. • People with mobility problems can gain access where there is a reasonable expectation. From a legislative aspect Council has a responsibility in terms of access under the NSW Anti Discrimination Act 1977 and the Federal Disability Discrimination Act 1992 	<p>Safe and maximum pedestrian, vehicular, and disabled access to and circulation within the park network.</p> <p>Adequate parking facilities and "drop off" areas are available for all users of the park.</p> <p>Access is provided for children with disabilities to at least one play area that has equipment and other facilities adaptable to their use.</p>	<p>Identify constraints and opportunities to maximise access to and circulation within parks and develop a program for improvements.</p> <p>Progressively implement installation programs in accordance with budgetary constraints and Council's Access Policy.</p> <p>Identify the condition of existing car parks and "drop off" points (sealed/unsealed), and the number of vehicle spaces provided (including disabled).</p> <p>Explore avenues to implement a program to upgrade parking facilities which are identified as being deficient.</p> <p>Investigate improved play setting needs for children with disabilities.</p>	<p>Ongoing</p> <p>Ongoing</p> <p>Medium</p> <p>Low</p> <p>High</p>	<p>Implemented through Council's Capital Works Prioritisation Program</p> <p>Will be integrated with actions listed in the Sportsground Plan of Management and undertaken as part of a wider audit of car parks in Open Space.</p> <p>Will follow the work outlined above</p> <p>Accessibility principles are considered during all playground design stages and implemented where possible. Council has applied for a grant from the Department of Tourism Sport and Recreation Capital Assistance Program to increase the accessibility of the play facilities to be installed at Queen Elizabeth Reserve.</p>

Issues	We Aim to...	What We Will Do...(Targets)	Priority	Intended means of Implementation
4.4 Development				
<p>This issue relates to the provision of new, and improvements to existing facilities dependant on identified recreational needs for particular areas, current level of provision and/or shortfall and priority relative to other parks.</p> <p>It is critical to identify those parks, currently devoid of or low in facilities, which will provide the greatest recreation opportunity (due to their location and/or physical characteristics) if appropriately developed.</p> <p>This process could also identify those parks which, due to their location and/or physical characteristics, may not be suitable for future development.</p>	<p>Development is dependant on identified user needs.</p> <p>Progressively implement a program to provide identified facilities at these localities.</p>	<p>Identify parks which are suitable for further development.</p> <p>Identify and plan for the provision of appropriate facilities to these parks in accordance with Section 4.5</p>	<p>High</p> <p>Medium & Ongoing</p>	<p>The Open Space Strategy, District Park Master Plans and the preparation of an acquisition strategy will all develop guidelines for identifying suitable parks.</p> <p>See comments in 4.5</p>
4.5 Community Involvement				
<p>Community involvement in the planning and design process of parks and playgrounds instils a sense of ownership and concern for these public spaces, and gives Council a means of building a significant alliance with the community.</p> <p>Currently there is a lack of knowledge in the community about the location and use of Council's parks. Community involvement in park planning as well as better marketing could assist this lack of awareness</p>	<p>Residents to be involved in the planning and on-going management of their parks.</p>	<p>Provide information about park planning and consult with local residents and through Reference Group and Community Committees of Council.</p> <p>Encourage groups to undertake 'park watch' activities and develop a model for the implementation of a 'parkcare' scheme.</p>	<p>Ongoing</p> <p>High</p>	<p>Parks, Sport and Recreation Reference Group meet 5 times each year. Local residents are advised of minor work and upgrades being undertaken and will be involved in comprehensive planning such as District Park Master Plans.</p> <p>A pilot program will commence at St Ives Rotary Park this year, future programs will develop in following years in conjunction with District Park Master Planning</p>

Issues	We Aim to...	What We Will Do...(Targets)	Priority	Intended means of Implementation
4.6 Distribution				
<p>Where parks are located and the ease with which people can get to them, either by walking or by private or public transport, affect the level of park use. In addition, the size, variety of opportunities and relationship to other recreational facilities, e.g. sporting fields, picnic areas, nature reserves, will also determine their value to residents and out-of-area visitors.</p> <p>A basic element in the provision of quality park networks is the equitable distribution of suitable parcels of open space which can be developed into quality parks for the local community. In terms of distribution the NSW Department of Urban Affairs and Planning have identified that small parks should be distributed so that each household is within 500 metres of a small park and there should be a 15-30 minute drive to a District Park.</p> <p>The Ku-ring-gai Open Space Distribution & Needs Study undertaken in 2000 identified that at that time the majority of residences (66%) within the local government area were within reasonable walking distance (500m) of at least one park.</p> <p>Ku-ring-gai is fortunate to have a number of quality District Parks which need to be maintained at this level. Other parks have the potential to be further developed to become quality District Parks. It is considered that this can be achieved through initiatives such as upgrading or providing new facilities, which is preferable to providing new District Parks.</p> <p>While parks are distributed throughout the area fairly well, it is important to note the distribution of high quality facilities, including those for disabled visitors, within these parks. It is important for each suburb within Ku-ring-gai to contain at least one park with a high standard of facilities which the community can be particularly proud of, and that provides a focal point for further park design and community events.</p>	<p>Provision of a quality, equitably distributed park system in Ku-ring-gai.</p> <p>Provision of at least one focal, high quality park with high quality facilities within each suburb of Ku-ring-gai.</p> <p>Local parks are linked with surrounding residential neighbourhoods.</p> <p>A range of facilities are provided throughout the Council area, i.e. local, district and regional facilities.</p>	<p>Continue to develop improvement programs and seek funding for implementation.</p> <p>Upgrade facilities and design of at least one park in each area and promote as a focal point for the area</p> <p>Involve the local community in the design of local parks.</p> <p>Analyse the potential catchment of users for specific parks.</p> <p>Monitor the variety of experiences offered.</p> <p>Determine how additional footpaths or cycle tracks could provide better links.</p> <p>Develop improvement program and seek funding for implementation in concert with Technical Services.</p> <p>Prepare masterplans for improved facilities where identified.</p>	<p>Ongoing</p> <p>High</p> <p>High & Ongoing</p> <p>High</p> <p>High & Ongoing</p> <p>Medium</p> <p>Medium</p> <p>High & Ongoing</p>	<p>Linked to Council's Capital Works Program and Section 94 funding.</p> <p>Through the promotion and marketing of parks, project and Open Space activities including "Out in the Open," Sports Forums and other community events.</p> <p>The Open Space Strategy, District Park Master Plans and the preparation of an acquisition strategy will all analyse the potential catchment of users for specific parks.</p> <p>District Parks Master Plans and Capital Works Programs will consider the best way to incorporate additional facilities. The Acquisition Strategy will identify opportunities for links.</p>

Issues	We Aim to...	What We Will Do...(Targets)	Priority	Intended means of Implementation
4.7 Facilities and General Amenity				
<p>The issue of general amenity relates to the fact that the overall pleasantness of parks and their surrounds results from the combined effect of good quality, robust facilities and furnishings, and a well-designed and maintained landscape, including plantings and paving. Design of local surrounds must recognise opportunities to enhance the natural landscape quality in keeping with locale. The inclusion of public art can also contribute to the amenity.</p> <p>The number, type and range of facilities provided in each park will depend upon identified demand for facilities, the suitability of the park for development and its proximity to other parks offering similar recreation opportunities. Due to limited funding for capital development of parks it is critical that an equitable range of parks is identified for upgrading as funds become available.</p>	<p>Equitable distribution of functional and attractive facilities within the park system.</p> <p>Park environments attractively landscaped, maintained and encourage contact with nature.</p> <p>Clear signage providing park name and relevant information about its use is provided.</p> <p>A unique ambience to create attractive and memorable public environments.</p>	<p>Identify the community need in terms of facilities in parks (eg. tables, seats, tree planting, barbecues, bubblers, shade, signage, safety, rubbish bins, fences and gates on playground areas etc).</p>	High & Ongoing	Will be undertaken through District Park Master Plans and the Public Domain Plan.
		<p>Establish the quality and existing conditions of facilities that support the park network.</p>	High & Ongoing	Will be addressed through the preparation of the Open Space Acquisition Strategy.
		<p>Develop a program to provide identified facilities on a progressive basis as funds become available to an equitably distributed park network.</p>	Ongoing	Will be addressed through Council's Capital Works Program, and Section 94 projects.
		<p>Assess current landscape conditions and implement works required for attractive, safe and well maintained areas.</p>	Ongoing	
		<p>Install park furnishings including seats, picnic tables, shelters and bubblers.</p>	Ongoing	
		<p>Assess current signage in parks. Name signs to be in accordance with Council's sign manuals.</p>	Ongoing	
		<p>Install signs where necessary.</p>	Ongoing	
		<p>Work with local artists to coordinate public art projects.</p>	Medium & Ongoing	

Issues	We Aim to...	What We Will Do...(Targets)	Priority	Intended means of Implementation
4.8Maintenance				
<p>The issue of maintenance relates to the fact that the current level of maintenance of parks represents a base level of service with parks only receiving general maintenance once every 6 to 8 weeks.</p> <p>A number of options have been identified to improve park maintenance. It is essential that a detailed strategy be developed to address the overall issue of open space maintenance including the following options:</p> <ul style="list-style-type: none"> • An increase in field staff; • An increase in the use of contractors; and • Increased participation of users in maintenance of developed open space 	<p>Development of maintenance programs following a revision of the level(s) and methods used in maintaining parks. Parks maintained to agreed standards.</p> <p>Involve the local community in park maintenance.</p>	<p>Identify the standards of maintenance that will apply to the various components of parks.</p> <p>Maintenance programs implemented and monitored.</p> <p>Continue to review comprehensive maintenance programs based on the identified standards.</p> <p>Implement a Parkcare program similar to the existing Bushcare program.</p> <p>Recognise the status of parks and maintain as such.</p> <p>Inform community of maintenance work to, and removal of, facilities through neighbourhood notification.</p> <p>Undertake necessary maintenance work as identified in inspections and public requests.</p> <p>Monitor the costs associated with maintenance activities to inform annual budgeting.</p>	<p>High & Ongoing</p> <p>High & Ongoing</p> <p>Ongoing</p> <p>High & Ongoing</p> <p>High & Ongoing</p> <p>Ongoing</p> <p>Ongoing</p> <p>High & Ongoing</p>	<p>Will be implemented by undertaking a review and carry out on going monitoring of service plans for all parks.</p> <p>A pilot program will commence at St Ives Rotary Park this year, future programs will develop in following years in conjunction with District Park Master Planning</p> <p>Linked to the development of a hierarchy of parks which will be further developed through District Park Master Planning process.</p> <p>New signs outlining capital works being undertaken has been designed and installed at locations where capital works are being undertaken.</p> <p>Corresponds to the review and monitoring of service plans, the tracking of requests using the CRS system and Council's finance system which records the costing of activities and tasks to specific assets.</p>

Issues	We Aim to...	What We Will Do...(Targets)	Priority	Intended means of Implementation
4.9 Vandalism				
<p>Vandalism is a widespread issue, which affects all components of the open space system, including parks.</p> <p>Acts of vandalism in parks include graffiti, damage to buildings, damage to playground equipment and other facilities such as park furniture, damage to trees and other vegetation, and theft or damage to park signage.</p> <p>The annual cost for Council to repair damage caused by vandalism to buildings and services, playground equipment and for other repairs such as replacement of damaged park furniture, trees is significant.</p> <p>Quite apart from the financial cost there is a reduction or lost of value of facilities for recreation until the damage is repaired.</p> <p>While vandalism cannot be eliminated, the following strategies can help to reduce vandalism;</p> <ul style="list-style-type: none"> • Maximising user satisfaction. • Good design and facilities. • Prompt response to repair damage when vandalism occurs. • Where necessary target enforcement to known problem areas. • Appropriate education and interpretation. • Increased community involvement in park development and management. • Improved lighting where appropriate. 	<p>Manage vandalism and inappropriate use through prompt response to damage, improved facilities and lighting, education, enforcement activities and increased community/user involvement in development and management of parks.</p>	<p>Continue to operate the CRS system to provide for immediate response to reported damage or vandalism in parks.</p> <p>Develop and initiate a "park watch" or "park care" program to promote greater community involvement in the development, maintenance and use of parks.</p> <p>Ensure facilities in parks are of appropriate design and construction and are well maintained to reduce motivation factors for vandalism.</p> <p>Consider opportunities for additional lighting and/or increase of views from surrounding areas.</p>	<p>Ongoing</p> <p>High & Ongoing</p> <p>Ongoing</p> <p>High & Ongoing</p>	<p>Continue using existing system and investigate options to improve information available through better reporting.</p> <p>A pilot program will commence at St Ives Rotary Park this year, future programs will develop in following years in conjunction with District Park Master Planning</p> <p>Will be implemented during the planning and design stage of future capital works projects.</p> <p>Will be considered during the development of District Park Master plans and wherever specific improvement projects are undertaken.</p>

Issues	We Aim to...	What We Will Do...(Targets)	Priority	Intended means of Implementation
4.10 Safety				
Safety in parks and particularly the issue of prevention of injuries must be given high priority in the planning, construction and maintenance of parks. Council's risk management procedures and public liability exposure are other factors that must be continually reviewed.	<p>All park environments designed and installed to minimise potential injury. All new and existing facilities and equipment in parks safe to use.</p> <p>Potential hazards in parks identified and managed to minimise Council's public liability exposure and confirm its commitment to risk management.</p>	<p>Plan to avoid potential for injury and maximise safety.</p> <p>Regularly inspect parks to identify hazards.</p> <p>Carry out necessary repairs, removals, and replacements.</p>	<p>Ongoing</p> <p>Ongoing</p> <p>Ongoing</p>	Considered during the design stage of upgrades, and monitored through ongoing asset audits and service plans.
4.11 Funding				
<p>Council must commit to an annual allocation of funding for its parks to include capital works funding for redevelopment and recurrent funding for necessary annual maintenance.</p> <p>Additionally, Council should investigate other funding opportunities such as those available through Government Grant Programs. Service clubs or other community groups may sponsor park development and/or assist in construction. These groups can also be helpful in lobbying for support with local private enterprise or financial institutions for community park and park initiatives.</p>	<p>Sufficient funds and resources allocated to achieve actions listed in this Plan.</p> <p>Annual budgets linked to other relevant Council strategic planning documents.</p>	<p>Submit annual budgets listing components identified in this Plan to achieve actions listed.</p> <p>Identify need for funding by linking annual budgets with capital works strategic planning and asset management programs.</p>	<p>High & Ongoing</p> <p>High & Ongoing</p>	<p>Reported to Council through Capital Works Programs.</p> <p>Undertaken annually as part of the Capital Works Program and District Park Master Planning.</p>

STREET TREE REFURBISHMENT - BARTON CRESCENT, WAHROONGA

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

To report on the proposed street tree refurbishment process for Barton Crescent Wahroonga following Council's resolution of 26 July 2005 that no further action be taken until a report is submitted to Council.

BACKGROUND:

In 2001, Council commenced stage one of a street tree refurbishment for Barton Crescent Wahroonga. In June 2005, notification was undertaken to advise residents of the proposed commencement of stage two of this refurbishment.

COMMENTS:

This proposal has followed normal procedure to date. Residents and Ward Councillors were notified of the proposal in accordance with Council's Tree Notification Policy.

An on site meeting is proposed to discuss the proposal and attempt to address residents concerns.

RECOMMENDATION:

That Council receives and notes this report.

PURPOSE OF REPORT

To report on the proposed street tree refurbishment process for Barton Crescent Wahroonga following Council's resolution of 26 July 2005 that no further action be taken until a report is submitted to Council.

BACKGROUND

Barton Crescent is located in North Wahroonga on sandstone derived soils. Sometime after the establishment of the street some 30 years ago, Council undertook street tree planting to enhance the streetscape. The predominant species used was *Liquidambar styraciflua* (Liquidambar) which were planted on the side of the street without powerlines.

Due to the parent soil material (sandstone), and the unsuitability of this species of tree within this environment, a number of insurance claims and complaints from residents have been received in relation to the roots of these trees. These requests total 23 since 2002.

In 2001, Council commenced a street tree refurbishment for Barton Crescent and residents were notified of stage one of this process which involved the removal of some inappropriate trees and the planting of 23 indigenous trees as replacements. No objections were received in relation to stage one of this process.

In June 2005, an inspection of the trees planted in 2001 was undertaken and it was found that they were established to a degree that would allow stage two of the refurbishment to commence.

Notification was sent on June 27th 2005 advising residents of stage two of the refurbishments and requesting comments in relation to the proposal. Attachment 1 is a copy of the notification letter forwarded to residents of Barton Crescent.

On July 4th, a petition was received by Council outlining the concerns of a number of residents in relation to the proposed refurbishment.

This petition was tabled at the Ordinary Meeting of Council on 26th July 2005 where it was resolved

“That the Petition be received and that no further action be taken until a report is submitted to Council.”

COMMENTS

This proposal has followed normal procedure to date. Residents and Ward Councillors were notified of the proposal in accordance with Council's Tree Notification Policy. The purpose of this notification is to consult with the community to determine the level of support or objection to the proposal and to utilise this information in the final determination of works to be undertaken.

Item 14

88/05113/04
23 August 2005

Where the level of community concern is significant, it is normal practice to hold an on site meeting with concerned residents to discuss the proposal and attempt to address residents concerns while giving an opportunity for involvement in the final determination.

It should be noted that no determination has been made regarding the refurbishment proposal as this determination cannot be made until an on site meeting has occurred.

It should also be noted that although there are valid reasons for the removal of a number of trees based on their inappropriate nature, associated insurance issues and the strategy adopted to date in relation to new replacement plantings, only those trees that are considered to be potentially hazardous will ultimately be removed where significant objection exists. This approach is consistent with Council's Tree Management Policy.

Proposed Course of Action

- On-site meeting for stakeholders to discuss proposal / resident concerns and feedback received to date. Discussion will also include condition and management options for specific trees originally identified for removal in notification of Stage 2 refurbishment to residents.
- Review proposal and re-notify on basis of amendments identified through consultation.
- Consider further comments received.
- Final decision notified to residents and Councillors with timeframe for implementation.

CONSULTATION

Consultation has been carried out with all property owners and residents in Barton Crescent in accordance with Council's Tree Notification Policy. Ward Councillors were also notified of the proposal in accordance with the policy. A site meeting was planned but will not be held prior to Council considering the matter. All residents in the street have been notified that this matter is to be considered by Council at its meeting of 20 September 2005.

FINANCIAL CONSIDERATIONS

Since 2001, Council has paid more than \$4,000.00 dollars for insurance claims specifically related to tree root damage from Liquidambar to driveways, fences and sewer pipes in Barton Crescent.

These claims related to four different properties and resulted in the removal of five liquidambar trees partly to prevent further damage and partly due to the condition of the trees in question. This work was undertaken by internal tree maintenance staff with an indicative cost of approximately \$3,500.00.

Given the soil type and the unsuitability of Liquidambar, there is significant potential for a number of future insurance claims to be lodged against Council and in addition to the cost of the removal of these trees, we may be faced with the cost of repairs to damaged private property.

Item 14

88/05113/04
23 August 2005

There have also been a number of repairs to the roadway, kerb, gutter and laybacks in this street as a direct result of tree root damage. The cost of these repairs has not been calculated in the preparation of this report.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Council's Finance and Business Development Department have been consulted in relation to insurance claims received from this street, the cost of these claims and the ongoing costs of potential future claims. The Technical Services Department has been consulted in relation to kerb, gutter, roadway and layback repairs.

SUMMARY

The street tree refurbishment proposal has followed normal procedure to date since it was initiated in 2001.

23 indigenous canopy trees, that are suited to the soil type and will not cause future root problems, have been planted and established since 2001. A further 17 indigenous canopy trees are planned to be planted as part of this proposal.

An on site meeting is proposed to be held in October to discuss the concerns of the residents and outline Council's proposal prior to a final determination being made.

Only those trees that are considered to be potentially hazardous will ultimately be removed where significant objection exists.

The refurbishment does not aim to ultimately affect streetscape character but improve it through the planting of appropriate species and management of existing trees.

RECOMMENDATION

That Council receives and notes this report.

Matthew Drago
**Manager Tree and
Vegetation Services**

Amanda Colbey
**Manager Parks Sport and
Recreation**

Steven Head
Director Open Space

Attachments: **Notification letter forwarded to residents of Barton Crescent - 507329**

Mr Peter Harrigan

88/05113/04

Customer Request: 151028

27 June 2005

«Owner»
«Address1»
«Address2»

Dear Madam & Sir

STREET TREE REFURBISHMENT – BARTON CRESCENT WAHROONGA

Ku-ring-gai Council has an on going commitment to maintaining our valuable tree resource. Part of this process includes the refurbishment of streetscapes to include species that are suited to the site and soil type.

This process involves the establishment of a continuity of street theme by using a small number of species that will provide a streetscape that is in scale with the existing buildings and in harmony with the landscape elements that help define the Ku-ring-gai area. Planting with indigenous species also enhances important bio-links between key areas of bush land and National Parks.

The species selected are proven to be attractive and suited to local conditions. As part of the refurbishment some street tree removals will be necessary, these include dangerous specimens, those that interfere with sightlines, trees in decline, constitute poor specimens or are inappropriate for the area.

This program is undertaken in several stages to minimize the impact on the existing streetscape and the first stages of this program in Barton Crescent have been completed in recent years. It is considered the plantings previously undertaken are now established sufficiently to allow for the continuation of this refurbishment program in the street

In this next stage Council is proposing to undertake the following tree works and replacement plantings.

Property No 3

Proposed planting species 2 x *Eucalyptus haemastoma* (Scribbly gum)

Property No 5

Proposed planting species 1 x *Eucalyptus haemastoma* (Scribbly gum)
 1 x *Corymbia eximia* (Yellow Bloodwood)

Property No 9

Proposed planting species 2 x *Corymbia eximia* (Yellow Bloodwood)

Property No 15

Tree removal and replacement plantings.

1 x 8m *Liquidambar styraciflua* (Liquidambar)

Reasons: The species is considered unsuitable for the soil type and location.

Proposed planting species 1 x *Corymbia eximia* (Yellow Bloodwood)

Property No 17 and 19

Tree removal and replacement plantings.

3 x 10m *Liquidambar styraciflua* (Liquidambar)

Reasons: These trees are in poor health, the species is considered unsuitable for the soil type and location.

Proposed planting species 1 x *Corymbia eximia* (Yellow Bloodwood)
2 x *Eucalyptus haemastoma* (Scribbly gum)

Property 23

Tree removal and replacement plantings.

2 x *Liquidambar orientalis* (Oriental Sweet Gum)

Reasons: These trees are in poor health, The species is considered unsuitable for the soil type and location

Proposed planting species 2 x *Angophora costata* (Sydney Red Gum)

Property No 25

Tree removal and replacement plantings.

1 x *Liquidambar styraciflua* (Liquidambar)

Reasons: This tree is in poor health with several branch inclusions and decay in trunk, also unsuitable for soil type and location.

Proposed planting species *Angophora costata* (Sydney Red Gum)

Property No 27

Tree removal and replacement plantings.

2 x *Liquidambar styraciflua* (Liquidambar)

Reasons: The species is considered unsuitable for the soil type and location. It is also alleged these trees are causing damage to the driveway at this property.

Proposed planting species 1 x *Angophora costata* (Sydney Red Gum)
1 x *Corymbia eximia* (Yellow Bloodwood)

Property No 31

Tree removal and replacement plantings.

2 x *Liquidambar orientalis* (Oriental Sweet Gum)

Reasons: These trees are inappropriately located beneath power lines, The species is considered unsuitable for the soil type and location

Proposed planting species 1 x *Corymbia eximia* (Yellow Bloodwood)
1 x *Eucalyptus haemastoma* (Scribbly gum)

The species identified for planting have been selected as they are suitable for the soil type and are indigenous to the area. These plantings would occur as soon as practicable following the removal of these trees.

As you may be aware, the replacement plantings will require care to assist them becoming established. Council will maintain these trees initially, however to assist with this Council has a Tree Nurturers Program that encourages residents to take an active role in caring for the trees planted in the street.

Should you wish to make comment on the above proposal, please do in writing within **14 DAYS** from the date of this letter. If you require further information or would like to register as a Tree Nurturer, please contact me on 9988 0131 during normal business hours.

Yours sincerely



Peter Harrigan
Tree Management Officer

BUSHLAND, CATCHMENTS & NATURAL AREAS REFERENCE GROUP - MINUTES OF 15 AUGUST 2005

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

To bring to the attention of Council the proceedings from the Bushland, Catchments and Natural Areas Reference Group meeting held on Monday, 15 August 2005

BACKGROUND:

The role of the Bushland, Catchments and Natural Areas Reference Group is to provide resident and industry expert advice and feedback to Council on matters relevant to bushland, catchments and natural areas.

COMMENTS:

The meeting discussed the development of the Plan of Management for Bushland.

RECOMMENDATION:

That the Minutes of the Bushland, Catchments and Natural Areas Reference Group meeting held on 15 August 2005 be received and noted.

PURPOSE OF REPORT

To bring to the attention of Council the proceedings from the Bushland, Catchments and Natural Areas Reference Group meeting held on Monday, 15 August 2005

BACKGROUND

The role of the Bushland, Catchments and natural Areas Reference Group is to provide resident and industry expert advice and feedback to Council on matters relevant to bushland, catchments and natural areas.

COMMENTS

Discussion at the meeting focussed on the development of a revision to the Plan of Management for Bushland. This involved a workshop with the Reference Group and attending Councillors. Outcomes from the meeting will be incorporated into the draft report that will be brought back to the Reference Group meeting in October prior to being referred to Council.

CONSULTATION

The Reference Group is itself a consultative forum representing the interests of residents, user groups and industry experts.

FINANCIAL CONSIDERATIONS

There are no direct financial considerations related to this report.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Consultation with other departments has not occurred in the development of this report.

SUMMARY

The Reference Group considered several items of business at its 15 August 2005 meeting. No items from this meeting require specific consideration by Council as all items discussed will be the subject of further consideration prior to recommendation to Council.

RECOMMENDATION

That the attached Minutes of the Bushland, Catchments & Natural Areas Reference Group Meeting of 15 August 2005 be received and noted.

Peter Davies
Manager Bushland Catchments & Natural Areas

Steven Head
Director Open Space

Attachments: Minutes of 15 August 2005 - 528579

Bushland Catchments & Natural Areas Reference Group

Monday 15 August 2005

Level 3 Ante Room 7.00 – 9.00 pm

Attendees:

Members	Councillors	Staff
Julia Robertson Nancy Pallin Margaret Booth Steven Shortis James Rennie Colin Manton Marjorie Street Mark Taylor	Cr. A. Andrew - Chair Cr. L. Bennett Clr M Shelley	Peter Davies - Manager Sustainability & Natural Environment David Wilks – Biodiversity Technical Officer

Apologies:

Members	Councillors	Staff
David Robinson Mark Taylor Chris McIntosh Neroli Lock	Cr. G. Innes Cr. E. Malicki	Steven Head - Director Open Space

Others:

Steve Dimitriadis - Ecological Australia

Note:

Marjorie Street will now represent Australian Native Plant Society in place of Julia Robertson

Declaration of Pecuniary Interests:

No pecuniary interests were declared.

Confirmation of previous Minutes:

Minutes of the previous meeting were accepted with the following amendments:

Julia Robertson was an apology at the meeting.

BCNARG4 – no meeting was held to discuss the Environmental Levy as no mutually convenient date could be agreed to by Reference Group members.

Business arising from the previous meeting

No business arising.

General Business

S03448

BC&NARG 10 Bushland Plan of Management

A discussion on the proposed Plan of Management for Bushland was outlined including the process and timetable for its preparation. The consultant engaged to assist Council in preparing the plan, Mr Steve Dimitriadis from Ecological Australia, then facilitated a workshop to identify the role of the plan, its relationship to management and planning, key issues, threatening processes, objectives and the approach mooted for its preparation.

Reference group members and Councillors then raised a number of issues including:

1. How to define 'bushland'
2. The need to clarify by maps what land will be affected
3. How will the plan integrate with current plans and policies including the current riparian and landscaping policies and proposed biodiversity strategy
4. The need for a introductory statement in the Plan that clearly emphasises enhancement of biodiversity and retention of vegetation communities as core objectives
5. The need to continue mapping and monitoring the condition of bushland
6. Recognising the value of bushland areas that are connected and fragmented
7. How to manage the cumulative and site impacts of development and other activities on bushland
8. The role of bushland supporting a range of recreational activities including dog walking
9. The role of education to promote and protect areas
10. Funding allocation and outcomes

A list of issues and activities identified as part of the workshop exercise are attached

Other business

Councillor Shelley requested that the Riparian Policy, adopted in December 2004, be brought back to the Reference Group for revision

Nancy Pallin provided a copy of an article on the restoration and regeneration of Paddy Pallin Reserve published in the Ecological Management and Restoration (vol 6 no 2 August 2005 Bush Regeneration at Paddy Pallin Reserve: a comment on the importance of reliability and flexibility of funding to deliver ecological outcomes. Rymill Abell)

Next Meeting

17 October 2005 – Level 3 Ante Room

Meeting Closed at 9.45 pm

DISCUSSION NOTES RE BUSHLAND PLAN OF MANAGEMENT BUSHLAND CATCHMENTS AND NATURAL AREAS REFERENCE GROUP 15 AUGUST 2005

These notes were taken at the meeting to discuss issues, problems and solutions associated with Council's new Bushland Plan of Management being drafted to replace the current POM from 1996. Information gathered at the reference group meeting will be incorporated into the new draft POM before it is sent to public exhibition. Information gathered was grouped into arbitrary sets of issues for simplicity and do not necessarily reflect relationships or any hierarchical importance.

1. RECREATIONAL USES

a. Bike Tracks / Jumps (unauthorised building in bushland reserves)

Issues:

- cause damage and erosion
- located mostly along urban edges and on fire trails
- often happen in school holidays
- built by kids and adults
- provide a "positive" experience of bushland for young people
- conflicts with walkers etc

Solutions / ideas:

- Allowing kids to ride bikes in bushland can help create a connection with nature but need to educate people so that their use of reserves does not degrade them
- Ideally a 1:1 education approach to provide guidance
- Brochures not the answer
- Provide more areas for bikes in parks and other reserves rather than "sacrifice" bushland reserves
- Larger network of formal tracks (bushland and parks?)

b. Dogs in bushland

Issues:

- Dogs off-leash in bushland are a problem

Solutions / ideas:

- More education / signage required

c. Visitor impacts (general use)

Issues:

- Dogs off-leash in bushland are a problem

Solutions / ideas:

- More education / guidance and signage required
- Targeted use of reserves (eg some reserves closed to dogs etc for fauna refuges)

2. DETRIMENTAL USES

a. **Dumping** (garden refuse, minor building materials)

Issues:

- Weed invasion
- Nutrient / pollutants
- Hazardous materials (asbestos etc)

Solutions / ideas:

- Education program
- Regulation

b. **Stormwater** (excess flows, illegal sewer connection)

Issues:

- Changed water regimes (quantity, frequency)
- Nutrient / pollutants in runoff
- Health risks – increased sewer overflows
- Degraded water quality / aquatic habitats

Solutions / ideas:

- Education program
- Regulation
- Planning controls

c. **Pets and feral animals** (dogs off leash, free roaming cats etc)

Issues:

- Predation on native animals
- Disturbance to native fauna
- Health issues – dog droppings
- Conflicts with walkers

Solutions / ideas:

- Education program
- Regulation
- Control programs
-

d. **Litter** (shops and roadside)

Issues:

- Large amounts of refuse into bushland
- Nutrients / pollutants

Solutions / ideas:

- Education program
- Regulation

3. EDUCATION

a. **Lifestyle** (frenetic time poor people)

Issues:

- Modern lifestyles make it difficult for people to do the “right” thing re natural environment eg being able to, or knowing how to, recycle items like computers, laser toner cartridges and mobile phones

Solutions / ideas:

- Providing information about services that recycle more unusual / difficult items particularly those that are more convenient / local
- Look at possibility of Council providing a pick up service for these items or partnerships (eg Planet Arc) that provide services

b. Works / activities in bushland (eg. Council works, Sydney Water etc)

Issues:

- Local residents / users are not always informed of activities

Solutions / ideas:

- Better notification
- Signage near works

Note - Council is not always informed of works / activities in bushland such as sewer overflow works, user groups (eg orienteering) etc.

4. EDUCATION GENERAL

a. Knowledge of local nature / reserves (especially new residents)

Issues:

- People do not have a good knowledge of local wildlife and the values of bushland for conservation

Solutions / ideas:

- Permanent bulletin signs where information can be changed monthly etc. Eg Have a “species of the month” (relevant to the reserve) to raise awareness and appreciation of reserve value.

5. DEVELOPMENT GENERAL (Redevelopment / new housing and unit blocks)

a. Knowledge of local nature / reserves (especially new residents)

Issues:

- Poor use of local indigenous plant species
- Last minute or post development replacement of native species with exotic plants

Solutions / ideas:

- Promote greater use of provenance planting / local indigenous plant species
- Include reference to use of provenance planting / local indigenous in Bushland POM and other planning instruments (eg Biodiversity Strategy)
- Look at ways to ensure developers know where to source provenance stock and that they use them

6. BUSHFIRE

- Risk management plan (Hornsby-Ku-ring-gai area)

7. Permissible Uses

- a. **Knowledge of local nature / reserves** (especially new residents)

Issues:

- Scout halls and their condition
- Scouts / guides activities such as clearing and bring in fill
- Other leased premises in bushland

Solutions / ideas:

- Draw up guidelines for leases in bushland RE appropriate activities / impacts
- Alternate uses for scout halls (esp. those in disuse) – would need to be negotiated / written into leases.

8. Interagency Management Issues (NPWS, DIPNR, RFS, other Councils etc)

- a. **Conflicts / coordination** (contiguous reserves / multiple responsibility)

Issues:

- Conflicts between land uses and agency management principles
- Variable degrees of coordination of management activities
- Wildlife populations, plant communities and streams etc that span reserves, catchments and regions.

Solutions / ideas:

- Seek greater cooperation / coordination between agencies
- Draw up memos of understanding between groups
- Greater participation in regional management groups and committees etc (eg HNCMA, NSROC etc).

9. Vision - 10 year and beyond (What do you want natural area reserves be like)

1. No less bushland and that bushland is in “better” condition than at present.

Solutions / ideas / issues:

Condition monitoring (eg SOE)

Costing

Better linking (Biodiversity Strategy etc)

Prioritise actions with broad direction

Better linking of reserves (corridors etc) – biodiversity strategy etc

10. Current activities in natural areas

1. Bush regeneration (volunteers, Council programs)
2. Walking (informal and organised programs)
3. Track and trail works (KC, Energy Australia etc)
4. Community group activities (APS, STEP, Oxfam, KBCS etc)
5. Fire management / mitigation works
6. Education (Council, community groups, schools)
7. Bushcare workshops and training days
8. Sporting / recreational activities (orienteering, bike riding)
9. Filming (Home and away, BBC documentaries etc)
10. Research (Council, Universities, TAFE, School students)
11. Plant propagules (seeds etc) collection eg Council nursery
12. BBQ's and picnics
13. Feral animal control
14. Abseiling
15. Bird watching (informal and organised)
16. Horse riding (limited)

DISCUSSION NOTES RE BUSHLAND PLAN OF MANAGEMENT BUSHLAND CATCHMENTS AND NATURAL AREAS REFERENCE GROUP 15 AUGUST 2005

These notes were taken at the meeting to discuss issues, problems and solutions associated with Council's new Bushland Plan of Management being drafted to replace the current POM from 1996. Information gathered at the reference group meeting will be incorporated into the new draft POM before it is sent to public exhibition. Information gathered was grouped into arbitrary sets of issues for simplicity and do not necessarily reflect relationships or any hierarchical importance.

11. RECREATIONAL USES

- a. **Bike Tracks / Jumps** (unauthorised building in bushland reserves)

Issues:

- cause damage and erosion
- located mostly along urban edges and on fire trails
- often happen in school holidays
- built by kids and adults
- provide a "positive" experience of bushland for young people
- conflicts with walkers etc

Solutions / ideas:

- Allowing kids to ride bikes in bushland can help create a connection with nature but need to educate people so that their use of reserves does not degrade them
- Ideally a 1:1 education approach to provide guidance
- Brochures not the answer

- Provide more areas for bikes in parks and other reserves rather than “sacrifice” bushland reserves
- Larger network of formal tracks (bushland and parks?)

b. Dogs in bushland

Issues:

- Dogs off-leash in bushland are a problem

Solutions / ideas:

- More education / signage required

c. Visitor impacts (general use)

Issues:

- Dogs off-leash in bushland are a problem

Solutions / ideas:

- More education / guidance and signage required
- Targeted use of reserves (eg some reserves closed to dogs etc for fauna refuges)

12. DETRIMENTAL USES

a. Dumping (garden refuse, minor building materials)

Issues:

- Weed invasion
- Nutrient / pollutants
- Hazardous materials (asbestos etc)

Solutions / ideas:

- Education program
- Regulation

b. Stormwater (excess flows, illegal sewer connection)

Issues:

- Changed water regimes (quantity, frequency)
- Nutrient / pollutants in runoff
- Health risks – increased sewer overflows
- Degraded water quality / aquatic habitats

Solutions / ideas:

- Education program
- Regulation
- Planning controls

c. Pets and feral animals (dogs off leash, free roaming cats etc)

Issues:

- Predation on native animals
- Disturbance to native fauna

- Health issues – dog droppings
- Conflicts with walkers

Solutions / ideas:

- Education program
- Regulation
- Control programs
-

d. **Litter** (shops and roadside)

Issues:

- Large amounts of refuse into bushland
- Nutrients / pollutants

Solutions / ideas:

- Education program
- Regulation

13. EDUCATION

a. **Lifestyle** (frenetic time poor people)

Issues:

- Modern lifestyles make it difficult for people to do the “right” thing re natural environment eg being able to, or knowing how to, recycle items like computers, laser toner cartridges and mobile phones

Solutions / ideas:

- Providing information about services that recycle more unusual / difficult items particularly those that are more convenient / local
- Look at possibility of Council providing a pick up service for these items or partnerships (eg Planet Arc) that provide services

b. **Works / activities in bushland** (eg. Council works, Sydney Water etc)

Issues:

- Local residents / users are not always informed of activities

Solutions / ideas:

- Better notification
- Signage near works

Note - Council is not always informed of works / activities in bushland such as sewer overflow works, user groups (eg orienteering) etc.

14. EDUCATION GENERAL

a. **Knowledge of local nature / reserves** (especially new residents)

Issues:

- People do not have a good knowledge of local wildlife and the values of bushland for conservation

Solutions / ideas:

- Permanent bulletin signs where information can be changed monthly etc. Eg Have a “species of the month” (relevant to the reserve) to raise awareness and appreciation of reserve value.

15. DEVELOPMENT GENERAL (Redevelopment / new housing and unit blocks)

a. **Knowledge of local nature / reserves** (especially new residents)

Issues:

- Poor use of local indigenous plant species
- Last minute or post development replacement of native species with exotic plants

Solutions / ideas:

- Promote greater use of provenance planting / local indigenous plant species
- Include reference to use of provenance planting / local indigenous in Bushland POM and other planning instruments (eg Biodiversity Strategy)
- Look at ways to ensure developers know where to source provenance stock and that they use them

16. BUSHFIRE

- Risk management plan (Hornsby-Ku-ring-gai area)

17. Permissible Uses

a. **Knowledge of local nature / reserves** (especially new residents)

Issues:

- Scout halls and their condition
- Scouts / guides activities such as clearing and bring in fill
- Other leased premises in bushland

Solutions / ideas:

- Draw up guidelines for leases in bushland RE appropriate activities / impacts
- Alternate uses for scout halls (esp. those in disuse) – would need to be negotiated / written into leases.

18. Interagency Management Issues (NPWS, DIPNR, RFS, other Councils etc)

a. **Conflicts / coordination** (contiguous reserves / multiple responsibility)

Issues:

- Conflicts between land uses and agency management principles

- Variable degrees of coordination of management activities
- Wildlife populations, plant communities and streams etc that span reserves, catchments and regions.

Solutions / ideas:

- Seek greater cooperation / coordination between agencies
- Draw up memos of understanding between groups
- Greater participation in regional management groups and committees etc (eg HNCMA, NSROC etc).

19. Vision - 10 year and beyond (What do you want natural area reserves be like)

2. No less bushland and that bushland is in “better” condition than at present.

Solutions / ideas / issues:

Condition monitoring (eg SOE)
 Costing
 Better linking (Biodiversity Strategy etc)
 Prioritise actions with broad direction
 Better linking of reserves (corridors etc) – biodiversity strategy etc

20. Current activities in natural areas

17. Bush regeneration (volunteers, Council programs)
18. Walking (informal and organised programs)
19. Track and trail works (KC, Energy Australia etc)
20. Community group activities (APS, STEP, Oxfam, KBCS etc)
21. Fire management / mitigation works
22. Education (Council, community groups, schools)
23. Bushcare workshops and training days
24. Sporting / recreational activities (orienteering, bike riding)
25. Filming (Home and away, BBC documentaries etc)
26. Research (Council, Universities, TAFE, School students)
27. Plant propagules (seeds etc) collection eg Council nursery
28. BBQ's and picnics
29. Feral animal control
30. Abseiling
31. Bird watching (informal and organised)
32. Horse riding (limited)

OPEN SPACE STRATEGY

EXECUTIVE SUMMARY

PURPOSE OF REPORT:	To report the results of the public exhibition period of the Draft Open Space Strategy to Council.
BACKGROUND:	On 26 April 2005, Council resolved to place the Draft Open Space Strategy on public exhibition. During the exhibition period, posters were placed in Council libraries and at Council Chambers for public viewing. Posters advertising the strategy were sent to all sports and recreation clubs with clubroom/clubhouse facilities requesting the posters be displayed for general viewing. In addition, the strategy has been exhibited on Council's website in the "On Public Exhibition" section and the aim of the Strategy and the public exhibition period was included in the Mayoral column of the North Shore Times on Friday 22 July 2005. Submissions closed on Monday 8 August and only one submission was received.
COMMENTS:	The Open Space Strategy provides a framework for co-ordination and integration of the management and embellishment of the entire open space network owned and managed by Council. The intention of the Strategy is to guide the delivery of short, medium and long term outcomes for Open Space assets.
RECOMMENDATION:	That the Draft Open Space Strategy as amended be adopted by Council and that reference be made to the actions and priorities identified in the Open Space Strategy document during preparation of future planning documents as outlined in the report.

PURPOSE OF REPORT

To report the results of the public exhibition period of the Draft Open Space Strategy to Council.

BACKGROUND

The 2004-2008 Management Plan required the development of an Open Space Strategy. During the initial development, a comprehensive review of existing studies, resources and opportunities for Ku-ring-gai's public open space assets and the demands and needs of our population were undertaken. This research identified that needs currently expressed by the community include a range of new and upgraded sportsfields, parks and playgrounds, more walking tracks and bike tracks, an indoor leisure centre, swimming facility and an increase in the number and diversity of events and programs.

A working party consisting of members of the Bushland, Catchment & Natural Areas Reference Group and the Parks, Sport & Recreation Reference Group met to review the completed draft, prior to seeking Council's endorsement to publicly exhibit the Draft Strategy.

COMMENTS

The Open Space Strategy offers structure and direction to the way Council provides for the needs, health and wellbeing of our residents, now and in the future in relation to open space assets; the protection and enhancement of the natural environment; the provision of affordable and economically sustainable programs and resources, and to enhance the urban liveability of Ku-ring-gai.

The Strategy identifies six program areas which will assist Council in ensuring that the current and future investment in all of its open space areas and assets is cognisant of the changing community demands and needs, rising land values and maintenance costs and broader social, economic and environmental values.

- 1 Planning open space and recreation facilities.
- 2 Protecting natural and cultural heritage.
- 3 Protecting and improving landscape and visual heritage.
- 4 Providing facilities for recreation and leisure.
- 5 Promoting recreation and leisure activity.
- 6 Managing our open space resources.

Previous strategic documents considering open space and community land plans of management have considered different categorisations of land such as park, sportsground and natural areas independently.

The Draft Open Space Strategy takes a coordinated approach to the management and embellishment of all open space land owned and managed by Council. Historically, strategy documents prepared individually for sportsgrounds, parks or natural areas have not recognised the strong relationship that many of Ku-ring-gai's formal open spaces have with the natural environment, the informal use

Item 16

S04028
24 August 2005

of our natural areas for recreation and the important biodiversity functions of all open space areas. The majority of Council's sportsgrounds have substantial areas of bushland interface, similarly open space areas are often considered by residents living in close proximity to the area as 'their local park,' whether categorised by Council as sportsground, park or natural area.

The Open Space Strategy will become the guiding or 'parent' document outlining the principles and strategies to be incorporated into more specific strategic documents in the future, including Council's Management Plan, Section 94 Plans, Town Centre Master Plans, District Park Master plans and specific and generic plans of management for community land. Similarly future studies and strategies focussing on specific areas of open space provision will refer to the general principles of the Open Space Strategy to form the framework and determine the priority for recommending future action. For example, a review of the 1997 Strategic Plan for Sportsfields and Courts is currently being undertaken which will result in the development of the Draft Sport in Ku-ring-gai Strategy. This strategy will consider the provision and future needs of Ku-ring-gai's sportsground network, with reference to the relevant principles and key programs identified in the Open Space Strategy. Similarly the visions for open space land and key programs identified in the Open Space Strategy will form the basis of the key principles to be developed as part of Council's Open Space Acquisition Strategy to be developed this financial year.

During the public exhibition period, only one submission was received. This submission suggested that the strategy provide more direction and support for organised sports facilities and the need for additional sportsgrounds. The submission received also suggested that the strategy make reference to the financial aspects of different classes of open space and, in particular, referred to the revenue raising potential of some open space facilities. The club who submitted the comments have discussed the issues raised with Council officers and have received a formal response to their submission.

Having considered the comments received and identified a number of general editing issues, minor modifications have been made to the draft plan. A list of these modifications is included in Attachment 1. The modifications do not alter the focus or principles outlined in the strategy, but are minor modifications for the purpose of clarification.

CONSULTATION

The development of this draft strategy involved drawing from past consultations with key users and other stakeholders and existing Council policies, strategies and plans. Detailed discussions of the Draft Strategy were undertaken with the Parks, Sports & Recreation Reference Group and the Bushland, Catchment & Natural Areas Reference Group, including a sub group drawn from both Reference Groups.

Following Council's resolution to put the draft plan on public exhibition, posters were put up in Council libraries and at Council Chambers where the document was available to be viewed. Posters advertising the strategy were sent to all sport and recreation clubs with clubroom/clubhouse facilities requesting the posters be displayed for general viewing. The Draft Strategy has been exhibited on Council's website in the "On Public Exhibition" section and the aims of the strategy and the public exhibition period was discussed in the Mayoral column of the North Shore Times on

Item 16

S04028
24 August 2005

Friday 22 July 2005. Submissions closed on Monday 8 August 2005 and one submission, as discussed above, was received.

The writer of the submission and members of both Open Space Reference Groups have also been notified that a report considering the adoption of the plan is listed on the business paper.

FINANCIAL CONSIDERATIONS

The Draft Strategy identifies a range of programs and projects that should be implemented over the short, medium and long term. Where these require funding, these will need to be considered in the development of future management plans and budgets and in the identification of various funding sources. Whilst implementation of all the recommendations is clearly beyond Council's ability to resource in the short term, the Strategy will assist in the prioritisation of tasks over an extended period. In particular the actions identified in the Strategy will be considered in conjunction with the actions listed or identified for incorporation into Plans of Management and existing capital works prioritisation processes when recommending future capital works.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Planning and Environment, Technical Services and Finance and Business Development were involved in the preparation of the Open Space Strategy. No further consultation with other Council departments has occurred during the public exhibition period.

SUMMARY

The Draft Open Space Strategy provides a framework for co-ordination and integration of the management and embellishment of the open space network owned and managed by Council. The intention of the Strategy is to guide the delivery of short, medium and long term outcomes for Open Space assets. The Draft Strategy has been on public exhibition since 26 April 2005, and has been advertised, as outlined in the body of the report. Only one submission was received. Comments received have been considered and a number of them have been included, along with general editing in the amended Draft Plan. All amendments have been minor and do not alter the focus or principles expressed in the Draft Strategy.

RECOMMENDATION

- A. That the Draft Open Space Strategy as amended be adopted by Council.
- B. That reference be made to the actions and priorities identified in the Open Space Strategy document during preparation of future planning documents as outlined in the report.

Amanda Colbey
Manager Parks, Sport and Recreation

Peter Davies
Manager Bushland and Natural Areas

Morven Cameron
Senior Project Officer

Steven Head
Director Open Space

Attachments:

- 1. Table of proposed changes to the Draft Open Space Strategy - 531309**
- 2. Copy of Draft Open Space Strategy (as amended) - to be distributed separately**

DRAFT PLANS OF MANAGEMENT FOR COMMUNITY LAND

EXECUTIVE SUMMARY

PURPOSE OF REPORT:	To determine a timetable for the preparation of Plans of Management for Community Land.
BACKGROUND:	<p>The completion of Plans of Management in accordance with Council's adopted program is a key performance indicator in Council's 2005/2009 Management Plan. On 9 December 2003 Council resolved a schedule for the completion of Plans of Management for Community Land. This report identified land which was not covered by any Plan of Management and existing plans which required updating to comply with the 1998 amendments to the Local Government Act. Plans identified in this 2003 report have been developed and are either currently in draft or have been adopted by Council.</p>
COMMENTS:	<p>It is proposed that the following three draft Plans of Management be prepared during 2005/2006:</p> <ul style="list-style-type: none">■ Bushland and Natural Areas Generic Plan of Management.■ General Community Land including Drainage Reserves, Pathways and Miscellaneous Land.■ Tennis Courts – incorporated as an amendment to the Generic Sportsground Plan of Management.
RECOMMENDATION:	That the Draft Plans of Management outlined in the body of this report be prepared and reported to Council.

PURPOSE OF REPORT

To advise Council of the timetable for preparation of Plans of Management for Community Land in 2005/2006

BACKGROUND

The Local Government Act 1993 requires that all community land be managed in accordance with a plan of management and that the nature of community land can only be changed in accordance with the relevant plan of management. Amendments to the Local Government Act came into force on 1 January 1999 that altered the composition and preparation of Plans of Management.

Plans of Management categorise the community land covered by the plan into one of the following categories:

- Park
- Sportsground
- Natural Area (Land that is categorised as a natural area can be further categorised into one of six sub-categories)
- Area of Cultural Significance
- General Community Use

Plans of Management can be prepared as either site specific plans such as the Plan of Management for Bicentennial Park, which has different categories of land covered in the one plan, or as generic plans covering a number of locations which have the same categorisation and similar management issues, such as the Generic Sportsground Plan of Management.

On 9 December 2003 Council resolved a schedule for the completion of Plans of Management for Community Land. This report identified land which was not covered by any Plan of Management as well as existing plans which required updating to comply with 1998 amendments. A number of the plans identified in the 2003 report have since been developed and are either currently in draft or have been adopted by Council. Table 1 lists Council's currently adopted Plans of Management.

Table 1 Council's currently adopted Plans of Management.

Plan of Management	Date Adopted
Bushland	25 June 1996
Canoon Road Recreation Area	20 June 2000
Car Parks Generic	16 October 2001
Children's Services Generic	19 March 2002
Community Groups Centre and Car Park – St Ives	16 October 2001
Community Halls and Meeting Rooms	17 October 2000

Plan of Management	Date Adopted
District Parks Superseded - by Draft Generic Parks	9 July 1996
East Roseville Community Centre & War Memorial Hall	14 December 1999
Echo Point Park	29 June 2004
Firs Cottage, Roseville Park	June 2000
Gordon & North Turramurra Golf Courses	20 November 2001
Gordon Golf Course Clubhouse Precinct	20 November 2001
Ku-ring-gai Arts Performing Arts Resource Centre	20 March 2001
Ku-ring-gai Bicentennial Park	6 August 2002
Ku-ring-gai Library site	9 December 2003
Ku-ring-gai Library site	17 December 2003
Ku-ring-gai Performing Arts Resource Centre (PARC)	20 March 2001
Lindfield Library Site	3 September 2002
Marian Street Theatre Site	20 August 2002
Playgrounds Superseded by Generic Sportsgrounds & Draft Generic Parks	2 April 1996
Rowe Street Car Park	7 November 1995
Small Parks Superseded - by Draft Generic Parks	2 April 1995
Sportgrounds	June 2003
St Ives Showground	29 June 1999
St Ives Village Car Park	20 November 2001
St Ives Village Green	11 August 1998
Swain Gardens Superseded - by Draft Generic Parks	10 September 1996
Tennis Courts	2 June 1996
Tulkiyan	6 February 2001
Unit 1, 12 - 18 Tryon Road Lindfield	14 December 2004
Wahroonga Car Park	16 October 2001

COMMENTS

The completion of Plans of Management in accordance with Council's adopted program is a key performance indicator in Council's 2005/2009 Management Plan.

Table 2. shows the land not covered by any plan and existing plans which need to be reviewed to comply with the 1998 amendments to the Local Government Act.

Item 17

S04468
30 August 2005

Land not covered by an existing plan	Plans of Management requiring review
General Community Land (including Drainage Reserves, Pathways and Miscellaneous Land)	Bushland Generic Plan (25 June 1996) Tennis Courts Generic Plan (2 June 1996)
The Lifeline site, 4 Park Ave Gordon*	St Ives Village Green (11 August 1998)**
Council Chambers***	

* Preparation of the Plan of Management for the Lifeline site, Gordon will be undertaken in conjunction with the Gordon Town Centre master planning.

** In accordance with Council's resolution of 19 July 2005, a new Plan of Management for St Ives Village Green will be prepared following the completion of the draft DCP and LEP for the area and the preparation of the public domain concept plan, including a park master plan for the entire St Ives Village Green area.

***The public exhibition of the Plan of Management for the Council Chambers site was postponed in January 2003. The review of this plan will be undertaken following the completion of the Gordon Town Centre master plan.

It is proposed that work on the following Draft Plans of Management be undertaken during 2005/2006:

- Bushland and Natural Areas Generic Plan of Management
- General Community Land including Drainage Reserves, Pathways and Miscellaneous Land.
- Tennis Courts

Work has commenced on the preparation of the Draft Generic Plan of Management for Bushland and Natural Areas.

Work has not commenced on either of the other two plans, however it is proposed that the Generic Sportsground Plan of Management be amended to include Council's tennis court facilities as opposed to developing an entirely new plan. Council has 71 tennis courts at 20 different locations around the local government area, 13 of those locations are sportsgrounds, 6 are parks and 1 is Lindfield Community Centre.

Under the five categories of community land defined in the Local Government Act 1993, tennis courts fall into the category of sportsgrounds. The issues relating to the management of Council's tennis court facilities are similar to those identified in the existing Plan of Management for Sportsgrounds including safety/risk management, maintenance, impacts on residents, vandalism and operating hours.

Incorporating the tennis court facilities into the existing Sportsground plan offers a more consistent approach to the management and maintenance of the tennis court and sportsground assets on both an operational and administrative level. Additionally this will assist in avoiding the costs associated

Item 17

S04468
30 August 2005

with the development of an entirely new plan, much of which would be repetitious of the existing sportsground plan. Council has a significant amount of information about the tennis court business collected over the last 4 years, including research prepared during the preparation of the Tennis Court Business Plan in 2002 as well as at subsequent coaches' workshops and meetings with regular users. This information will be reviewed to clarify the issues prior to the development of a Draft Amended Sportsground plan.

In addition to the three plans outlined above, two additional reports are currently being prepared for discussion at Council; which will consider the requirements of the Canoon Road Recreation Area Plan of Management, adopted by Council on 20 June 2000, and will outline the progress which has been made in achieving the aims, objectives and action plans set out in the St Ives Showground Plan of Management.

CONSULTATION

The process of developing a Plan of Management differs depending on the type of plan, and the issues relevant to the community land covered by the plan. During the preparation of a draft plan community workshops are held, ongoing issues discussed with Council Officers and recent research relating to the land is reviewed to determine the issues to be addressed in the plan. Once a draft plan has been prepared it is reported to Council for resolution to be placed on public exhibition, for a minimum of 28 days, with an additional 14 days for public comment. During the public exhibition period a public hearing is held to consider the categorisation of the land covered by the plan. In addition to advertising to the wider community consultation is also targeted to specific groups in the community including residents living in close proximity to the land covered by the plan, user groups and Council's Reference Groups, (Parks, Sport and Recreation Reference Group and Bushland, Catchment and Natural Areas Reference Group). Comments received during the exhibition period and at the public hearing are reported back to Council for consideration. In addition future draft plans of management will be referred to Council's Planning Committee prior to being reported to an Ordinary Meeting of Council.

Once adopted progress of the implementation of the actions identified in plans of management are routinely reported to Council.

FINANCIAL CONSIDERATIONS

Preparation of Draft Plans of Management for Community Lands is funded in Council's recurrent budget, and includes salaries, consultants, printing and advertising. The external costs associated with preparing a draft plan, holding public hearings and incorporating modifications as a result of the public comment period can vary from \$20,000 to \$40,000 depending on the complexities of the sites and types of land being categorised and on the comments received during the public comment period. Council's 2005/2006 recurrent budget has identified funding for the preparation of the Draft Plan of Management for Bushland and Natural Areas including consultant's fees, advertising and printing costs. The General Community Land Plan of Management and the amendments to the Sportsgrounds Plan of Management will be prepared by Council staff, with consultants used to facilitate public meetings and hearings as required.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Extensive consultation is undertaken with staff responsible for managing the relevant land or facilities during the preparation of the Draft Plan of Management. Officers from Finance, Technical Services, Planning and Community Services have assisted in the preparation of this report.

SUMMARY

The Local Government Act 1993 (as amended) requires the preparation of Plans of Management for all community land. Council's 2005/2009 Management Plan lists 'Complete drafting of Plans of Management as per Council's adopted program' as a key performance indicator, in order to continue with this program it is necessary to review the previous program, resolved by Council in December 2003 and update the order and priority of plans required.

RECOMMENDATION

- A. That the Draft Plan of Management for Bushland and Natural Areas be reported to Council during the second quarter.
- B. That the Sportsground Plan of Management be amended to include Council's Tennis Court facilities and a Draft Amended Plan be prepared and reported to Council during the third quarter.
- C. That work commence on the Draft Plan of Management for General Community Land (including Drainage Reserves, Pathways and Miscellaneous Land) to report a draft plan to Council during the fourth quarter.

Morven Cameron
Senior Project Officer

Steven Head
Director Open Space

IPART DECISION ON STREET LIGHTING PRICING

EXECUTIVE SUMMARY

PURPOSE OF REPORT:	To inform Council of the Independent Pricing and Regulatory Tribunal (IPART) decision on street lighting pricing and the financial impact on Council of the decision.
BACKGROUND:	<p>In November 2004, Energy Australia made submissions to the Independent Pricing and Remuneration Tribunal (IPART) seeking to increase prices for street lighting assets by some 70% over 30 months. While this was rejected by IPART, a second submission was submitted to IPART in June 2005 for a proposed increase to prices by 12.3% plus CPI with three subsequent increases of 5% compounded annually.</p> <p>Council has vigorously contested both submissions. In both instances, Council has made separate submissions and endorsed submissions made by Next Energy on behalf of the Street Lighting Improvement (SLI) Program comprising 28 other Councils.</p> <p>On 26th August 2005, IPART decided to approve EnergyAustralia's revised pricing proposal.</p>
COMMENTS:	The direct result of this decision will increase expenditure for street lighting by approximately \$67,000 (Excluding GST) for the 2005/06 financial year which was not included in Council's budget.
RECOMMENDATION:	That funding for the increase in street lighting charges in an amount of \$67,000 be considered at the first quarter budget review for 2005/06.

PURPOSE OF REPORT

To inform Council of the Independent Pricing and Regulatory Tribunal (IPART) decision on street lighting pricing and the financial impact on Council of the decision.

BACKGROUND

In June 2004, IPART changed the regulatory framework applying to EnergyAustralia's provision of public lighting services. Consequently, an assessment by EnergyAustralia (EA) concluded that increased pricing was warranted in order to recover the cost of providing and maintaining public lighting equipment that was borne by other electricity customers in the past.

To justify this increase, Energy Australia made an initial submission to IPART in November 2004, based on proposed price increases of some 70% over 30 months. While this was rejected by IPART, a second submission in June 2005 proposed to increase prices by 12.3% plus CPI, with three subsequent increase of 5% compounded annually.

Council has vigorously contested both submissions. Ku-ring-gai Council is one of the 29 Councils participating in the Street Lighting Improvement (SLI) Program, which comprises about 85% of the public lighting in EA's territory. A separate submission was made by this Council to IPART and Council endorsed the submission made by Next Energy on behalf of SLI Program.

Submissions made by SLI Program cited seven key issues:

- Requirement for IPART's regulatory protection, given the NSW contestability policy has no recourse to a contestable market for existing street lighting EA owned assets.
- Increase based on inappropriate costing with several significant deficiencies.
- Increases in excess of costs assessed by the Victorian Essential Services Commission.
- Request for Councils to comment on transitional price path that was not published.
- Approval sends a poor signal with regard to the electricity sector reform and appears to reward poor performance.
- EA proposing additional charges for removal of highly obsolete assets.
- The SLI Program acknowledged that some technology practices by EA were ceasing.

Submissions by Council focused on the direct impact to the Local Government Area, including financial impact, declining service, contestability, maintenance issues and lighting standards.

In relation to the second submission by EA, on Friday 26th August, IPART informed the SLI Program representatives and the LGSA that it has decided to approve EnergyAustralia's revised pricing proposal.

Prices for components will therefore rise by 10%+CPI from 1 September 2005 and further rises by an average of 5%+CPI over the next three financial years.

COMMENTS

The decision is a mixed one for Council. Based on confidential briefing notes to Council by the Program Managers, an outline is provided in italics below with some important implications:

1. **Further Increases Related to Additional Assets Highly Unlikely** – *The IPART decision is substantially less than the 70% originally requested by EA in Nov 2004. Importantly, the decision makes further price increases related to additional connection assets highly unlikely, as that would involve 'revaluation of the asset base,' a move which IPART has put in writing that it does not support.*

This is viewed as a positive implication for Council.

2. **7-8 Year Replacement Program of Obsolete Fluorescent Luminaires** – *The EA pricing submission was based on a 7-8 year replacement program of the remaining obsolete fluorescent lighting. This is a positive development. However, we note that EA's replacement program is based on Mercury-vapour 80 watt (M80) lighting and does not acknowledge the new fluorescent lighting currently being trialled. It would seem imprudent to commit to roll it out across the network of obsolete lighting. This is particularly the case given that emerging technology of the T5 fluorescent lighting could deliver some 65% energy and greenhouse gas savings as well as lower total cost of ownership.*

Replacement of obsolete twin fluorescents with M80 lighting appears a positive outcome on face value. It has several benefits including, improved compliance with the lighting Standards (AS 1158) from 4% to more than 85% and no increase in light spill. However, the M80 would increase greenhouse and energy by 89%. Implications for the increased energy consumption are outlined in the financial considerations.

In comparison with the M80, the T5 Fluorescent achieves an identical compliance rate with the benefit of reduced greenhouse and energy.

It has been proposed with the Program Manager to place an embargo on replacement until the full results are finalised from the trial of T5 currently, and will be discussed at meeting of the SLI Program participants in September 2005.

3. **Opex and Depreciation Cost Reductions Due to Longer Asset Lives Recognised, but Offset by Higher Asset Valuation.** *IPART adopted the view that EnergyAustralia's proposed operating costs were too high, and depreciation lives too short as noted in council submissions. However, those reductions were offset by a higher asset valuation adopted by IPART than proposed even by EA (see below).*
4. **Higher IPART Asset Valuation Not Based on Detailed Cost Assessment.** *...The higher valuation is based on regulatory accounts developed in the late '90s primarily for price regulation of EA's main distribution activities and not on a detailed assessment of street lighting asset costs. The higher valuation is not viewed by IPART as necessarily cost reflective and has not previously been used in establishing street lighting prices.*

- 5. No View Taken on Obsolete Assets, Although High Valuation is Implied** - *IPART did not explicitly consider nor take account of the obsolescence or prudence of the fluorescent lighting that EnergyAustralia continued to install throughout the 1990s and to July 2004. However, these obsolete assets have a high implied valuation, as discussed above. One concern is that this might be interpreted as implicit support for EnergyAustralia's practice, or conversely, as placing responsibility for those decisions on councils. IPART acknowledged that this might be an unintended consequence.*

EnergyAustralia's default light replacement policy has only been updated recently. Prior to July 2004, obsolescence of fluorescent lighting was installed. Council has no recourse in respect of this practice and implied valuation.

- 6. Process Concerns** - *IPART chose not to provide councils with a copy of their technical consultant's draft report. A preliminary review of this work suggests a number of factual errors and unsupported assumptions that appear material to the Tribunal's subsequent decision. Notably, EnergyAustralia was provided with a review draft on 12 August.*

This disparity in the process is of concern, especially when the importance of this material has a direct influence on the increases and Council are unable to any natural justice to review.

- 7. Contestability Not Considered, But Not Intended to be Precluded** - *IPART did not consider the relationship between its decision and prospective future contestability but did not intend that contestability be precluded. However, as many would be aware, some prominent councils have begun considering whether it is possible to change lighting service providers. Anticipating that the IPART decision may not be one that councils are comfortable with, an issues paper has been prepared to discuss this option more fully. We expect this to be distributed within the next 2 weeks and will thereafter organise meetings in each ROC to discuss both this and the IPART decision.*

Technical Service staff from adjoining Councils held discussions on 31 August 2005 to focus attention on contestability and options that may be available to move forward.

CONSULTATION

Technical Services has consulted with the Program Managers of Next Energy regarding the impact and possible future options.

FINANCIAL CONSIDERATIONS

Street lighting is paid for under two areas:

- expenditure for the supply and maintenance of public lighting equipment, and
- expenditure for the cost of energy and Network use of System charges.

The decision by IPART to approve increase in prices impacts on Council's expenditure for the supply and maintenance of public lighting equipment only. Factoring the 10% from 1 September

Item 18

S02249
31 August 2005

2005, this Council's total expenditure will rise by approximately \$67,000 (excluding GST but allowing a CPI of 3%) for the 2005/06 financial year.

This amount has not been budgeted for in the 2005/06 budget and a review of the current budget will need to be carried out to determine how this increase will be offset.

A second financial implication, concerns the 7-8 Year Replacement Program of fluorescent luminaires. It is estimated that replacement of all 6,486 twin fluorescent in the current inventory, would cost a further \$110,745 per year, when factoring all the actual charges and rates as shown in Table 1.0 below. Twin fluorescents represent 65% of the total street lighting inventory.

Table 1.0. 7- 8 Year Replacement Program of fluorescent luminaires.

Charges	Increased Energy (1)	x Rate	Unit	x TLF	x DLF	Total
Energy Charge	1,562,477.40	3.1560	c/kWh	1.0097	1.0949	\$54,515
Network Charge	1,562,477.40	3.2517	c/kWh			\$50,807
Market Charge						
Administration	1,562,477.40	0.0434	c/kWh		1.0949	\$742
Ancillary	1,562,477.40	0.0507	c/kWh		1.0949	\$867
Other Charges						
Renewable Energy Certificates	1,562,477.40	0.0920	c/kWh			\$1,437
NSW Greenhouse Abatement	1,562,477.40	0.1520	c/kWh			\$2,375
Total electricity before GST						\$ 110,745

Note (1). Increased energy based upon:

Luminaire replacement: M80 consumes 96 Watts and 2 x 18 fluorescent consumes approx. 36watts.

Quantity increase: 6486 lamps x 60watts = 389,160 W (= 389.16 kW)

Quantity increase per year: 389.16 kW x 11 hrs/day x 365 days/year = 1,562,477.4 kWh/year

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Technical Services has discussed the financial implications with the Finance and Business Section on how this increase may be offset.

SUMMARY

As a consequence of IPART changing the regulatory framework applying to EnergyAustralia's provision of public lighting services, EnergyAustralia (EA) have concluded that increased pricing was warranted.

An initial submission by EA to IPART in November 2004, proposed price increases of some 70% over 30 months but was rejected by IPART. In June 2005, a second submission to IPART proposed to increase prices by 12.3% plus CPI, with three subsequent increase of 5% compounded annually.

Item 18

S02249
31 August 2005

Council has vigorously contested this increase and made a separate submission to IPART as well as endorsing the submission made by Next Energy on behalf of the Street Lighting Improvement Program, comprising 29 participating Councils.

On Friday 26th August 2005, IPART informed the SLI Program representatives and the LGSA that it has decided to approve EnergyAustralia's revised pricing proposal. Prices for components will rise by 10%+CPI from 1 September 2005 and further rises by an average of 5%+CPI in each of the next three financial years will occur.

The decision by IPART will increase Council's expenditure for the supply and maintenance of public lighting equipment by approximately \$67,000 (excluding GST and allowing a CPI of 3%) for the 2005/06 financial year.

The EA pricing submission had included a 7-8 year replacement program of fluorescent luminaires. Replacement of all 6,486 twin fluorescent would result in further cost of \$110,745 per year, and therefore does not represent efficient practices given lower greenhouse and energy and potential lower total cost of ownership for T5 luminaires. Further discussion will be required with the SLI Program to consider whether an embargo of this practice can be put in place.

Council is considering its options in consultation with the SLI Program. To move forward and consider the possibility to change lighting service providers, the Program Managers will distribute an issues paper to staff for discussion.

RECOMMENDATION

That funding for the increase in street lighting charges in an amount of \$67,000 be considered at the first quarter budget review for 2005/2006.

Ian Taylor
Manager Support Services

Greg Piconi
Director Technical Services

BUILDING MAINTENANCE PROGRAM - 2005/06

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

To advise Council of the proposed building maintenance program for 2005/06 and the draft 2006/10 program.

BACKGROUND:

In 2002, a condition audit was carried out for the majority of Council's buildings in order to develop a building maintenance program in order to bring Council's buildings up to a satisfactory standard. The program has been in place since 2002/03.

COMMENTS:

The program has been consulted with the various user groups and a number of regulatory and compliance issues have been completed. The program can now concentrate on general repairs and refurbishment items.

RECOMMENDATION:

That the 2005/06 building maintenance program and the draft 2006/10 building maintenance program be adopted.

PURPOSE OF REPORT

To advise Council of the proposed building maintenance program for 2005/06 and the draft 2006/10 program.

BACKGROUND

Council at its meeting of 19 November 2002 considered a report on the seven year building maintenance program based on a Condition Audit of Council's major buildings and an assessment of ongoing maintenance carried out by Council's Building maintenance staff.

Prior to the Condition Audits being carried out, repairs to Council's buildings were reactive and based on complaints from various user groups. There was no assurance that Council buildings conformed to current legislative requirements and the audits assessed the buildings against the standards covered in the Building Code of Australia and relevant Australian Standards for disabled access, occupational health and safety and fire safety regulations.

A priority ranking system for the maintenance of Council buildings was adopted by Council at its meeting of 30 April 2002.

COMMENTS

A seven year building maintenance program was adopted by Council in September 2002 based on the adopted ranking criteria and pro-active repairs were put in place to address important issues of fire safety, occupational health and safety, disabled access and BCA compliance. Since that time a number of these matters have been completed and the opportunity now exists to refurbish a number of buildings but this will be subject to Council determining the long term future of the buildings.

Council's user groups were consulted by Council's staff on the program for various buildings when the program was developed and ongoing discussions are held with the user groups to advise them of the progress of any works.

The condition audits were carried out and grouped into the major categories of work in accordance with Council's adopted ranking system.

Item 19

S02533
1 September 2005

Council also adopted a weighting system for the various categories of buildings as detailed below:

Kindergartens and Child Care Centres	10
Senior Citizens Centres	9
Libraries	8
Community Centres	7
Halls and theatres	6
Amenity buildings and club houses	5
Council buildings and offices	4
Cottages, dwellings and pavilions	3
Public conveniences and street/park furniture	2
Shade houses, sheds and garages	1

The total amount allocated by Council for building maintenance works is approximately \$1,500,000 per annum. This amount is to cover maintenance and repairs and any refurbishment works.

Apart from building maintenance works, the trades section undertakes a number of other functions and the total allocation is to cover these works which cannot be programmed. The functions currently undertaken by the building trades staff and contractors that require set allocation based on expenditure trends include the following items:

Vandalism	\$130,000
Signposting and linemarking	\$100,000
Urgent repairs	\$150,000
On costs & internal service charges	\$220,000

Hence, the likely available Council allocation for programmed works would be approximately \$900,000. The 2006/10 program has been reviewed in accordance with the available budget, Council's priority ranking and weighting criteria. A copy of the 2005/06 program is **attached**. The program also includes several items that were not completed in the 2004/05 program and carried forward into the 2005/06 program.

Council staff responsible for managing the various buildings are requested to consult with the user groups with regard to the program and any maintenance items that were considered important to their current needs.

It should be noted that all of the fire safety requirements have been carried out for Council's major buildings and annual fire safety statements have now been obtained, however, there is an annual obligation to carry out fire safety inspections and prepare statements. Also, the child care centres and preschools have had thermostatic mixing valves installed to help prevent hot water scalding of young children and other requirements as specified by the Department of Community Services. This also involves annual testing to ensure proper functioning.

While safety and compliance requirements still have a high priority, a significant amount of these works have now been carried out and funding can now be allocated to refurbishment items and general repairs.

The establishment of a maintenance program has been a valuable tool in consultation with the user groups as it provides them with an understanding of available funding and Council's priorities for its funding. Also, it provides some degree of commitment to carry out these works.

The current building maintenance program has been prepared in order to bring its buildings up to a satisfactory standard based on their current condition. However, based on the condition audits, it will require several years to bring Council's buildings up to a satisfactory standard.

With several heritage properties, a maintenance schedule has been prepared for the heritage buildings and the program incorporates ongoing maintenance to these buildings. This program has been prepared in consultation with Council's Property Services Co-ordinator.

A copy of the draft 2006/10 building maintenance program will be made available and placed in the Councillors Room as a separate attachment. This information will also be made available to the various user groups on request.

CONSULTATION

Consultation has taken place with user groups on the proposed program and future works.

FINANCIAL CONSIDERATIONS

Funding is available in Council's recurrent budget for this work along with set allocations for vandalism repairs, urgent works, signposting and internal service charges.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Consultation has taken place with other Departments such as Open Space, Community Services and Finance and Business Sections who consult with the various user groups and manage the buildings.

SUMMARY

Council has previously undertaken condition audits on its buildings and a seven year maintenance program was established to complete regulatory and compliance works and general repairs in order to bring the buildings up to a satisfactory standard.

The majority of the compliance and regulatory works have been carried out and the Trades Section can now focus on general repairs and refurbishment items to help bring our buildings up to a satisfactory standard. Consideration has been given to those buildings that may be replaced in the future to ensure only items that are considered necessary are included in the program. The annual program does not take into account urgent repairs, vandalism or signposting works and separate funding is kept aside for this purpose.

RECOMMENDATION

That the 2005/06 building maintenance program and the draft 2006/10 building maintenance program be adopted.

Greg Piconi
Director Technical Services

Attachments: 2005/2006 Building Maintenance Program - 532224

BUILDING TRADES 2005/2006

Building	Description of Work	Amount \$
3 Residential Properties:- 77 Stanhope Rd, Killara (Swain Gadens) 10 Primula St, Lindfield Caretakers Cottage, St Ives Showground	Annual inspection required to identify works, given commercial rentals charged on these properties.	3,000
Acron Oval	Install Cloudmaster Control System for lights and irrigation	3,200
Acron Rd Oval Amenitiy Block	Interior painting	5,000
Auluba Oval	Install Cloudmaster Control System for lights and irrigation	3,200
Auluba Oval Amenities Block	Stairs from oval to amenity block verandah chipped and cracked. Action - Allow for repair of stairs.	1,600
Auluba Oval Amenities Block	Footpath and verandah have cracks. Action allow for repair.	500
Auluba Oval Amenities Block	DDA WC not fitted out correctly - Action install compliant fitout	5,000
Bannockburn Oval	Install Cloudmaster Control System for lights and irrigation	3,200
Bannockburn Oval Amenity Block	Cement rendering and painting of building	14,000
Bannockburn Oval Amenity Block	Tiles damaged in canteen and toilets. Action - Allow for replacement of damaged tiles in future.	1,000
Bannockburn Oval Amenity Block	Case to H.W.U in both change rooms cracked. Action - Ensure cases are repaired/replaced.	3,000
Bannockburn Oval Amenity Block	Interior painting	3,000
Barra Brui Amenities Block	Reconfigure Ladies toilet into accessible, and relocate door to visible side for safety. Liaise with Phillip Ambler regarding discussions with Club for disabled access and moving door for security improvements.	2,500
Barra Brui Kindergarten	Access ramp into kindergarten, would be good time to undertake with completion of the sportsground and playground at the end of this calendar year. Liaise with Alison Walker.	3,000
Barra-Brui Kindergarten	No access ramp - Action install 5000 long ramp required for main entrance	5,000
Barra-Brui Kindergarten	Roofing repairs	8,000
Barra-Brui Kindergarten	Install Cloudmaster Control System for lights and irrigation	3,200
Barra-Buri Kindergarten	2 ceiling tiles with holes from relocated fittings. Action - replace tiles	100
Barra-Buri Kindergarten	Floor coverings	5,000
Bicentennial Park/Golden Grove	Install waterless urinals to replace regular urinals in Golden Grove toilet block. Liaise with Alison Walker.	5,000

BUILDING TRADES 2005/2006

Building	Description of Work	Amount \$
Bicentennial Park/Golden Grove Ampitheatre	Rebuild non-compliant access ramp (no landings at corner) to stage in Golden Grove ampitheatre.	2,000
Bicentennial Park/Alexander Walkway	Continue to replace boardwalk planking. Liaise with Amanda Colbey/Alison Walker.	2,000
Canoon Road Amenities	Cracking concrete block at the sewer vent. Action - repair the crack	2,000
Cliff Oval Amenities Block	Exterior painting. Liaise with Amanda/Alison.	2,000
Cliff Oval Amenities Block	Interior painting	200
Cliff Oval Amenities Block	Bunding on showers in both dressing rooms trip hazard. Action - paint to highlight hazard.	5,000
Cliff Oval Amenities Block	Tap with no sewer connection. Action - install and connect to sewer	500
Comenarra Oval	Install Cloudmaster Control System for lights and irrigation	3,200
community centre (lifeline)	Paint work on eastern wall (corner of Meeting Room) is blistering. Action - repaint	1,000
community centre (lifeline)	Cracking outside wall (corner of Meeting Room 2). Action - repoint joints & repaint	350
Community Support Centre Garage	Leaves mounting up in the gutter. Action - Clean gutter and install gutter guard.	500
Coonanbarra Road Kindergarten	Action - Install correct cover strip to even out floors	500
Coonanbarra Road Kindergarten	Action - remove mesh and install correct stormwater drain cover	200
Coonanbarra Road Kindergarten	A/C sheeting to ceilings- Action carry out asbestos survey, add to asbestos register as required	500
Coonanbarra Road Kindergarten	Floor coverings	1,000
Coonanbarra Road Kindergarten	Office door opens for access. Action - reverse swing to open for egress	350
Coonanbarra Road Kindergarten	Front door opens for access. Action - reverse swing to open for egress	300
Coonanbarra Road Kindergarten	A/C sheeting to ceilings- Action carry out asbestos survey, add to asbestos register as required	500
Coonanbarra Road Kindergarten	Building not accessible - Install ramp at one end	1,600
Council Chambers A/C in Offices	Access to plant at roof top involves going into a fall zone. Action - provide safety handrail on building edges to plant areas	500
Council Chambers A/C Western	Level 5 roof - make up water pipe for cooling tower - trip hazard. Action - apply hazard marking	5,000

BUILDING TRADES 2005/2006

Building	Description of Work	Amount \$
Council Chambers Building	Fitout of Level 2 open space area for Environmental Levy Staff	15,000
Council Chambers Building	(5) Level 5 tap no waste point. Action install waste point	700
Council Chambers Building	(1) Missing and broken tiles. Action - replace	500
Council Chambers Building	(3) Exposed bearing to plant in plantroom 21 rotates. Action - requires guard	2,000
Council Chambers Building	(5) Broken concrete base to handrail. Action repair concrete	50
Council Chambers Building	Level 2 - 1963 area - height 2.3m. Action - inspect ceiling to determine if additional height can be achieved.	50
Council Chambers Building	(3G) No lighting to sub floor area. Action - Install lights	50
Council Chambers Building	(4) Difficult access in plant room 21 due to storage. Action - remove material	50
Council Chambers Building	(5) Cooling tower chemicals unbunded. Action - install bunding around cooling tower	100
Council Chambers Building	(3G) Sub floor access. Action - add sign warnign of confined space. Provide vents to room	500
East Lindfield Community Centre	Side door damaged due to rot Action - replace door	50
East Lindfield Community Centre	Roof beams at downpipe locations rusted Action - repair damaged section of beam	5,000
East Lindfield Community Centre	Resurface timber floors	3,000
East Lindfield Community Centre	No tactile indicators installed all stairs. Action - Install tactile indicators.	500
East Roseville Community Centre	Exterior kitchen wall of the community centre is not fire rated. Action - Install sprinklers at windows and wall.	500
East Roseville Community Centre	WC not compliant with hardware Action - install compliant hardware	3,000
East Roseville Community Centre	Exterior painting	700
East Roseville Community Centre	Fitout of bathroom and toilet facilities to DOC's requirements for new kindergarten	11,000
East Roseville Community Centre	Exterior painting	700
East Roseville Community Centre	No tactile indicators installed all stairs. Action - Install tactile indicators.	500
East Roseville Community Centre	Replace verticle blinds in foyer	3,000

BUILDING TRADES 2005/2006

Building	Description of Work	Amount \$
East Roseville Community Centre	Front door entry need to open outward and fitted with panic bars as per D2.21 (G)	3,000
Family Day Care Resource Centre	Floor coverings	3,000
Fox Valley Rd Kindergarten	Floor coverings	500
Fox Valley Rd Kindergarten	No tactile indicators. Action - install indicators	500
Fox Valley Rd Kindergarten	No disabled toilet. Action - Install disabled toilet with appropriate fitout or convert existing WC to Unisex.	500
Fox Valley Rd Kindergarten	No disabled access to premises. Will prove difficult to install. Action - investigate provision of DDA access ramp through top of playground area along concrete path. (approximate 30m).	1,500
Golden Jubilee Field	Repair Fencing	2,000
Golden Jubilee Field- Amenities Block	Hole in down pipe. Action - Fix or replace section.	2,500
Golden Jubilee Field- Amenities Block	Interior painting. Liaise with Phillip Ambler as Club are proposing to upgrade this building.	5,000
Golden Jubilee Field- Amenities Block	Exterior painting. Liaise with Amanda/Alison.	50
Gordon Golf Course Storage Shed	Replace downpipes	2,500
Gordon Golf Course Storage Shed	Replace gutters	3,500
Gordon Golf Course Toilet Block	Some paint peeling in shower cubicles in both toilets. Action - allow to repaint. Golf Club Committee request refreshment works in tired toilet block located at the 7th/8th green, ie. tiling, repainting.	10,000
Gordon Golf Course Toilet Block	Paving generally undulating. Action - reset paving	500
Gordon Golf Course Toilet Block	Extensive corrosion of roof. Action - Replace roof	2,500
Gordon Golf Course Toilet Block	Exterior painting. Liaise with Phillip Ambler.	1,500
Gordon Golf Course Toilet Block	WC not compliant with hardware Action - install compliant hardware	1,500
Gordon Kindergarten	Action replace all gutters and downpipes.	600
Gordon Kindergarten	Tactiles required at the ramp gate and the entry. Ramps are required within the building spaces.	200
Gordon Kindergarten	Required to have access for wheelchair. Action - Provide ramps to all accessible areas	1,600
Gordon Kindergarten	There is no disabled toilet for the building. Action - Convert one of the existing toilet to disabled toilet	8,000
Gordon Kindergarten	Required to have access for wheelchair. Action - Provide ramps to all accessible areas	1,600
Gordon Local History Library	Exterior painting	6,000

BUILDING TRADES 2005/2006

Building	Description of Work	Amount \$
Gordon Local History Library	Due to Heritage listing of building recommended main entrance to Meeting & training room does not provide ramp for wheelchair access. Action - provide wheelchair access from Training Room entrance. Install access ramp. Liaise with Alison Walker.	3,000
Gordon Local History Library	Require mechanical ventilation for kitchen. Action - install stove hood ventilation	1,000
Gordon Local History Library	Grass is growing in the gutter and algae is on the roof tile. Action - clean all dirt and algae	400
Gordon Local History Library	Touch up painting of high wear areas in Meeting room, and old headmasters office	1,000
HACC Building Gilroy Rd Turramurra	Cracking external wall (outside of Room 4). Action - Monitor movement of crack & Repair if no additional movement	3,000
HACC Building Gilroy Rd Turramurra	Inspection required.	100
Hassell Park	Repair fencing	2,000
Hassell Park Club Amenitiy Block	Access stairs <1m wide & required to be compliant with AS1428 - Action install new compliant stairs	4,500
Hassell Park Club Amenitiy Block	Interior painting. Liaise with Phillip Ambler as Club are proposing to upgrade this building.	2,500
K.V.B.B-H.Q	Storage area Non compliant. Action - compliant handrail, ladders, gates	3,000
K.V.B.B-H.Q	Non compliant access to roof antenna's. Action - Install compliant ladders, handrails, walkways. Provide Safe Work method for access to area.	3,000
K.V.B.B-H.Q	Trip hazard at threshold, Action - install ramp	150
K.V.B.B-H.Q	Stones around side trip hazard. Action - Install concrete path	500
K.V.B.B-H.Q	No designated disabled access, Action - refit existing WC as unisex WC, widen halls & openings to compliant size	2,500
K.W.G Amenities Block	Tiles for floor in male toilets required.	500
K.W.G Disable Amenities Block	Minor crack in path at entrance. Action - Repair crack.	3,000
K.W.G Pavilion Environment Centre	Some cracking in surrounding footpath. Action - Repair cracking.	300
K.W.G Pavilion Environment Centre	Replace downpipes	10,000
K.W.G Pavilion Environment Centre	Kitchen exhaust fan not working. Action - Replace fan.	2,000
K.W.G Pavilion Environment Centre	DDA WC should be available in building - Action install DDA WC by converting existing facility to unisex. Upgrade completed with grant monies in previous years. Note: Building is a Sydney School Heritage potential site. Future works will need to be notified to appropriate authority. Liaise with Peter Davies.	250

BUILDING TRADES 2005/2006

Building	Description of Work	Amount \$
K.W.G Pavilion Environment Centre	Replacement of old BBQ's	5,000
K.W.G Pavilion Environment Centre	Replacement of front gate	12,000
K.W.G Pavilion Environment Centre	Replace gutters	500
K.W.G Pavilion Environment Centre	Interior painting. Liaise with Peter Davies.	2,000
K.W.G Pavilion Environment Centre	Exterior painting. Upgrade completed with grant monies in previous years. Note: Building is a Sydney School Heritage potential site. Future works will need to be notified to appropriate authority. Liaise with Peter Davies.	7,000
Killara Park Kindergaten	No tactile indicators installed. Action - install indicators at ramp and stairs	200
Killara Park Kindergaten	Replace electrical switchboard	2,000
Killara Park Kindergaten	Convert existing toilet to DDA access	3,000
Killara Park Kindergaten	No ventilation to staff or children toilets. Action - install mechanical ventilation	500
Killara Park Kindergaten	No ventilation to kitchen. Action - install mechanical ventilation	1,000
Killara Park Kindergaten	Interior painting	4,000
Killara Park Pavilion	Crack in threshold. Action - repair	50
Koola Park Amenity Block	There is no compliant access path to the facility Action - install compliant access path. Resident club are looking at an improvement program which we could make an accessible toilet. Please liaise with Amanda/Alison.	3,000
Koola Park Amenity Block	No DDA compliant WC installed Action - install compliant WC. Site meeting required with Amanda/Alison before works planned.	2,000
Ku-ring-gai Library Building	Upgrade all lighting	3,500
Ku-ring-gai Library Building	Cracking external wall near the front entrance. Action - monitor all cracks to determine stability & repair. Cracking internal wall in Library area, administration meeting room and administration kitchen. Action to repair	1,500
Lindfield No. 1 Oval	Install Cloudmaster Control System for lights and irrigation	3,200
Lindfield No. 2 Oval	Install Cloudmaster Control System for lights and irrigation	3,200
Lindfield Seniors Centre	No disabled toilet for the building. Action - Convert existing female toilet to disabled toilet	5,000
Lindfield Seniors Centre	Paint front room	1,000

BUILDING TRADES 2005/2006

Building	Description of Work	Amount \$
Lofberg Oval	Install Cloudmaster Control System for lights and irrigation	3,200
Lofberg Oval Amenities Block	There is no compliant access path to the facility Action - install compliant access path. Liaise with Amanda/Alison regarding access path location.	3,000
Lofberg Oval Amenities Block	Roof slab damaged when clubhouse drainage fitted. Action - allow for repair of concrete floor	500
Lofberg Oval Amenities Block	Lights have paint on diffusers. Action - allow for clean or replace	350
Marian Street Theatre	Storage area and AHU room level 2 has no natural ventilation. Action - engage mechanical engineer to design new system for both areas.	3,000
Marian Street Theatre	Repair leaking roof	5,000
Marian Street Theatre	(K) - Difficult access to machinery. Action - provide work method statement	500
Norman Griffith Oval Amenities	There is no compliant access path to the facility Action - install compliant access path. Plans have already been prepared for this work. Liaise with Amanda/Alison regarding access path location.	3,000
Norman Griffith Oval Amenities	Not installed Action - install compliant WC or convert existng WC. Site meeting required with Amanda/Alison before works planned.	3,000
Occassional Care Centre	Old bathroom now used as cleaners and paint storage. Ventilation not working. Action - Repair.	200
Occassional Care Centre	Sheeting on outside possible asbestos. Action - Survey required. Add to Asbestos Register and prepare Asbestos Management plan for site.	2,000
Occassional Care Centre	Ceiling in ladies toilet. Action - Repaint.	4,000
Occassional Care Centre	Replace gutters	5,000
Occassional Care Centre	Roofing repairs	900
Primula Oval	Install Cloudmaster Control System for lights and irrigation	3,200
Pymble Presbytery	Carpet tiles in Room 4 are ill fitting and loose. Action - Allow to replace with new tiles.	500
Pymble Presbytery	Replace kitchen benchtops	3,000
Pymble Presbytery	Paint peeling in Entry and Room 3. Bathroom ceiling in Room 4 unpainted. Action - Allow for painting of affected surfaces.	400
Pymble Presbytery	Walls in Room 4, 7 and archway in upstairs hallway have minor cracks. Action - Allow to repair cracks and repaint	5,000
Pymble Presbytery	Tiles damaged/missing in Rooms 4, 8 and kitchen. Action - Replace tiles as required.	300
Pymble Presbytery	Upgrading of lighting in Meeting room, currently very dull	500

BUILDING TRADES 2005/2006

Building	Description of Work	Amount \$
Pymble Town Hall	Internal Stairs (3 sets) required to be compliant with AS1428 between levels - Action install compliant stairs	4,300
Pymble Town Hall	No tactile indicators installed all stairs. Action - Install tactile indicators.	700
Pymble Town Hall	Wall extension fan in ladies toilet not working. Action - Repair or replace.	350
Pymble Town Hall	Cracking in wall in dressing room 2 (basement). Action - Allow to repair crack and repaint	350
Pymble Town Hall	Paint peeling in numerous area: Hall, Stage, Dressing room 1, dressing room 2 and gallery. Action - Re-paint affected areas.	2,000
Queen Elizabeth Reserve	Install Cloudmaster Control System for lights and irrigation	3,200
Resource Group (playgroung)	Cracking in floor slab walkway to WC. Action - Repair slab.	1,500
Resource Group (playgroung)	No ramp installed. Action - Install 2500mm long ramp and handrails at main entrance.	3,000
Resource Group (playgroung)	No disabled WC in building. Action - Convert existing WC to DDA compliant WC.	3,000
Resource Group (playgroung)	Tactile indicators required for main entrance.	100
Roseville Chase Oval	Install Cloudmaster Control System for lights and irrigation	3,200
Roseville Park	Install Cloudmaster Control System for irrigation	3,200
Roseville Park Tennis Pavilion	WC not compliant with DDA Action - install compliant WC by refitting existng WC	5,000
Roseville Park Tennis Pavilion	Floor coverings	3,000
Roseville Park Tennis Pavilion	No gutter or downpipes systems installed. Action - Install gutter and downpipes systems to stormwater system.	20,000
Roseville Park Tennis Pavilion	Exterior painting. Liaise with Amanda/Alison.	2,000
S.I.S.G Louise Lennon Pavilion Toilets	Switch gear old & dirty. Action - Clean switch gear & replace box	500
S.I.S.G Louise Lennon Pavilion Toilets	Exterior painting. Heritage Study to be completed by October 2005. Liaise with Matthew Drago.	2,000
S.I.S.G Louise Lennon Pavilion Toilets	No DDA facilities Action - install compliant DDA WC/convert existing WC. Heritage Study to be completed by October 2005. Liaise with Matthew Drago.	5,000
Samuel King Oval	Install Cloudmaster Control System for lights and irrigation	3,200

BUILDING TRADES 2005/2006

Building	Description of Work	Amount \$
Secret Park, Telegraph Rd/Pacific Hwy, Pymble	Brick wall, running along highway, is missing iron panels, allowing a 3 metre drop. Also existing carpark area has concrete cancer (for your information) and Galvanised metal handrail on stairs leading to the Secret Park require securing as loose, as unsafe. Liaise with Richard Overall.	2,000
SES Building	Structural Repairs	30,000
South Turramurra Kindergarten	Exterior painting	10,000
South Turramurra Kindergarten	Roofing repairs	300
South Turramurra Kindergarten	Some paint required for wall around fan switch. Action - repaint walls as required	3,000
South Turramurra Kindergarten	Interior painting	1,200
St Ives Car Park Assembly Hall (YMCA)	Downstairs toilet - no wash basin. Action - Install basin	1,500
St Ives Car Park Assembly Hall (YMCA)	Downpipe adjacent entrance stairs not connected to drain. Action - connect to Stormwater.	800
St Ives Car Park Assembly Hall (YMCA)	No waste pipe. Action - Connect to sewer	600
St Ives Car Park Assembly Hall (YMCA)	Floor coverings	2,000
St Ives Community Centre	Access to outside smoking section in café - should be concrete to avoid trip hazard. Action - concrete path	500
St Ives Community Centre	Replace kitchen benchtops	8,000
St Ives Community Centre	Not installed. Action - install tactile indicators at ramps and stairs	400
St Ives Community Centre	Exit door rear of stage. Action - Remove & repaint.	8,000
St Ives Community Centre	Ramp grade & railing non compliant (3 locations) Action - regrade ramp & install compliant rails	1,200
St Ives Community Centre	Signage to Building indicating St.Ives Community Centre & Fitz Café	500
St Ives Community Groups	Ramp gradient approximate 1:10, required 1:14. Action - modify ramp to correct gradient. Install compliant handrails 1m wide	2,490
St Ives Community Groups	Due to age of building not considered practical to install DDA Access to first floor via a lift. Handrails and stair width non compliant. Action - relocate stairs to achieve 1m width and install DDA handrail. Install contrast strips (and antislip) to nosings.	2,500
St Ives Community Groups	Office rendering needs replacing. Action - repair and paint	4,000
St Ives Community Groups	Upstairs classrooms - paint around skirting needs touching up.	400
St Ives Community Groups	Exterior windows need painting.	500
St Ives Community Groups	Interior painting	3,500

BUILDING TRADES 2005/2006

Building	Description of Work	Amount \$
St Ives Headmasters Cottage	No disabled toilet installed. Action - convert existing toilet to DDA access. Whilst not Open Space/comment provided for your information only. How does one get up the existing steps ?	200
St Ives K.W.G Office	Ramp and handrail 2500 long. Required with tactile indicators.	2,500
St Ives K.W.G Office	Interior painting	3,000
St Ives K.W.G Office	Cracking in paths. Action - Repair.	100
St Ives K.W.G Office	Side stairs damaged. Action - Repair stairs.	500
St Ives K.W.G Office	Repairs to windows and flashing timber	2,500
St Ives K.W.G Office	Replace gutters	2,000
St Ives K.W.G Office	Replace downpipes	1,000
St Ives Kindergarten	Ramps required to both teaching spaces - Action install 2 ramps one 7m & 3m long	10,000
St Ives Kindergarten	Building < 3m from boundary on side and rear - Action install drenchers along perimeter of building	5,600
St Ives Nursery Glasshouse	Cracking in ledge slab. Action - repair cracks. Liaise with Matthew Drago.	100
St Ives Nursery Glasshouse	Cracking in path. Action - replace path. Liaise with Matthew Drago.	200
St Ives Nursery Office	Crack in slab on landing. Action - Repair/replace landing. Liaise with Matthew Drago.	2,000
St Ives Nursery Office	Transition from road to path uneven. Action - smooth transition. Liaise with Matthew Drago	560
St Ives Nursery Office	Accessable toilet required. Action - Convert outside toilets to compliant accessable WC.	5,600
St Ives Nursery shadehouse	Pathways slippery. Action - Install anti slip strips. Liaise with Matthew Drago.	200
St Ives Nursery Soil Fertilizer Shed	Coroded roof sheeting. Action - replace roof sheeting. Liaise with Matthew Drago.	20,000
St Ives Nursery Storage Shed/Potting	Roofing repairs. Liaise with Matthew Drago.	3,000

BUILDING TRADES 2005/2006

Building	Description of Work	Amount \$
St Ives Shopping Ctr Neighbourhood Centre	Skirting damaged in Consulting Room - water damage from sink. Action - Fix water damage and repair wall.	1,500
St Ives Showground	Install Cloudmaster Control System for lights and irrigation	3,200
St Ives Showground N.S.A.H.S Building	Tap with no sewer drain. Action - Install soak pit. Heritage Study to be completed by October 2005. Liaise with Matthew Drago.	150
St Ives Showground Admin Block	No DDA compliant WC is installed Action - install compliant DDA WC or convert existing WC. Heritage Study to be completed by October 2005. Liaise with Matthew Drago.	3,000
St Ives Showground Caretakers Cottage	Annual inspection of residential property required to identify potential works. Liaise with Amanda Colbey/Phillip Ambler.	1,000
St Ives Showground Dog Pavilion B	Replace gutters. Heritage Study to be completed by October 2005. Liaise with Matthew Drago.	3,000
St Ives Showground Dog Pavilion B	Exterior painting. Heritage Study to be completed by October 2005. Liaise with Matthew Drago.	10,000
St Ives Showground Eastern Grandstand	Corroding foot supports and beams. Action - repair and prepaint all beams and supports. Heritage Study to be completed by October 2005. Liaise with Matthew Drago.	2,000
St Ives Showground Garage	Asbestos sheeting roof. Action - Due to poor condition of roof ie weather proofing replace roof. Heritage Study to be completed by October 2005. Liaise with Matthew Drago.	1,200
St Ives Showground Horse Super Office	Building has numerous issues with the floor, walls, ceiling & roof structure. Action - Recommend that the building is condemned. Ensure building is made secure & appropriate working signage erected. Replacement building. Heritage Study to be completed by October 2005. Liaise with Matthew Drago.	500
St Ives Showground Miniwheels	Allow to replace fittings. Downpipes are discharging to the ground. They are required to discharge to storm water or adbosption pit. Action - Council to investigate future options. Heritage Study to be completed by October 2005. Liaise with Matthew Drago.	1,000
St Ives Showground Pumphouse & Tanks	Action - Replace roof. Heritage Study to be completed by October 2005. Liaise with Matthew Drago.	3,000
Stanhope Road, Killara (No. 77)	Annual inspection of residential property required to identify potential works. Liaise with Amanda Colbey/Phillip Ambler.	1,000
St Ives Showground Relief Map	Proposal to build roof over display. Seek grant funds following heritage study completion in November 2005. Liaise with Amanda Colbey & Alison Walker.	2,000

BUILDING TRADES 2005/2006

Building	Description of Work	Amount \$
St Ives Showground Rotary Kiosk	Repair roof to kiosk. Liaise with Matthew Drago.	1,000
St Ives Village Green	Repair fencing to tennis courts. Liaise with Warwick Brown.	3,000
Swain Garden Amenity Block	Narrow width at top of stair = 700mm Action - widen access to 1m. Site meeting required with Amanda/Alison before works planned.	3,000
Swain Garden Amenity Block	Interior painting. Liaise with Amanda/Alison re colour.	250
Swain Garden Amenity Block	Replace gutters. Liaise with Amanda/Alison re colour.	2,500
Swain Garden Amenity Block	Replace downpipes. Liaise with Amanda/Alison re colour.	25,000
Swain Garden Amenity Block	Roofing repairs. Liaise with Amanda Colbey & Alison Walker.	1,200
Swain Garden-Dwelling	Raw timber - require finishing. Liaise with Amanda Colbey & Alison Walker.	2,000
Swain Garden-Dwelling	Replace downpipes. Liaise with Amanda Colbey & Alison Walker.	500
Swain Garden-Dwelling	Replace gutters. Liaise with Amanda Colbey & Alison Walker.	500
Swain Gardens Groundsman Shed	Used as store room. Action - install roof top ventilation whirlybird. Liaise with Amanda/Alison re colour.	500
Thomas Carlyle Child Care Centre	No Signage Indicating WC is accessible	2,000
Thomas Carlyle Child Care Centre	Water marks on laundry wall-clean up wall	1,000
Thomas Carlyle Child Care Centre	Interior painting	3,000
Thomas Carlyle Child Care Centre	Paving in playground to be leveled as it is becoming a safety hazard	1,000
Trattoria Restaurant St Ives	Fix timber in bathroom and repaint	1,500
Trattoria Restaurant St Ives	Repair ceiling joists and panels	3,000
Tulkiyan Dwelling	Action - Monitor internal cracks & stabilised & repair cracks & repaint walls & ceilings.	2,500
Tulkiyan Dwelling	Cracks in ground floor verandah and arch way	500
Tulkiyan Dwelling	Action - arrange pest inspection to the building and surrounding trees	300
Tulkiyan Dwelling	replace front guttering where required	2,500
Tulkiyan Dwelling	Mechanical ventilation required in toilet and bathroom	1,000
Tulkiyan Dwelling	repair front crack in front verandah balustrade - to be pointed up with original mortar from spec	2,000

BUILDING TRADES 2005/2006

Building	Description of Work	Amount \$
Tulkiyan Dwelling	repair crack in arch on side verandah - to be pointed up with original mortar from spec	2,000
Tulkiyan Dwelling	install drain to take excess water run off on front verandah - D Silva to provide heritage architect sketch	500
Turramurra Golf Course, Clubhouse, Proshop	Ramp non compliant. Action - install compliant ramp and handrails. Liaise with Phillip Ambler.	1,500
Turramurra Golf Course, Clubhouse, Proshop	Interior painting. Liaise with Phillip Ambler.	3,000
Turramurra Golf Course, Clubhouse, Proshop	Not supplied - Action - install unisex DDA WC. Liaise with Phillip Ambler.	100
Turramurra Kindergarten	Damaged driveway. Action - repair the driveway	100
Turramurra Library Building	Tactile indicators required at the ramps, handrails and stairs.	700
Turramurra Library Building	Cracked wall outside of Housebound Services and Staff Room. Action - Monitor crack & repair crack.	5,000
Turramurra Library Building	Replace downpipes	3,000
Turramurra Library Building	Replace gutters	4,000
Turramurra Life Start	Trip hazard at toilet. Action - Repair and even out floor	100
Turramurra Life Start	Insufficient ventilation to electrical hot water room. Action - Install mechanical ventilation	300
Turramurra Life Start	Insufficient ventilation in either toilet. Action - Install 2 exhaust fans	1,000
Turramurra Life Start	No floor waste in either toilet. Action - Install floor waste connect to sewer	3,000
Turramurra Memorial Park Amenities Block	Holes on the footpath. Action - Replace footpath as required. Repair hole carved in wall, to prevent looking into change room from adjoining toilet.	2,000
Turramurra Memorial Park Amenities Block	External wall outside of the kitchen main entrance is dirty. Action - Clean dirty marks on the wall & repaint. Liaise with Amanda/Alison re colour.	7,500
Turramurra Memorial Park Amenities Block	Generally the ceiling and walls of the building are required to be painted. Liaise with Amanda/Alison re colour.	350
Turramurra Memorial Park Tennis Shelter	Renovate with the addition of an accessible toilet and turn existing toilet block (small and not accessible, poorly located) into picnic shelter. Liaise with Amanda Colbey/Alison Walker.	2,000
Turramurra Oval	Install Cloudmaster Control System for lights and irrigation	3,200
Turramurra Senior Citizens Centre	Replace downpipes	1,400
Turramurra Senior Citizens Centre	Replace gutters	3,000

BUILDING TRADES 2005/2006

Building	Description of Work	Amount \$
Turramurra Senior Citizens Centre	No disabled toilet for the building. Action - Convert one existing male toilet to disabled toilet into two toilets. (male and female).	5,000
Turramurra Senior Citizens Centre	Require downpipe to stormwater system	120
Turramurra Senior Citizens Centre	Cracking and hole in the exterior wall. Action - Monitor crack & Repair cracks/hole	700
Turramurra Senior Citizens Centre	Cracking interior wall in sun rooms/Hall. Action - Monitor crack & Repair and repaint	1,200
Wahroonga Park Cottage	Uneven ramp level. Action - Install compliant DDA ramp	6,000
Wahroonga Park Cottage	replace front office and kitchen/activities room with vinly floor covering	4,000
Wahroonga Park Cottage	paint internal areas wher paint is peeling (hallway)	2,000
Wahroonga Park Cottage	replace carpet in second office & hallway	3,000
Wahroonga Park Cottage	Uneven footpath level to the main steps & rear area - Action replace paths. Action - Level the footpath.	5,000
Wahroonga Park Cottage	Originally the power supply to the building is for a domestic dwelling. Presently the building is used for a mental health centre, it is recommended that the power load / usage to be monitored. Action - Upgrade the power supply to accommodate with new loads.	5,000
Wahroonga Park Cottage	Suspected A/C sheet & possible lead paint installed in building - Action carry out survey, establish asbestos register and management plan	1,500
Wellington Oval	Install Cloudmaster Control System for lights and irrigation	3,200
West Lindfield Community Centre	Disabled ramp but step at top of ramp. Action - install small ramp & upgrade railing	2,500
West Lindfield Community Centre	No tactile indicators. Action - install tactile indicators for ramp and stairs	300
West Lindfield Community Centre	Back of stage, door to outside. Sag in brickwork, above door, door is also a bump hazard. Action - Enlarge opening to 2100 high and install new door.	2,000
West Lindfield Community Centre	Settlement crack. Action - grout up crack and recommend to monitor crack to determine if any further deterioration required.	500
West Pymble Community Centre	Action - Asbestos survey recommended, add to asbestos register & develop asbestos management plan if required	1,500
West Pymble Community Centre	Piping runs across stairs. Action - re-route piping	150
West Pymble Community Centre	Uneven transition from bitumen carpark to footpath at entrance. Action - smooth transition	400
West Pymble Community Centre	Concrete around base of column cracked. Action - repair	500
West Pymble Community Centre	Ceiling damaged above stair access to Male W.C. Action - repair and repaint	500
West Pymble Community Centre	Replace wire mesh gates on either side of building with solid doors	1,000

BUILDING TRADES 2005/2006

Building	Description of Work	Amount \$
West Pymble Kindergarten	No accessible WC. Action - make staff WC accessible	3,000
West Pymble Kindergarten	No tactile indicators at entrance. Action - install indicators at ramp	150
West Pymble Pool	Annual facility inspection in March to identify building trade works. Works identified to be carried out when pool is closed May-August. Liaise with Warwick Brown.	500
West Pymble Pools Change Room	No DDA compliant WC installed Action - install compliant WC. Liaise with Warwick Brown.	5,000
West Pymble Shopping Centre Boonah	Minor cracking in wall of female toilet and ceiling of Room 1. Action - Allow for repair of cracking and paint	180
Various Buildings	Fire safety requirements - fire extinguishers and annual statements	18,700
Various Buildings	Air conditioning maintenance	56,100
Various Buildings	Pest Inspections	9,100
Various Buildings	Sydney Water Requirements	9,000
Various Buildings	Lift Maintenance	25,000
Various Buildings	Contingencies for cost overruns	25,000
Total All Buildings		900,000

NOTICE OF MOTION

KOKODA TRAIL MEMORIAL PROJECT

Notice of Motion from Councillor N Ebbeck dated 12 September 2005.

I am in receipt of a letter from the Chair of the Kokoda Trail Memorial Project, Mr Greg Hodgson requesting Council to waive the fee for the preparation and advertising of the road closure associated with the proposed opening of the memorial on Sunday, 20th November 2005.

It is understood from Mr Hodgson that the memorial ceremony will be dedicated and opened by General Peter Cosgrove recently retired chief of the Australian Defence Force.

I move that:

"Council's fee for the preparation of the road closure and Traffic Management Plan in an amount of \$1100 be waived for this opening ceremony".

RECOMMENDATION

That the above Notice of Motion as printed be adopted.

Cr Nick Ebbeck
Deputy Mayor
Councillor for Wahroonga Ward

Attachments: Background Information - Letter from the Chair of the Kokoda Trail Memorial Project - (under separate cover) - 524898

KOKODA TRAIL MEMORIAL PROJECT

C/O 31 Kokoda Ave
Wahroonga NSW 2076
18th August 2005

Councillor Adrienne Ryan
Mayor
Ku-ring-gai Council
818 Pacific Hgw
Gordon NSW 2072

Dear Madam Mayor,

The date set for the dedication of the KOKODA Trail Memorial is Sunday 20th November 2005. The time will be about 2.00pm or 2.15pm.

Having regard to the overwhelming degree of interest from the residents of Kokoda Avenue, the wider community and local business people combined with the involvement and strong support of the RSL Sub Branches and Clubs it seems that a substantial number will be present at the dedication ceremony.

The ceremony will need to be conducted in a dignified and respectful manner. Thus having regard to the potential numbers attending, the need to conduct the ceremony in a fitting manner, it will be necessary to restrict traffic in the area of the ceremony at the time of the dedication,

I submit that Clissold Road should be closed at the intersection with Burns Road and at a point north of the intersection with Kokoda Avenue. Kokoda Avenue closed at a point east of the intersection with Clissold Road. The duration of these closures will need to be agreed, perhaps from 10am or 11am to 5pm on the day.

I understand that a traffic management plan will need to be produced and that a fee of \$1100 is payable. Could I ask that having regard to the nature of the event and that the funds we hold have all been donated, that this fee be remitted and not charged.

Your assistance in this matter is appreciated.

Yours sincerely



Greg Hodgson
Chair
CC. Councillors Nick Ebbeck & Ian Cross

Charitable Fundraising Authority CFN 17663 ABN 33 773 962 285
Endorsed Income Tax Exempt Charity

AUG

